

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. Section eight of the *Sales Tax Procedure Act* 1934-1936 is amended by omitting from paragraph (b) of sub-section (1.) all the words after the word "him" and inserting in their stead the words "at a particular rate in the space provided in the form of return for particulars of goods in respect of which tax is payable at some lower rate or is not payable; or". Penalty in certain cases.

SALES TAX ASSESSMENT (No. 1A).

No. 64 of 1940.

An Act to amend the *Sales Tax Assessment Act* (No. 1) 1930-1936, as amended by the *Sales Tax Assessment Act* (No. 1) 1940.

[Assented to 13th December, 1940.]

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

1.—(1.) This Act may be cited as the *Sales Tax Assessment Act* (No. 1A) 1940. Short title and citation.

(2.) Section one of the *Sales Tax Assessment Act* (No. 1) 1940* is amended by omitting sub-section (3.).

(3.) The *Sales Tax Assessment Act* (No. 1) 1930-1936†, as amended by the *Sales Tax Assessment Act* (No. 1) 1940, is in this Act referred to as the Principal Act.

(4.) The Principal Act, as amended by this Act, may be cited as the *Sales Tax Assessment Act* (No. 1) 1930-1940.

2. This Act shall be deemed to have come into operation on the twenty-second day of November, One thousand nine hundred and forty. Commencement.

* Act No. 30, 1940.

† Act No. 25, 1930, as amended by No. 62, 1930; No. 25, 1931; No. 39, 1932; No. 64, 1932; No. 17, 1933; No. 47, 1933; No. 16, 1934; No. 29, 1934; No. 8, 1935; No. 45, 1935; No. 61, 1935; and No. 78, 1936.

Definitions.

3. Section three of the Principal Act is amended by omitting sub-sections (5.) and (6.) and inserting in their stead the following sub-sections :—

“(5.) Where a sale and purchase, for one inclusive price, is made of goods upon the sale value of which sales tax is payable at a particular rate together with goods upon the sale value of which sales tax is payable at some other rate or is not payable, the respective amounts for which the goods are sold and purchased shall be deemed to be the amounts which, in the opinion of the Commissioner, would have been the sale prices of those goods if sold separately.

“(6.) For the purposes of the last preceding sub-section, ‘goods’ (in so far as that word refers to goods upon the sale value of which sales tax is not payable) shall include any property on which sales tax is not payable.”.

4. Section seventy A of the Principal Act is repealed and the following section inserted in its stead :—

Alteration of agreements where law relating to sales tax altered.

“70A. Where an agreement for the sale of goods has been made, whether before or after the commencement of this section, and, after the date of the agreement, an alteration has taken place in the law relating to sales tax, as the result of which the cost of supplying the goods is affected, unless the agreement contains express written provision that the price at which the goods shall be sold shall not be altered on account of any alteration in the law relating to sales tax, or it is clear from the terms of the agreement that the alteration of the law has been taken into account in the agreed price of the goods, the agreement shall be altered as follows :—

- (a) if the cost of supplying the goods is increased, the vendor may add to the agreed price an amount equivalent to the amount by which that cost has been increased as the result of the alteration of the law ; or
- (b) if the cost of supplying the goods is reduced, the purchaser may deduct from the agreed price an amount equivalent to the amount by which that cost has been reduced as the result of the alteration of the law.”.

Alteration of prices fixed under certain contracts.

5. Section seventy B of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words “rate of sales tax” and inserting in their stead the words “law relating to sales tax”; and
- (b) by omitting from sub-sections (1.) and (2.) the words “rate of tax” (wherever occurring) and inserting in their stead the word “law”.

Regulations.

6. Section seventy-three of the Principal Act is amended by omitting from paragraph (aa) the words “Schedule to the *Sales Tax Exemptions Act 1935-1936*” and inserting in their stead the words “First Schedule to the *Sales Tax (Exemptions and Classifications) Act 1935-1940*”.