

SALES TAX ASSESSMENT (NO. 9).

No. 9 of 1935.

An Act to insert in the *Sales Tax Assessment Act (No. 9) 1930-1933* a new section two A, and to amend sections four, six, nine and twelve of that Act.

[Assented to 10th April, 1935.]

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

Short title and citation.

1.—(1.) This Act may be cited as the *Sales Tax Assessment Act (No. 9) 1935*.

(2.) The *Sales Tax Assessment Act (No. 9) 1930-1933** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Sales Tax Assessment Act (No. 9) 1930-1935*.

Definition.

2. After section two of the Principal Act the following section is inserted:—

“2A. In this Act, unless the contrary intention appears—
'goods' includes—

(a) commodities; and

(b) goods or commodities which have gone into use or consumption in Australia.”

Sale value of goods.

3. Section four of the Principal Act is amended—

(a) by inserting after the word “shall” the words “, subject to this section,”; and

(b) by inserting at the end thereof the following sub-sections:—

“(2.) Where goods are leased under a hire purchase agreement by a registered person, or a person required to be registered, to a lessee, the sale value of those goods shall, for the purposes of this Act, be the amount which, at the time the lease is effected, is the fair wholesale value of the goods, but if the Commissioner is of opinion that the amount set forth in any return by the registered person, or

* Act No. 41, 1930, as amended by No. 71, 1930; No. 41, 1931; No. 47, 1932; and No. 55, 1933.

person required to be registered, as the sale value of any such goods, is less than the amount which is the fair wholesale value of the goods, the Commissioner may alter the amount set forth in the return to the amount which, in his opinion, is the fair wholesale value of the goods, and the amount as so altered shall be the sale value of the goods for the purposes of this Act.

“(3.) Where the Commissioner, at any time, forms the opinion that goods have been leased by a taxpayer to a lessee for the purpose of relieving the taxpayer from liability to pay tax under any other Act relating to the imposition of sales tax, the sale value of the goods so leased—

- (a) where a sale value of those goods has not been determined under sub-section (1.) of this section—shall be the amount which, in the opinion of the Commissioner, is the fair wholesale value of the goods ; and
- (b) where a sale value of those goods has been so determined—shall be increased to the amount which, in the opinion of the Commissioner, is the fair wholesale value of the goods :

Provided that where the Commissioner subsequently becomes satisfied that the goods were not leased by the taxpayer for the purpose specified in this sub-section, the sale value of the goods under this sub-section shall be altered to an amount determined in accordance with sub-section (1.) of this section.”.

4. Section six of the Principal Act is amended by omitting from paragraph (b) the word “ or ” (second occurring) and by adding at the end of the section the following paragraph :—

Exemptions.

“ ; or (d) goods which are leased under a hire purchase agreement by the taxpayer to a lessee and which, prior to that leasing, had gone into use or consumption in Australia.”.

5. Section nine of the Principal Act is amended by adding at the end thereof the following proviso :—

Time of payment of tax.

“ Provided that every person liable to pay tax upon the sale value of any goods leased by him during any month under a hire purchase agreement as specified in sub-section (2.) of section four of this Act shall, within twenty-one days after the close of that month, pay tax upon the sale value of the goods so leased, and, where, in pursuance of section four of this Act, the sale value of any goods leased is increased the person liable to pay tax shall, within the time specified in a notice by the Commissioner to him of the increased sale value, pay further tax upon the sale value of the goods.”.

6. Section twelve of the Principal Act is amended by inserting in sub-section (1.), after the words “ section three ”, the words “ (except the definition of ‘ goods ’), ”.

Application of provisions of Sales Tax Assessment Act (No. 1) 1930-1934.