

Income Tax (Partnerships and Trusts)

No. 52 of 1966

An Act to impose a Tax upon certain Income
derived from Partnerships and Trusts.

[Assented to 26 October 1966]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

- Short title.** 1. This Act may be cited as the *Income Tax (Partnerships and Trusts) Act 1966*.
- Commencement.** 2. This Act shall come into operation on the day on which it receives the Royal Assent.
- Interpretation.** 3.—(1.) In this Act, unless the contrary intention appears—
“superannuation fund” means a provident, benefit, superannuation or retirement fund;
“tax” means income tax referred to in section 5 of this Act;
“the Assessment Act” means the *Income Tax Assessment Act 1936–1966*.
- (2.) A reference in this Act to net income or taxable income shall be read as a reference to net income or taxable income, as the case may be, of the year of income.
- Incorporation.** 4. The Assessment Act is incorporated, and shall be read as one, with this Act.
- Imposition of income tax.** 5. Income tax is imposed in accordance with this Act, and at the rates declared in this Act, upon—
(a) the taxable income of a person in respect of which the person is liable, in pursuance of sub-section (9.) of section 94 of the Assessment Act, to pay further tax;
(b) the net income of a trust estate in respect of which the trustee is liable, in pursuance of sub-section (11.) or sub-section (12.) of section 94 of the Assessment Act, to pay further tax;
(c) the net income of a trust estate in respect of which the trustee is liable, in pursuance of section 99A of the Assessment Act, to be assessed and to pay tax; and

- (d) the taxable income of a superannuation fund in respect of which the trustee of the fund is liable, in pursuance of section 121CA, section 121CB or section 121DA of the Assessment Act, to be assessed and to pay tax.

6.—(1.) The rate of further tax payable by a person in pursuance of sub-section (9.) of section 94 of the Assessment Act is such amount, if any, per dollar as is ascertained by dividing an amount equal to one-half of the taxable income of the person, less the amount of income tax, if any, that, but for this Act and but for any rebate or credit to which the person is entitled, would be payable by the person, by a number equal to the number of whole dollars in that taxable income. Rates of tax.

(2.) The rate of further tax payable by a trustee in pursuance of sub-section (11.) or sub-section (12.) of section 94 of the Assessment Act is such amount, if any, per dollar as is ascertained by dividing an amount equal to one-half of the net income of the trust estate in respect of which the trustee is liable to be assessed and to pay tax under section 98 or section 99 of that Act, less the amount of income tax, if any, that, but for this Act and but for any rebate or credit to which the trustee is entitled, would be payable by the trustee in respect of that net income, by a number equal to the number of whole dollars in that net income.

(3.) The rate of tax payable by a trustee in respect of the net income of the trust estate in respect of which the trustee is liable, in pursuance of section 99A of the Assessment Act, to be assessed and to pay tax is fifty per centum.

(4.) The rate of tax payable by a trustee of a superannuation fund in respect of the taxable income of the fund in respect of which the trustee is liable, in pursuance of section 121CA, section 121CB or section 121DA of the Assessment Act, to be assessed and to pay tax is fifty per centum.

7.—(1.) This section applies to a taxpayer who—

- (a) being a man, has attained the age of sixty-five years, or, being a woman, has attained the age of sixty years, on or before the last day of the year of income; and
- (b) is a resident of Australia during the whole of the year of income,

Further tax under section 94 of Assessment Act not payable by certain aged persons.

but does not apply to a taxpayer in the capacity of a trustee.

(2.) Where the net income of a taxpayer to whom this section applies does not exceed One thousand two hundred and twenty-one dollars, no further tax is payable by him in pursuance of sub-section (9.) of section 94 of the Assessment Act.

(3.) Where the net income of a taxpayer to whom this section applies does not exceed Two thousand eight hundred and eighty-two dollars and during the year of income the taxpayer contributes to the maintenance of his spouse, being a person who is a resident of Australia during the whole of the year of income, no further tax is payable by the taxpayer in pursuance of sub-section (9.) of section 94 of the Assessment Act.

(4.) For the purposes of this section, the net income of a person shall be ascertained by deducting from the gross income of that person all expenses (not being expenses of a capital, private or domestic nature) incurred in deriving that gross income.

(5.) In this section, "resident of Australia" includes a person who is a resident of the Territory of Papua and New Guinea, of Norfolk Island, of the Territory of Cocos (Keeling) Islands, of the Territory of Christmas Island or of the Territory of Nauru.

Levy of tax.

8. The tax imposed by this Act is levied, and shall be paid, for the financial year that commenced on the first day of July, One thousand nine hundred and sixty-six, and, until the Parliament otherwise provides, for the next succeeding financial year.
