

2004-2005-2006

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

EXPOSURE DRAFT

Released for public comment by 5 May 2006

**Tax Laws Amendment (Repeal of
Inoperative Provisions) Bill 2006**

No. , 2006

(Treasury)

**A Bill for an Act to amend the law relating to
taxation, and for related purposes**

EXPOSURE DRAFT

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<i>Consular Privileges and Immunities Act 1972</i>	163
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1 **A Bill for an Act to amend the law relating to**
2 **taxation, and for related purposes**

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act may be cited as the *Tax Laws Amendment (Repeal of*
6 *Inoperative Provisions) Act 2006.*

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.
12

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	
2. Schedule 1	The day on which this Act receives the Royal Assent.	
3. Schedule 2	The day on which this Act receives the Royal Assent.	
4. Schedule 3	1 January 2008.	1 January 2008.
5. Schedule 4	1 January 2008.	1 January 2008.
6. Schedule 5	The day on which this Act receives the Royal Assent.	
6. Schedule 6	The day on which this Act receives the Royal Assent.	

1 Note: This table relates only to the provisions of this Act as originally
2 passed by the Parliament and assented to. It will not be expanded to
3 deal with provisions inserted in this Act after assent.

4 (2) Column 3 of the table contains additional information that is not
5 part of this Act. Information in this column may be added to or
6 edited in any published version of this Act.

7 **3 Schedule(s)**

8 Each Act that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule
10 concerned, and any other item in a Schedule to this Act has effect
11 according to its terms.

1
2 **Schedule 1—Inoperative provisions repealed**
3 **on Royal Assent**
4

5 **1 Repeal**

6 The provisions and parts of provisions specified in this Part are
7 repealed.

8 *A New Tax System (Australian Business Number) Act 1999*

9 **2 Section 38**

10 *A New Tax System (Commonwealth-State Financial*
11 *Arrangements) Act 1999*

12 **3 Section 16**

13 *Income Tax Assessment Act 1936*

14 **4 Sections 2 to 4**

15 **5 Subsection 6(1) (definition of *adopted child*)**

16 **6 Subsection 6(1) (definition of *assessable income from***
17 ***petroleum*)**

18 **7 Subsection 6(1) (definition of *Commonwealth country*)**

19 **8 Subsection 6(1) (definition of *Commonwealth labour market***
20 ***program*)**

21 **9 Subsection 6(1) (definition of *electronic signature*)**

22 **10 Subsection 6(1) (definition of *exempt income from***
23 ***petroleum*)**

24 **11 Subsection 6(1) (definition of *fishing operations*)**

25 **12 Subsection 6(1) (definition of *forest operations*)**

- 1 **13 Subsection 6(1) (definition of *horticulture*)**
2 **14 Subsection 6(1) (definition of *income from petroleum*)**
3 **15 Subsection 6(1) (definition of *late reconciliation statement***
4 ***penalty*)**
5 **16 Subsection 6(1) (definition of *Papua New Guinea*)**
6 **17 Subsection 6(1) (definition of *Papua New Guinea***
7 ***independence day*)**
8 **18 Subsection 6(1) (definition of *pearling operations*)**
9 **19 Subsection 6(1) (definition of *petroleum*)**
10 **20 Subsection 6(1) (definition of *petroleum prospecting or***
11 ***mining information*)**
12 **21 Subsection 6(1) (definition of *petroleum prospecting or***
13 ***mining right*)**
14 **22 Subsection 6(1) (definition of *previous Act*)**
15 **23 Subsection 6(1) (definition of *primary production*)**
16 **24 Subsection 6(1) (definition of *public securities*)**
17 **25 Subsection 6(1) (definition of *reportable fringe benefits***
18 ***amount*)**
19 **26 Subsection 6(1) (definition of *shares*)**
20 **27 Subsection 6(1) (definition of *tainting amount*)**
21 **28 Subsection 6(1B)**
22 **29 Subsections 6(7) to (8)**
23 **30 Subsections 6AA(3) to (3C)**
24 **31 Paragraph 6AA(4)(d)**
-

1 **32 Subsection 16(4AA) (definition of work and income**
2 **support related withholding payments and benefits)**

3 **33 Section 17**

4 **34 Section 19**

5 **35 Sections 22 to 23AAA**

6 Note: Remade versions of parts of section 23, which is repealed by the above item, are
7 included in the *Income Tax Assessment Act 1997* by Schedule 2 to this Act. The
8 provisions concerned (and the remade sections) are: subparagraphs 23(a)(ii) and (vi)
9 (section 768-100); subparagraphs 23(c)(iii) to (v) and paragraphs 23(u), (v) and (ya)
10 (section 842-100); and paragraphs 23(kc) and (kca) (section 768-105). Paragraph 23(jb)
11 has also been remade by Schedule 2 as paragraph 128(3)(jb) of the *Income Tax*
12 *Assessment Act 1936*.

13 **36 Subsection 23AB(1) (definition of work and income**
14 **support related withholding payments and benefits)**

15 **37 Sub-subparagraph 23AB(7)(a)(ii)(A)**

16 **38 Section 23AE**

17 **39 Section 23AL**

18 Note: A remade version of section 23AL is included in the *Income Tax Assessment Act 1997*
19 by item 719 of Schedule 2 to this Act.

20 **40 Sections 23C and 23D**

21 **41 Division 1AA of Part III**

22 **42 Sections 24BA and 24BB**

23 **43 Section 24N**

24 **44 Subsection 24P(7)**

25 **45 Section 25**

26 **46 Sections 25B to 26AAB**

27 Note: Remade versions of paragraphs 26(e), (eaa), (ea) and (i), which are repealed by the
28 above item, are included in the *Income Tax Assessment Act 1997* by items 610 and 611
29 of Schedule 2 to this Act.

1 **47 Subsection 26AAC(10)**

2 **48 Paragraph 26AB(5)(a)**

3 **49 Sections 26B and 26BA**

4 **50 Subdivisions B and C of Division 2 of Part III (not**
5 **including the heading to Subdivision B and not**
6 **including section 36AAA)**

7 **51 Subsection 45(4)**

8 **52 Paragraph 45B(8)(g)**

9 **53 Sections 45Z to 46**

10 **54 Section 46C**

11 **55 Section 46F**

12 **56 Division 2A of Part III**

13 **57 Section 51**

14 Note: Remade versions of subsections 51(8) and (9), which are repealed by the above item,
15 are included in the *Income Tax Assessment Act 1997* by item 637 of Schedule 2 to this
16 Act.

17 **58 Section 51AB**

18 **59 Section 51AE**

19 **60 Section 51AG**

20 **61 Section 51AL**

21 **62 Sections 53 to 62AAV**

22 Note: Item 779 of Schedule 2 includes a provision in the *Income Tax (Transitional*
23 *Provisions) Act 1997* as a consequence of the repeal of section 57AM by the above
24 item.

25 **63 Subsections 63(1AAA) to (1AA)**

26 **64 Subsections 63(1B) to (4)**

1 **65 Sections 63A to 63CC**

2 **66 Sections 64 and 64A**

3 **67 Section 67**

4 **68 Sections 67AA to 70A**

5 Note: A remade version of subsection 69(7), which is repealed by the above item, is included
6 in the *Income Tax Assessment Act 1997* by item 634 of Schedule 2 to this Act.

7 **69 Sections 71 to 73**

8 **70 Subsection 73A(6) (definition of *consideration received or***
9 ***receivable in respect of the disposal, loss or***
10 ***destruction*)**

11 **71 Subsection 73B(1) (paragraph (c) of the definition of**
12 ***aggregate research and development amount*)**

13 **72 Subsection 73B(1) (definition of *building expenditure*)**

14 **73 Subsection 73B(1) (definition of *undeducted building***
15 ***expenditure*)**

16 **74 Subsections 73B(7), (17), (25), (26), (28) to (30), (37) and**
17 **(38)**

18 **75 Section 73D**

19 **76 Section 73F**

20 **77 Sections 74 to 78AB**

21 Note: A remade version of sections 74A and 74B, which are repealed by the above item, is
22 included in the *Income Tax Assessment Act 1997* by item 635 of Schedule 2 to this Act.

23 **78 Section 79C**

24 **79 Sections 79E to 81**

25 **80 Subsections 82(1A) and (1)**

26 **81 Subdivisions B to CA of Division 3 of Part III**

- 1 **82 Subsection 82KH(1C)**
- 2 **83 Subdivisions F to G of Division 3 of Part III**
- 3 **84 Subsection 82R(6)**
- 4 **85 Section 82S**
- 5 **86 Division 4 of Part III**
- 6 **87 Section 93**
- 7 **88 Section 94W**
- 8 **89 Section 94Y**
- 9 **90 Subsection 97A(2) (definition of *eligible primary producer*)**
- 10 **91 Subsection 97A(2) (definition of *owner of a current IED***
11 ***scheme deposit*)**
- 12 **92 Section 102AAB (definition of *pre-franking rebate tax*)**
- 13 **93 Subdivision C of Division 6AAA of Part III**
- 14 **94 Subsection 102AAZ(3)**
- 15 **95 Section 102AH**
- 16 **96 Subsections 102L(4), (8), (9), (12), (14), (16) and (17)**
- 17 **97 Subsections 102T(4A), (5), (9), (10), (13), (15), (17) and (18)**
- 18 **98 Subsection 103(1)(all definitions except *the relevant***
19 ***holding company or companies*)**
- 20 **99 Subsection 103(1A)**
- 21 **100 Paragraph 103A(5A)(a)**
- 22 **101 Sections 103AA to 107A**
-

- 1 **102 Paragraph 109ZA(b)**
- 2 **103 Section 109ZD (definition of *work and income support***
3 ***related withholding payments and benefits*)**
- 4 **104 Division 9B of Part III**
- 5 **105 Subsection 121F(1) (paragraph (a) of the definition of**
6 ***relevant exempting provision*)**
- 7 **106 Divisions 10 to 10A of Part III**
- 8 **107 Subsection 124K(1) (subparagraphs (a)(i) and (iii) of the**
9 **definition of *unit of industrial property*)**
- 10 **108 Subsection 124L(2)**
- 11 **109 Subsection 124S(3)**
- 12 **110 Section 124X**
- 13 **111 Section 124ZAF**
- 14 **112 Section 124ZAN**
- 15 **113 Divisions 10C and 10D of Part III**
- 16 **114 Division 10F of Part III**
- 17 **115 Paragraphs 128AAA(2)(c) and (d)**
- 18 **116 Subsection 128A(1) (definition of *associated persons*)**
- 19 **117 Subsection 128A(1) (definition of *bearer debenture*)**
- 20 **118 Subsections 128A(4) and (8)**
- 21 **119 Paragraph 128B(3)(c)**
- 22 **120 Paragraph 128B(3)(g)**
- 23 **121 Subsection 128B(3B) (definition of *finance arrangement*)**
-

1 **122 Subsections 128C(1A) to (2)**

2 Note: Item 326 of Schedule 2 amends subsection 128C(1) as a consequence of the repeal of
3 subsection 128C(1A) by the above item.

4 **123 Subsection 128C(5)**

5 **124 Section 128E**

6 **125 Sections 128G and 128GA**

7 **126 Sections 128H to 128N**

8 **127 Subsection 136AE(9)**

9 **128 Section 136AG**

10 **129 Divisions 16A and 16C of Part III**

11 **130 Paragraph 159GJ(1)(a)**

12 **131 Subparagraph 159GJ(2)(a)(i)**

13 **132 Subparagraph 159GJ(2)(a)(iv)**

14 **133 Subparagraph 159GJ(2)(c)(i)**

15 **134 Division 16H of Part III**

16 Note: Item 807 of Schedule 2 include provisions in the *Income Tax (Transitional Provisions)*
17 *Act 1997* as a consequence of the repeal of Division 16H of Part III by the above item.

18 **135 Subsection 159GZZZC(2)**

19 **136 Subdivision AAD of Division 17 of Part III**

20 **137 Sections 160AB to 160ACE**

21 **138 Subsection 160AE(1) (definition of *undistributed amount*)**

22 **139 Subsection 160AF(4)**

23 **140 Section 160AGB**

1 **141 Subsection 160AN(4)**

2 **142 Parts IIIAA and IIIA**

3 **143 Subsection 170(10) (table items 7 to 9, 15 and 19)**

4 **144 Section 202A (definition of *eligible paying authority*)**

5 **145 Section 202A (definition of *salary or wages*)**

6 **146 Subsection 202BD(7)**

7 **147 Subsection 202DM(2)**

8 **148 Sections 205 to 209**

9 **149 Section 214 to 218**

10 **150 Section 220**

11 **151 Divisions 1AAA to 6A of Part VI**

12 Note 1: Items 900 and 902 to 907 of Schedule 2 include provisions in the *Taxation*
13 *Administration Act 1953* as a consequence of the repeal of Subdivision C of
14 Division 3B of Part VI by the above item.

15 Note 2: A remade version of section 221B, which is repealed by the above item, is included in
16 the *Taxation Administration Act 1953* by item 921 of Schedule 2 to this Act.

17 Note 3: A remade version of section 221YSA, which is repealed by the above item, is included
18 in the *Income Tax Assessment Act 1936* by item 329 of Schedule 2 to this Act.

19 **152 Part VII**

20 **153 Section 251Y**

21 **154 Sections 258 to 260**

22 Note: Item 14 of Schedule 6 extends the operation of subsection 265-45(2) in Schedule 1 to
23 the *Taxation Administration Act 1953* as a consequence of the repeal of section 259 by
24 the above item.

25 **155 Subsections 262A(4AB)**

26 **156 Section 264CA**

27 **157 Subsection 296(3)**

- 1 **158 Section 305**
- 2 **159 Paragraph 399A(1)(a)**
- 3 **160 Subsection 401(2)**
- 4 **161 Subsection 405(2)**
- 5 **162 Section 407**
- 6 **163 Paragraph 427(a)**
- 7 **164 Subsection 461(2)**
- 8 **165 Sections 546 to 549**
- 9 **166 Sections 587 and 588**
- 10 **167 Section 597**
- 11 **168 Subsection 613(2)**
- 12 **169 Part XII**
- 13 **170 Schedule 1**
- 14 **171 Schedules 2A and 2B**
- 15 **172 Subsection 245-70(3) of Schedule 2C**
- 16 **173 Subsection 245-140(1) of Schedule 2C (table items 1, 3, 5,**
17 **6, 9 to 13, 15 to 19, 21, 24 and 25)**
- 18 **174 Subsection 245-140(1A) of Schedule 2C**
- 19 **175 Paragraphs 57-25(4)(a) to (d), (g) and (h) of Schedule 2D**
- 20 **176 Paragraphs 57-25(4)(k) to (l) of Schedule 2D**
- 21 **177 Subdivision 57-l of Schedule 2D**

- 1 **178 Subsection 57-85(3) of Schedule 2D (table items 2 to 6,**
2 **7A and 8)**
- 3 **179 Subsection 57-85(3) of Schedule 2D (table items 10 to 12**
4 **and 14A to 17)**
- 5 **180 Subsection 57-110(2) of Schedule 2D (table items 2, 3, 4,**
6 **5A, 6, 8A and 9)**
- 7 **181 Paragraphs 268-35(2)(a) and (b) of Schedule 2F**
8 **(including the notes)**
- 9 **182 Paragraph 268-35(5)(i) of Schedule 2F (including the**
10 **note)**
- 11 **183 Sections 268-50 and 268-55 of Schedule 2F**
- 12 **184 Section 271-85 of Schedule 2F**
- 13 **185 Section 393-25 of Schedule 2G (definition of *deduction***
14 ***exemption certificate*)**
- 15 ***Income Tax Assessment Act 1997***
- 16 **186 Section 10-5 (table item headed “development**
17 **allowance”)**
- 18 **187 Section 10-5 (table item headed “drought investment**
19 **allowance”)**
- 20 **188 Section 10-5 (table item headed “income equalisation**
21 **deposits”)**
- 22 **189 Section 12-5 (table item headed “composite incomes”)**
- 23 **190 Section 12-5 (table item headed “development**
24 **allowance”)**
- 25 **191 Section 12-5 (table item headed “drought investment**
26 **allowance”)**
-

- 1 **192 Section 12-5 (table item headed “firearms surrender**
2 **payments”)**
- 3 **193 Section 12-5 (table item headed “heritage conservation**
4 **work”)**
- 5 **194 Section 12-5 (table item headed “State Bank of NSW”)**
- 6 **195 Section 12-5 (table item headed “successive**
7 **deductions”)**
- 8 **196 Section 12-5 (table item headed “tax file number (TFN)**
9 **withholding tax”)**
- 10 **197 Section 13-1 (table item headed “Commonwealth Savings**
11 **Bank”)**
- 12 **198 Section 13-1 (table item headed “heritage conservation”)**
- 13 **199 Section 13-1 (table item headed “loan interest”)**
- 14 **200 Section 17-25**
- 15 **201 Section 25-80**
- 16 **202 Paragraphs 26-55(1)(c) and (e)**
- 17 **203 Section 27-30**
- 18 **204 Section 51-60**
- 19 **205 Subdivision 61-G**
- 20 **206 Subsection 70-40(2) (notes 1 and 2)**
- 21 **207 Subsection 70-45(2) (table item 1)**
- 22 **208 Subsection 104-15(4) (note)**
- 23 **209 Subsection 104-210(1) (note)**
- 24 **210 Section 115-10 (note)**
-

- 1 **211 Section 118-14**
- 2 **212 Paragraphs 165-55(5)(e) and (i)**
- 3 **213 Subsection 165-55(6) (note)**
- 4 **214 Subsection 165-240(7)**
- 5 **215 Subsection 180-20(5)**
- 6 **216 Section 320-40**
- 7 **217 Subsection 328-295(1) (note 2)**
- 8 **218 Subsection 405-15(1) (note)**
- 9 **219 Subsection 405-45(1) (note after method statement)**
- 10 **220 Subsections 405-50(1) and (3) (notes)**
- 11 **221 Section 820-10 (table item 3)**
- 12 **222 Subsections 820-445(1) and (2)**
- 13 **223 Subdivision 820-F**
- 14 **224 Subsection 820-581(1) (example, last paragraph)**
- 15 **225 Subdivision 960-R**
- 16 **226 Subsection 995-1(1) (paragraph (d) of the definition of**
17 ***BAS provisions*)**
- 18 **227 Subsection 995-1(1) (paragraphs (b) and (c) of the**
19 **definition of *capital allowance*)**
- 20 **228 Subsection 995-1(1) (definition of *exempting company*)**
- 21 **229 Subsection 995-1(1) (definition of *leasing company*)**
- 22 **230 Subsection 995-1(1) (definition of *maximum TC group*)**
-

- 1 **231 Subsection 995-1(1) (definition of *pre-GST annual***
2 ***turnover*)**
- 3 **232 Subsection 995-1(1) (definition of *priority agreement*)**
- 4 **233 Subsection 995-1(1) (definition of *qualified person*)**
- 5 **234 Subsection 995-1(1) (definition of *resident TC group*)**
- 6 **235 Subsection 995-1(1) (paragraph (c) of the definition of**
7 ***safe harbour capital amount*)**
- 8 **236 Subsection 995-1(1) (definition of *specified management***
9 ***fees*)**
- 10 **237 Subsection 995-1(1) (definition of *top entity*)**
- 11 ***Income Tax Rates Act 1986***
- 12 **238 Subsection 3(1) (definition of *reduced notional income*)**
- 13 **239 Subsection 12(5)**
- 14 **240 Schedule 9**
- 15 ***Income Tax (Transitional Provisions) Act 1997***
- 16 **241 Subsection 20-1(2)**
- 17 **242 Section 20-5**
- 18 **243 Section 28-100**
- 19 **244 Section 40-85**
- 20 **245 Divisions 41 and 42**
- 21 **246 Section 51-5**
- 22 **247 Subsection 70-1(1) (second sentence (including the**
23 ***parentheses*))**
-

- 1 **248 Section 70-5**
- 2 **249 Section 104-15**
- 3 **250 Section 104-72**
- 4 **251 Section 104-210**
- 5 **252 Section 115-10**
- 6 **253 Division 138**
- 7 **254 Division 330**
- 8 **255 Division 373**
- 9 **256 Division 385**
- 10 **257 Division 387**
- 11 **258 Division 400**
- 12 **259 Division 405**
- 13 **260 Section 701-30**
- 14 **261 Sections 820-15 to 820-40**
- 15 **262 Sections 830-5 and 830-10**
- 16 ***Taxation Administration Act 1953***
- 17 **263 Division 1 of Part IIA (heading)**
- 18 **264 Divisions 2 and 3 of Part IIA**
- 19 **265 Subsections 16-75(1) and (3) in Schedule 1 (notes)**
- 20 **266 Group heading before section 16-120 in Schedule 1**
- 21 **267 Sections 16-120 to 16-135 in Schedule 1**
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1 **268 Subsection 45-70(1) in Schedule 1 (note)**

2 **269 Group heading before section 45-170 in Schedule 1**

3 **270 Sections 45-170 to 45-180 in Schedule 1**

4 **271 Subsection 250-10(2) in Schedule 1 (table items 75 and**
5 **80)**

6 ***Taxation (Interest on Overpayments and Early Payments) Act***
7 ***1983***

8 **272 Subsection 3(1) (definition of *final instalment day*)**

9 **273 Subsection 3(1) (definition of *instalment taxpayer*)**

10 **274 Subsection 3(1) (definition of *relevant entity*)**

11 **275 Section 3C (table items 70 and 75 in the definition of**
12 ***relevant tax*)**

13 **276 Subparagraph 8A(1)(a)(iv)**

14 **277 Subsection 8A(1A)**

15 **278 Subparagraph 8G(1)(d)(ii)**

16 **279 Subsections 8H(1) and (2)**

17 **280 Sub-subparagraph 10(1)(a)(iii)(C)**

18 **281 Paragraph 10(1)(aa)**

1
2 **Schedule 2—Consequential amendments**
3 **relating to Schedule 1 repeals**

4 **Part 1—Amendments: general**

5 *Aboriginal Land Rights (Northern Territory) Act 1976*

6 **1 Subsection 64A(1)**

7 Omit “neither subsection 221ZB(1) of the *Income Tax Assessment Act*
8 *1936* nor section 12-320 in Schedule 1 to the *Taxation Administration*
9 *Act 1953* applies”, substitute “section 12-320 in Schedule 1 to the
10 *Taxation Administration Act 1953* does not apply”.

11 *Airports (Transitional) Act 1996*

12 **2 Section 48A (definition of *plant*)**

13 Omit “section 42-18”, substitute “subsection 995-1(1)”.

14 **3 Sections 49, 49A, 50, 50A, 51, 51A, 52, 53 and 54**

15 Repeal the sections.

16 *Air Services Act 1995*

17 **4 Subsection 52(1)**

18 Omit “paragraph 23(d) of the *Income Tax Assessment Act 1936*”,
19 substitute “section 50-25 of the *Income Tax Assessment Act 1997*”.

20 *A New Tax System (Australian Business Number) Act 1999*

21 **5 Section 41 (definition of *enterprise*)**

22 Repeal the definition, substitute:

23 *enterprise* has the meaning given by section 9-20 of the *A New Tax*
24 *System (Goods and Services Tax) Act 1999*.

25 *A New Tax System (Bonuses for Older Australians) Act 1999*

1 **6 Paragraph 35(3)(b)**

2 Before “subsection 221A(1)”, insert “former”.

3 **7 Paragraph 35(4)(c)**

4 Omit “or section 74 of the *Income Tax Assessment Act 1936*”.

5 **8 Paragraph 35(4)(c) (note)**

6 Omit “These 2 sections basically deal”, substitute “That section
7 basically deals”.

8 **9 Paragraph 36(3)(a)**

9 Before “subsection 221A(1)”, insert “former”.

10 ***A New Tax System (Tax Administration) Act (No. 2) 2000***

11 **10 Subitem 3(1) of Schedule 1**

12 After “corresponding”, substitute “former”.

13 **11 Subitem 3(1) of Schedule 1 (table, heading to column 3)**

14 Omit “1936 Act provision”, substitute “Former 1936 Act provision”.

15 **12 Subitem 3(1) of Schedule 1 (table item 7)**

16 Repeal the item.

17 **13 Subitem 3(2) of Schedule 1**

18 Before “section 224”, insert “former”.

19 ***AUSSAT Repeal Act 1991***

20 **14 Subsection 8(2)**

21 Before “sections”, insert “former”.

22 ***Australian Postal Corporation Act 1989***

23 **15 Subsection 63(2)**

24 Omit “paragraph 23(d) of the *Income Tax Assessment Act 1936* or”.

1 ***Australian Prudential Regulation Authority Act 1998***

2 **16 Subsection 55(3)**

3 Omit “paragraph 23(d) of the *Income Tax Assessment Act 1936* or”.

4 ***Australian Trade Commission Act 1985***

5 **17 Subsection 83(4)**

6 Omit “paragraph 23(d) of the *Income Tax Assessment Act 1936* or”.

7 ***Bank Integration Act 1991***

8 **18 Section 5 (paragraph (d) of the definition of asset)**

9 Repeal the paragraph.

10 **19 Paragraph 22(4)(c)**

11 Omit “, foreign tax credits and dividend rebates under section 46 of the
12 *Income Tax Assessment Act 1936*”, substitute “and foreign tax credits”.

13 **20 Subsection 22(5)**

14 Omit “Part IIIAA of the *Income Tax Assessment Act 1936*”, substitute
15 “Part 3-6 of the *Income Tax Assessment Act 1997* (about the imputation
16 system)”.

17 **21 Paragraph 22(5)(b)**

18 Omit “franking year”, substitute “income year”.

19 ***Bankruptcy Act 1966***

20 **22 Paragraph 109(1A)(b)**

21 Before “subsections”, insert “former”.

22 **23 Paragraph 109(1A)(b)**

23 Before “section”, insert “former”.

24 ***Child Support (Registration and Collection) Act 1988***

25 **24 Paragraphs 50(2)(a) and (b)**

1 Before “subsection 221YHZD(3)”, insert “former”.

2 **25 Paragraph 72B(4)(b)**

3 Repeal the paragraph, substitute:

4 (b) money due by the person to the debtor is taken to be money
5 that comes to the person on behalf of the debtor, other than
6 money that is:

7 (i) a payment of a royalty referred to in Subdivision 12-F in
8 Schedule 1 to the *Taxation Administration Act 1953*; or

9 (ii) a payment to which section 12-325 of that Schedule
10 applies (natural resource payments).

11 ***Corporations Act 2001***

12 **26 Subsection 443BA(2) (definition of remittance provision)**

13 After “following “, insert “former”.

14 **27 Paragraph 459E(5)(aa)**

15 Before “section”, insert “former”.

16 **28 Paragraph 459E(5)(a)**

17 Before “section” (wherever occurring), insert “former”.

18 **29 Paragraphs 459E(5)(b) to (d)**

19 Before “subsection”, insert “former”.

20 **30 Subsection 588F(2) (definition of remittance provision)**

21 After “following “, insert “former”.

22 **31 Paragraph 588FGA(1)(aa)**

23 Before “section”, insert “former”.

24 **32 Paragraph 588FGA(1)(a)**

25 Before “section” (wherever occurring), insert “former”.

26 **33 Paragraphs 588FGA(1)(b) to (d)**

27 Before “subsection”, insert “former”.

1 ***Crimes (Taxation Offences) Act 1980***

2 **34 Subsection 3(1) (paragraph (aa) of the definition of *income***
3 ***tax*)**

4 After “under”, insert “former”.

5 **35 Subsection 3(1) (paragraph (b) of the definition of *income***
6 ***tax*)**

7 Omit “subsection 221AZMAA(1), subsection 221AZP(1), subsection
8 221YD(3), section 221YDB or”, substitute “former subsection
9 221AZMAA(1), former subsection 221AZP(1), former subsection
10 221YD(3), former section 221YDB or former”.

11 **36 Subsection 3(1) (paragraphs (c) to (cb) of the definition of**
12 ***income tax*)**

13 After “under”, insert “former”.

14 **37 Subsection 3(1) (paragraph (d) of the definition of *income***
15 ***tax*)**

16 Omit “subsection 21EAA(1) or”, insert “former subsection 221EAA(1)
17 or former”.

18 **38 Subsection 3(1) (paragraph (f) of the definition of *income***
19 ***tax*)**

20 After “under”, insert “former”.

21 **39 Subsection 3(1) (paragraph (g) of the definition of *income***
22 ***tax*)**

23 Before “subsection” (wherever occurring), insert “former”.

24 **40 Subsection 3(1) (paragraph (g) of the definition of *income***
25 ***tax*)**

26 Before “subparagraph”, insert “former”.

27 **41 Subsection 3(1) (paragraph (g) of the definition of *income***
28 ***tax*)**

29 Before “section”, insert “former”.

1 ***Crown Debts (Priority) Act 1981***

2 **42 Section 4**

3 Omit “in the *Corporations Act 2001* affects the operation of section,
4 subsections”, substitute “or in the *Corporations Act 2001* affects the
5 operation of former subsections”.

6 **43 Section 4**

7 Before “section 221YU”, insert “former”.

8 ***Defence Act 1903***

9 **44 Subsection 122AA(3)**

10 Repeal the subsection.

11 ***Development Allowance Authority Act 1992***

12 **45 Chapter 2**

13 Repeal the Chapter.

14 **46 Subsection 93D(1) (definition of *relevant exempting***
15 ***provision*)**

16 Repeal the definition, substitute:

17 ***relevant exempting provision*** means any of the following
18 provisions:

- 19 (a) section 50-5, 50-10, 50-15, 50-20, 50-25, 50-30, 50-40 or
20 50-45 of the *Income Tax Assessment Act 1997*;
- 21 (b) paragraph 23(ja) of the *Income Tax Assessment Act 1936* as
22 in force at any time before the commencement of section 1 of
23 the *Taxation Laws Amendment Act (No. 4) 1987*;
- 24 (c) paragraph 23(x) of the *Income Tax Assessment Act 1936* as in
25 force at any time before the commencement of section 1 of
26 the *Taxation Laws Amendment Act (No. 2) 1988*;
- 27 (d) section 23F, 23FA or 23FB of the *Income Tax Assessment*
28 *Act 1936*, as in force at any time before the commencement
29 of section 1 of the *Taxation Laws Amendment Act (No. 4)*
30 *1987*;

- 1 (e) paragraph 23(jaa) or section 23FC or 23FD of the *Income*
2 *Tax Assessment Act 1936*, as in force at any time before the
3 commencement of section 1 of the *Taxation Laws*
4 *Amendment Act (No. 2) 1989*;
- 5 (f) section 24AM the *Income Tax Assessment Act 1936*;
- 6 (g) regulations under the *International Organisations (Privileges*
7 *and Immunities) Act 1963*, insofar as those regulations
8 provide that an organisation is not liable to income tax;
- 9 (h) any provision of an Act other than the *Income Tax*
10 *Assessment Act 1936* to the effect that income of a particular
11 person or body is not subject to taxation under any law of the
12 Commonwealth or to the effect that a particular person or
13 body is not subject to taxation under any law of the
14 Commonwealth.

15 ***Export Finance and Insurance Corporation Act 1991***

16 **47 Subsection 63(4)**

17 Omit “paragraph 23(d) of the *Income Tax Assessment Act 1936* or”.

18 ***Financial Corporations (Transfer of Assets and Liabilities)***
19 ***Act 1993***

20 **48 Section 3 (paragraph (d) of the definition of asset)**

21 Repeal the paragraph.

22 **49 Paragraph 14A(5)(a)**

23 Repeal the paragraph.

24 **50 Paragraph 15(1)(a)**

25 Omit “25,”.

26 **51 Paragraph 15(1)(b)**

27 Omit “51,”.

28 **52 Subsection 15(2)**

29 Omit “section 51 of the *Income Tax Assessment Act 1936* or”.

30 **53 Paragraph 15(3)(a)**

1 Omit “25,”.

2 **54 Paragraph 15(3)(b)**

3 Omit “51,”.

4 **55 Paragraph 16(1)(a)**

5 Omit “section 25 of the *Income Tax Assessment Act 1936* or”.

6 **56 Paragraph 16(1)(b)**

7 Omit “section 51 of the *Income Tax Assessment Act 1936* or”.

8 **57 Subsection 16(2)**

9 Omit “section 25 of the *Income Tax Assessment Act 1936* or”.

10 **58 Paragraph 16(3)(a)**

11 Omit “section 25 or”.

12 **59 Paragraph 16(3)(b)**

13 Omit “section 51 or”.

14 **60 Subparagraph 17(1)(b)(i)**

15 Omit “under section 25 or Division 16E of Part III of the *Income Tax*
16 *Assessment Act 1936* or section”, substitute “under former section 25, or
17 under Division 16E of Part III, of the *Income Tax Assessment Act 1936*
18 or under section”.

19 **61 Subparagraph 17(1)(b)(ii)**

20 Omit “under section 51 or Division 16E of Part III of the *Income Tax*
21 *Assessment Act 1936* or section”, substitute “under former section 51, or
22 under Division 16E of Part III, of the *Income Tax Assessment Act 1936*
23 or under section”.

24 **62 Paragraph 17(2)(b)**

25 Omit “under section 51 or Division 16E of Part III of the *Income Tax*
26 *Assessment Act 1936* or section”, substitute “under former section 51, or
27 under Division 16E of Part III, of the *Income Tax Assessment Act 1936*
28 or under section”.

29 **63 Section 20**

1 Repeal the section.

2 **64 Paragraph 21(1)(c)**

3 Omit “section 28 of the *Income Tax Assessment Act 1936* or”.

4 **65 Paragraph 21(1)(d)**

5 Omit “section 51 of the *Income Tax Assessment Act 1936* or”.

6 **66 Subparagraph 21(1)(d)(ii)**

7 Omit “section 31 of the *Income Tax Assessment Act 1936* or”.

8 **67 Paragraph 21(1)(e)**

9 Omit “section 36 of the *Income Tax Assessment Act 1936* and”.

10 **68 Paragraph 21(2)(c)**

11 Omit “the *Income Tax Assessment Act 1936* or”.

12 **69 Paragraph 21(2)(d)**

13 Omit “section 51 of the *Income Tax Assessment Act 1936* or”.

14 **70 Paragraph 21(2)(e)**

15 Omit “section 36 of the *Income Tax Assessment Act 1936* and”.

16 **71 Subsection 22(4) (paragraph (b) of the definition of**
17 ***unrecouped deductions*)**

18 Omit “51 or 63”, substitute “63 or former section 51”.

19 **72 Subsection 22(4) (paragraph (d) of the definition of**
20 ***unrecouped deductions*)**

21 Before “subsection”, insert “former”.

22 **73 Subdivision A of Division 8 of Part 3**

23 Repeal the Subdivision.

24 **74 Section 26B**

25 Repeal the section.

26 **75 Paragraph 26C(1)(b)**

1 Omit “section 80G of the *Income Tax Assessment Act 1936* or”,
2 substitute “former section 80G of the *Income Tax Assessment Act 1936*
3 or under”.

4 **76 Paragraph 26C(1)(c)**

5 Before “section”, insert “former”.

6 **77 Schedules 1 and 2**

7 Repeal the Schedules.

8 ***Financial Sector (Transfers of Business) Act 1999***

9 **78 Subsection 4(1) (paragraph (d) of the definition of asset)**

10 Repeal the definition, substitute:

11 (d) any CGT asset within the meaning of the *Income Tax*
12 *Assessment Act 1997*.

13 ***Fringe Benefits Tax Assessment Act 1986***

14 **79 Paragraph 19(1)(b)**

15 Omit “, and Subdivisions F, GA and G of Division 3 of Part III,”.

16 **80 Paragraph 19(1)(ba) (subparagraph (ii) of the definition of**
17 ***RD*)**

18 Omit “, and Subdivisions F, GA and G of Division 3 of Part III,”.

19 **81 Paragraph 24(1)(b)**

20 Omit “, and Subdivisions F, GA and G of Division 3 of Part III,”.

21 **82 Paragraph 24(1)(ba) (subparagraph (ii) of the definition of**
22 ***RD*)**

23 Omit “, and Subdivisions F, GA and G of Division 3 of Part III,”.

24 **83 Paragraph 34(1)(b)**

25 Omit “, and Subdivisions F, GA and G of Division 3 of Part III,”.

26 **84 Paragraph 34(1)(ba) (subparagraph (ii) of the definition of**
27 ***RD*)**

1 Omit “, and Subdivisions F, GA and G of Division 3 of Part III,”.

2 **85 Paragraph 37(b)**

3 Omit “, and Subdivisions F, GA and G of Division 3 of Part III,”.

4 **86 Paragraph 37(b)**

5 Omit “under section 51 of the *Income Tax Assessment Act 1936*, or
6 section 8-1 of the *Income Tax Assessment Act 1997*,”, substitute
7 “section 8-1 of the *Income Tax Assessment Act 1997*”.

8 **87 Paragraph 37(c) (subparagraph (ii) of the definition of RD)**

9 Omit “, and Subdivisions F, GA and G of Division 3 of Part III,”.

10 **88 Paragraph 37(c) (subparagraph (ii) of the definition of RD)**

11 Omit “under section 51 of the *Income Tax Assessment Act 1936*, or
12 section 8-1 of the *Income Tax Assessment Act 1997*,”, substitute
13 “section 8-1 of the *Income Tax Assessment Act 1997*”.

14 **89 Paragraph 44(1)(b)**

15 Omit “, and Subdivisions F, GA and G of Division 3 of Part III,”.

16 **90 Paragraph 44(1)(ba) (subparagraph (ii) of the definition of**
17 **RD)**

18 Omit “, and Subdivisions F, GA and G of Division 3 of Part III,”.

19 **91 Paragraph 52(1)(b)**

20 Omit “, and Subdivisions F, GA and G of Division 3 of Part III,”.

21 **92 Paragraph 52(1)(ba) (subparagraph (ii) of the definition of**
22 **RD)**

23 Omit “, and Subdivisions F, GA and G of Division 3 of Part III,”.

24 **93 Paragraph 52(1)(ba) (subparagraph (ii) of the definition of**
25 **RD)**

26 Omit “section 48, 49, 50 or 51 of the *Income Tax Assessment Act 1936*,
27 or”.

28 **94 Subsection 136(1) (definition of assessable income)**

29 Repeal the definition, substitute:

1 *assessable income* has the meaning given by subsection 995-1(1)
2 of the *Income Tax Assessment Act 1997*.

3 **95 Subsection 136(1) (definition of *associate*)**

4 Repeal the definition, substitute:

5 *associate* has the meaning given by section 318 of the *Income Tax*
6 *Assessment Act 1936*.

7 Note: Section 159 of this Act affects the above definition.

8 **96 Subsection 136(1) (definition of *basic car rate*)**

9 Repeal the definition, substitute:

10 *basic car rate*, in relation to a year of tax ending on 31 March in a
11 year, means the rate prescribed for the purposes of section 28-25 of
12 the *Income Tax Assessment Act 1997* in relation to the year of
13 income ending on 30 June in that year.

14 **97 Subsection 136(1) (definition of *deductible expenses*)**

15 Repeal the definition, substitute:

16 *deductible expenses*, in relation to an allowance paid to an
17 employee, means expenses incurred by the employee in respect of
18 which a deduction is allowable to the employee under section 8-1
19 of the *Income Tax Assessment Act 1997* (ignoring Divisions 28, 32
20 and 900 of that Act).

21 **98 Subsection 136(1) (definition of *documentary evidence*)**

22 Repeal the definition, substitute:

23 *documentary evidence*, in relation to an expense incurred by a
24 person, means a document that would constitute written evidence
25 of the expense obtained in a way described in Subdivision 900-E of
26 the *Income Tax Assessment Act 1997* if the expense were a work
27 expense, and Division 900 of that Act applied to the person.

28 **99 Subsection 136(1) (paragraphs (a) and (b) of the definition
29 of *non-deductible entertainment expenditure*)**

30 Repeal the paragraphs, substitute:

- 1 (a) section 32-5 of the *Income Tax Assessment Act 1997* applies
2 to it, or would apply if it were incurred in producing
3 assessable income; and
4 (b) apart from that section, it would be deductible under
5 section 8-1 of that Act, or would be if it were incurred in
6 producing assessable income;

7 **100 Subsection 136(1) (definition of *relative*)**

8 Repeal the definition, substitute:

9 *relative* has meaning given by subsection 995-1(1) of the *Income*
10 *Tax Assessment Act 1997*.

11 **101 Subsection 136(1) (definition of *year of income*)**

12 Repeal the definition, substitute:

13 *year of income* means an income year (within the meaning of the
14 *Income Tax Assessment Act 1997*).

15 **102 Subsection 159(1)**

16 Repeal the subsection.

17 **103 Subsection 159(4)**

18 Repeal the subsection, substitute:

19 (4) For the purposes of this Act, section 318 of the *Income Tax*
20 *Assessment Act 1997* has effect as if “a partnership in which the
21 primary entity is a partner” were omitted from paragraphs (1)(b)
22 and (2)(a) of that section and “a partnership in which the primary
23 entity is or was a partner (whether or not the partnership still
24 exists)” were substituted.

25 ***Future Fund Act 2006***

26 **104 Subsection 34(4) (note)**

27 Omit “section 67-30”, substitute “Division 63”.

28 ***Higher Education Funding Act 1988***

1 **105 Subsection 106H(1) (subparagraph (b)(ii) of the definition**
2 **of HEC repayment income)**

3 Before “section”, insert “former”.

4 **106 Subsection 106U(4)**

5 Repeal the subsection.

6 ***Higher Education Support Act 2003***

7 **107 Section 154-75**

8 Repeal the section.

9 ***Income Tax Assessment Act 1936***

10 **108 Subsection 6(1) (definition of *apportionable deductions*)**

11 Repeal the definition, substitute:

12 *apportionable deductions* has the meaning given by subsection
13 995-1(1) of the *Income Tax Assessment Act 1997*.

14 **109 Subsection 6(1) (definition of *assessable income*)**

15 Repeal the definition, substitute:

16 *assessable income* has the meaning given by subsection 995-1(1)
17 of the *Income Tax Assessment Act 1997*.

18 **110 Subsection 6(1)**

19 Insert:

20 *base interest rate* has the meaning given by subsection 995-1(1) of
21 the *Income Tax Assessment Act 1997*.

22 **111 Subsection 6(1) (definition of *child*)**

23 Repeal the definition, substitute:

24 *child* has the meaning given by subsection 995-1(1) of the *Income*
25 *Tax Assessment Act 1997*.

26 **112 Subsection 6(1) (definition of *Commonwealth education***
27 ***or training payment*)**

1 Repeal the definition, substitute:

2 *Commonwealth education or training payment* has the meaning
3 given by subsection 995-1(1) of the *Income Tax Assessment Act*
4 *1997*.

5 **113 Subsection 6(1) (definition of *company*)**

6 Repeal the definition, substitute:

7 *company* has the meaning given by subsection 995-1(1) of the
8 *Income Tax Assessment Act 1997*.

9 **114 Subsection 6(1) (definition of *foreign superannuation***
10 ***fund*)**

11 Omit “, subject to subsection (7A),”.

12 **115 Subsection 6(1) (at the end of paragraph (b) of the**
13 **definition of *foreign superannuation fund*)**

14 Add “(even if pensions are paid out of the fund to the latter persons)”.

15 **116 Subsection 6(1) (definition of *friendly society*)**

16 Repeal the definition, substitute:

17 *friendly society* has the meaning given by subsection 995-1(1) of
18 the *Income Tax Assessment Act 1997*.

19 **117 Subsection 6(1)**

20 Insert the following definition:

21 *fringe benefit* has the meaning given by subsection 995-1(1) of the
22 *Income Tax Assessment Act 1997*.

23 **118 Subsection 6(1) (definition of *income from personal***
24 ***exertion or income derived from personal exertion*)**

25 Omit “section 159GD or”.

26 **119 Subsection 6(1) (at the end of the definition of *income tax***
27 ***or tax*)**

28 Add “, but does not include mining withholding tax or withholding tax”.

29 **120 Subsection 6(1) (definition of *minerals*)**

1 Repeal the definition, substitute:

2 *minerals* has the meaning given by subsection 995-1(1) of the
3 *Income Tax Assessment Act 1997*.

4 **121 Subsection 6(1) (definition of *paid-up share capital*)**

5 Repeal the definition, substitute:

6 *paid-up share capital* of a company means the amount standing to
7 the credit of the company's share capital account reduced by the
8 amount (if any) that represents amounts unpaid on shares.

9 **122 Subsection 6(1)**

10 Insert the following definition:

11 *primary production business* has the meaning given by subsection
12 995-1(1) of the *Income Tax Assessment Act 1997*.

13 **123 Subsection 6(1) (definition of *relative*)**

14 Repeal the definition, substitute:

15 *relative* has the meaning given by subsection 995-1(1) of the
16 *Income Tax Assessment Act 1997*.

17 **124 Subsection 6(1)**

18 Insert the following definition:

19 *share* in a company has the meaning given by subsection 995-1(1)
20 of the *Income Tax Assessment Act 1997*.

21 **125 Subsection 6(1)**

22 Insert the following definition:

23 *work and income support related withholding payments and*
24 *benefits* means:

- 25 (a) payments from which an amount must be withheld under a
26 provision of Subdivision 12-B (other than section 12-55),
27 12-C or 12-D in Schedule 1 to the *Taxation Administration*
28 *Act 1953* (even if the amount is not withheld); and
29 (b) amounts included in a person's assessable income under
30 section 86-15 of the *Income Tax Assessment Act 1997* in
31 respect of which an amount must be paid under Division 13

1 in Schedule 1 to the *Taxation Administration Act 1953* (even
2 if the amount is not paid); and
3 (c) non-cash benefits in relation to which the provider of the
4 benefit must pay an amount to the Commissioner under
5 Division 14 in Schedule 1 to the *Taxation Administration Act*
6 *1953* (even if the amount is not paid).

7 Note: The payments covered by paragraph (a) are: payments to employees
8 and company directors, payments to office holders, return to work
9 payments, payments under labour hire arrangements, payments of
10 pensions and annuities, eligible termination payments, payments for
11 unused leave, benefit payments, compensation payments and
12 payments specified by regulations.

13 **126 Subsection 6(1) (definition of year of income)**

14 Repeal the definition, substitute:

15 *year of income* means an income year as defined in subsection
16 995-1(1) of the *Income Tax Assessment Act 1997*.

17 **127 At the end of subparagraphs 6AA(1)(a)(i) and (ii)**

18 Add “or”.

19 **128 Subparagraph 6AA(1)(a)(iii)**

20 Omit “or”.

21 **129 Subparagraph 6AA(1)(a)(iv)**

22 Repeal the subparagraph.

23 **130 At the end of subparagraphs 6AA(1)(b)(i) and (ii)**

24 Add “or”.

25 **131 Subparagraph 6AA(1)(b)(iii)**

26 Omit “or”.

27 **132 Subparagraph 6AA(1)(b)(iv)**

28 Repeal the subparagraph.

29 **133 Paragraph 6BA(2)(b)**

30 Omit “46 or”.

31 **134 Subparagraph 6BA(3)(b)(i)**

1 Omit “Part IIIA”, substitute “Part 3-1 or 3-3 of the *Income Tax*
2 *Assessment Act 1997*”.

3 **135 Subsection 6C(2)**

4 Omit “paragraph 23(r) of this Act and”.

5 **136 Subsection 6CA(3)**

6 Omit “paragraph 23(r) and”.

7 **137 Subsection 6F(5) (definition of associate)**

8 Omit “subsection 26AAB(14)”, substitute “section 318”.

9 **138 Subsection 16(4AA) (definition of *employee*)**

10 Repeal the definition, substitute:

11 *employee* means a person who receives, or is entitled to receive,
12 work and income support related withholding payments and
13 benefits.

14 **139 Subsection 16(4AA) (definition of *employer*)**

15 Repeal the definition, substitute:

16 *employer* means a person who pays or is liable to pay work and
17 income support related withholding payments and benefits, and
18 includes:

- 19 (a) in the case of an unincorporate body of persons other than a
20 partnership—the manager or other principal officer of that
21 body; and
22 (b) in the case of a partnership—each partner; and
23 (c) an Australian government agency as defined in subsection
24 995-1(1) of the *Income Tax Assessment Act 1997*.

25 **140 Subsection 18(1)**

26 Omit “(1)”.

27 **141 Subsection 18(2)**

28 repeal the subsection.

29 **142 Subsection 23AB(1) (definition of *tax deductions***
30 ***unapplied*)**

1 Repeal the definition, substitute:

2 *tax deductions unapplied*, in relation to a deceased person, means
3 any amounts withheld under Part 2-5 in Schedule 1 to the *Taxation*
4 *Administration Act 1953* from work and income support related
5 withholding payments and benefits derived by the deceased person
6 in respect of United Nations service:

- 7 (a) that have not been credited in payment of income tax; and
8 (b) in respect of which a payment has not been made by the
9 Commissioner.

10 **143 Subsection 23AB(6)**

11 Omit “paragraph 26(e)”, substitute “section 15-2 of the *Income Tax*
12 *Assessment Act 1997*”.

13 **144 Subsection 23H(4A) (definitions of *deductible moneys*,
14 *deductible 120% moneys*, *deductible 133% moneys* and
15 *deductible 150% moneys*)**

16 Omit “section 124ZAF or 124ZAF A”, substitute “former
17 section 124ZAF or under section 124ZAF A”.

18 **145 Paragraph 23H(5)(a)**

19 Omit “section 124ZAF or 124ZAF A”, substitute “former
20 section 124ZAF or under section 124ZAF A”.

21 **146 Subsection 23H(5)**

22 Omit “the taxpayer under section 124ZAF or 124ZAF A”, substitute
23 “the taxpayer under former section 124ZAF or section 124ZAF A”.

24 **147 Subsection 23L(1)**

25 Omit “within the meaning of the *Fringe Benefits Tax Assessment Act*
26 *1986*”.

27 **148 Subsection 23L(1A)**

28 Omit “paragraph 26(eaa) of this Act”, substitute “section 15-75 of the
29 *Income Tax Assessment Act 1997*”.

30 **149 Subsection 23L(1A)**

31 Omit “within the meaning of that Act”.

1 **150 Section 24AT (paragraph (c) of the definition of *excluded***
2 ***STB*)**

3 Omit “(within the meaning of paragraph 23(e))”, substitute “to which
4 any of paragraphs 50-55(a) to (c) of the *Income Tax Assessment Act*
5 *1997* applies”.

6 **151 Section 24AT (paragraph (d) of the definition of *excluded***
7 ***STB*)**

8 Omit “(within the meaning of paragraph 23(ea))”, substitute “to which
9 any of paragraphs 50-55(a) to (c) of the *Income Tax Assessment Act*
10 *1997* applies”.

11 **152 Subsection 24B(1) (definition of *prescribed Territory*)**

12 Repeal the definition, substitute:

13 *prescribed Territory* means Norfolk Island.

14 **153 Subsection 24L(5)**

15 Repeal the subsection, substitute:

16 (5) In subsections (1), (3), (4), (4A), (4B) and (4C), *Australia, resident*
17 *and non-resident* have the meanings that those expressions would
18 have if subsection 7A(2) did not refer to Norfolk Island.

19 **154 Paragraph 24P(1)(b)**

20 Repeal the paragraph, substitute:

21 (b) if there had been a disposal (within the meaning of former
22 Part IIIA) of the asset by the taxpayer on 1 July 1991, that
23 Part would have applied in respect of that disposal (ignoring
24 former section 160ZZF and former Divisions 5A, 7A and 17
25 of that Part);

26 **155 Subparagraph 24P(1)(c)(i)**

27 Omit “the asset had been disposed of”, substitute “there had been a
28 disposal (within the meaning of former Part IIIA) of the asset”.

29 **156 Subparagraph 24P(1)(c)(iii)**

30 Before “section 24BB”, insert “former”.

31 **157 Subparagraph 24P(1)(c)(iv)**

1 Before “section”, insert “former”.

2 **158 Subsection 24P(5)**

3 Before “section”, insert “former”.

4 **159 Subparagraph 25A(12)(a)(ii)**

5 Omit “or articles within the meaning of section 54”, substitute “within
6 the meaning of section 45-40 of the *Income Tax Assessment Act 1997*”.

7 **160 Subsection 26AB(1A) (note)**

8 Omit “Part IIIA of this Act (about CGT) deals”, substitute “former
9 Part IIIA of this Act (about CGT) dealt”.

10 **161 Paragraph 26AB(5)(b)**

11 Omit “mining lease as defined in subsection 88B(7)”, substitute “lease
12 of land granted under a law of a State or Territory relating to mining”.

13 **162 Paragraph 26AB(5)(c)**

14 Omit “is, for the purposes of section 88B”, substitute “was, for the
15 purposes of former section 88B”.

16 **163 Paragraph 26AB(5)(d)**

17 Repeal the paragraph, substitute:

- 18 (d) a premium received in connection with the assignment from
19 the Commonwealth or a State of a lease:
20 (i) granted in perpetuity or for a term not less than 99
21 years; or
22 (ii) with a right of purchase; or
23 (iii) effecting improvements to be used for residential
24 purposes only.

25 **164 Paragraph 26AD(12)(b)**

26 Before “section”, insert “former”.

27 **165 Paragraph 26AD(13)(b)**

28 Before “section”, insert “former”.

29 **166 Paragraph 26AG(1)(c)**

1 Omit “section 124ZAF or 124ZAF A”, substitute “former
2 section 124ZAF or under section 124ZAF A”.

3 **167 Paragraph 26AG(1)(d)**

4 After “income”, insert “from sources in or out of Australia”.

5 **168 Paragraph 26AG(1)(e)**

6 After “taxpayer”, insert “from sources in or out of Australia”.

7 **169 Subsection 26AG(8)**

8 Repeal the subsection, substitute:

9 (8) If:

10 (a) a non-resident taxpayer derives, from sources outside
11 Australia, income in respect of a film; and

12 (b) but for this subsection, subsection (2) would include the
13 amount in the taxpayer’s assessable income of a year of
14 income;

15 that subsection does not include in the taxpayer’s assessable
16 income so much of the amount as:

17 (a) is attributable to the exhibition of the film in the country
18 from sources in which the income was derived; and

19 (b) is not exempt from income tax in the country from sources in
20 which the income was derived.

21 **170 Subparagraph 26AJ(1)(g)(i)**

22 Omit “within the meaning of the *Fringe Benefits Tax Assessment Act*
23 *1986*”.

24 **171 Subparagraph 26AJ(1)(g)(ii)**

25 Omit “within the meaning of that Act”.

26 **172 Subsection 26AJ(11)**

27 Omit “26AAB”, substitute “318”.

28 **173 Subsection 27A(1) (paragraph (a) of the definition of CGT**
29 **exempt component)**

30 Omit “is covered by subsection 160ZZPZE(4)”, substitute “was covered
31 by former subsection 160ZZPZE(4)”.

1 **174 Subsection 27A(1) (paragraph (b) of the definition of CGT**
2 **exempt component)**

3 Omit “is taken by subsection 160ZZPJ(4)”, substitute “was taken by
4 former subsection 160ZZPJ(4)”.

5 **175 Subsection 27A(1) (paragraph (jaa) of the definition of**
6 **eligible termination payment)**

7 Before “subsection 160ZZPZE(4)”, insert “former”.

8 **176 Subsection 27A(14)**

9 Before “section 24BA”, insert “former”.

10 **177 Subsection 27A(14A)**

11 Before “section 24BB”, insert “former”.

12 **178 Paragraphs 36AAA(1)(a), (1AA)(a), (1A)(a), (2A)(a)**
13 **and(4A)(a)**

14 Omit “business of primary production”, substitute “primary production
15 business”.

16 **179 Subparagraphs 36AAA(5)(b)(iii) and (6)(b)(ii)**

17 Omit “business of primary production”, substitute “primary production
18 business”.

19 **180 Paragraph 36AAA(8)(a)**

20 Omit “business of primary production”, substitute “primary production
21 business”.

22 **181 Subparagraph 36AAA(9)(b)(iii)**

23 Omit “business of primary production”, substitute “primary production
24 business”.

25 **182 Subsection 36AAA(12)**

26 Omit “business of primary production” (twice occurring), substitute
27 “primary production business”.

28 **183 Paragraphs 36AAA(13)(c), (e) and (f) and 14(f)**

29 Omit “business of primary production”, substitute “primary production
30 business”.

1 **184 Subsection 36AAA(15)**

2 Omit “business of primary production” (twice occurring), substitute
3 “primary production business”.

4 **185 Subsection 36AAA(17)**

5 Before “paragraph 36(8)(b)”, insert “former”.

6 **186 Subsection 45(2) (first sentence)**

7 Omit “an unfranked dividend”, substitute “a dividend that is
8 unfrankable (within the meaning of subsection 995-1(1) of the *Income*
9 *Tax Assessment Act 1997*”.

10 **187 Subsection 45(2) (second sentence)**

11 Omit “46 or”.

12 **188 Subsection 45(3)**

13 Omit “160AQF or 160AQFA”, substitute “202-5 or 208-60 of the
14 *Income Tax Assessment Act 1997*”.

15 **189 Paragraph 45A(4)(e)**

16 Omit “be entitled to a rebate under”, substitute “have been entitled to a
17 rebate under former”.

18 **190 Subsection 45C(1)**

19 Omit “46 or”.

20 **191 Subsection 45C(5) (heading)**

21 Before “*section*”, insert “*former*”.

22 **192 Paragraph 45C(5)(b)**

23 Before “*section*”, insert “*former*”.

24 **193 Subsection 45C(5)**

25 Omit “arising under section 160AQCB, 160AQCNA or 160AQCNB”,
26 substitute “arising under that former section”.

27 **194 Subsection 46A(5B)**

28 Before “*Division*”, insert “*former*”.

1 **195 Subsection 46A(13)**

2 Before “section”, insert “former”.

3 **196 Paragraph 46FA(1)(c)**

4 Repeal the paragraph, substitute:

5 (c) ignoring the amendments made by Schedule 1 to the *Tax*
6 *Laws Amendment (Repeal of Inoperative Provisions) Act*
7 *2006*, but for subsection 46AB(1) or 46AC(2) or
8 subparagraph 46F(2)(a)(i) of this Act as in force just before
9 the commencement of those amendments, the resident
10 company would have been entitled to a rebate under
11 section 46 of this Act as so in force in respect of the
12 unfranked amount of the original dividend; and

13 **197 Paragraph 46FB(4)(c)**

14 Repeal the paragraph, substitute:

15 (c) ignoring the amendments made by Schedule 1 to the *Tax*
16 *Laws Amendment (Repeal of Inoperative Provisions) Act*
17 *2006*, but for subsection 46AB(1) or 46AC(2) or
18 subparagraph 46F(2)(a)(i) of this Act as in force just before
19 the commencement of those amendments, the company
20 would have been entitled to a rebate under section 46 of this
21 Act as so in force in respect of the unfranked amount of the
22 dividend.

23 **198 Subsection 51AD(1) (definition of associate)**

24 Omit “26AAB”, substitute “318”.

25 **199 Subsection 51AD(17)**

26 Omit “section 67 of this Act or”.

27 **200 Paragraph 51AD(17)(a)**

28 Omit “subsection 67(2) of this Act or”.

29 **201 Subsection 51AD(18)**

30 Omit “section 68 of this Act or”.

31 **202 Subsection 51AF(2) (definition of employee)**

32 Repeal the definition, substitute:

1 *employee* means a person who receives, or is entitled to receive,
2 work and income support related withholding payments and
3 benefits.

4 **203 Subsection 51AF(2) (definition of *employer*)**

5 Repeal the definition, substitute:

6 *employer* means a person who pays or is liable to pay work and
7 income support related withholding payments and benefits, and
8 includes:

- 9 (a) in the case of an unincorporate body of persons other than a
10 partnership—the manager or other principal officer of that
11 body; and
12 (b) in the case of a partnership—each partner; and
13 (c) an Australian government agency as defined in subsection
14 995-1(1) of the *Income Tax Assessment Act 1997*.

15 **204 Paragraph 51AH(1)(c)**

16 Omit “paragraph 26(eaa)”, substitute “section 15-75 of the *Income Tax*
17 *Assessment Act 1997*”.

18 **205 Subsection 51AH(2)**

19 After “Expressions”, insert “(other than “fringe benefit”)”.

20 **206 Subsection 51AJ(2)**

21 Omit “(other than “recipients contribution”)”, substitute “(other than
22 “recipients contribution” and “fringe benefit”)”.

23 **207 Paragraph 63E(3)(c)**

24 Omit “subsection 63(3) of this Act or”.

25 **208 Paragraph 63F(1)(b)**

26 Omit “or under section 51 or 63 of this Act”, substitute “, under former
27 section 51 of this Act or under section 63”.

28 **209 Subparagraph 63G(a)(i)**

29 Omit “under section 51 or 63”, substitute “under former section 51 of
30 this Act, under section 63 of this Act or under section 8-1 or 25-35 of
31 the *Income Tax Assessment Act 1997*”.

1 **210 Paragraph 65(1B)(a)**

2 Omit “and Division 4 of Part VI”.

3 **211 Subsection 73A(4)**

4 Omit “consideration received or receivable in respect of the disposal,
5 loss or destruction”, substitute “termination value of the building or
6 part”.

7 **212 Subsection 73A(4)**

8 Omit “disposal, loss or destruction occurs”, substitute “disposal or
9 destruction occurs”.

10 **213 Subsection 73A(4)**

11 Omit “consideration relates to the disposal, loss or destruction”,
12 substitute “termination value relates to the disposal or destruction”.

13 **214 Subsection 73A(4)**

14 Omit “of the consideration”, substitute “of the termination value”.

15 **215 Subsection 73A(6)**

16 Insert:

17 *termination value* has the meaning given by subsection 995-1(1)
18 of the *Income Tax Assessment Act 1997*.

19 **216 Subsection 73B(1AA)**

20 Omit “, 73CA and 73D”, substitute “and 73CA”.

21 **217 Subsection 73B(1) (paragraph (d) of the definition of**
22 ***aggregate research and development expenditure*)**

23 Omit “Division 10D of this Part, or”.

24 **218 Subsection 73B(1) (definition of *associate*)**

25 Omit “26AAB”, substitute “318”.

26 **219 Paragraph 73B(2C)(c)**

27 Omit “, petroleum”.

28 **220 Paragraphs 73B(3A)(c) and (d)**

1 Omit “, 73CA and 73D”, substitute “and 73D”.

2 **221 Paragraph 73B(3A)(da)**

3 Omit “subsections 73C(2A) and 73D(2A) do”, substitute “subsection
4 73CA(2A) does”.

5 **222 Paragraph 73B(3A)(f)**

6 Omit “, 73CA and 73D”, substitute “and 73D”.

7 **223 Subsections 73B(4) and (5)**

8 Repeal the subsections, substitute:

9 (4) Subject to subsection (5), if, during a year of income:

10 (a) an eligible company commences to use a unit of plant
11 exclusively for the purpose of the carrying on by or on behalf
12 of the company of research and development activities; and

13 (b) the eligible company has incurred an amount of plant
14 expenditure in respect of the unit;

15 that amount is, in relation to the unit, taken to be an amount of
16 qualifying plant expenditure in relation to the company in relation
17 to the year of income and each of the 2 succeeding years of
18 income.

19 (5) If:

20 (a) apart from this subsection, there would be an amount of
21 qualifying plant expenditure in relation to a unit of plant
22 owned by an eligible company in relation to a year of
23 income; and

24 (b) at any time during the year of income, the company ceases to
25 use that unit of plant exclusively for the purpose of the
26 carrying on by or on behalf of the company of research and
27 development activities;

28 there is no amount of qualifying plant expenditure in relation to
29 that unit of plant in relation to the year of income or any
30 succeeding year of income.

31 **224 Subsection 73B(5A)**

32 Repeal the subsection, substitute:

1 (5A) This section does not apply to expenditure incurred by an eligible
2 company in the acquisition or construction of a building or of an
3 extension, alteration or improvement to a building.

4 **225 Subsection 73B(17A)**

5 Omit “, (15) or (17)”, substitute “or (15)”.

6 **226 Subsection 73B(20)**

7 Omit “(21), (21A), (22), (28) and (30)”, substitute “(21A) and (22)”.

8 **227 Paragraphs 73B(23)(d), (24)(d) and (24B)(d)**

9 Before “section”, insert “former”.

10 **228 Paragraph 73B(27)(a)**

11 Before “subsection”, insert “former”.

12 **229 Paragraph 73B(27)(b)**

13 Repeal the paragraph, substitute:

14 (b) the company sells or otherwise disposes of the building,
15 extension, alteration or improvement more than 5 years after
16 the day on which it began to use the building, extension,
17 alteration or improvement exclusively for the purpose of the
18 carrying on by or on behalf of the company of research and
19 development activities;

20 **230 Paragraph 73B(27)(c)**

21 Before “Division 10D” (twice occurring), insert “former”.

22 **231 Paragraph 73B(31)(a)**

23 Omit “a building or an extension, alteration or improvement to a
24 building”.

25 **232 Paragraph 73CA(2)(a)**

26 Omit “and section 73D”.

27 **233 Paragraph 73E(1)(c)**

28 Before “section”, insert “the former”.

29 **234 Subsection 73E(10)**

1 Omit “, 73CB or 73D”, substitute “or 73CB”.

2 **235 Subsection 82(2)**

3 Omit “(2)”.

4 **236 Subsection 82(2)**

5 Omit “or has been allowed or is allowable as a deduction in assessments
6 under the previous Act”.

7 **237 Subsection 82AAC(3) (definition of *associate*)**

8 Omit “26AAB”, substitute “318”.

9 **238 Subparagraph 82AAD(3)(a)(ii)**

10 Omit “subsection 26AAB(14)”, substitute “section 318”.

11 **239 Subsection 82AAF(4) (definition of *associate*)**

12 Omit “26AAB”, substitute “318”.

13 **240 Subsection 82AAQ(1)**

14 Omit “or the previous Act”.

15 **241 Subsection 82KH(1) (paragraph (o) of the definition of**
16 ***relevant expenditure*)**

17 Omit “or section 64 of this Act”.

18 **242 Paragraph 82KH(1AB)(b)**

19 Before “section”, insert “former”.

20 **243 Paragraph 82KZM(1)(c)**

21 Omit “section 51,”, substitute “former section 51 or section”.

22 **244 Paragraphs 82KZN(c) and 82KZO(c)**

23 Before “section 51”, insert “former”.

24 **245 Subsection 82P(2)**

25 Omit “subparagraphs 82S(1)(d)(ii) and 82SA(1)(d)(ii)”, substitute
26 “subparagraph 82SA(1)(d)(ii)”.

27 **246 Subsections 82R(1) and 82T(1)**

1 Omit “sections 82S and 82SA”, substitute “section 82SA”.

2 **247 Subsection 95(1) (definition of *net income*)**

3 Omit “Division 16C or”.

4 **248 Subparagraph 97(3)(c)(i)**

5 Omit “section 23 of this Act or”.

6 **249 Paragraph 97A(1)(b)**

7 Omit “the owner of a current IED scheme deposit or”.

8 **250 Paragraph 97A(1)(c)**

9 Omit “an eligible primary producer or a primary producer, as the case
10 requires,”, substitute “a primary producer”.

11 **251 Paragraph 97A(1A)(b)**

12 Omit “the owner of a current IED scheme deposit or”.

13 **252 Paragraph 97A(1A)(c)**

14 Omit “an eligible primary producer or a primary producer, as the case
15 requires,”, substitute “a primary producer”.

16 **253 Paragraph 97A(1A)(c)**

17 Omit “business of primary production”, substitute “primary production
18 business”.

19 **254 Section 102AAB**

20 Insert:

21 *base interest rate* for a day has the same meaning as in
22 section 8AAD of the *Taxation Administration Act 1953*.

23 **255 Section 102AAB (definition of *basic statutory interest*
24 *rate*)**

25 Repeal the definition.

26 **256 Section 102AAB (definition of *depreciation provision*)**

27 Repeal the definition, substitute:

28 *depreciation provision* means:

- 1 (a) any provision of Division 40 of the *Income Tax Assessment*
2 *Act 1997* (other than Subdivision 40-E); or
3 (b) any provision of Division 43 of that Act.

4 **257 Section 102AAB (paragraphs (a) and (b) of the definition**
5 **of weighted statutory interest rate)**

6 Omit “basic” (wherever occurring), substitute “base”.

7 **258 Subsection 102AAE(2)**

8 Omit “section 23 of this Act or”.

9 **259 Subsection 102AAK(11)**

10 Omit “(other than section 102AAN)”.

11 **260 Paragraph 102AAM(1)(c)**

12 Omit “so much of the distributed amount as is not a rebatable
13 section 99B amount for the purposes of section 102AAN”, substitute
14 “the distributed amount”.

15 **261 Paragraph 102AAM(5)(b)**

16 Repeal the paragraph, substitute:
17 (b) at the base interest rate.

18 **262 Paragraph 102AAM(6)(d)**

19 Repeal the paragraph, substitute:
20 (d) so much of the tax payable in respect of the year of income as
21 is attributable to the aggregate of the principal amounts
22 (ignoring any tax offset under Part 3-6 of the *Income Tax*
23 *Assessment Act 1997*).

24 **263 Subsection 102AAM(12)**

25 Omit “an instalment taxpayer (as defined in subsection 221AZK(1))
26 or”.

27 **264 Paragraph 102AAM(13A)(a)**

28 Omit “an instalment taxpayer (as defined in subsection 221AZK(1))
29 or”.

30 **265 Paragraph 102AAM(13A)(c) (note)**

1 Omit “and paragraph 221AZS(c)”.

2 **266 Subsection 102AAM(14)**

3 Omit “205, 206, 208, 209, 214, 215, 216, 254, 255, 258 and 259, and
4 Division 1C of Part VI”, substitute “254 and 255”.

5 **267 Subsection 102AAW(1)**

6 Omit “38 to 43 (inclusive)”.

7 **268 Paragraph 102AAZBA(d)**

8 Omit “subsection 160M(9) or (10) or this Act, or”.

9 **269 Paragraph 102AF(1)(a)**

10 Omit “within the meaning of subsection 221A(1)”.

11 **270 Subsection 102A(1) (definition of associate)**

12 Omit “subsection 26AAB(14)”, substitute “section 318”.

13 **271 Subsection 102L(2)**

14 Omit “45Z, 46, 46A, 46B, 46C, 46E and 46F”, substitute “46A, 46B,
15 and 46E”.

16 **272 Paragraphs 102L(2)(a) and (b)**

17 Omit “46 or”.

18 **273 Subsection 102L(6)**

19 Omit “or Division 1A of Part VI (other than subsection 221AA(1) or
20 section 221AC)”.

21 **274 Subsection 102L(10)**

22 Omit “, section 128B or Division 4 of Part VI (other than subsection
23 221YK(2))”, substitute “or section 128B”.

24 **275 Subsection 102L(11)**

25 Omit “128B or Division 4 of Part VI (other than subsection
26 221YK(2))”, substitute “section 128B”.

27 **276 Subsection 102T(2)**

Schedule 2 Consequential amendments relating to Schedule 1 repeals

Part 1 Amendments: general

1 Omit “45Z, 46, 46A, 46B, 46C, 46E and 46F”, substitute “46A, 46B,
2 and 46E”.

3 **277 Paragraphs 102T(2)(a) and (b)**

4 Omit “46 or”.

5 **278 Subsection 102T(7)**

6 Omit “ or Division 1A of Part VI (other than subsection 221AA(1) or
7 section 221AC)”.

8 **279 Subsection 102T(11)**

9 Omit “paragraph 23(jb), subsection 44(1), section 128B or Division 4 of
10 Part VI (other than subsection 221YK(2))”, substitute “subsection 44(1)
11 or section 128B”.

12 **280 Subsection 102T(12)**

13 Omit “in paragraph 23(jb), subsection 44(1), section 128A or 128B or
14 Division 4 of Part VI (other than subsection 221YK(2))”, substitute
15 “44(1), or in section 128A or 128B,”.

16 **281 Subsection 108(1)**

17 Omit “and Division 4 of Part VI”.

18 **282 Subparagraph 108(3)(c)(ii)**

19 Omit “26AAB”, substitute “318”.

20 **283 Paragraph 109(1)(d)**

21 Omit “and Division 4 of Part VI”.

22 **284 Subparagraph 109(2)(b)(ii)**

23 Omit “26AAB”, substitute “318”.

24 Note: The heading to section 121AS is amended by omitting “**Part IIIA**” and substituting
25 “**CGT**”.

26 **285 Section 121AS (cell at table item 5, column headed**
27 **“Event”)**

28 Before “Part IIIA” (twice occurring), insert “former”.

29 **286 Subsection 121G(10)**

1 Repeal the subsection, substitute:

2 (10) For the purposes of the application of subsection (8), a reference to
3 a deduction that is allowable in calculating the net income of a
4 partnership does not include a reference to a deduction allowable to
5 the partnership in respect of expenditure taken under
6 sections 70-90 and 70-95 and subsection 70-100(3) of the *Income*
7 *Tax Assessment Act 1997* to have been incurred in the acquisition
8 of trading stock by the partnership.

9 **287 Subsection 124K(1) (definition of *film*)**

10 Repeal the definition, substitute:

11 *film* has the meaning given by subsection 995-1(1) of the *Income*
12 *Tax Assessment Act 1997*.

13 **288 Subsection 124K(1) (definition of *Senior Executive***
14 ***Service office*)**

15 Repeal the definition, substitute:

16 *Senior Executive Service office* has the meaning given by
17 subsection 995-1(1) of the *Income Tax Assessment Act 1997*.

18 **289 Subsection 124K(1) (subparagraph (a)(iv) of the**
19 **definition of *unit of industrial property*)**

20 Omit “patent, copyright or design”, substitute “copyright”.

21 **290 Paragraph 124K(2)(a)**

22 Omit “of the previous Act or”.

23 **291 Subparagraph 124K(2)(b)(iv)**

24 Omit “paragraph 124ZAF(1)(c) or 124ZAFA(1)(c)”, substitute “former
25 paragraph 124ZAF(1)(c) or paragraph 124ZAFA(1)(c)”.

26 **292 Paragraph 124KA(1)(b)**

27 Omit “section 124ZAF or 124ZAFA”, substitute “former
28 section 124ZAF or section 124ZAFA”.

29 Note: The heading to section 124KA is altered by omitting “**section 124ZAF or 124ZAFA**”
30 and substituting “**former section 124ZAF or section 124ZAFA**”.

31 **293 Paragraph 124L(1)(a)**

1 Repeal the paragraph, substitute:

2 (a) became the owner of the unit by reason of being the first
3 owner of the copyright to which the unit relates and, before
4 the unit came into existence, incurred expenditure of a capital
5 nature directly in relation to producing the work or other
6 subject-matter in which the copyright subsists; or

7 **294 At the end of paragraph 124L(1)(b)**

8 Add “or”.

9 **295 Paragraph 124N(2)(a)**

10 Omit “patent or copyright, or the registration of the design,” substitute
11 “copyright”.

12 **296 Paragraph 124N(2)(b)**

13 Omit “patent, copyright or design”, substitute “copyright”.

14 **297 Paragraph 124R(2)(b)**

15 Omit “devising the invention, producing the work or other
16 subject-matter in which the copyright subsists or producing the design,
17 as the case may be,” substitute “producing the work or other
18 subject-matter in which the copyright subsists”.

19 **298 Subsection 124S(2)**

20 Omit “patent, copyright or design, as the case may be,” substitute
21 “copyright”.

22 **299 Subsections 124V(1), (2) and (3)**

23 Omit “patent, copyright or design”, substitute “copyright”.

24 **300 Paragraph 124WA(1)(c)**

25 Omit “section 124ZAF or 124ZAFA”, substitute “former
26 section 124ZAF or section 124ZAFA”.

27 Note: The heading to section 124WA is amended by omitting “**section 124ZAF or**
28 **124ZAFA**” and substituting “**former section 124ZAF or section 124ZAFA**”.

29 **301 Subsection 124WA(7)**

30 Omit “section 124ZAF or 124ZAFA”, substitute “former
31 section 124ZAF or section 124ZAFA”.

1 **302 Section 124Y**

2 Omit “patent, copyright or design”, substitute “copyright”.

3 **303 Subsection 124ZAA(1) (definition of *feature film*)**

4 Repeal the definition, substitute:

5 *feature film* has the meaning given by subsection 995-1(1) of the
6 *Income Tax Assessment Act 1997*.

7 **304 Subsection 124ZAA(1) (definition of *film*)**

8 Repeal the definition, substitute:

9 *film* has the meaning given by subsection 995-1(1) of the *Income*
10 *Tax Assessment Act 1997*.

11 **305 Paragraph 124ZAA(7)(b)**

12 Before “paragraph”, insert “former”.

13 **306 Paragraph 124ZAA(7)(c)**

14 Omit “paragraph 221ZN(1)(a), being an amount to which subsection
15 221ZN(4) applies”, substitute “former paragraph 221ZN(1)(a), being an
16 amount to which former subsection 221ZN(4) applied”.

17 **307 Subsection 124ZAE(2)**

18 Omit “sections 124ZAF and”, substitute “section”.

19 **308 Paragraph 124ZAO(1)(a)**

20 Omit “124ZAF or”.

21 **309 Subsection 124ZM(1)**

22 Omit “160AQF”, substitute “202-5 of the *Income Tax Assessment Act*
23 *1997*”.

24 **310 Subsection 124ZM(1C) and (1D)**

25 Omit “160ASEP”, substitute “210-170 of the *Income Tax Assessment*
26 *Act 1997*”.

27 **311 Subsection 124ZM(9) (definition of *franked amount*)**

28 Omit “160AQF”, substitute “202-5 of the *Income Tax Assessment Act*
29 *1997*”.

1 **312 Subsection 124ZM(9) (definition of *partnership amount*)**

2 Repeal the definition, substitute:

3 *partnership amount* means an amount included in, or allowed as a
4 deduction from, the assessable income of a partner under
5 section 92.

6 **313 Subsection 124ZM(9) (definition of *trust amount*)**

7 Repeal the definition, substitute:

8 *trust amount*, in relation to a trust estate, means:

- 9 (a) a share of the net income of the trust estate that is included in
10 the assessable income of a beneficiary under section 97, 98A
11 or 100; or
12 (b) a share of the net income of the trust estate in respect of
13 which the trustee is liable to be assessed under section 98; or
14 (c) the net income, or a part of the net income, of the trust estate
15 in respect of which the trustee is liable to be assessed under
16 section 99 or 99A.

17 **314 Subsection 124ZM(9) (definition of *venture capital*
18 *franked amount*)**

19 Omit “160ASEL”, substitute “210-5 of the *Income Tax Assessment Act*
20 *1997*”.

21 **315 Paragraph 126(1)(c)**

22 Omit “, 128G, 128GA”.

23 **316 Paragraph 128AAA(2)(ba)**

24 Omit “and”.

25 **317 Subsection 128A(1A)**

26 Omit “and 128NA:.”, substitute “, 128NA and 128NBA:.”.

27 **318 Paragraph 128A(1A)(c)**

28 Omit “and 128NA”, substitute “, 128NA and 128NBA”.

29 **319 Subparagraph 128B(3)(a)(i)**

30 Omit “paragraph 23(jb) of this Act or”.

1 **320 Subparagraph 128B(3)(h)(iv)**

2 Omit “specified in section 128E or to which section 128EA, 128F,
3 128FA, 128G, 128GA or 128GB”, substitute “to which section 128EA,
4 128F, 128FA or 128GB”.

5 **321 After paragraph 128B(3)(j)**

6 Insert:

7 (jb) income that:

8 (i) is derived by a non-resident that is a foreign
9 superannuation fund; and

10 (ii) consists of interest, or consists of dividends or
11 non-share dividends paid by a company that is a
12 resident; and

13 (iii) is exempt from income tax in the country in which the
14 non-resident resides; or

15 **322 Subparagraph 128B(3A)(b)(ii)**

16 Omit “finance”, substitute “financing”.

17 **323 Subsection 128B(3B)**

18 Insert:

19 *financing arrangement* has the meaning given by subsection
20 995-1(1) of the *Income Tax Assessment Act 1997*.

21 **324 Paragraph 128B(9C)(c)**

22 Omit “or section 128E”.

23 **325 Paragraph 128B(9C)(d)**

24 Omit “subsection 221YS(1) of this Act, or section 18-30 in Schedule 1
25 to the *Taxation Administration Act 1953*,” substitute “section 18-30 in
26 Schedule 1 to the *Taxation Administration Act 1953*”.

27 **326 Subsection 128C(1)**

28 Omit “or of such further period as the Commissioner, in special
29 circumstances, allows”.

30 **327 Section 128D**

31 After “128B(3)(ga)”, insert “or (jb)”.

1 **328 Section 128D**

2 Omit “, section 128G, section 128GA”.

3 **329 After section 128NB**

4 Insert:

5 **128NBA Credits in respect of amounts assessed under Division 16E**
6 **of Part III**

7 *When section applies*

- 8 (1) This section applies if:
- 9 (a) the amount of any withholding tax that has become payable
 - 10 by a taxpayer on a payment of interest under, or in relation to
 - 11 the transfer of, a qualifying security has been paid; and
 - 12 (b) there is a net Division 16E amount (see subsection (5)) in
 - 13 relation to the taxpayer in relation to:
 - 14 (i) if the payment of interest is a payment in relation to the
 - 15 transfer of the qualifying security—the security;
 - 16 (ii) if the payment of interest is such a payment by virtue of
 - 17 the application of section 128AC in relation to an
 - 18 attributable agreement payment within the meaning of
 - 19 that section—the attributable agreement payment; or
 - 20 (iii) in any other case—the payment of interest; and
 - 21 (c) the amount of the withholding tax payable on the interest
 - 22 exceeds the amount that would have been payable on the
 - 23 interest if the interest were reduced by the net Division 16E
 - 24 amount.

25 *Entitlement to apply for credit*

- 26 (2) The taxpayer may apply to the Commissioner for a credit of an
27 amount equal to the excess.

28 *Requirements for application*

- 29 (3) The application must be in the approved form.

1 *Entitlement to credit*

- 2 (4) If the Commissioner is satisfied as to the matters mentioned in
3 paragraphs (1)(a), (b) and (c), the applicant is entitled to a credit of
4 an amount equal to the excess.

5 *Net Division 16E amount*

- 6 (5) For the purposes of this section, if:
7 (a) the sum of all amounts (if any) included in the assessable
8 income of the taxpayer of any years of income in relation to
9 the qualifying security, attributable agreement payment or
10 payment of interest under section 159GQ;

11 exceeds:

- 12 (b) the sum of all amounts (if any) allowable as deductions from
13 the assessable income of the taxpayer of any years of income
14 in relation to the security or the payment, as the case may be,
15 under that section;

16 there is a net Division 16E amount equal to the excess.

17 **330 Subsection 128U(1) (paragraph (b) of the definition of**
18 **minerals)**

19 After “petroleum”, insert “(within the meaning of the *Income Tax*
20 *Assessment Act 1997)*”.

21 **331 Subsections 128U(2) and (3)**

22 Repeal the subsections, substitute:

- 23 (2) For the purposes of this Division, a mining payment is taken to
24 include any amount that has been, or purports to have been,
25 withheld from the mining payment for the purposes of
26 section 12-320 in Schedule 1 to the *Taxation Administration Act*
27 *1953*.

28 **332 Section 139DE**

29 Omit “and paragraph 26(e)”, substitute “of this Act and section 15-2 of
30 the *Income Tax Assessment Act 1997*”.

31 Note: The heading to section 139DE is altered by omitting “**section 21A or paragraph 26(e)**”
32 and substituting “**other provisions**”.

1 **333 Subsection 139GA(1)**

2 Repeal the subsection, substitute:

- 3 (1) The expression *employee* means:
4 (a) a person who receives, or is entitled to receive, work and
5 income support related withholding payments and benefits;
6 or
7 (b) a person who is engaged in foreign service.

8 **334 Subsection 139GA(3)**

9 Repeal the subsection, substitute:

- 10 (3) The expression *employer* means:
11 (a) in the case of an unincorporate body of persons other than a
12 partnership—the manager or other principal officer of that
13 body; and
14 (b) in the case of a partnership—each partner; and
15 (c) an Australian government agency as defined in subsection
16 995-1(1) of the *Income Tax Assessment Act 1997*; and.
17 (d) a person who is engaged in foreign service.

18 **335 Section 139GE**

19 Repeal the section, substitute:

20 **139GE Meaning of associate**

21 The expression *associate* has the same meaning as it would have in
22 section 318 if references in that section to subsection (1) included a
23 reference to subsection (1A) and the following subsection were
24 inserted before subsection (1):

- 25 (1A) For the purposes of this Part, if an entity holds (whether directly or
26 indirectly through one or more interposed companies, partnerships
27 or trusts) a share in a company, or a right to acquire a share in a
28 company, the company is an associate of the entity.

29 **336 Section 140C (definition of associate)**

30 Omit “26AAB”, substitute “318”.

31 **337 Section 140C (paragraph (a) of the definition of payer)**

1 Before “subsection”, insert “former”.

2 **338 Subsection 140M(6)**

3 Before “subsection 160ZZPZE(4)”, insert “former”.

4 **339 Paragraph 140N(4)(a)**

5 Before “subsection 160ZZPZE(4)”, insert “former”.

6 **340 Subsection 140P(3)**

7 Before “subsection 160ZZPZE(4)”, insert “former”.

8 **341 Section 140ZJA**

9 Before “subsection 160ZZPZE(4)”, insert “former”.

10 **342 Subparagraph 149A(1(b)(ii)**

11 Omit “an abnormal income amount as specified in section 158L”,
12 substitute “above-average special professional income within the
13 meaning of the *Income Tax Assessment Act 1997*”.

14 **343 Subsection 156(1) (definition of assessable primary**
15 **production income)**

16 Omit “business of primary production” (twice occurring), substitute
17 “primary production business”.

18 **344 Subsection 156(6) (definition of assessable primary**
19 **production income)**

20 Omit “business of primary production” (twice occurring), substitute
21 “primary production business”.

22 **345 Subsections 157(2) and (3)**

23 Omit “business of primary production”, substitute “primary production
24 business”.

25 **346 Subsection 159GE(1) (definition of associate)**

26 Repeal the definition, substitute:

27 *associate* means, in relation to a person other than an exempt
28 public body, any person who is an associate, within the meaning of

- 1 section 318, in relation to the person or, in relation to an exempt
2 public body:
- 3 (a) a partner of the exempt public body or a partnership in which
4 the exempt public body is a partner; or
 - 5 (b) if a partner of the exempt public body is a natural person
6 otherwise than in the capacity of trustee—the spouse or a
7 child of that partner; or
 - 8 (c) a trustee of a trust where the exempt public body, or another
9 entity that is an associate of the exempt public body because
10 of paragraph (a), (b) or (d), benefits under the trust; or
 - 11 (d) a company where:
 - 12 (i) the company is sufficiently influenced by:
 - 13 (A) the exempt public body; or
 - 14 (B) another entity that is an associate of the exempt
15 public body because of paragraph (a), (b) or (c);
16 or
 - 17 (C) another company that is an associate of the
18 exempt public body because of another
19 application of this paragraph; or
 - 20 (D) 2 or more entities covered by the preceding
21 sub-subparagraphs; or
 - 22 (ii) a majority voting interest in the company is held by:
 - 23 (A) the exempt public body; or
 - 24 (B) the entities that are associates of the primary
25 entity because of subparagraph (i) of this
26 paragraph and paragraphs (a), b) and (c); or
 - 27 (C) the exempt public body and the entities that are
28 associates of the exempt public body because of
29 subparagraph (i) of this paragraph and because
30 of paragraphs (a), b) and (c).
- 31 Subsections 318(6) and (7) apply for the purposes of
32 paragraphs (a) to (d) in the same way as those subsections
33 apply for the purposes of section 318.

34 **347 Subsection 159GE(1) (paragraph (a) of the definition of**
35 **capital expenditure deduction)**

36 Before “Division”, insert “ the former”.

1 **348 Subsection 159GE(1) (paragraph (a) of the definition of**
2 **Division 10, 10AA or 10A property)**

3 Before “Division”, insert “the former”.

4 **349 Subsection 159GE(1) (paragraph (b) of the definition of**
5 **Division 10, 10AA or 10A property)**

6 Before “paragraph”, insert “the former”.

7 **350 Subsection 159GE(1) (paragraph (c) of the definition of**
8 **Division 10, 10AA or 10A property)**

9 Before “subsection”, insert “the former”.

10 **351 Subsection 159GE(1) (definition of Division 10AAA**
11 **property)**

12 Before “Division”, insert “ the former”.

13 **352 Subsection 159GE(1) (definition of Division 10C or 10D**
14 **property)**

15 Before “Division 10C”, insert “ the former”.

16 **353 Subsection 159GE(1) (paragraph (a) of the definition of**
17 **eligible amount)**

18 Repeal the paragraph, substitute:

19 (a) where the item is an item of eligible depreciation property—
20 the amount that:

21 (i) was the cost of the item of property within the meaning
22 of Division 40, or the former Division 42, of the *Income*
23 *Tax Assessment Act 1997* to the taxpayer who holds it;
24 or

25 (ii) would have been the cost of the item of property to the
26 taxpayer for the purposes of that Division if that
27 Division had applied in relation to the item of property;
28 and

29 **354 Subsection 159GE(1) (paragraph (a) of the definition of**
30 **eligible depreciation property)**

31 Before “section”, insert “ the former”.

32 **355 Paragraphs 159GF(3)(a) to (e)**

1 Before “Division”, insert “the former”.

2 **356 Subsection 159GF(4)**

3 Before “Division 10AAA of this Part”, insert “the former”.

4 **357 Subsection 159GF(5)**

5 Before “Division 10C or 10D of this Part”, insert “the former”.

6 **358 Sub-subparagraph 159GJ(1)(c)(iii)(C)**

7 Before “paragraph 56(1)(a)”, insert “the former”.

8 **359 Sub-subparagraph 159GJ(1)(c)(iii)(C)**

9 Omit “Division 3 of this Part”, substitute “the former section 62 of this
10 Act”.

11 **360 Subparagraph 159GJ(2)(a)(iii)**

12 Omit “or” (last occurring).

13 **361 Subparagraph 159GJ(2)(c)(iii)**

14 Omit “or” (last occurring).

15 **362 Subparagraph 159GJ(2)(c)(iv)**

16 Repeal the subparagraph.

17 **363 Paragraph 159GJ(3)(a)**

18 Repeal the paragraph, substitute:

19 (a) no deduction is allowable to any taxpayer under
20 section 40-830 of the *Income Tax Assessment Act 1997* for a
21 project amount that is transport capital expenditure within the
22 meaning of that Act in relation to any amount of expenditure
23 (not being expenditure incurred after the application period)
24 by reason of which the item is Division 10AAA property for
25 any year of income in which the whole or a part of the
26 application period occurs; and

27 **364 Paragraph 159GJ(3)(c)**

28 Repeal the paragraph, substitute:

29 (c) for the purposes of the application of section 40-830 of the
30 *Income Tax Assessment Act 1997*, for a project amount that is

1 transport capital expenditure within the meaning of that Act,
2 in relation to an amount of expenditure (not being
3 expenditure incurred after the application period) by reason
4 of which the item is Division 10AAA property for any year
5 of income after the year of income in which this Division
6 ceases to apply—it is taken to be a requirement of that
7 section that the deduction allowable under that section in
8 respect of the amount of expenditure does not exceed the
9 residual amount in relation to the amount of expenditure as
10 worked out in accordance with paragraph (b).

11 **365 Paragraph 159GJ(4)(a)**

12 Omit “under Division 10C or 10D of this Part, or”.

13 **366 Subparagraph 159GJ(4)(b)(i)**

14 Omit “Division 10C or 10D, of this Part, or under Division 43 of the
15 *Income Tax Assessment Act 1997*, as appropriate”, substitute
16 “Division 43 of the *Income Tax Assessment Act 1997*”.

17 **367 Subparagraph 159GJ(4)(b)(ii)**

18 Omit “Division 10C or 10D of this Part, or under Division 43 of the
19 *Income Tax Assessment Act 1997*,” substitute “Division 43 of the
20 *Income Tax Assessment Act 1997*”.

21 **368 Sub-subparagraph 159GJ(4)(b)(iii)(A)**

22 Add “and”.

23 **369 Sub-subparagraph 159GJ(4)(b)(iii)(B)**

24 Repeal the sub-subparagraph.

25 **370 Sub-subparagraph 159GJ(4)(b)(iii)(C)**

26 Omit “Division 10C or 10D of this Part, or under Division 43 of the
27 *Income Tax Assessment Act 1997*, as appropriate,” substitute
28 “Division 43 of the *Income Tax Assessment Act 1997*”.

29 **371 Paragraph 159GJ(4)(d)**

30 Omit “Division 10C or 10D of this Part, or of Division 43 of the *Income*
31 *Tax Assessment Act 1997*,” (twice occurring), substitute “Division 43 of
32 the *Income Tax Assessment Act 1997*”.

1 **372 Paragraphs 159GJ(5)(a) and (c)**

2 Omit “the former Division 380, or Division 40,” substitute
3 “Division 40”.

4 **373 Paragraph 159GL(2)(a)**

5 Before “Division 10C or 10D of this Part”, insert “the former”.

6 **374 Paragraph 159GM(b)**

7 Repeal the paragraph, substitute:

8 (b) the expenditure by reason of which the item of property is
9 eligible capital expenditure property is the amount that:

10 (i) was the cost of the item of property to the taxpayer who
11 incurred the expenditure for the purpose of the former
12 Subdivision 42-B, or Subdivision 40-C, of the *Income*
13 *Tax Assessment Act 1997*; or

14 (ii) would have been the cost to the taxpayer for the purpose
15 of that Subdivision if it applied in relation to the item of
16 property;

17 **375 Subsection 159GZZZC(1) (definition of associate)**

18 Omit “subsection 26AAB(14)”, substitute “section 318”.

19 **376 Subsection 159GZZZZH(4)**

20 Omit “205, 206, 208, 209, 214, 215, 216, 254, 255, 258 and 259”,
21 substitute “254 and 255 and former sections 215 and 216”.

22 **377 Subsections 159HA(1) and (6A)**

23 Omit “, 159K”.

24 **378 Subsection 159HA(7) (at the end of paragraph (a) of the**
25 **definition of *indexable amount*)**

26 Add “or”.

27 **379 Subsection 159HA(7) (paragraph (b) of the definition of**
28 ***indexable amount*)**

29 Repeal the paragraph.

30 **380 Subsection 159J(6) (paragraph (aa) of the definition of**
31 ***separate net income*)**

1 Omit “Part IIIA of this Act or”.

2 **381 Subsection 159ZR(1) (definition of associate)**

3 Omit “26AAB, substitute “318”.

4 **382 Subsection 159ZR(1) (paragraph (b) of the definition of**
5 **normal taxable income)**

6 Repeal the paragraph, substitute:

7 (b) the taxable income were reduced by any above-average
8 special professional income included in the taxable income
9 under section 405-15 of the *Income Tax Assessment Act*
10 *1997*; and

11 **383 Subsection 159ZR(1) (paragraph (c) of the definition of**
12 **normal taxable income)**

13 Omit “section 160ZO of this Act or”.

14 **384 Subsection 160AF(8) (definition of average rate of**
15 **Australian tax)**

16 Repeal the definition, substitute:

17 **average rate of Australian tax**, in relation to a taxpayer, means an
18 amount per dollar worked out by dividing:

19 (a) the amount of income tax that would be assessed under this
20 Act in respect of the taxpayer’s taxable income of the year of
21 income if the taxpayer was not entitled to:

22 (i) any rebate of tax (other than a rebate under subsection
23 23AB(7), section 79A or 79B or Subdivision A of
24 Division 17 of Part III, or under an Act imposing
25 income tax for the year of tax); or

26 (ii) any credit against the taxpayer’s liability for tax;

27 by:

28 (b) a number equal to the number of whole dollars in that taxable
29 income.

30 **385 Subsection 160AFD(9) (subparagraph (b)(ii) of the**
31 **definition of assessable foreign income)**

32 Omit “Part IIIA of this Act or”.

1 **386 Paragraphs 160AGA(1)(a) and (b)**

2 Repeal the paragraphs, substitute:

3 (a) a non-resident taxpayer derives an amount from sources
4 outside Australia; and

5 (b) the amount or a part of the amount (which amount or part is
6 the *eligible amount*) is included in the taxpayer's assessable
7 income of a year of income under subsection 26AG(2); and

8 **387 Paragraph 160ZZZJ(1)(b)**

9 Omit "either section 221YL of this Act or".

10 **388 Subsection 160ZZZJ(2)**

11 Omit "section 221YL of this Act or Subdivision 12-F in Schedule 1 to
12 the *Taxation Administration Act 1953* (as the case may be)", substitute
13 "Subdivision 12-F in Schedule 1 to the *Taxation Administration Act*
14 *1953*".

15 **389 Subsection 163A(8)**

16 Omit "205, 206, 208, 209, 214, 215, 216, 254, 255, 258 and 259",
17 substitute "254 and 255 and former sections 215 and 216".

18 **390 Subsection 163A(9) (definition of *instalment taxpayer*)**

19 Before "Division", insert "former".

20 **391 Subsection 163A(9) (definition of *relevant entity*)**

21 Before "Division", insert "former".

22 **392 Subsection 166A(1)**

23 Before "Division 1B", insert "former".

24 **393 Subsection 166A(1)**

25 Omit "applies", substitute "applied".

26 **394 Paragraph 166A(2)(aa)**

27 Before "Division 1C", insert "former".

28 **395 Paragraph 166A(2)(aa)**

29 Omit "applies", substitute "applied".

1 **396 Subsection 170(10A)**

2 Omit “73D,”.

3 **397 Subparagraphs 170AA(3)(b)(i), (ii) and (iii)**

4 After “under”, insert “former”.

5 **398 Subparagraph 170AA(4)(a)(i)**

6 Before “Division” (twice occurring), insert “former”.

7 **399 Subparagraph 170AA(4)(a)(ia)**

8 Before “Division”, insert “former”.

9 **400 Subparagraph 170AA(4)(a)(ia)**

10 Omit “paragraph 221AZD(b) had applied, would have been, required to
11 be made under paragraph 221AZD(b)”, substitute “former paragraph
12 221AZD(b) had applied, would have been, required to be made under
13 that paragraph”.

14 **401 Subparagraph 170AA(4)(a)(ib)**

15 Before “Division”, insert “former”.

16 **402 Subparagraph 170AA(4)(a)(ib)**

17 Before “subsection”, insert “former”.

18 **403 Subparagraph 170AA(4)(a)(ii)**

19 Before “Part”, insert “former”.

20 **404 Subsection 170AA(7)**

21 Before “Division”, insert “former”.

22 **405 Subsection 170AA(7A)**

23 Before “Division”, insert “former”.

24 **406 Paragraph 170AA(7A)(b)**

25 Omit “applies under section 221AZT:”, substitute “applied under former
26 section 221AZT”.

27 **407 Subsection 170AA(9)**

1 Omit “205, 206, 215, 216, 254, 255, 258 and 259”, substitute “254 and
2 255 and former sections 215 and 216”.

3 **408 Subsection 170AA(14) (definition of tax)**

4 Before “section”, insert “former”.

5 **409 Subsection 177B(2)**

6 Omit “Division 16C of Part III or the operation of”.

7 **410 Subparagraph 177C(2)(a)(i)**

8 Omit “other than section 160ZP or 160ZZO”.

9 **411 Subsection 202BD(1)**

10 Omit “, or eligible paying authority in relation to, the applicant, the
11 Commissioner may give to the payer or eligible paying authority”,
12 substitute “the applicant, the Commissioner may give to the payer”.

13 **412 Subsection 202BD(5)**

14 Omit “or eligible paying authority”.

15 **413 Paragraph 202D(8)(b)**

16 Omit “and Division 3B of Part VI of this Act”.

17 **414 Paragraph 202DDB(1)(b)**

18 Omit “this Part and Division 3B of Part VI of this Act, and for the
19 purposes of”.

20 **415 Paragraph 202EE(1)(c)**

21 Omit “make a deduction under subsection 221YL, or withhold an
22 amount under Subdivision 12-F in Schedule 1 to the *Taxation*
23 *Administration Act 1953*,” substitute “withhold an amount under
24 Subdivision 12-F in Schedule 1 to the *Taxation Administration Act*
25 *1953*”.

26 **416 Paragraph 202EE(1)(d)**

27 Omit “make such a deduction, or withhold such an amount,” substitute
28 “withhold such an amount”.

29 **417 Subsection 222AFA(5)**

1 Omit “Sections 220AAZA, 221YHZJ and 221YR of this Act, and
2 Part 4-15 in Schedule 1 to the *Taxation Administration Act 1953*,
3 provide”, substitute “Part 4-15 in Schedule 1 to the *Taxation*
4 *Administration Act 1953* provides”.

5 **418 Subsection 222AFB(1) (definition of *person*)**

6 Repeal the definition, substitute:

7 *person* means an entity within the meaning of the *Income Tax*
8 *Assessment Act 1997* or a government body.

9 **419 Subsection 222AFB(1) (paragraph (a) of the definition of**
10 ***remittance provision*)**

11 Before “sections”, insert “former”.

12 **420 Subsection 222AFB(1) (paragraph (c) of the definition of**
13 ***remittance provision*)**

14 Before “subsections”, insert “former”.

15 **421 Subsection 222AFB(1) (paragraph (d) of the definition of**
16 ***remittance provision*)**

17 Before “subsection”, insert “former”.

18 **422 Subsection 222ANA(4)**

19 Omit “Sections 220AAZA, 221YHZJ and 221YR of this Act, and
20 Part 4-15 in Schedule 1 to the *Taxation Administration Act 1953*,
21 provide”, substitute “Part 4-15 in Schedule 1 to the *Taxation*
22 *Administration Act 1953* provides”.

23 **423 Subsection 251R(7)**

24 Omit “, section 102AAN, Division 17 of Part III and sections 160AQU,
25 160AQX, 160AQY and 160AQZ”, substitute “and Division 17 of
26 Part III”.

27 **424 Subsection 254(2)**

28 Omit “subsection 221AZMAA(1), subsection 221AZP(1), subsection
29 221YD(3) or section 221YDB, additional tax under Part VII”, substitute
30 “former subsection 221AZMAA(1), former subsection 221AZP(1),
31 former subsection 221YD(3) or former section 221YDB, additional tax
32 under former Part VII”.

1 **425 Subsection 255(2A)**

2 Omit “by way of a natural resource payment within the meaning of
3 Division 3B of Part VI of this Act, or section 12-325 in Schedule 1 to
4 the *Taxation Administration Act 1953* (as the case requires),” substitute
5 “from which an amount must be withheld under section 12-325 in
6 Schedule 1 to the *Taxation Administration Act 1953* (about natural
7 resource payments)”.

8 **426 Subsection 255(4)**

9 Omit “subsection 221AZMAA(1), subsection 221AZP(1), subsection
10 221YD(3) or section 221YDB, additional tax under Part VII”, substitute
11 “former subsection 221AZMAA(1), former subsection 221AZP(1),
12 former subsection 221YD(3) or former section 221YDB, additional tax
13 under former Part VII”.

14 **427 Subsection 262A(4AA)**

15 Omit “section 59AA, 122R, 123F, 124AO or 124W”, substitute “former
16 section 59AA, 122R, 123F or 124AO or under section 124W”.

17 **428 Paragraph 262A(4ACA)(a)**

18 Before “subsection”, insert “former”.

19 **429 Subsection 262A(4AC)**

20 Omit “subsection 58(1), 73AA(1), 73E(1), 73F(1), 73G(1), 122JAA(1),
21 122JG(1), 123BBA(1), 123BF(1), 124AMAA(1), 124GA(1), 124JD(1)
22 or 124PA(1)”, substitute “former subsection 58(1), subsection 73AA(1),
23 73E(1), 73F(1) or 73G(1), former subsection 122JAA(1), 122JG(1),
24 123BBA(1), 123BF(1), 124AMAA(1), 124GA(1) or 124JD(1) or
25 subsection 124PA(1)”.

26 **430 Subsection 262A(4AE)**

27 Omit “makes an election under paragraph 54A(1)(a)”, substitute “made
28 an election under former paragraph 54A(1)(a)”.

29 **431 Paragraph 262A(4AF)(a)**

30 Before “Division”, insert “former”.

31 **432 Subparagraph 262A(4AF)(b)(i)**

32 Omit “or are allowable to the transferor under”, substitute “to the
33 transferor under former”.

1 **433 Subparagraph 262A(4AF)(b)(ii)**

2 Omit “or are allowable to any of the prior successive owners or lessees
3 under”, substitute “to any of the prior successive owners or lessees
4 under former”.

5 **434 Paragraph 262A(4AF)(c)**

6 Omit “Division 10C of Part III will apply”, substitute “former
7 Division 10C of Part III applies”.

8 **435 Paragraph 262A(4AH)(a)**

9 Before “Division”, insert “former”.

10 **436 Subparagraph 262A(4AH)(b)(i)**

11 Omit “or are allowable to the transferor under”, substitute “to the
12 transferor under former”.

13 **437 Subparagraph 262A(4AH)(b)(ii)**

14 Omit “or are allowable to any of the prior successive owners or lessees
15 under”, substitute “to any of the prior successive owners or lessees
16 under former”.

17 **438 Paragraph 262A(4AH)(c)**

18 Omit “Division 10D of Part III will apply”, substitute “former
19 Division 10D of Part III applies”.

20 **439 Paragraph 262A(4AJA)(b)**

21 Omit “or is allowable under”, substitute “under former”.

22 **440 Subsection 265A(5) (definition of *tax deductions***
23 ***unapplied*)**

24 Repeal the definition, substitute:

25 ***tax deductions unapplied***, in relation to a deceased person, means
26 the total of any amounts withheld under paragraph 12-45(1)(c) in
27 Schedule 1 to the *Taxation Administration Act 1953* from amounts
28 earned by the deceased person as a member of the Defence Force
29 where:

- 30 (a) the amounts have not been credited in payment of income
31 tax; and

1 (b) the Commissioner has not made a payment in respect of
2 them.

3 **441 Subparagraph 274(1)(aa)(ii)**

4 Omit “(within the meaning of subsection 221A(1))”.

5 **442 Section 277A**

6 Omit “(within the meaning of the *Fringe Benefits Tax Assessment Act*
7 *1986*)”.

8 **443 Section 300**

9 Repeal the section, substitute:

10 **300 Rebates**

11 (1) The trustee of a fund that is an eligible superannuation fund or an
12 eligible ADF in relation to a year of income is not entitled to a
13 rebate as provided by section 46A.

14 (2) The trustee of a PST is not entitled to a rebate as provided by
15 section 46A.

16 **444 Subsection 310(3)**

17 Before “Division”, insert “former”.

18 **445 Section 317 (definition of *CGT roll-over provisions*)**

19 Omit “section 160ZZF and”, substitute “former section 160ZZF and
20 former”.

21 **446 Section 317 (paragraph (a) of the definition of**
22 ***depreciation provision*)**

23 Before “sections”, insert “former”.

24 **447 Section 317 (paragraph (a) of the definition of**
25 ***depreciation provision*)**

26 Before “Divisions”, insert “former”.

27 **448 Paragraph 389(a)**

28 Omit “and 23AK, sections 38 to 43 (inclusive) and 128D”, substitute “,
29 23AK and 128D”.

1 **449 Subsection 396(2)**

2 Repeal the subsection, substitute:

3 (2) A reference in subsection (1) to a non-taxable Australian asset is a
4 reference to a CGT asset other than one that has the necessary
5 connection with Australia (within the meaning of the *Income Tax*
6 *Assessment Act 1997*).

7 **450 Paragraph 398(3)(a)**

8 Before “sections”, insert “former”.

9 **451 Paragraph 399(1)(c)**

10 Omit “this Act is further modified by disregarding subsections
11 160M(13) and (14), and”.

12 **452 Paragraph 399(1)(d)**

13 Omit “for the purpose of applying Part IIIA of this Act in accordance
14 with the preceding paragraphs, the trust is a resident trust estate, or a
15 resident unit trust, as the case may be and”.

16 **453 Paragraph 401(1)(a)**

17 Omit “to take into account the amount of consideration received,
18 entitled to be received or taken to be received, by the eligible CFC in
19 respect of the disposal of an asset, or”.

20 Note: The heading to section 401 is altered by omitting “**disposal consideration or**”.

21 **454 Paragraph 401(1)(b)**

22 Omit “disposal or”.

23 **455 Paragraph 401(1)(c)**

24 Omit “consideration or”.

25 **456 Paragraph 401(1)(c)**

26 Omit “disposal or”.

27 **457 Paragraph 401(3)(b)**

28 Omit “disposal of the asset, or the CGT event”, substitute “CGT
29 event”.

1 **458 Paragraph 401(3)(c)**

2 Omit “the consideration in respect of the disposal or”.

3 **459 Paragraph 401(3)(c)**

4 Omit “the consideration or”.

5 **460 Paragraph 401(3)(d)**

6 Omit “the consideration in respect of the disposal or”.

7 **461 Subparagraph 401(3)(d)(i)**

8 Omit “the consideration or”.

9 **462 Subparagraph 401(3)(d)(ii)**

10 Repeal the subparagraph, substitute:

11 (ii) if subparagraph (i) does not apply—only a proportion of
12 each surplus (after any application of paragraph (b)) is
13 to be taken into account under paragraph (1)(c), being
14 the proportion calculated using the formula:

15
$$\frac{\text{Amount of capital proceeds}}{\text{Total grossed-up surplus}}$$

16 where:

17 ***Total grossed-up surplus*** means the sum of the
18 grossed-up amounts of the attribution surpluses (after
19 any application of paragraph (b)).

20 **463 Section 408A**

21 Repeal the section, substitute:

22 **408A Certain events before commencing day ignored**

23 For the purposes of applying this Act in calculating the attributable
24 income of an eligible CFC, if the eligible CFC’s commencing day
25 is after 30 June 1995, Parts 3-1 and 3-3 of the *Income Tax*
26 *Assessment Act 1997* do not apply to CGT events involving the
27 eligible CFC before the end of the commencing day.

28 **464 Subsection 413(3)**

29 Before “Division 10C or 10D”, insert “former”.

1 **465 Paragraph 418A(1)(f)**

2 Omit “if subsection 160M(8) of this Act, or section 104-160 of the
3 Income Tax Assessment Act 1997 (CGT event I1),” substitute “if
4 section 104-160 of the *Income Tax Assessment Act 1997* (CGT event
5 I1)”.

6 **466 Subparagraph 423(2)(a)(i)**

7 Before “Division”, insert “former”.

8 **467 Subparagraph 423(3)(b)(i)**

9 Before “Division”, insert “former”.

10 **468 Subsection 424(2)**

11 Omit “Part IIIA of this Act or”.

12 **469 Subsection 431(5)**

13 Before “section” (wherever occurring), insert “former”.

14 **470 Subsection 438(3)**

15 Omit “Part IIIA of this Act and”.

16 **471 Subsection 438(3A)**

17 Omit “Part IIIA of this Act or”.

18 **472 Subsection 438(4)**

19 Omit “not a taxable Australian asset within the meaning of Part IIIA of
20 this Act, or”.

21 **473 Sub-subparagraph 439(1)(a)(iii)(A)**

22 Before “section 54”, insert “the former”.

23 **474 Paragraph 461(1)(a)**

24 Omit “to take into account the amount of consideration received,
25 entitled to be received or taken to have been received, by the taxpayer in
26 respect of the disposal of an asset, or”.

27 Note: The heading to section 461 is altered by omitting “**disposal consideration**” and
28 substituting “**capital proceeds**”.

29 **475 Paragraph 461(1)(b)**

1 Omit “disposal or”.

2 **476 Paragraph 461(1)(c)**

3 Omit “consideration or”.

4 **477 Paragraphs 461(1)(c), (d) and (g)**

5 Omit “disposal or”.

6 **478 Paragraph 461(3)(a)**

7 Omit “disposal of the asset, or”.

8 **479 Paragraph 461(3)(b)**

9 Omit “the consideration in respect of the disposal or”.

10 **480 Paragraph 461(3)(b)**

11 Omit “the consideration or”.

12 **481 Paragraph 461(3)(c)**

13 Omit “the consideration in respect of the disposal or”.

14 **482 Subparagraph 461(3)(c)(i)**

15 Omit “the consideration or”.

16 **483 Subparagraph 461(3)(c)(ii)**

17 Repeal the subparagraph, substitute:

18 (ii) if subparagraph (i) does not apply—only a proportion of
19 each surplus (after any application of paragraph (a)) is
20 to be taken into account under paragraph (1)(c), being
21 the proportion calculated using the formula:

22
$$\frac{\text{Amount of capital proceeds}}{\text{Total surplus}}$$

23 where:

24 ***Total surplus*** means the sum of the attribution surpluses
25 (after any application of paragraph (a)).

26 **484 Subsection 555(2) (paragraphs (a) and (b) of the**
27 **definition of *Deemed rate of return*)**

28 Omit “basic statutory”, substitute “base”.

1 **485 Subsection 555(2) (definition of *basic interest rate*)**

2 Repeal the definition.

3 **486 Subparagraphs 570(1)(a)(i) and (ii)**

4 Repeal the subparagraphs, substitute:

- 5 (i) a depreciating asset within the meaning of Division 40
6 of the *Income Tax Assessment Act 1997*; or
7 (ii) industrial property within the meaning of Division 10B
8 of Part III of this Act; or

9 **487 Paragraph 570(1)(b)**

10 Omit “plant, articles,”.

11 **488 Subsection 592(2) (paragraphs (a) and (b) of the**
12 **definition of *Deemed rate of return*)**

13 Omit “basic statutory”, substitute “base”.

14 **489 Subsection 592(2) (definition of *basic interest rate*)**

15 Repeal the definition.

16 **490 Paragraph 613(1)(a)**

17 Omit “to take into account the amount of consideration received,
18 entitled to be received or taken to have been received, by the taxpayer in
19 respect of the disposal of an asset, or”.

20 Note: The heading to section 613 is altered by omitting “**disposal consideration**” and
21 substituting “**capital proceeds**”.

22 **491 Paragraph 613(1)(b)**

23 Omit “disposal”, substitute “CGT event”.

24 **492 Paragraph 613(1)(c)**

25 Omit “consideration or” (first occurring).

26 **493 Paragraph 613(1)(c)**

27 Omit “disposal or”.

28 **494 Paragraph 613(1)(c)**

29 Omit “consideration or” (second occurring).

1 **495 Paragraph 613(1)(d)**

2 Omit “disposal or”.

3 **496 Subsection 613(3)**

4 Omit “the disposal of the asset or”.

5 **497 Subparagraph 640(2)(b)(iii)**

6 Before “section”, insert “former”.

7 **498 Subsection 642(2)**

8 Omit “, 122J, 122JF”.

9 **499 Subsection 245-15(2) of Schedule 2C**

10 Omit “within the meaning of the *Fringe Benefits Tax Assessment Act*
11 *1986*”.

12 **500 Paragraph 57-25(2)(a) of Schedule 2D**

13 Omit “Part IIIA and”.

14 **501 Subsection 57-25(2) of Schedule 2D**

15 Repeal the subsection, substitute:

16 *Deemed disposal and re-purchase*

17 (2) Subject to subsection (5), in determining for the purposes of this
18 Act (other than the excluded provisions mentioned in
19 subsection (4)) whether an amount is included in, or allowable as a
20 deduction from, the assessable income of the transition taxpayer in
21 respect of the disposal, the transition taxpayer is taken:

22 (a) to have sold, immediately before the transition time, each of
23 its assets; and

24 (b) to have purchased each of its assets again at the transition
25 time for consideration equal to the asset’s adjusted market
26 value at the transition time.

27 **502 Paragraph 57-25(4)(j) of Schedule 2D**

28 Omit “and”.

1 **503 Subsection 57-85(3) of Schedule 2D (table item 1, column**
2 **4)**

3 Omit “Section 67”, substitute “Former section 67”.

4 **504 Subsection 57-85(3) of Schedule 2D (table item 9, column**
5 **4)**

6 Omit “Section 78”, substitute “Former section 78”.

7 **505 Subsection 57-85(3) of Schedule 2D (table item 18,**
8 **column 4)**

9 Omit “Section 124J”, substitute “Former section 124J”.

10 **506 Subsection 57-85(3) of Schedule 2D (table item 19)**

11 Repeal the item, substitute:

19 Capital allowances Division 40

12 **507 Section 57-90 of Schedule 2D**

13 Omit “or the corresponding deduction provision”.

14 **508 Paragraphs 57-100(a) and (b) of Schedule 2D**

15 Omit “or the corresponding deduction provision (as appropriate)”.

16 **509 Subsection 57-110(2) of Schedule 2D (table item 1,**
17 **column headed “Deduction rule to which the balancing**
18 **adjustment provision relates”)**

19 Before “**Divisions**”, insert “**former**”.

20 **510 Subsection 57-130(1) of Schedule 2D**

21 Omit “Subdivisions 57-I and 57-J”, substitute “Subdivision 57-J”.

22 **511 Paragraph 42A-20(d) of Schedule 2E**

23 Before “subsection”, insert “former”.

24 **512 Subparagraph 42A-90(4)(a)(ii) of Schedule 2E**

25 Before “subsection”, insert “former”.

26 **513 Subparagraph 42A-105(4)(a)(ii) of Schedule 2E**

27 Before “subsection”, insert “former”.

1 **514 Section 42A-115 of Schedule 2E (definition of *motor car***
2 **or *car*)**

3 Repeal the definition, substitute:

4 *motor car* or *car* means a car within the meaning of subsection
5 995-1(1) of the *Income Tax Assessment Act 1997*, other than one
6 mentioned in subsection 40-230(2) of that Act (about cars modified
7 to carry disabled people).

8 **515 Section 42A-120 of Schedule 2E**

9 Before “section 57AF”, insert “former”.

10 **516 Subsections 266-60(6) and 266-185(6) of Schedule 2F**

11 Omit “Part VII”, substitute “Part 4-15 in Schedule 1 to the *Taxation*
12 *Administration Act 1953*”.

13 **517 Paragraph 268-35(2)(c) of Schedule 2F**

14 Repeal the paragraph, substitute:

15 (c) deductions for expenditure, deductions for which are spread
16 over 2 or more years, but not full year deductions (see
17 subsection (5));

18 **518 Paragraph 268-35(5)(a) of Schedule 2F**

19 Omit “under section 51 (Losses and outgoings), or”.

20 **519 Paragraph 268-35(5)(b) of Schedule 2F**

21 Omit “under section 63 (Bad debts), or”.

22 **520 Paragraph 268-35(5)(c) of Schedule 2F**

23 Omit “under section 51, or”.

24 **521 Paragraph 268-35(5)(d) of Schedule 2F**

25 Omit “section 78 (Gifts, pensions etc.) or”.

26 **522 Paragraph 268-35(5)(f) of Schedule 2F (note)**

27 Omit “sections 79E, 79F, 80, 80AAA and 80AA, and”.

28 **523 Subsection 268-35(6) of Schedule 2F (note)**

1 Omit “section 59, and subsection 330-485(2)”, substitute
2 “Subdivision 40-D”.

3 **524 Paragraph 268-40(3)(a) of Schedule 2F (note)**

4 Omit “section 26B, and”.

5 **525 Paragraph 268-40(3)(b) of Schedule 2F (note)**

6 Omit “sections 36, 36AAA and 36AA”, substitute “section 36AAA”.

7 **526 Paragraph 268-40(3)(c) of Schedule 2F (note)**

8 Omit “section 70A, and”.

9 **527 Subsection 268-40(4) of Schedule 2F**

10 Omit “under section 26BA (Double wool clips), or under
11 section 385-185 (Election to defer including profit on second wool clip)
12 of the *Income Tax Assessment Act 1997*”, substitute “under
13 section 385-185 (Election to defer including profit on second wool clip)
14 of the *Income Tax Assessment Act 1997*”.

15 **528 Paragraph 268-45(4)(a) of Schedule 2F**

16 Omit “under section 51 (Losses and outgoings), or”.

17 **529 Paragraph 268-45(4)(b) of Schedule 2F**

18 Omit “section 63 (Bad debts), or”.

19 **530 Paragraph 268-45(4)(c) of Schedule 2F**

20 Omit “section 51, or under Division 8 (which is about deductions) of
21 the *Income Tax Assessment Act 1997*,” substitute “Division 8 (which is
22 about deductions) of the *Income Tax Assessment Act 1997*”.

23 **531 Subsection 268-70(2) of Schedule 2F (note)**

24 Omit “268-50 or”.

25 **532 Paragraph 271-60(5)(a) of Schedule 2F**

26 Before “section 63B”, insert “former”.

27 **533 Paragraph 271-60(5)(c) of Schedule 2F**

28 Before “subsection 160ZC(5)”, insert “former”.

1 **534 Paragraph 271-60(5)(e) of Schedule 2F**

2 Before “section 50C”, insert “former”.

3 **535 Paragraph 271-60(5)(f) of Schedule 2F**

4 Before “section 50C” (wherever occurring), insert “former”.

5 **536 Paragraph 271-60(5)(f) of Schedule 2F**

6 Before “subsection 50D(2), insert “former”.

7 **537 Paragraph 271-60(5)(f) of Schedule 2F**

8 Before “section 50D”, insert “former”.

9 **538 Subsections 272-90(6) and (7) of Schedule 2F**

10 Repeal the subsections, substitute”

11 *Funds*

- 12 (6) A fund, authority or institution in Australia that is mentioned in
13 item 1 or 2 of the table in section 30-15 of the *Income Tax*
14 *Assessment Act 1997* is a member of the primary individual’s
15 family group in relation to the conferral or distribution if, assuming
16 that a deduction were allowable under Division 30 of that Act in
17 respect of the conferral or distribution, section 78A of this Act
18 would not prevent any of the deduction being allowable.

19 *Certain tax exempt bodies*

- 20 (7) An institution, hospital, trustee, society, association, club, or fund,
21 all of whose income is exempt under:
22 (a) section 50-5, 50-10 or 50-20 of the *Income Tax Assessment*
23 *Act 1997*; or
24 (b) item 6.1 or 6.2 of the table in section 50-30, or item 9.1 or
25 9.2 of the table in section 50-45, of the *Income Tax*
26 *Assessment Act 1997*;
27 is a member of the primary individual’s family group in relation to
28 the conferral or distribution if, assuming that a deduction were
29 allowable under Division 30 of that Act in respect of the conferral
30 or distribution, section 78A of this Act would not prevent any of
31 the deduction being allowable.

32 **539 Paragraph 272-90(8)(a) of Schedule 2F**

1 Omit “under paragraph 23(e), or”.

2 **540 Paragraph 272-90(8)(b) of Schedule 2F**

3 Omit “mentioned in any of the tables in subsection 78(4), covered by
4 paragraph 78(5)(a) or”.

5 **541 Section 272-140 of Schedule 2F (paragraphs (a) and (b)
6 of the definition of tax loss)**

7 Before “section”, insert “former”.

8 **542 Subsection 393-15(4) of Schedule 2G (note 2)**

9 Repeal the note, substitute:

10 Note 2: Under Part 2-5 in Schedule 1 to the *Taxation Administration Act 1953*
11 (about pay as you go withholding), a deduction may nevertheless be
12 required to be made from the actual payment.

13 **543 Paragraph 393-30(3)(a) of Schedule 2G (note)**

14 Omit “Division 6A of Part VI “, substitute “section 12-140 in
15 Schedule 1 to the *Taxation Administration Act 1953*”.

16 **544 Paragraph 393-50(5)(a) of Schedule 2G**

17 Omit “sections 221ZXB, 221ZXD and”, substitute “section”.

18 **545 Paragraph 393-50(5)(a) of Schedule 2G (note)**

19 Omit “the transfer will not be subject to a deduction under Division 6A
20 of Part VI and”.

21 **546 Paragraph 393-50(5)(c) of Schedule 2G**

22 Omit “ (including for the purposes of section 221ZXB)”.

23 **547 Paragraph 393-50(5)(a) of Schedule 2G (note)**

24 Omit “, and how much of a deduction under Division 6A of Part VI is
25 required”.

26 **548 Subsection 326-220(4) of Schedule 2H (definition of
27 disposal)**

28 Before “section”, insert “former”.

1 **549 Subsection 326-220(4) of Schedule 2H (paragraph (a) of**
2 **the definition of *rollover provision*)**

3 Before “section”, insert “former”.

4 **550 Section 326-225 of Schedule 2H**

5 Omit “for the purposes of section 160ZL or”.

6 ***Income Tax Assessment Act 1997***

7 **551 Subsection 3-5(3) (note to question 3)**

8 Omit “, 214A”.

9 **552 Section 10-5 (table item headed “barter transactions”)**

10 Omit “26(e)”, substitute “15-2”.

11 **553 Section 10-5 (table item headed “car expenses”)**

12 Omit “26(eaa)”, substitute “15-75”.

13 **554 Section 10-5 (table item headed “defence forces”)**

14 Omit “26(ea)”, substitute “15-2”.

15 **555 Section 10-5 (table item headed “elections”)**

16 Omit “74A(5)”, substitute “25-65”.

17 **556 Section 10-5 (table item headed “employment”)**

18 Omit “26(e), 26(ea)”, substitute “15-2”.

19 **557 Section 10-5 (table item headed “insurance”)**

20 Omit “26(i)”, substitute “15-75”.

21 **558 Section 10-5 (table item headed “leases”)**

22 Omit:

 crown leases used for primary production, assignment
 of 88A(3)
 improvements made by lessee to land 87

23 **559 Section 10-5 (table item headed “leases”)**

24 Omit:

premiums on old leases 84

1 **560 Section 10-5 (table item headed “partnerships”)**

2 Omit:
see also *development allowance, drought investment allowance and leases*

3 substitute:
see also *leases*

4 **561 Section 10-5 (table item headed “profits”)**

5 Omit:
business partly in Australia and partly overseas 43(1)

6 **562 Section 10-5 (table item headed “trusts”)**

7 Omit:
deceased estates, your interest in income of 26(b)

8 **563 Section 10-5 (table item headed “trusts”)**

9 Omit “26(b), 97, 101”, substitute “97, 101, 15-70”.

10 **564 Section 10-5 (table item headed “wool clips”)**

11 Omit “26BA”, substitute “385-135, 385-155”.

12 **565 Section 11-15 (table item headed “credit unions”)**

13 Omit “23G”, substitute “23G”.

14 **566 Section 11-15 (table item headed “education”)**

15 Omit “23(ya)”, substitute “842-100”.

16 **567 Section 11-15 (table item headed “foreign aspects of**
17 **income taxation”)**

18 Omit:
Commonwealth Government Officer, official salary and
foreign income 23(a)(vi)

19 substitute:
Commonwealth of Nations country officer, official
salary and foreign income 768-100

1 **568 Section 11-15 (table item headed “foreign aspects of**
2 **income taxation”)**

3 Omit “23(a)(ii)” (first occurring), substitute “768-100”.

4 **569 Section 11-15 (table item headed “foreign aspects of**
5 **income taxation”)**

6 Omit “23(u)”, substitute “842-100”.

7 **570 Section 11-15 (table item headed “foreign aspects of**
8 **income taxation”)**

9 Omit “23(v)”, substitute “842-100”.

10 **571 Section 11-15 (table item headed “foreign aspects of**
11 **income taxation”)**

12 Omit “23(a)(ii)” (second occurring), substitute “768-100”.

13 **572 Section 11-15 (table item headed “foreign aspects of**
14 **income taxation”)**

15 Omit “23(c)(iv)” (first occurring), substitute “842-100”.

16 **573 Section 11-15 (table item headed “foreign aspects of**
17 **income taxation”)**

18 Omit “23(b)”, substitute “842-100”.

19 **574 Section 11-15 (table item headed “foreign aspects of**
20 **income taxation”)**

21 Omit “23(c)(iv)” (second occurring), substitute “842-100”.

22 **575 Section 11-15 (table item headed “foreign aspects of**
23 **income taxation”)**

24 Omit “23(c)(iii)”, substitute “842-100”.

25 **576 Section 11-15 (table item headed “foreign aspect of**
26 **income taxation”)**

27 Omit:

non-resident, foreign sourced income 23(r)

1 **577 Section 11-15 (table item headed “foreign aspects of**
2 **income taxation”)**

3 Omit “23(kd)”, substitute “842-100”.

4 **578 Section 11-15 (table item headed “foreign aspects of**
5 **income taxation”)**

6 Omit “23(c)(v)”, substitute “842-100”.

7 **579 Section 11-15 (table item headed “foreign aspects of**
8 **income taxation”)**

9 Omit:

persecution victim, pensions etc. 23(kc)

10 substitute:

persecution victim, payments to 768-105

11 **580 Section 11-15 (table item headed “foreign aspects of**
12 **income taxation”)**

13 Omit:

resistance fighter and victim of wartime persecution,
payments to 23AL

resistance fighter and victim of wartime persecution,
pension and etc. of 23(kca)

14 substitute:

resistance fighter and victim of wartime persecution,
payments to 768-105

15 **581 Section 11-15 (table item headed “foreign aspects of**
16 **income taxation”)**

17 Omit:

superannuation fund, non-resident, interest and dividend
income of 23(jb)

18 **582 Section 11-15 (table item headed “social security or like**
19 **payments”)**

20 Omit:

persecution victim, pensions etc. 23(ke)

21 substitute:

persecution victim, payments to 768-105

1 **583 Section 11-15 (table item headed “social security or like**
2 **payments”)**

3 Omit:
resistance fighter and victim of wartime persecution,
pension and etc. for **23(kca)**

4 substitute:
resistance fighter and victim of wartime persecution,
payments to 768-105

5 **584 Section 11-15 (table item headed “social security or like**
6 **payments”)**

7 Omit “24AIC and”.

8 **585 Section 11-55 (table item headed “firearms surrender**
9 **arrangements”)**

10 Omit:
depreciated value, consideration exceeds **59(2AAA)**

11 **586 Section 11-55 (table item headed “foreign aspects of**
12 **income taxation”)**

13 Before:
withholding tax, dividend royalty or interest subject to **128D**

14 Insert:
superannuation fund, foreign, interest and dividend income
of **128B(3)(jb)**

15 **587 Section 12-5 (table item headed “banks”)**

16 Omit:
Commonwealth Savings Bank of Australia **160ABB**

17 **588 Section 12-5 (table item headed “capital allowances”)**

18 Omit:
intellectual property Subdivision 40-B

19 substitute:
intellectual property Subdivisions 40-B
and 40-I

20 **589 Section 12-5 (table item headed “capital allowances”)**

- 1 Omit:
trading ships, special depreciation **57AM**
- 2 **590 Section 12-5 (table item headed “Commonwealth places**
3 **windfall tax”)**
4 Omit “26-17”, substitute “26-17”.
- 5 **591 Section 12-5 (table item headed “copyrights”)**
6 Omit “68A”, substitute “Subdivisions 40-B and 40-I”.
- 7 **592 Section 12-5 (table item headed “designs”)**
8 Omit “68A”, substitute “Subdivisions 40-B and 40-I”.
- 9 **593 Section 12-5 (table item headed “dividends”)**
10 Omit:
debt dividends **67AA**
- 11 **594 Section 12-5 (table item headed “election expenses”)**
12 Omit “74A, 74B”, substitute “25-65, 25-70”.
- 13 **595 Section 12-5 (table item headed “franchise fees windfall**
14 **tax”)**
15 Omit “26-15”, substitute “26-15”.
- 16 **596 Section 12-5 (table item headed “leases”)**
17 Omit:
improvements on leased land and premiums, leases
assigned or surrendered before 23 October 1964 and
for mining leases assigned or surrendered before
10 May 1968 **83 to 89, 88A(3)**
- 18 **597 Section 12-5 (table item headed “mining”)**
19 Repeal the item, substitute:
mining
see capital allowances
- 20 **598 Section 12-5 (table item headed “non-resident trust**
21 **estates”)**
22 Omit “ 79E, 79F, 80, 80AAA or 80AA”, substitute “Division 36”.
-

- 1 **599 Section 12-5 (table item headed “patents”)**
2 Omit “68A”, substitute “Subdivisions 40-B and 40-I”.
- 3 **600 Section 12-5 (table item headed “primary production”)**
4 Omit:
drought investment allowance, generally 625 to 684
- 5 **601 Section 12-5 (table item headed “primary production”)**
6 Omit:
income equalisation deposits 159GA to
159GDA
land, preparing, clearing, ploughing or draining land for
use in primary production and other activities 75A
- 7 **602 Section 12-5 (table item headed “public trading trusts”)**
8 Omit:
debt dividends, application of section 67AA 102T(4A)
- 9 **603 Section 12-5 (table item headed “superannuation**
10 **guarantee charge”)**
11 Omit “51(9)”, substitute “26-95”.
- 12 **604 Section 12-5 (table item headed “superannuation levy”)**
13 Repeal the item, substitute:
superannuation supervisory levy
late lodgment amount, no deduction for..... 26-90
- 14 **605 Section 12-5 (table item headed “tax avoidance**
15 **schemes”)**
16 Omit “136AG”, substitute “136AF”.
- 17 **606 Section 12-5 (table item headed “transfer pricing”)**
18 Omit “136AG”, substitute “136AF”.
- 19 **607 Section 13-1 (table item headed “foreign tax”)**
20 Omit:
shipping income, credit for overseas tax paid 160AGB(3)
-

1 **608 Section 13-1 (table item headed “private health**
2 **insurance”)**

3 Omit “Subdivisions 61-G and 61-H”, substitute “Subdivision 61-H”.

4 **609 Section 13-1 (table item headed “trusts”)**

5 Omit:
6 non-resident trust estate, winding-up..... 102AAN

6 **610 Before section 15-3**

7 Insert:

8 **15-2 Allowances and other things provided in respect of employment**
9 **or services**

- 10 (1) Your assessable income includes the value to you of all
11 allowances, gratuities, compensation, benefits, bonuses and
12 premiums *provided to you in respect of, or for or in relation
13 directly or indirectly to, any employment of or services rendered
14 by you (including any service as a member of the Defence Force).
- 15 (2) This is so whether the things were *provided in money or in any
16 other form.
- 17 (3) However, the value of the following are not included in your
18 assessable income under this section:
19 (a) an *eligible termination payment;
20 (b) an amount to which section 26AC or 26AD (about
21 termination payments for unused leave) of the *Income Tax*
22 *Assessment Act 1936* applies;
23 (c) a *dividend or *non-share dividend.;
24 (d) an amount that is assessable as *ordinary income under
25 section 6-5.

26 Note: Section 23L of the *Income Tax Assessment Act 1936* provides that
27 fringe benefits are non-assessable non-exempt income.

28 **611 At the end of Division 15**

29 Add:

1 **15-70 Reimbursed car expenses**

2 Your assessable income includes a reimbursement mentioned in
3 section 22 of the *Fringe Benefits Tax Assessment Act 1986* (about
4 exempt car expense payment benefits) that, but for that section,
5 would be a *fringe benefit* provided to you.

6 **15-75 Bonuses**

7 Your assessable income includes any amount you receive as or by
8 way of bonus on a *life insurance policy, other than a reversionary
9 bonus.

10 Note: Reversionary bonuses are covered by section 6-5 of this Act if they
11 are ordinary income and, if not, by section 26AH of the *Income Tax*
12 *Assessment Act 1936*.

13 **612 Subsection 20-30(1) (table)**

14 After table item 1.6, insert:

15
1.6A 25-65 election expenses, local governing body

16 **613 Subsection 20-30(2) (table items 2.1 and 2.2, column**
17 **headed “Provision”)**

18 Omit “51(1) (so far as it allows you”, substitute “Former 51(1) (so far
19 as it allowed you”.

20 **614 Subsection 20-30(2) (table item 2.4, column headed**
21 **“Provision”)**

22 Before “69”, insert “Former”.

23 **615 Subsection 20-30(2) (table item 2.5, column headed**
24 **“Provision”)**

25 Before “70A(3)”, insert “Former”.

26 **616 Subsection 20-30(2) (table item 2.6, column headed**
27 **“Provision”)**

28 Before “71”, insert “Former”.

29 **617 Subsection 20-30(2) (table item 2.7, column headed**
30 **“Provision”)**

1 Before “72”, insert “Former”.

2 **618 Subsection 20-30(2) (table item 2.7A, column headed**
3 **“Provision”)**

4 Before “72A”, insert “Former”.

5 **619 Subsection 20-30(2) (table item 2.9, column headed**
6 **“Provision”)**

7 Before “74”, insert “Former”.

8 **620 Subsection 20-30(2) (table)**

9 After table item 2.9, insert:

10

2.9A **Former 74A** election expenses, local governing body

11 **621 Subsection 20-30(2) (table item 2.10, column headed**
12 **“Provision”)**

13 Before “75AA(1)”, insert “Former”.

14 **622 Subsection 20-30(2) (table item 2.11, column headed**
15 **“Provision”)**

16 Before “75B(2)”, insert “Former”.

17 **623 Subsection 20-30(2) (table item 2.12, column headed**
18 **“Provision”)**

19 Before “75D(2)”, insert “Former”.

20 **624 Subsection 20-30(2) (table item 2.13, column headed**
21 **“Provision”)**

22 Before “82AB”, insert “Former”.

23 **625 Subsection 20-30(2) (table item 2.14, column headed**
24 **“Provision”)**

25 Before “82BB”, insert “Former”.

26 **626 Subsection 20-30(2) (table item 2.15, column headed**
27 **“Provision”)**

28 Before “82BK”, insert “Former”.

1 **627 Subsection 20-30(2) (table items 2.17 to 2.19, column**
2 **headed “Provision”)**

3 Before “**Division**”, insert “Former”.

4 **628 Subsection 20-30(2) (table item 2.20, column headed**
5 **“Provision”)**

6 Before “**124BA**”, insert “Former”.

7 **629 Subsection 20-30(2) (table item 2.21, column headed**
8 **“Provision”)**

9 Before “**124ZZF**”, insert “Former”.

10 **630 Subsection 20-30(2) (table item 2.22, column headed**
11 **“Provision”)**

12 Before “**124ZZG**”, insert “Former”.

13 **631 Subsection 20-30(2) (table item 2.23, column headed**
14 **“Provision”)**

15 Before “**628**”, insert “Former”.

16 **632 Subsection 20-30(2) (table item 2.24, column headed**
17 **“Provision”)**

18 Before “**636**”, insert “Former”.

19 **633 Subsection 20-55(2)**

20 Omit “Section”, substitute “Former section”.

21 **634 At the end of section 25-5**

22 Add:

23 *Expenditure by trustee of deceased estate*

24 (8) If:

25 (a) after you die, the trustee of your deceased estate incurs
26 expenditure; and

27 (b) had you incurred the expenditure before you died, you could
28 have deducted it under subsection (1);

1 for the purposes of assessing the trustee for the income year in
2 which you died, the expenditure is an allowable deduction under
3 that subsection.

4 **635 After section 25-60**

5 Insert:

6 **25-65 Local government election expenses**

7 (1) You can deduct expenditure you incur in contesting an election for
8 membership of a *local governing body, but you cannot deduct
9 more than \$1,000 per election. You deduct the expenditure for the
10 income year in which you incur it.

11 (2) However, the \$1,000 limit applies differently if:

12 (a) you have received an amount as *recoupment of the
13 expenditure; and

14 (b) some or all of that amount is included in your assessable
15 income for an income year.

16 In applying the limit, disregard so much of the expenditure as
17 equals the amount included in your assessable income.

18 Note: An amount you receive as recoupment of expenditure may be included
19 in your assessable income as an assessable recoupment under
20 Subdivision 20-A, as ordinary income under section 6-5 or as
21 statutory income under some other provision.

22 (3) If subsection (2) results in the total of your deductions for the
23 election being treated as less than the \$1,000 limit, you can deduct,
24 for the income year referred to in paragraph (2)(b), expenditure
25 incurred in an earlier income year.

26 Example: Chris is elected to the Bunyip Shire Council. In the 2007-08 income
27 year he incurs expenditure of \$1,200 in contesting the election, of
28 which he deducts \$1,000 (the limit under subsection (1)).

29 In 2008-09, Chris receives \$360 as an assessable recoupment of the
30 expenditure. \$300 of that is included in his assessable income by
31 section 20-35 (as extended by section 20-50).

32 Because of the assessable recoupment, \$300 of the expenditure is
33 disregarded under subsection (2) in applying the \$1,000 limit. As a
34 result, Chris's deductions are treated as being only \$700, which is less
35 than the limit. Subsection (3) lets Chris deduct the previously
36 undeducted \$200 for 2008-09.

37 This triggers a further application of section 20-35 (as extended by
38 section 20-50) that includes the remaining \$60 of the assessable

1 recoupment in his assessable income for 2008-09. This brings his total
2 deductions (net of recoupment included in assessable income) to \$840,
3 which is the same as his original expenditure (net of recoupment).

4 **636 Subsection 25-70(1)**

5 After “25-60”, insert “or 25-65”.

6 **637 At the end of Division 26**

7 Add:

8 **26-90 Superannuation supervisory levy**

9 You cannot deduct under this Act so much of a levy imposed by
10 the *Superannuation (Self Managed Superannuation Funds)*
11 *Supervisory Levy Imposition Act 1991* as represents the late
12 lodgment amount (within the meaning of section 6 of that Act).

13 **26-95 Superannuation guarantee charge**

14 You cannot deduct under this Act a charge imposed by the
15 *Superannuation Guarantee Charge Act 1992*.

16 **638 Subsection 40-215(2)**

17 Repeal the subsection, substitute:

18 (2) Subsection (1) does not apply to deductions for research and
19 development plant expenditure (sections 73B and 73BA of the
20 *Income Tax Assessment Act 1936*).

21 Note: Subsection (2) does not have the effect that deductions for the same
22 amount of any such expenditure will be allowable under both this
23 Division and section 73B or 73BA. Such an outcome is prevented by
24 subsection 40-25(2) (including as applied by section 73BC for the
25 purposes of section 73BA) and subsections 73B(20) and 73BA(7).

26 **639 Paragraph 43-40(1)(a)**

27 Before “Division 10C”, insert “former”.

28 **640 Subparagraph 43-70(2)(f)(ii)**

29 Before “Division 10”, insert “the former”.

30 **641 Subparagraph 43-70(2)(f)(ii)**

31 Omit “deal”, substitute “dealt”.

- 1 **642 Subparagraph 43-70(2)(f)(iv)**
2 Before “section”, insert “the former”.
- 3 **643 Subparagraph 43-70(2)(f)(iv)**
4 Omit “allow”, substitute “allowed”.
- 5 **644 Subparagraph 43-70(2)(f)(v)**
6 Before “section”, insert “the former”.
- 7 **645 Subparagraph 43-70(2)(f)(v)**
8 Omit “allow”, substitute “allowed”.
- 9 **646 Subparagraph 43-70(2)(f)(vi)**
10 Before “section”, insert “the former”.
- 11 **647 Subparagraph 43-70(2)(f)(vi)**
12 Omit “allow”, substitute “allowed”.
- 13 **648 Paragraph 43-70(2)(h)**
14 Before “Subdivision”, insert “the former”.
- 15 **649 Section 43-250 (method statement, step 2, paragraph (c))**
16 Before “Division”, insert “former”.
- 17 **650 Subsection 70-30(4) (table item 2, column headed “In this**
18 **case:”)**
19 Before “Part IIIA”, insert “former”.
- 20 **651 Subsection 70-30(4) (table item 3, column headed “The**
21 **cost is:”)**
22 Before “Part IIIA”, insert “former”.
- 23 **652 Subsection 70-30(4) (table item 3, column headed “The**
24 **cost is:”)**
25 Before “section 160ZG”, insert “former”.
- 26 **653 Subsection 104-25(3) (note)**
27 Before “section 160ZL”, insert “former”.
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1 **654 Subsection 104-40(5) (note 2)**

2 Before “Part IIIA”, insert “former”.

3 **655 Subsection 104-70(5) (note)**

4 Before “section 160ZM”, insert “former”.

5 **656 Subsection 104-135(3) (note 2)**

6 Before “160ZL”, insert “former”.

7 **657 Subsection 104-175(1) (note)**

8 Before “section 160ZZO”, insert “former”.

9 **658 Subsection 104-185(1) (note 2)**

10 Before “Division 17A”, insert “former”.

11 **659 Subsection 104-190(1) (note)**

12 Before “Division 17A”, insert “former”.

13 **660 Subsection 108-5(2) (note 2)**

14 Before “Part IIIA”, insert “former”.

15 **661 Subsection 108-75(2) (note)**

16 Before “sections”, insert “former”.

17 **662 Paragraph 110-45(6)(a)**

18 Before “section”, insert “former”.

19 **663 Subparagraph 110-45(6)(b)(ii)**

20 Before “Division”, insert “former”.

21 **664 Paragraph 110-45(6)(b)**

22 Before “subsections”, insert “former”.

23 **665 Paragraph 110-50(6)(a)**

24 Before “section”, insert “former”.

25 **666 Subparagraph 110-50(6)(b)(ii)**

26 Before “Division”, insert “former”.

1 **667 Paragraph 110-50(6)(b)**

2 Before “subsections”, insert “former”.

3 **668 Subparagraph 110-55(3)(b)(iii)**

4 Before “subsection”, insert “former”.

5 **669 Subparagraph 110-60(1)(b)(iii)**

6 Before “subsection”, insert “former”.

7 **670 Section 112-97 (table items 10 and 11)**

8 Repeal the items, substitute:

10	CGT event happens to CGT asset used in gold mining	First element of cost base and reduced cost base	section 112-100 of the <i>Income Tax (Transitional Provisions) Act 1997</i>
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9 **671 Subsection 115-20(2) (example, second sentence)**

10 Omit “Section”, insert “Former section”.

11 **672 Subsection 121-25(4) (note 1)**

12 Before “section 160ZZPI”, insert “former”.

13 **673 Section 136-25 (note)**

14 Before “section 160ZZN”, insert “former”.

15 **674 Subparagraph 149-10(b)(i)**

16 Before “subsection”, insert “former”.

17 **675 Subparagraph 149-10(b)(ii)**

18 Before “Subdivision”, insert “former”.

19 **676 Paragraph 165-60(3)(a) (note)**

20 Omit “of this Act and section 26B of the *Income Tax Assessment Act*
21 *1936*”.

22 **677 Paragraph 165-60(3)(b) (note)**

23 Omit “sections 36, 36AAA and 36AA”, substitute “section 36AAA”.

1 **678 Subsection 170-220(4) (note 2)**

2 Before “subsection”, insert “former”.

3 **679 Subsection 170-225(6) (note)**

4 Before “subsections”, insert “former”.

5 **680 Subsection 180-10(7)**

6 Omit “Part VII of the *Income Tax Assessment Act 1936*”, substitute
7 “Part 4-15 in Schedule 1 to the *Taxation Administration Act 1953*”.

8 **681 Subsection 180-20(5)**

9 Omit “Part VII of the *Income Tax Assessment Act 1936*”, substitute
10 “Part 4-15 in Schedule 1 to the *Taxation Administration Act 1953*”.

11 **682 Paragraph 202-45(b)**

12 Omit “paragraph 24BB(a)”, substitute “subsection 24B(1)”.

13 **683 Paragraph 207-145(1)(a)**

14 Before “Division”, insert “former”.

15 **684 Paragraph 207-150(1)(a)**

16 Before “Division”, insert “former”.

17 **685 Paragraph 210-170(1)(e)**

18 Before “Division”, insert “former”.

19 **686 Paragraph 240-15(a)**

20 Omit “and Part IIIA of the *Income Tax Assessment Act 1936*”.

21 **687 Paragraph 243-15(1)(c)**

22 Omit “(other than development allowance or drought investment
23 allowance)”.

24 **688 Subsection 243-35(2) (method statement, step 1)**

25 Omit “(other than development allowance or drought investment
26 allowance)”.

27 **689 Subsection 243-55(1)**

1 Omit “(other than development allowance or drought investment
2 allowance)”.

3 **690 Subsection 243-65(2) (method statement, steps 1, 3 and
4 4)**

5 Omit “(other than development allowance or drought investment
6 allowance)”.

7 **691 Paragraph 375-805(2)(a)**

8 Omit “sections 124ZAF and”, substitute “section”.

9 **692 Paragraph 405-30(3)(c)**

10 Repeal the paragraph, substitute:
11 (c) a *net capital gain.

12 **693 Paragraph 705-47(1)(a)**

13 Before “section”, insert “former”.

14 **694 Paragraph 705-47(1)(b)**

15 Repeal the paragraph, substitute:
16 (b) former Subdivision 57-I, and Subdivision 57-J, of
17 Schedule 2D to the *Income Tax Assessment Act 1936* (about
18 depreciation and capital allowance deductions);

19 **695 Subparagraph 705-47(2)(b)(i)**

20 Before “section”, insert “former”.

21 **696 Subparagraph 705-47(2)(b)(ii)**

22 Repeal the subparagraph, substitute:
23 (ii) former Subdivision 57-I, and Subdivision 57-J, of
24 Schedule 2D to the *Income Tax Assessment Act 1936*
25 (about depreciation and capital allowance deductions);

26 **697 Subsection 705-47(2) (note 2)**

27 Omit “Section 61A of, or Subdivision 57-I or 57-J in”, substitute
28 “Former section 61A of, or former Subdivision 57-I or Subdivision 57-J
29 of”.

30 **698 Paragraphs 705-50(2)(b) and (3)(b)**

1 Omit “section 46 or 46A”, substitute “section 46A or former
2 section 46”.

3 **699 Subsection 705-57(3)**

4 Before “subsection”, insert “former”.

5 **700 Subsection 705-57(3)**

6 Before “Subdivision”, insert “former”.

7 **701 Paragraph 705-57(4)(b)**

8 Before “subsection”, insert “former”.

9 **702 Paragraph 705-57(4)(b)**

10 Before “Subdivision”, insert “former”.

11 **703 Paragraph 705-65(3)(b)**

12 Before “subsection”, insert “former”.

13 **704 Subparagraph 705-93(1)(a)(ii)**

14 Before “section 160ZZO of the”, insert “former”.

15 **705 Subparagraph 705-147(3)(a)(ii)**

16 Before “section 160ZZO of the”, insert “former”.

17 **706 Subsection 705-150(1)**

18 Before “section”, insert “former”.

19 **707 Paragraph 705-150(2)(a)**

20 Before “section”, insert “former”.

21 **708 Subparagraph 705-150(2)(b)(ii)**

22 Before “section”, insert “former”.

23 **709 Subparagraph 705-155(4)(b)(i)**

24 Before “section”, insert “former”.

25 **710 Subsection 705-155(6)**

26 After “Also, if”, insert “former”.

1 **711 Paragraph 705-155(6)(a)**

2 Before “subsection 160ZK(5)”, insert “former”.

3 **712 Subsection 705-155(6)**

4 Before “subsection 160ZK(5) of the *Income Tax Assessment Act 1936*,
5 or”, insert “former”.

6 **713 Paragraph 705-163(6)(f)**

7 Before “sections”, insert “former”.

8 **714 Subsection 705-190(2)**

9 Omit “section 46 or 46A”, substitute “section 46A or former
10 section 46”.

11 **715 Subparagraph 705-227(3)(a)(ii)**

12 Before “section 160ZZO of the”, insert “former”.

13 **716 Subparagraph 716-855(b)(ii)**

14 Before “section”, insert “former”.

15 **717 Section 716-855**

16 After “Subdivision 126-B or”, insert “former”.

17 **718 Subsection 721-10(2) (table item 5, column headed “...
18 relates to this period”)**

19 Before “Part IIIAA”, insert “former”.

20 **719 Before Subdivision 768-G**

21 Insert:

22 **Subdivision 768-B—Some items of income that are exempt
23 from income tax**

24 **Table of sections**

25 768-100 Foreign government officials in Australia
26 768-105 Compensation arising out of Second World War

1 **768-100 Foreign government officials in Australia**

2 (1) The amounts of *ordinary income and *statutory income covered
3 by the table are exempt from income tax. In some cases, the
4 exemption is subject to exceptions or special conditions, or both.

5 Note 1: Ordinary and statutory income that is exempt from income tax is
6 called exempt income: see section 6-20. The note to subsection
7 6-15(2) describes some of the other consequences of it being exempt
8 income.

9 Note 2: Even if an exempt payment is made to you, the Commissioner can
10 still require you to lodge an income tax return or information
11 under section 161 of the *Income Tax Assessment Act 1936*.

12

Exempt amounts

Item	If you are:	the following amounts are exempt from income tax:	subject to these exceptions and special conditions:
1	(a) a representative in Australia of the government of a foreign country; or (b) a member of the official staff of such a representative; and you are neither an Australian citizen nor ordinarily resident in Australia	(a) your official salary; and (b) your *ordinary income, and your *statutory income, from a source outside Australia	(a) no Convention listed in subsection (2) applies to the representative; and (b) the country concerned grants in relation to Australia exemptions from taxes on income that correspond with the exemption in this item

Exempt amounts

Item	If you are:	the following amounts are exempt from income tax:	subject to these exceptions and special conditions:
2	(a) an officer of the government of a *Commonwealth of Nations country; and (b) temporarily in Australia to render service on behalf of that country, or an *Australian government agency, in accordance with an *arrangement between the governments of that country and of the Commonwealth or of a State or Territory	(a) your official salary; and (b) your *ordinary income, and your *statutory income, from a source outside Australia	that country exempts from income tax the salaries of officers of the government of the Commonwealth temporarily in that country for similar purposes in accordance with a similar arrangement

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- (2) The Conventions are:
- (a) the Vienna Convention on Diplomatic Relations, as having the force of law because of the *Diplomatic Privileges and Immunities Act 1967*;
 - (b) the Vienna Convention on Consular Relations, as having the force of law because of the *Consular Privileges and Immunities Act 1972*.
- Note: Those Conventions have the force of law in Australia because of those Acts and achieve substantially the same effect as item 1 of the table. See Article 34 of the Vienna Convention on Diplomatic Relations and Article 49 of the Vienna Convention on Consular Relations.

12
13

768-105 Compensation arising out of Second World War

- (1) A payment to you is exempt from income tax if:

- 1 (a) you are an Australian resident at the time when it would
2 otherwise be included in your assessable income; and
3 (b) the payment is from a source in a foreign country; and
4 (c) the payment is in connection with:
5 (i) any wrong or injury; or
6 (ii) any loss of, or damage to, property; or
7 (iii) any other detriment;
8 suffered by you or another individual as a result of:
9 (iv) persecution by the National Socialist regime of
10 Germany during the National Socialist period; or
11 (v) persecution during the Second World War by any other
12 enemy of the Commonwealth or by a regime covered by
13 subsection (3); or
14 (vi) flight from persecution mentioned in subparagraph (iv)
15 or (v); or
16 (vii) participation in a resistance movement during the
17 Second World War against forces of the National
18 Socialist regime of Germany or against forces of any
19 other enemy of the Commonwealth; and
20 (d) the payment is not directly or indirectly from any of your
21 *associates.

22 Note: An example of a detriment covered by subparagraph (c)(iii) is if you
23 lost the opportunity to qualify for a pension because your period of
24 contribution was cut short because you had to flee persecution by the
25 National Socialist regime.

26 *Duration of Second World War*

- 27 (2) Subsection (1) applies to:
28 (a) the period immediately before the Second World War; and
29 (b) the period immediately after the Second World War;
30 in the same way as it applies to the period of the Second World
31 War.

32 *Regimes associated with an enemy of the Commonwealth*

- 33 (3) This subsection covers a regime that was:
34 (a) in alliance with; or
35 (b) occupied by; or
36 (c) effectively controlled by; or

- 1 (d) under duress from; or
2 (e) surrounded by;
3 either or both of the following:
4 (f) the National Socialist regime of Germany;
5 (g) any other enemy of the Commonwealth.

6 *Legal personal representative.*

- 7 (4) Subsection (1) applies to a payment to:
8 (a) your *legal personal representative; or
9 (b) a trust established by your will;
10 in a corresponding way to the way in which it would have applied
11 if:
12 (c) the payment had been to you; and
13 (d) if the payment is made after your death—you were still alive.

14 **720 Subsection 820-39(4) (note 1)**

15 Repeal the note, substitute:

16 Note 1: While an entity meets the conditions in subsection (3), it is treated for
17 the purposes of this Division as *not* being a member of a consolidated
18 group or MEC group (see section 820-584).

19 **721 Paragraph 820-40(1)(c)**

20 Before “section 67”, insert “former”.

21 **722 Subsection 820-85(1) (note 4)**

22 Repeal the note, substitute:

23 Note 4: A consolidated group or MEC group may be an outward investing
24 entity (non-ADI) to which this Subdivision applies: see
25 Subdivisions 820-FA and 820-FB.

26 **723 Subsection 820-185(1) (note 6)**

27 Repeal the note, substitute:

28 Note 6: A consolidated group or MEC group may be an inward investing
29 entity (non-ADI) to which this Subdivision applies: see
30 Subdivisions 820-FA and 820-FB.

31 **724 Subsection 820-300(1) (note 4)**

32 Repeal the note, substitute:

1 Note 4: A consolidated group or MEC group may be an outward investing
2 entity (ADI) to which this Subdivision applies: see
3 Subdivisions 820-FA and 820-FB.

4 **725 At the end of subsection 820-395(1) (after note 3)**

5 Add:

6 Note 4: A consolidated group or MEC group may be an inward investing
7 entity (ADI) to which this Subdivision applies: see
8 Subdivision 820-FB.

9 **726 After Division 830**

10 Insert:

11 **Division 842—Exempt Australian source income and gains**
12 **of foreign residents**

13 **Subdivision 842-B—Some items of Australian source income of**
14 **foreign residents that are exempt from income tax**

15 **Table of sections**

16 842-100 Amounts of Australian source ordinary income and statutory income that
17 are exempt

18 **842-100 Amounts of Australian source ordinary income and**
19 **statutory income that are exempt**

20 The amounts of *ordinary income and *statutory income covered
21 by the table are exempt from income tax. In some cases, the
22 exemption is subject to exceptions or special conditions, or both.

23 Note 1: Ordinary and statutory income that is exempt from income tax is
24 called exempt income: see section 6-20. The note to subsection
25 6-15(2) describes some of the other consequences of it being exempt
26 income.

27 Note 2: Even if an exempt payment is made to you, the Commissioner can
28 still require you to lodge an income tax return or information
29 under section 161 of the *Income Tax Assessment Act 1936*.
30

Exempt amounts

Item	If you are:	the following amounts are exempt from income tax:	subject to these exceptions and special conditions:
1	a foreign resident	your remuneration paid by an *Australian government agency	the remuneration is paid to you: (a) for expert advice to that agency; or (b) as a member of a Royal Commission
2	a foreign resident who is: (a) the representative of the government of a foreign country, visiting Australia on behalf of that government; or (b) a member of the entourage of such a representative	your *ordinary income, and your *statutory income, in your official capacity as such a representative or member	none
3	a foreign resident visiting Australia: (a) in the capacity of representative of any society or association established for educational, scientific, religious or philanthropic purposes; and (b) for the purpose of attending an international conference, or for the purpose of carrying on investigation or research for the society or association	your *ordinary income, and your *statutory income, in that capacity	none

Schedule 2 Consequential amendments relating to Schedule 1 repeals
Part 1 Amendments: general

Exempt amounts			
Item	If you are:	the following amounts are exempt from income tax:	subject to these exceptions and special conditions:
4	a foreign resident visiting Australia: (a) in the capacity of representative of the media outside Australia; and (b) for the purpose of reporting the proceedings relating to any of the matters referred to in items 2 and 3	your *ordinary income, and your *statutory income, in that capacity	none
5	a member of the naval, military or air forces of the government of a foreign country	pay and allowances you earn in Australia as a member of those forces	the pay and allowances are not paid or provided by the Commonwealth
6	a foreign resident visiting Australia	your *ordinary income, and your *statutory income, that: (a) is from an occupation you carry on while in Australia; and (b) is not exempt from income tax in the country where you are ordinarily resident	in the opinion of the Treasurer, the visit and occupation are principally directed to assisting in the defence of Australia
7	(a) a foreign resident pursuing in Australia a course of study or training; and (b) in Australia for the sole purpose of pursuing that course	your *ordinary income, and your *statutory income, by way of a scholarship, bursary, or other educational allowance, provided by the Commonwealth	none

1 **727 Paragraph 900-30(7)(b)**

2 Omit “of this Act or section 74A (about local governing body election
3 expenses) of the *Income Tax Assessment Act 1936*”, substitute “or
4 section 25-65 (about local government election expenses)”.

5 **728 Paragraph 900-220(2)(b)**

6 Omit “paragraph 26(eaa) of the *Income Tax Assessment Act 1936*”,
7 substitute “section 15-70”.

8 **729 Subsection 995-1(1) (definition of *adjusted average***
9 ***equity capital*)**

10 Omit “820-562,”.

11 **730 Subsection 995-1(1) (definition of *annual payer*)**

12 Omit “, 45-155 or”, substitute “or 45-155 or former section”.

13 **731 Subsection 995-1(1) (definition of *average equity capital*)**

14 Omit “, 820-575”.

15 **732 Subsection 995-1(1)**

16 Insert:

17 ***Commonwealth of Nations country*** means:

- 18 (a) a foreign country that is a member of the Commonwealth of
19 Nations; or
20 (b) a colony, overseas territory or protectorate of such a member;
21 or
22 (c) a territory for whose international relations such a member is
23 responsible;
24 other than one declared by the regulations not to be a
25 Commonwealth of Nations country.

26 **733 Subsection 995-1(1) (note to definition of *cost*)**

27 Before “section”, insert “former”.

28 **734 Subsection 995-1(1) (definition of *inward investing entity***
29 ***(non-ADI)*)**

30 Omit “820-550,”.

1 **735 Subsection 995-1(1) (definition of *inward investment***
2 ***vehicle (financial)*)**

3 Omit “820-550,”.

4 **736 Subsection 995-1(1) (definition of *inward investment***
5 ***vehicle (general)*)**

6 Omit “, 820-550”.

7 **737 Subsection 995-1(1) (definition of *local governing body*)**

8 Repeal the definition, substitute:

9 *local governing body* means a local governing body established by
10 or under a *State law or *Territory law.

11 **738 Subsection 995-1(1) (definition of *large withholder*)**

12 Omit “sections 16-95 and 16-125 “, substitute “section 16-95”.

13 **739 Subsection 995-1(1) (definition of *medium withholder*)**

14 Omit “and 16-135”.

15 **740 Subsection 995-1(1) (definition of *outward investing***
16 ***entity (ADI)*)**

17 Omit “820-550,”.

18 **741 Subsection 995-1(1) (definition of *outward investing***
19 ***entity (non-ADI)*)**

20 Omit “820-550,”.

21 **742 Subsection 995-1(1) (definition of *outward investor***
22 ***(financial)*)**

23 Omit “820-550,”.

24 **743 Subsection 995-1(1) (definition of *outward investor***
25 ***(general)*)**

26 Omit “, 820-550”.

27 **744 Subsection 995-1(1) (paragraph (b) of the definition of**
28 ***safe harbour capital amount*)**

29 Omit “and”.

1 **745 Subsection 995-1(1)**

2 Insert:

3 *TFN withholding tax* means tax payable in accordance with
4 section 14-55 in Schedule 1 to the *Taxation Administration Act*
5 *1953*.

6 Note: The tax is imposed by the *Income Tax (Deferred Interest Securities)*
7 *(Tax File Number Withholding Tax) Act 1991*.

8 **746 Subsection 995-1(1)**

9 Insert:

10 *untaxable Commonwealth entity* means an untaxable
11 Commonwealth entity as defined by section 195-1 of the *A New*
12 *Tax System (Goods and Services Tax) Act 1999*.

13 ***Income Tax (Deferred Interest Securities) (Tax File Number***
14 ***Withholding Tax) Act 1991***

15 **747 Section 4**

16 Omit “221YHZR of the *Income Tax Assessment Act 1936*”, substitute
17 “section 14-55 in Schedule 1 to the *Taxation Administration Act 1953*”.

18 ***Income Tax Rates Act 1986***

19 **748 Subsection 3(2)**

20 Omit “, reduced notional income” (twice occurring).

21 **749 Paragraph 13(2)(b)**

22 Omit “or Part I of Schedule 9, as the case requires,”.

23 **750 Subparagraphs 15(2)(a)(ii) and (b)(ii)**

24 Omit “or Part II of Schedule 9, as the case requires,”.

25 **751 Clauses 1 and 2 of Part I of Schedule 10**

26 Omit “or Part I of Schedule 9, as the case requires,”.

27 **752 Part II of Schedule 10**

28 Omit “or Part II of Schedule 9, as the case requires,”.

1 **753 Clause 1 of Part I of Schedule 11**

2 Omit “or Part I of Schedule 9, as the case requires,”.

3 **754 Sub-subparagraphs 3(c)(i)(B) and (C) of Part I of**
4 **Schedule 11**

5 Repeal the sub-subparagraphs, substitute:

6 (B) if sub-subparagraph (A) does not apply—the
7 reduced taxable income; and

8 **755 Paragraph 3(d) of Part I of Schedule 11**

9 Omit “, reduced notional income”.

10 **756 Clause 1 of Part II of Schedule 11**

11 Omit “or Part II of Schedule 9, as the case requires,”.

12 **757 Sub-subparagraphs 3(c)(i)(B) and (C) of Part II of**
13 **Schedule 11**

14 Repeal the sub-subparagraphs, substitute:

15 (B) if sub-subparagraph (A) does not apply—the
16 reduced taxable income; and

17 **758 Paragraph 3(d) of Part II of Schedule 11**

18 Omit “, reduced notional income”.

19 **759 Clause 1 of Part I of Schedule 12**

20 Omit “or Part I of Schedule 9, as the case requires,”.

21 **760 Clause 1 of Part II of Schedule 12**

22 Omit “or Part II of Schedule 9, as the case requires,”.

23 ***Income Tax (Transitional Provisions) Act 1997***

24 **761 Subsection 20-1(1)**

25 Omit “(1)”.

26 **762 Subsection 20-105(1) (note 2)**

27 Omit “are”, substitute “were”.

1 **763 Subsection 20-105(2)**

2 Before “subsection”, insert “former”.

3 **764 Section 20-110**

4 Before “section 59”, insert “former”.

5 **765 Section 20-115 (table items 1 to 3)**

6 Omit “Section”, substitute “Former section”.

7 **766 Section 20-115 (table item 4)**

8 Omit “Section”, substitute “Former section”.

9 **767 Section 20-115 (table item 4)**

10 Before “subsection”, insert “former”.

11 **768 Section 20-115 (table items 5 and 6)**

12 Omit “Subsection”, substitute “Former subsection”.

13 **769 At the end of Division 25**

14 Add:

15 **25-65 Local government election expenses**

16 Section 25-65 of the *Income Tax Assessment Act 1997* applies to
17 the 2006-07 income year and later income years, in relation to
18 expenditure whenever incurred. In relation to expenditure incurred
19 in the 2005-06 income year or an earlier income year, it applies as
20 if:

21 (a) it had applied to all income years before the 2006-07 income
22 year; and

23 (b) an allowable deduction for the expenditure under section 74A
24 of the *Income Tax Assessment Act 1936* had been a deduction
25 for the expenditure under section 25-65 of the *Income Tax*
26 *Assessment Act 1997*.

27 Note: This section also has the result that, to the extent that a recoupment of
28 the expenditure has been included in your assessable income by
29 former subsections 74A(4) and (5) of the *Income Tax Assessment Act*
30 *1936*, the expenditure will be disregarded in applying the \$1,000 per
31 election deduction limit: see subsection 25-65(2) of the *Income Tax*
32 *Assessment Act 1997*.

1 **770 Subsection 34-5(1)**

2 Before “section”, insert “former”

3 Note: The heading to section 34-5 is altered by inserting “**former**” before “**section**”.

4 **771 Subsection 34-5(2) (table items 1 to 3, column headed**
5 **“This:”)**

6 Before “subsection”, insert “former”.

7 **772 At the end of paragraph 40-50(1)(a)**

8 Add “or could have deducted an amount under that Subdivision if you
9 had used the road or building for the purpose of producing assessable
10 income”.

11 **773 Subsection 40-70(2)**

12 Before “section”, insert “former”.

13 **774 Paragraph 40-230(1)(b)**

14 Before “section”, insert “former”.

15 **775 Subparagraph 40-285(2)(a)(ii)**

16 Before “section”, insert “former”.

17 **776 After section 40-288**

18 Insert:

19 **40-289 Surrendered firearms**

20 If a balancing adjustment event for a firearm that you hold occurs
21 because you surrender it after the commencement of this section
22 under *firearms surrender arrangements, any amount by which its
23 termination value exceeds its adjustable value is not included in
24 your assessable income under subsection 40-285(1) of the *Income*
25 *Tax Assessment Act 1997*.

26 **777 Paragraph 40-525(b)**

27 Before “section”, insert “former”.

28 **778 Paragraph 40-645(3)(b)**

29 Before “section”, insert “former”.

1 **779 At the end of Division 40**

2 Add:

3 **Subdivision 40-J—Ships depreciated under section 57AM of**
4 **Income Tax Assessment Act 1936**

5 **40-830 Ships depreciated under section 57AM of *Income Tax***
6 ***Assessment Act 1936***

- 7 (1) This section applies if:
- 8 (a) you have deducted or can deduct amounts for a ship under
9 section 57AM of the *Income Tax Assessment Act 1936* as in
10 force before its repeal by Schedule 1 to the *Tax Laws*
11 *Amendment (Repeal of Inoperative Provisions) Act 2006*; and
12 (b) you hold the ship when this section commences.
- 13 (2) Division 40 of the *Income Tax Assessment Act 1997* applies to the
14 ship after the commencement of this section.
- 15 (3) For the purposes of that application:
- 16 (a) the cost of the ship when this section commences is its cost
17 under the *Income Tax Assessment Act 1936* just before that
18 time; and
19 (b) the ship's adjustable value when this section commences is
20 its depreciated value under the *Income Tax Assessment Act*
21 *1936* just before that time; and
22 (c) paragraphs 40-285(1)(a) and (2)(a) have effect as if amounts
23 you have deducted or can deduct under section 57AM of the
24 *Income Tax Assessment Act 1936*, as in force before its
25 repeal, are taken to be part of the ship's decline in value
26 under Subdivision 40-B of the *Income Tax Assessment Act*
27 *1997*.

28 **780 Paragraph 70-10(2)(b)**

29 Before "subsection", insert "former".

30 **781 Subsection 70-10(3)**

31 Before "subsection", insert "former".

32 **782 Paragraph 70-10(4)(a)**

1 Before “subsection”, insert “former”.

2 **783 Subsection 70-55(2)**

3 Before “section”, insert “former”.

4 **784 Paragraph 70-55(3)(b)**

5 Before “section”, insert “former”.

6 **785 Section 70-55 (notes 1 and 2)**

7 Omit “Section”, substitute “Former section”.

8 **786 Subsection 70-70(1)**

9 Before “Subdivision”, insert “former”.

10 **787 Subsection 70-70(3)**

11 Before “subsection 31(5)”, insert “former”.

12 **788 Subsections 102-15(2) and (3)**

13 Before “Part IIIA”, insert “former”.

14 **789 Section 102-20 (definition of *capital gain*)**

15 Before “Part IIIA”, insert “former”.

16 **790 Section 102-20 (definition of *capital loss*)**

17 Before “Part IIIA”, insert “former”.

18 **791 Section 102-20 (definition of *net capital gain*)**

19 Before “Part IIIA”, insert “former”.

20 **792 Section 104-25**

21 Before “section”, insert “former”.

22 **793 Paragraph 104-40(a)**

23 Before “Part IIIA”, insert “former”.

24 **794 Paragraph 104-70(1)(b)**

25 Before “section”, insert “former”.

26 **795 Paragraph 104-70(1)(d)**

1 Before “Division”, insert “former”.

2 **796 Subsection 104-70(3)**

3 Before “section”, insert “former”.

4 **797 Section 104-135**

5 Before “section”, insert “former”.

6 **798 Subsection 104-175(1)**

7 Before “section 160ZZO”, insert “former”.

8 **799 Paragraph 104-175(2)(a)**

9 Before “section”, insert “former”.

10 **800 Paragraph 104-175(2)(b)**

11 Before “paragraphs”, insert “former”.

12 **801 Subsection 104-175(3)**

13 Before “Part IIIA”, insert “former”.

14 **802 Paragraph 104-185(a)**

15 Before “Division”, insert “former”.

16 Note: The heading to section 104-185 is altered by inserting “**former**” before “**Division 17A**”.

17 **803 Paragraph 104-190(a)**

18 Before “Division”, insert “former”.

19 Note: The heading to section 104-190 is altered by inserting “**former**” before “**Division 17A**”.

20 **804 Section 104-205**

21 Before “section”, insert “former”.

22 **805 Paragraph 108-5(b)**

23 Before “section”, insert “former”.

24 **806 Subsections 108-75(1) to (4)**

25 Before “section”, insert “former”.

26 **807 At the end of Division 112**

1 Add:

2 **Subdivision 112-B—Special rules**

3 **112-100 Effect of terminated gold mining exemptions**

- 4 (1) This section affects how to work out a capital gain or capital loss
5 you make from a CGT event that happens to a CGT asset after
6 31 December 1990 if:
- 7 (a) before 1 January 1991, you used the asset (other than on a
8 prior holding of it) solely for the purpose of producing
9 exempt income, and principally for the purpose of producing
10 exempt income to which former paragraph 23(o) or former
11 subsection 23C(1) of the *Income Tax Assessment Act 1936*
12 (about income from producing or selling gold) applied; and
 - 13 (b) you owned the asset continuously from the end of
14 31 December 1990 until the CGT event.

15 *Capital gain*

- 16 (2) For the purposes of working out a capital gain you make from the
17 CGT event, if the asset's market value at the end of 31 December
18 1990 was more than its cost base at that time, the first element of
19 its cost base at that time is that market value.

20 *Capital loss*

- 21 (3) The rest of this section has effect for the purposes of working out a
22 capital loss you make from the CGT event.
- 23 (4) If the asset's market value at the end of 31 December 1990 was
24 less than its reduced cost base at that time, the first element of its
25 reduced cost base at that time is that market value.
- 26 (5) In applying section 110-55 of the *Income Tax Assessment Act 1997*
27 (about reduced cost base):
- 28 (a) treat your notional deductions (within the meaning of
29 Subdivision B or C of former Division 16H of Part III of
30 *Income Tax Assessment Act 1936*) as amounts you have
31 deducted; and
 - 32 (b) disregard the effect of former sections 159GZZO and
33 159GZZZ of that Act.

1 **808 Section 121-15**

2 Before “section”, insert “former”.

3 **809 Subsections 121-25(1) and (2)**

4 Before “subsection”, insert “former”.

5 **810 Paragraph 126-100(1)(a)**

6 Before “section”, insert “former”.

7 **811 Paragraph 136-25(b)**

8 Before “Part IIIA”, insert “former”.

9 **812 Paragraph 136-25(b)**

10 Before “section”, insert “former”.

11 **813 Paragraphs 149-5(1)(c) and (2)(b)**

12 Before “Division”, insert “former”.

13 **814 Section 170-220**

14 Before “subsection”, insert “former”.

15 **815 Section 170-225**

16 Before “subsections”, insert “former”.

17 **816 Section 201-1**

18 Before “Part IIIAA”, insert “Former”.

19 **817 Section 205-1**

20 Omit “account under Part IIIAA”, substitute “account under former
21 Part IIIAA”.

22 **818 Subparagraphs 205-1(b)(i) and (ii)**

23 Before “Part IIIAA”, insert “former”.

24 **819 Section 205-5**

25 Before “Part IIIAA”, insert “former”.

26 **820 Section 205-5 (note)**

1 Before “section”, insert “former”.

2 **821 Subsection 205-10(1)**

3 Before “Part IIIAA”, insert “former”.

4 **822 Paragraph 205-10(2)(a)**

5 Before “section”, insert “former”.

6 **823 Subsection 205-10(2)**

7 Before “Part IIIAA”, insert “former”.

8 **824 Subsection 205-15(1)**

9 Before “Part IIIAA”, insert “former”.

10 **825 Subsection 205-15(2)**

11 After “class under”, insert “former”.

12 **826 Paragraph 205-15(2)(a)**

13 After “company under”, insert “former”.

14 **827 Subsection 205-15(4)**

15 After “class under”, insert “former”.

16 **828 Paragraph 205-15(4)(a)**

17 After “company under”, insert “former”.

18 **829 Subparagraph 205-75(1)(b)(i)**

19 Before “paragraph”, insert “former”.

20 **830 Subsection 205-80(1)**

21 Before “Subdivision”, insert “former”.

22 **831 Subsection 205-80(1)**

23 Before “section”, insert “former”.

24 **832 Subsection 205-80(2)**

25 Omit “Section”, substitute “Former section”.

26 **833 Subsection 208-111(1)**

1 Before “Part IIIAA”, insert “former”.

2 **834 Subsection 208-111(2)**

3 Before “Part IIIAA”, insert “former”.

4 **835 Subsection 208-111(2) (note)**

5 Before “sections”, insert “former”.

6 **836 Subsection 208-111(3)**

7 Before “Part IIIAA”, insert “former”.

8 **837 Subsection 208-111(3) (note)**

9 Before “sections”, insert “former”.

10 **838 Subsection 208-111(4)**

11 Before “Part IIIAA”, insert “former”.

12 **839 Subsection 208-111(4) (note)**

13 Before “section 160AQCNO”, insert “former”.

14 **840 Subsection 208-111(5)**

15 Before “Part IIIAA”, insert “former”.

16 **841 Subsection 208-111(5) (note)**

17 Before “section 160AQCNO”, insert “former”.

18 **842 Section 210-1**

19 After “PDF under”, insert “former”.

20 **843 Subparagraphs 210-1(b)(i) and (ii)**

21 Before “Part”, insert “former”.

22 **844 Section 210-5**

23 Before “Part”, insert “former”.

24 **845 Subsections 210-10(1) and (2)**

25 Before “Part”, insert “former”.

26 **846 Paragraph 210-10(2)(a)**

1 Omit “arises under”, substitute “arose under former”.

2 **847 Paragraph 219-40(1)(a)**

3 Before “section”, insert “former”.

4 **848 Subsection 219-45(2) (note)**

5 Before “sections 160AQCNCNCE”, insert “former”.

6 **849 Subsection 219-45(2) (note)**

7 Before “section” (twice occurring), insert “former”.

8 **850 Section 375-105**

9 Before “section”, insert “former”.

10 **851 Subsection 701-50(3) (table item 1, column headed “If,**
11 **because of the circumstances described in**
12 **paragraphs (2)(a) and (b):”)**

13 Before “section”, insert “former”.

14 **852 Subsection 701-50(3) (table item 1, column headed “If,**
15 **because of the circumstances described in**
16 **paragraphs (2)(a) and (b):”)**

17 Before “Subdivision”, insert “former”.

18 ***National Rail Corporation Agreement Act 1992***

19 **853 Paragraph 8(d)**

20 Omit “or of paragraph 23(d) of the *Income Tax Assessment Act 1936*”.

21 ***Pipeline Authority Act 1973***

22 **854 Subsection 33A(2)**

23 Omit “paragraph 23(d) of the *Income Tax Assessment Act 1936*”,
24 substitute “section 50-25 of the *Income Tax Assessment Act 1997*”.

25 ***Ships (Capital Grants) Act 1987***

26 **855 Paragraph 25(b)**

1 Before “section”, insert “former”.

2 ***Snowy Mountains Engineering Corporation Limited Sale Act***
3 ***1993***

4 **856 Subsection 37(2)**

5 Before “sections”, insert “former”.

6 ***Social Security Act 1991***

7 **857 Subsection 10A(2) (note to definition of associate)**

8 Omit “26AB”, substitute “318”.

9 **858 Paragraph 10B(4)(c)**

10 Omit “Division 1AA of Part 3 of the *Income Tax Assessment Act 1936*
11 or”.

12 **859 Subsection 23(1) (definition of exempt spousal**
13 ***maintenance income*)**

14 Omit “paragraph 23(1) or”.

15 **860 Subsection 23(1) (note to definition of exempt spousal**
16 ***maintenance income*)**

17 Omit “paragraph 23(1) or”.

18 **861 Subsection 1061ZZFG(1)**

19 Omit “(1)”.

20 **862 Subsection 1061ZZFG(1)**

21 Omit “, and Division 1 of Part VI,”.

22 **863 Subsection 1061ZZFG(1) (note 1)**

23 Omit “on and after 1 July 2000, replacing some provisions in Division 1
24 of Part VI of the *Income Tax Assessment Act 1936*”.

25 **864 Subsection 1061ZZFG(2)**

26 Repeal the subsection.

1 **865 Paragraph 1075(1)(a)**

2 Omit “section 51 of the *Income Tax Assessment Act 1936* or section 8-1
3 of the *Income Tax Assessment Act 1997*, as appropriate”, substitute
4 “section 8-1 of the *Income Tax Assessment Act 1997*”.

5 **866 Paragraphs 1075(1)(b) and (ba)**

6 Repeal the paragraphs, substitute:

7 (b) amounts that relate to the business and can be deducted in
8 respect of plant (within the meaning of the *Income Tax*
9 *Assessment Act 1997*) under Division 40 of that Act; and

10 **867 Subsection 1075(3) and (4)**

11 Omit “51 of the *Income Tax Assessment Act 1936* or section 8-1 of the
12 *Income Tax Assessment Act 1997*, as appropriate,” substitute “8-1 of
13 the *Income Tax Assessment Act 1997*”.

14 **868 Subparagraph 1185K(3)(d)(i)**

15 Omit “51 of the *Income Tax Assessment Act 1936* or section 8-1 of the
16 *Income Tax Assessment Act 1997*, as appropriate”, substitute “8-1 of the
17 *Income Tax Assessment Act 1997*”.

18 **869 Subparagraphs 1185K(3)(d)(ii) and (iia)**

19 Repeal the subparagraphs, substitute:

20 (ii) amounts that relate to a relevant farm asset and can be
21 deducted in respect of plant (within the meaning of the
22 *Income Tax Assessment Act 1997*) under Division 40 of
23 that Act; and

24 **870 Paragraph 1208B(1)(a)**

25 Omit “51 of the *Income Tax Assessment Act 1936* or section 8-1 of the
26 *Income Tax Assessment Act 1997*, as appropriate”, substitute “8-1 of the
27 *Income Tax Assessment Act 1997*”.

28 **871 Paragraphs 1208B(1)(b) and (ba)**

29 Repeal the paragraphs, substitute:

30 (b) amounts that relate to the business or investment and can be
31 deducted in respect of plant (within the meaning of the
32 *Income Tax Assessment Act 1997*) under Division 40 of that
33 Act; and

1 **872 Paragraph 1209C(1)(a)**

2 Omit “section 51 of the *Income Tax Assessment Act 1936* or section 8-1
3 of the *Income Tax Assessment Act 1997*, as appropriate” substitute
4 “section 8-1 of the *Income Tax Assessment Act 1997*”.

5 **873 Paragraphs 1209C(1)(b) and (ba)**

6 Repeal the paragraphs, substitute:

7 (b) amounts that relate to the primary production enterprise and
8 can be deducted in respect of plant (within the meaning of
9 the *Income Tax Assessment Act 1997*) under Division 40 of
10 that Act; and

11 ***Student Assistance Act 1973***

12 **874 Subsection 12ZN(1)**

13 Omit “(1)”.

14 **875 Subsection 12ZN(2)**

15 Repeal the subsection.

16 ***Superannuation Guarantee (Administration) Act 1992***

17 **876 Subsection 12(10)**

18 Repeal the subsection, substitute:

19 (10) A person covered by paragraph 12-45(1)(e) in Schedule 1 to the
20 *Taxation Administration Act 1953* (about members of local
21 governing bodies subject to PAYG withholding) is an employee of
22 the body mentioned in that paragraph.

23 **877 Subparagraph 24(4)(a)(ii)**

24 Omit “subsection 26AAB(14)”, substitute “section 318”.

25 **878 Subparagraph 25(2)(a)(ii)**

26 Omit “subsection 26AAB(14)”, substitute “section 318”.

27 **879 Section 29**

28 Omit “paragraph 23(s) of the *Income Tax Assessment Act 1936* or”.

1 ***Taxation Administration Act 1953***

2 **880 Subsection 3E(11) (definition of company)**

3 Omit “same meaning as in section 6 of the *Income Tax Assessment Act*
4 *1936*”, substitute “meaning given by subsection 995-1(1) of the *Income*
5 *Tax Assessment Act 1997*”.

6 **881 Part IIA (heading)**

7 Repeal the heading, substitute:

8 **Part IIA—The general interest charge**

9 **882 Section 8AAA**

10 Omit “Division”, substitute “Part”.

11 **883 Paragraph 8J(2)(k)**

12 Omit all the words from and including “other than” to the end of the
13 paragraph.

14 **884 Paragraph 8J(18)(a)**

15 Repeal the paragraph, substitute:

16 (a) a depositor gives a financial institution a statement that a
17 specified amount or no amount will be included in the
18 depositor’s assessable income under section 393-15 of
19 Schedule 2G to the *Income Tax Assessment Act 1936* (about
20 repayments of farm management deposits); and

21 **885 Subsection 8J(19)**

22 Omit “Division 6A of Part VI of”, substitute “Schedule 2G to”.

23 **886 Subsection 8J(19)**

24 Omit “that Division”, substitute “that Schedule”.

25 **887 Sub-subparagraph 8WC(1)(b)(iii)(B)**

26 Omit “under subsection 221YHZD(1B) of that Act, or”.

27 **888 Sub-subparagraph 8WC(1)(b)(iii)(C)**

1 Omit “221YHZR of that Act”, substitute “14-55 in Schedule 1 to this
2 Act”.

3 **889 Section 8ZE (note)**

4 Omit “226G of the *Income Tax Assessment Act 1936*”, substitute
5 “284-75 in Schedule 1”.

6 **890 Subsection 14ZS(2)**

7 Before “Division”, insert “former”.

8 **891 Subsection 14ZS(2)**

9 Before “section 163B”, insert “former”.

10 **892 Subsection 14ZS(2)**

11 Before “Part”, insert “former”.

12 **893 Paragraph 14ZS(2)(a)**

13 Before “section”, insert “former”.

14 **894 At the end of section 11-1 in Schedule 1**

15 Add:
16 ; and (f) *TFN withholding tax.

17 **895 Paragraph 12-45(1)(e) in Schedule 1**

18 Repeal the paragraph, substitute:
19 (e) a member of a *local governing body where there is in effect,
20 in accordance with section 446-5, a unanimous resolution by
21 the body that the remuneration of members of the body be
22 subject to withholding under this Part.

23 **896 Subsection 12-45(1) in Schedule 1 (note)**

24 Omit “subsection (2) and”.

25 **897 Subsection 12-45(2) in Schedule 1**

26 Omit all the words after “member of a”, substitute “*local governing
27 body unless it is one to which paragraph (1)(e) applies.”.

28 **898 Subsection 12-45(3) in Schedule 1**

29 Repeal the subsection.

1 **899 Subsection 12-140(2) in Schedule 1 (note)**

2 Omit “12-155”, substitute “12-150”.

3 **900 Section 12-150 in Schedule 1**

4 Repeal the section, substitute:

5 **12-150 Limited application of section 12-140 to payment under**
6 **financial arrangement**

7 (1) This section limits the extent to which section 12-140 applies to a
8 payment in respect of a *Part VA investment if the investment is a
9 qualifying security (within the meaning of Division 16E of Part III
10 of the *Income Tax Assessment Act 1936* (about gains accruing on
11 securities)) and:

12 (a) is of a kind mentioned in item 1 or 2 in the table in
13 subsection 202D(1) of that Act; or

14 (b) is of a kind mentioned in item 3 in that table and is
15 non-transferable.

16 Note: Section 202D of the *Income Tax Assessment Act 1936* lists the
17 investments in connection with which tax file numbers are to be
18 quoted.

19 (2) Section 12-140 applies to the payment only to the extent that is
20 covered by one or both of these paragraphs:

21 (a) so much of the payment as consists of periodic interest
22 (within the meaning of Division 16E of Part III of the *Income*
23 *Tax Assessment Act 1936*);

24 (b) if the payment became payable at the end of the term (within
25 the meaning of that Division) of the investment—so much of
26 the payment as does *not* exceed what section 159GQ of that
27 Act would include in the *investor’s assessable income for
28 the income year in which that term ended.

29 Note: This limitation ensures that an amount is not withheld from payment
30 of an amount in respect of which TFN withholding tax is payable. See
31 Subdivision 14-B.

32 (3) The adoption (under section 18 of the *Income Tax Assessment Act*
33 *1936*) of an accounting period ending on a day other than 30 June
34 is disregarded for the purposes of:

35 (a) paragraph (2)(b) of this section; and

1 (b) the application of Division 16E of Part III of that Act for the
2 purposes of that paragraph.

3 **901 Section 12-255 in Schedule 1**

4 Repeal the subsection, substitute:

5 **12-255 Interest payment derived by lender in carrying on business**
6 **through overseas permanent establishment**

7 An entity must withhold an amount from interest (within the
8 meaning of Division 11A of Part III of the *Income Tax Assessment*
9 *Act 1936*) it pays if it has been notified under section 12-260 of this
10 Act that this section applies to the interest.

11 Note: For limits on the amount to be withheld, see section 12-300.

12 **902 Division 14 in Schedule 1 (heading)**

13 Repeal the heading, substitute:

14 **Division 14—Non-cash benefits, and accruing gains, for**
15 **which amounts must be paid to the**
16 **Commissioner**

17 **903 Before section 14-1 in Schedule 1**

18 Insert:

19 **Subdivision 14-A—Non-cash benefits**

20 **904 Section 14-1 in Schedule 1 (heading)**

21 Repeal the heading, substitute:

22 **14-1 Object of this Subdivision**

23 **905 Section 14-1 in Schedule 1**

24 Omit “this Division”, substitute “this Subdivision”.

25 **906 At the end of Division 14 in Schedule 1**

26 Add:

1 **Subdivision 14-B—Accruing gains**

2 **14-50 Object of this Subdivision**

3 The object of this Subdivision is to put the parties to a *Part VA
4 investment with an accruing gain in a position similar to what
5 would have been their position under Subdivision 12-E (Payments
6 where TFN or ABN not quoted) if the *investment body had paid
7 the gain in money to the *investor at the end of the income year.

8 **14-55 Liability for TFN withholding tax**

- 9 (1) *TFN withholding tax is payable if:
- 10 (a) in relation to a *Part VA investment, an amount (the *accrued*
11 *gain*) is included in the *investor's assessable income for an
12 income year under section 159GQ of the *Income Tax*
13 *Assessment Act 1936* (about gains accruing on securities);
14 and
15 (b) the investment:
16 (i) is of a kind mentioned in item 1 or 2 in the table in
17 subsection 202D(1) of that Act; or
18 (ii) is of a kind mentioned in item 3 in that table and is
19 non-transferable; and
20 (c) the term of the investment does not end during the income
21 year; and
22 (d) section 12-140 would have required the *investment body to
23 withhold an amount (the *TFN withholding amount*) from a
24 payment of the accrued gain to the investor, if the investment
25 body had made the payment at the end of the income year
26 and section 12-150 had not been enacted.

27 Note: Section 202D of the *Income Tax Assessment Act 1936* lists the
28 investments in connection with which tax file numbers are to be
29 quoted.

- 30 (2) The amount of *TFN withholding tax is equal to the TFN
31 withholding amount.
- 32 (3) The *TFN withholding tax is payable jointly and severally by the
33 *investor and the *investment body.
- 34 (4) However, if the *investment body is the Commonwealth or an
35 *untaxable Commonwealth entity:

- 1 (a) the *TFN withholding tax is payable by the *investor; and
2 (b) the investor is taken to have authorised the investment body
3 to pay the TFN withholding tax on the investor's behalf.
- 4 (5) The *TFN withholding tax is due and payable at the end of 21 days
5 after the end of the income year referred to in paragraph (1)(a).
- 6 Note 1: When it is due and payable, the TFN withholding tax is payable to the
7 Commissioner: see paragraph 255-5(1)(b).
- 8 Note 2: An entity by whom it is payable must pay it to the Commissioner in
9 accordance with Subdivision 16-B: see subsection 16-70(3). If any of
10 it remains unpaid, the entity is liable to pay general interest charge:
11 see section 16-80.
- 12 Note 3: The Commissioner may defer the time at which TFN withholding tax
13 becomes due and payable: see section 255-10.
- 14 (6) The adoption (under section 18 of the *Income Tax Assessment Act*
15 *1936*) of an accounting period ending on a day other than 30 June
16 is disregarded for the purposes of:
17 (a) this section; and
18 (b) the application of Division 16E of Part III of that Act for the
19 purposes of this section.

20 **14-60 Investment body may recover TFN withholding tax from**
21 **investor**

- 22 (1) The *investment body may recover from the *investor as a debt any
23 of the *TFN withholding tax that it pays.
- 24 (2) The *investment body is entitled to set off an amount that it can
25 recover from the *investor under this section against:
26 (a) a debt due by it to the investor; or
27 (b) an amount that is accruing to the investor, or stands to the
28 investor's credit, in respect of the *Part VA investment, even
29 if the amount is not yet due.

30 **14-65 Application of rules in Division 18**

- 31 These provisions:
32 (a) subsection 18-15(1) and sections 18-20 and 18-25 (about
33 credits for amounts withheld from withholding payments);
34 and

- 1 (b) section 18-80 (about refunds when exemption declaration not
2 given);
3 apply as if any of the *TFN withholding tax that has been paid
4 were an amount withheld under subsection 12-140(1) from a
5 *withholding payment covered by that subsection and made to the
6 *investor during:
- 7 (c) unless the *investor has adopted (under section 18 of the
8 *Income Tax Assessment Act 1936*) an accounting period
9 ending on a day other than 30 June—the income year
10 referred to in paragraph 14-55(1)(a); or
11 (d) if the investor has adopted such an accounting period—the
12 income year in which the TFN withholding tax is paid.
- 13 Note: Unless the investor has adopted such an accounting period, the credit
14 under section 18-15, 18-20 or 18-25 will be in respect of the income
15 year before the one in which the TFN withholding tax is paid.

16 **14-75 Overpayment of TFN withholding tax**

- 17 If *TFN withholding tax has been overpaid:
18 (a) the Commissioner must refund the amount overpaid; and
19 (b) the *investor is not entitled to a credit under section 18-15,
20 18-20 or 18-25 in respect of the amount overpaid.

21 **14-85 Other laws do not exempt from TFN withholding tax**

- 22 (1) A provision of a law passed before the commencement of this
23 section that purports to exempt an entity from liability to pay *TFN
24 withholding tax, or to pay taxes that include TFN withholding tax,
25 does not exempt that entity from liability to pay TFN withholding
26 tax.
- 27 (2) A provision of a law passed at or after the commencement of this
28 section that purports to exempt an entity from liability to pay taxes
29 under the laws of the Commonwealth, or to pay certain taxes under
30 those laws that include *TFN withholding tax, is not to be
31 interpreted as exempting the entity from liability to pay TFN
32 withholding tax, unless it specifically mentions TFN withholding
33 tax.

34 **907 Subsection 16-70(2) in Schedule 1**

35 Repeal the subsection, substitute:

1 (2) An entity that must pay an amount to the Commissioner under
2 Division 13 or Subdivision 14-A must do so in accordance with
3 section 16-85.

4 (3) An entity that must pay an amount to the Commissioner under
5 Subdivision 14-B must do so in accordance with sections 16-80
6 and 16-85.

7 **908 Section 16-80 in Schedule 1**

8 After “16-70(1)” insert “or (3)”.

9 **909 Paragraph 16-95(1)(a) in Schedule 1**

10 Omit “because of section 16-125”.

11 **910 Paragraph 16-100(1)(a) in Schedule 1**

12 Omit “because of section 16-135”.

13 **911 Subsection 18-30(2) in Schedule 1 (note)**

14 Omit “section 221YSA”, substitute “section 128NBA”.

15 **912 Subsection 45-115(1) in Schedule 1**

16 Omit “For the amount of an instalment you are liable to pay for 2000-01
17 or 2001-02, see section 45-175.”.

18 **913 Paragraph 45-235(1)(a) in Schedule 1**

19 Before “paragraph”, insert “former”.

20 **914 Subsection 45-235(2) in Schedule 1**

21 Before “paragraph”, insert “former”.

22 **915 Subsection 45-355(2) in Schedule 1**

23 Omit “or 45-175(1)(b)”.

24 **916 Subsection 45-525(3) in Schedule 1**

25 Omit “or 45-175(1)(b)”.

26 **917 Subsection 250-10(1) in Schedule 1 (table item 60)**

27 Repeal the item.

1 **918 Subsection 250-10(2) in Schedule 1 (after table item 90)**

2 Insert:

95 TFN withholding tax 14-55 in *Taxation Administration Act 1953*
Schedule 1

3 **919 At the end of subsection 265-45(2) in Schedule 1**

4 Add:

5 Note: Item 14 of Schedule 6 to the *Tax Laws Amendment (Repeal of*
6 *Inoperative Provisions) Act 2006* has the effect that, in addition to its
7 normal application in relation to tax-related liabilities arising on or
8 after 1 July 2000, subsection (2) also applies to such liabilities arising
9 before that date, where amounts of the liabilities are paid after the
10 commencement of that item.

11 **920 Subsection 340-10(2) in Schedule 1 (table item 3, column**
12 **headed “Provision(s)”**

13 Omit “or subsections 204(3),”, substitute “, subsection 204(3) or former
14 subsection”.

15 **921 At the end of Part 5-45 in Schedule 1**

16 Add:

17 **Division 446—Local governing bodies**

18 **Guide to Division**

19 **446-1 What this Division is about**

20 A local governing body can resolve that its members are subject to
21 Pay As You Go withholding. This also results in the members
22 being treated as employees for a wide range of other taxation
23 purposes.

24 **Table of sections**

25 **Operative provisions**

26 446-5 Requirements for unanimous resolutions by local governing bodies

1 **Operative provisions**

2 **446-5 Requirements for unanimous resolutions by local governing**
3 **bodies**

4 *When section applies*

- 5 (1) This section applies to the following unanimous resolutions made
6 by a *local governing body:
7 (a) a resolution that the remuneration of members of the body be
8 subject to withholding under Part 2-5 (about Pay As You Go
9 Withholding);
10 (b) a resolution cancelling a resolution covered by paragraph (a).

11 Note: Item 13 of Schedule 6 to the *Tax Laws Amendment (Repeal of*
12 *Inoperative Provisions) Act 2006* provides that this section also
13 applies to resolutions in force just before the repeal of the predecessor
14 of this section (section 221B of the *Income Tax Assessment Act 1936*).

15 *When resolution takes effect*

- 16 (2) The resolution must specify a day as the day on which the
17 resolution takes effect. The specified day must be within the
18 28-day period beginning on the day after the day on which the
19 resolution was made.

20 *Resolution not affected by change in membership of body*

- 21 (3) The resolution continues in force in spite of a change in the
22 membership of the *local governing body.

23 *Commissioner to be notified of resolution*

- 24 (4) The *local governing body must give written notice of the
25 resolution to the Commissioner within 7 days after the resolution
26 was made.

27 *Eligible local governing bodies to be notified in Gazette*

- 28 (5) If the Commissioner is notified of the resolution, the
29 Commissioner must cause to be published in the *Gazette* a notice
30 setting out:
31 (a) the name of the *local governing body; and
32 (b) the day on which the resolution takes effect.
-

Schedule 2 Consequential amendments relating to Schedule 1 repeals
Part 1 Amendments: general

When resolution applies for purposes of affected provisions

(6) This table sets out when the resolution applies for the purposes of provisions whose operation it affects.

When the resolution applies

Item	If the resolution affects the operation of...	The resolution applies to...
1	Section 12-45	amounts that become payable after the day on which the resolution takes effect
2	Subdivision AB of Division 17 of Part III of the <i>Income Tax Assessment Act 1936</i> (about tax offset for lump sum payments in arrears)	*ordinary income *derived, and amounts that become *statutory income, after the day on which the resolution takes effect
3	Sections 26-30 and 34-5 of the <i>Income Tax Assessment Act 1997</i> (about deductions for relatives' travel expenses and non-compulsory uniforms)	expenditure incurred after the day on which the resolution takes effect
4	Divisions 28 and 900 of the <i>Income Tax Assessment Act 1997</i> (about car expenses and substantiation)	expenses incurred after the day on which the resolution takes effect
5	Section 130-90 of the <i>Income Tax Assessment Act 1997</i> (about capital gains tax and employee share trusts)	*shares and rights to which a beneficiary becomes absolutely entitled after the day on which the resolution takes effect

When the resolution applies

Item	If the resolution affects the operation of...	The resolution applies to...
6	Provisions of the <i>Fringe Benefits Tax Assessment Act 1986</i> relating to assessments	(a) in the case of a loan benefit within the meaning of the <i>Fringe Benefits Tax Assessment Act 1986</i> —a loan made after the day on which the resolution takes effect; (b) in the case of a housing benefit within the meaning of that Act—the subsistence, after the day on which the resolution takes effect, of the housing right concerned; (c) in the case of a residual benefit within the meaning of that Act that is *provided during a period—so much of the period as occurs after the day on which the resolution takes effect; (d) any other *fringe benefit provided after the day on which the resolution takes effect.
7	Division 4 of Part II of the <i>Income Tax Rates Act 1986</i> (about pro-rating the tax-free threshold)	amounts that become assessable income after the day on which the resolution takes effect
8	The provisions of the <i>Child Support (Registration and Collection) Act 1988</i>	*ordinary income *derived, and amounts that become *statutory income, after the day on which the resolution takes effect
9	Section 9-20 of the <i>A New Tax System (Goods and Services) Tax Act 1999</i> (about the meaning of <i>enterprise</i>)	activities, or series of activities, done after the day on which the resolution takes effect
10	Division 111 of the <i>A New Tax System (Goods and Services) Tax Act 1999</i> (about reimbursement of employees)	reimbursements made after the day on which the resolution takes effect

1 ***Taxation (Interest on Overpayments and Early Payments) Act***
2 ***1983***

1 **922 Subsection 3(1) (paragraph (b) of the definition of *income***
2 ***tax crediting amount*)**

3 Before “section”, insert “former”.

4 **923 Subparagraph 8A(1)(a)(vi)**

5 Omit “or”, substitute “and”.

6 **924 Subparagraphs 8A(1)(a)(vii) to (x)**

7 Repeal the subparagraphs.

8 **925 Paragraph 8A(1)(b)**

9 Repeal the paragraph, substitute:

- 10 (b) the payment is made more than 14 days before the day (the
11 *appropriate due day*) on which the tax, debt, interest, amount
12 or instalment concerned becomes due and payable;

13 **926 Paragraphs 8B(1)(a) and (b)**

14 Omit “a relevant entity, an instalment taxpayer or”.

15 **927 Section 8C**

16 Omit “such annual rate or rates as are provided for by section 214A of
17 the Tax Act”, substitute “the base interest rate (within the meaning of
18 the Tax Acts)”.

19 **928 Paragraphs 8E(1)(a) and (2)(a)**

20 Omit “a relevant entity, an instalment taxpayer or”.

21 **929 Paragraph 8G(1)(a)**

22 Omit “a relevant entity, an instalment taxpayer or”.

23 Note: The heading to section 8G is altered by omitting “**relevant entities, instalment**
24 **taxpayers and**”.

25 **930 Paragraphs 8G(1)(e) and (f)**

26 Repeal the paragraphs, substitute:

- 27 (e) if the person furnishes the return of income for the year of
28 income 30 days or more before the due date for payment of
29 the assessed tax—the first crediting occurs 30 days or more
30 after the day on which the person furnishes the return; and

1 (f) if the person furnishes the return of income for the year of
2 income after 30 days or more before the due date for payment
3 of the assessed tax—the first crediting occurs after the due
4 date for payment of the assessed tax;

5 **931 Paragraph 8G(2)(a)**

6 Omit “a relevant entity, an instalment taxpayer or”.

7 **932 Paragraph 8H(3)(d)**

8 Repeal the paragraph, substitute:

9 (d) on so much of the excess as is not attributable to payments
10 mentioned in paragraph (b), for the period from the
11 beginning of the due date for payment of assessed tax until
12 the end of the day on which the later crediting occurs.

13 Note: The heading to section 8H is altered by omitting “**relevant entities, instalment**
14 **taxpayers and**”.

15 **933 Sections 8I, 8T, 8X and 8ZB**

16 Omit “such annual rate or rates as are provided for by section 214A of
17 the Tax Act”, substitute “the base interest rate (within the meaning of
18 the Tax Acts)”.

19 **934 Paragraph 10(1)(a)**

20 Omit “if paragraph (aa) does not apply—”.

21 **935 At the end of sub-subparagraphs 10(1)(a)(iii)(A), (AA) and**
22 **(B)**

23 Add “or”.

24 **936 At the end of sub-subparagraph 10(1)(a)(iii)(D)**

25 Add “and”.

26 **937 Paragraph 10(1)(b)**

27 Omit “such annual rate or rates as are provided for by section 214A of
28 the Tax Act”, substitute “the base interest rate (within the meaning of
29 the Tax Acts)”.

30 ***Trust Recoupment Tax Assessment Act 1985***

1 **938 Subsection 3(1) (definition of associate)**

2 Omit “subsection 26AAB(14)”, substitute “section 318”.

3 ***Veterans’ Entitlement Act 1986***

4 **939 Paragraph 46C(1)(a)**

5 Omit “51 of the *Income Tax Assessment Act 1936* or section 8-1 of the
6 *Income Tax Assessment Act 1997*, as appropriate”, substitute “8-1 of the
7 *Income Tax Assessment Act 1997*”.

8 **940 Paragraph 46C(1)(b)**

9 Omit “subsection 54(1) of the *Income Tax Assessment Act 1936* or”.

10 **941 Subparagraph 49J(3)(f)(i)**

11 Omit “51 of the *Income Tax Assessment Act 1936* or section 8-1 of the
12 *Income Tax Assessment Act 1997*, as appropriate”, substitute “8-1 of the
13 *Income Tax Assessment Act 1997*”.

14 **942 Subparagraph 49J(3)(f)(ii)**

15 Omit “subsection 54(1) of the *Income Tax Assessment Act 1936* or”.

16 **943 Paragraph 52ZZO(1)(a)**

17 Omit “51 of the *Income Tax Assessment Act 1936* or section 8-1 of the
18 *Income Tax Assessment Act 1997*, as appropriate”, substitute “8-1 of the
19 *Income Tax Assessment Act 1997*”.

20 **944 Paragraph 52ZZO(1)(b)**

21 Omit “subsection 54(1) of the *Income Tax Assessment Act 1936* or”.

22 **945 Paragraph 52ZZZO(1)(a)**

23 Omit “51 of the *Income Tax Assessment Act 1936* or section 8-1 of the
24 *Income Tax Assessment Act 1997*, as appropriate”, substitute “8-1 of the
25 *Income Tax Assessment Act 1997*”.

26 **946 Paragraph 52ZZZO(1)(b)**

27 Omit “subsection 54(1) of the *Income Tax Assessment Act 1936* or”.

28 **947 Subsections 58J(1) and (2)**

29 Omit “section 218 of the *Income Tax Assessment Act*, or”.

1 **948 Subsection 58J(2) (note)**

2 Repeal the note.

1
2 **Part 2—Amendments consequential on repeal of**
3 **heading to Division 1 of Part IIA of the**
4 **Taxation Administration Act 1953**

5 **949 Amendments**

6 The specified provisions and parts of provisions of the Acts listed in
7 this Part are amended by omitting “Division 1 of”.

8 *A New Tax System (Commonwealth-State Financial*
9 *Arrangements) Act 1999*

10 **950 Section 4 (definition of *general interest charge*)**

11 *A New Tax System (Goods and Services Tax) Act 1999*

12 **951 Section 195-1 (definition of *general interest charge*)**

13 *Fringe Benefits Tax Assessment Act 1986*

14 **952 Subsection 93(2) (note)**

15 **953 Subsection 136(1) (definition of *general interest charge*)**

16 *General Interest Charge (Imposition) Act 1999*

17 **954 Subsection 3(2) (definition of *general interest charge*)**

18 *Income Tax Assessment Act 1936*

19 **955 Section 6 (definition of *general interest charge*)**

20 **956 Section 102UP (note)**

21 **957 Subsection 128C(3) (note)**

22 **958 Section 163AA (note)**

- 1 **959 Subsection 170AA(4) (note)**
2 **960 Subsection 172(2) (note 1)**
3 **961 Subsection 204(3) (note 1)**
4 **962 Subsection 215(6) (note 1)**
5 **963 Subsection 216(3) (note 1)**
6 **964 Subsection 220(5) (note 1)**
7 **965 Subsection 222AJA(3) (note)**
8 **966 Subsection 251M(1) (note 1)**
9 **967 Subsection 254(2) (note 1)**
10 **968 Subsection 255(4) (note 1)**
11 **969 Section 271-80 of Schedule 2F (note)**
- 12 *Income Tax Assessment Act 1997*
- 13 **970 Section 214-155 (note)**
14 **971 Subsection 995-1(1) (definition of *general interest***
15 ***charge*)**
- 16 *Income Tax (Transitional Provisions) Act 1997*
- 17 **972 Section 214-105 (note)**
- 18 *Petroleum Resource Rent Tax Assessment Act 1987*
- 19 **973 Section 2 (definition of *general interest charge*)**
20 **974 Subsection 65(1) (note)**
21 **975 Subsection 85(1) (note)**
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1 ***Product Grants and Benefits Administration Act 2000***

2 **976 Section 5 (definition of *general interest charge*)**

3 **977 Subsection 35(2) (note)**

4 ***Superannuation Contributions Tax (Assessment and***
5 ***Collection) Act 1997***

6 **978 Subsection 21(1) (note)**

7 **979 Section 22 (note)**

8 **980 Subsection 25(1) (note)**

9 **981 Subsection 25A(2) (note)**

10 **982 Section 43 (definition of *general interest charge*)**

11 ***Superannuation Contributions Tax (Members of***
12 ***Constitutionally Protected Superannuation Funds)***
13 ***Assessment and Collection Act 1997***

14 **983 Subsection 18(1) (note)**

15 **984 Subsection 21(1) (note)**

16 **985 Section 38 (definition of *general interest charge*)**

17 ***Superannuation (Government Co-contribution for Low***
18 ***Income Earners) Act 2003***

19 **986 Subsection 25(4) (definition of *general interest charge*)**

20 ***Superannuation Guarantee (Administration) Act 1992***

21 **987 Section 6 (definition of *general interest charge*)**

22 **988 Subsection 49(1) (note)**

1 ***Taxation Administration Act 1953***

2 **989 Section 2 (definition of *general interest charge*)**

3 **990 Subsection 40(1) (note)**

4 **991 Section 298-25 in Schedule 1 (note)**

5 ***Termination Payments Tax (Assessment and Collection) Act***
6 ***1997***

7 **992 Subsection 13(1) (note)**

8 **993 Subsection 16(1) (note)**

9 **994 Subsection 16A(2) (note)**

10 **995 Section 31 (definition of *general interest charge*)**

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Schedule 3—Inoperative provisions repealed on 1 January 2008

1 Repeal

The provisions and parts of provisions specified in this Schedule are repealed.

Income Tax Assessment Act 1936

- 2 Subsection 6(1) (definition of *live stock*)**
- 3 Subdivision B of Division 2 of Part III**
- 4 Subsection 45(2) (second sentence)**
- 5 Subsection 45C(1) (second sentence)**
- 6 Sections 46A to 46E**
- 7 Subsection 102L(2)**
- 8 Subsection 102T(2)**
- 9 Section 128EA**
- 10 Section 300**

Income Tax Assessment Act 1997

- 11 Paragraph 820-40(1)(c) (including the note)**
- 12 Section 820-591**
- 13 Section 820-617**
- 14 Subsection 995-1(1) (notes 1 and 2 to paragraph (b) of the definition of *value*)**

Income Tax (Transitional Provisions) Act 1997

1 **15 Sections 70-35 to 70-41**

2 ***Taxation Administration Act 1953***

3 **16 Subsection 446-5(1) in Schedule 1 (note)**

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2 **Schedule 4—Consequential amendments**
3 **relating to Schedule 3 repeals**
4

5 *Income Tax Assessment Act 1936*

6 **1 Subsection 6BA(3)**

7 Omit all the words from and including “If” to and including “46A;”,
8 substitute “If the bonus shares are issued for no consideration and are
9 not a dividend or taken to be a dividend.”.

10 **2 Paragraph 126(1)(c)**

11 Omit “none of sections 128EA,”, substitute “neither of sections”.

12 **3 Subparagraph 128B(3)(h)(iv)**

13 Omit “128EA.”.

14 **4 Section 128D**

15 Omit “128EA.”.

16 **5 Paragraph 268-40(3)(b) of Schedule 2F (note)**

17 Omit “section 36AAA, and”.

18 *Income Tax Assessment Act 1997*

19 **6 Paragraph 165-60(3)(b) (note)**

20 Omit “of this Act and section 36AAA of the *Income Tax Assessment*
21 *Act 1936*”.

22 **7 Paragraphs 705-50(2)(b) and (3)(b)**

23 Omit “section 46A or former section 46”, substitute “ former section 46
24 or 46A”.

25 **8 Subsection 705-190(2)**

26 Omit “section 46A or former section 46”, substitute “ former section 46
27 or 46A”.

28 **9 Paragraph 820-40(1)(b)**

1 Omit “and”.

2 **10 Section 820-601**

3 Omit “820-617”, substitute “820-615”.

4 **11 Subsections 820-603(6) and 820-611(2)**

5 Omit “820-617”, substitute “820-615”.

6 ***Income Tax (Transitional Provisions) Act 1997***

7 **12 Paragraph 70-10(4)(b)**

8 Before “Subdivision”, insert “former”.

1
2 **Schedule 5—Inoperative Acts repealed on**
3 **Royal Assent**

4 **Part 1—Repeals**

5 **1 Repeal of Acts**

6 The Acts specified in this Schedule are repealed.

7 *A New Tax System (End of Sales Tax) Act 1999*

8 *A New Tax System (Wine Equalisation Tax and Luxury Car*
9 *Tax Transition) Act 1999*

10 *Debits Tax Act 1982*

11 *Debits Tax Administration Act 1982*

12 *Income Tax (Deficit Deferral) Act 1994*

13 *Income Tax (Untainting Tax) Act 1998*

14 *New Business Tax System (Venture Capital Deficit Tax) Act*
15 *2000*

16 *Pay-Roll Tax Assessment Act 1941*

17 *Pay-Roll Tax (Termination Of Commonwealth Tax) Act 1971*

18 *Sales Tax Act (No. 1) 1930*

19 *Sales Tax Act (No. 2) 1930*

20 *Sales Tax Act (No. 3) 1930*

- 1 ***Sales Tax Act (No. 4) 1930***
 - 2 ***Sales Tax Act (No. 5) 1930***
 - 3 ***Sales Tax Act (No. 6) 1930***
 - 4 ***Sales Tax Act (No. 7) 1930***
 - 5 ***Sales Tax Act (No. 8) 1930***
 - 6 ***Sales Tax Act (No. 9) 1930***
 - 7 ***Sales Tax Act (No. 10A) 1985***
 - 8 ***Sales Tax Act (No. 10B) 1985***
 - 9 ***Sales Tax Act (No. 10C) 1985***
 - 10 ***Sales Tax Act (No. 11A) 1985***
 - 11 ***Sales Tax Act (No. 11B) 1985***
 - 12 ***Sales Tax Amendment (Transitional) Act 1992***
 - 13 ***Sales Tax Assessment Act 1992***
 - 14 ***Sales Tax Assessment Act (No. 1) 1930***
 - 15 ***Sales Tax Assessment Act (No. 2) 1930***
 - 16 ***Sales Tax Assessment Act (No. 3) 1930***
 - 17 ***Sales Tax Assessment Act (No. 4) 1930***
 - 18 ***Sales Tax Assessment Act (No. 5) 1930***
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- 1 ***Sales Tax Assessment Act (No. 6) 1930***
 - 2 ***Sales Tax Assessment Act (No. 7) 1930***
 - 3 ***Sales Tax Assessment Act (No. 8) 1930***
 - 4 ***Sales Tax Assessment Act (No. 9) 1930***
 - 5 ***Sales Tax Assessment Act (No. 10) 1985***
 - 6 ***Sales Tax Assessment Act (No. 11) 1985***
 - 7 ***Sales Tax (Customs) (Alcoholic Beverages) Act 1997***
 - 8 ***Sales Tax (Customs) (Deficit Reduction) Act 1993***
 - 9 ***Sales Tax (Customs) (Industrial Safety Equipment) Act 2000***
 - 10 ***Sales Tax (Customs) (Wine—Deficit Reduction) Act 1993***
 - 11 ***Sales Tax (Excise) (Alcoholic Beverages) Act 1997***
 - 12 ***Sales Tax (Excise) (Deficit Reduction) Act 1993***
 - 13 ***Sales Tax (Excise) (Industrial Safety Equipment) Act 2000***
 - 14 ***Sales Tax (Excise) (Wine—Deficit Reduction) Act 1993***
 - 15 ***Sales Tax (Exemptions And Classifications) Act 1935***
 - 16 ***Sales Tax (Exemptions And Classifications) Act 1992***
 - 17 ***Sales Tax (General) (Alcoholic Beverages) Act 1997***
 - 18 ***Sales Tax (General) (Deficit Reduction) Act 1993***
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- 1 ***Sales Tax (General) (Industrial Safety Equipment) Act 2000***
- 2 ***Sales Tax (General) (Wine—Deficit Reduction) Act 1993***
- 3 ***Sales Tax Imposition (Customs) Act 1992***
- 4 ***Sales Tax Imposition (Excise) Act 1992***
- 5 ***Sales Tax Imposition (General) Act 1992***
- 6 ***Sales Tax Imposition (In Situ Pools) Act 1992***
- 7 ***Sales Tax (Industrial Safety Equipment) (Transitional***
8 ***Provisions) Act 2000***
- 9 ***Sales Tax (In Situ Pools) (Deficit Reduction) Act 1993***
- 10 ***Sales Tax Procedure Act 1934***
- 11 ***Swimming Pools Tax Refund Act 1992***
- 12 ***Tobacco Charge Act (No. 1) 1955***
- 13 ***Tobacco Charge Act (No. 2) 1955***
- 14 ***Tobacco Charge Act (No. 3) 1955***
- 15 ***Tobacco Charges Assessment Act 1955***
- 16 ***Wool Tax Act (No. 1) 1964***
- 17 ***Wool Tax Act (No. 2) 1964***
- 18 ***Wool Tax Act (No. 3) 1964***
-

Schedule 5 Inoperative Acts repealed on Royal Assent
Part 1 Repeals

- 1 ***Wool Tax Act (No. 4) 1964***
- 2 ***Wool Tax Act (No. 5) 1964***
- 3 ***Wool Tax (Administration) Act 1964***

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2 **Part 2—Consequential amendments**

3 *Administrative Decisions (Judicial Review) Act 1977*

4 **2 Paragraph (e) of Schedule 1**

5 Omit “*Pay-roll Tax Assessment Act 1941*”.

6 **3 Paragraph (e) of Schedule 1**

7 Omit “Acts providing for the assessment of sales tax”.

8 **4 Paragraph (e) of Schedule 1**

9 Omit “*Debits Tax Administration Act 1982*”

10 **5 Paragraph (e) of Schedule 1**

11 Omit “*Wool Tax (Administration) Act 1964*”.

12 *A New Tax System (Goods and Services Tax Transition) Act*
13 *1999*

14 **6 Subsection 5(3) (table items 1 to 3AA)**

15 Repeal the items.

16 **7 Subsection 5(3) (table items 5 to 7)**

17 Repeal the items.

18 **8 Paragraphs 6A(2)(c) to (e)**

19 Repeal the paragraphs.

20 **9 Sections 8 and 16 to 16C**

21 Repeal the sections.

22 **10 At the end of section 17**

23 Add:

24 (5) In this section:

1 *assessable goods* has the same meaning as in the former *Sales Tax*
2 *Assessment Act 1992*.

3 **11 Subsection 18(2)**

4 Before “section”, insert “former”.

5 **12 Sections 19B and 20**

6 Repeal the sections.

7 **13 Schedule 1**

8 Repeal the Schedule.

9 ***A New Tax System (Wine Equalisation Tax) Act 1999***

10 **14 Paragraph 5-25(3)(c)**

11 After “of the”, insert “former”.

12 **15 Paragraph 5-25(3)(d)**

13 After “of the”, insert “former”.

14 **16 Paragraph 5-25(3)(d)**

15 After “under the”, insert “former”.

16 **17 At the end of paragraph 5-25(3)(d)**

17 Insert:

18 Note: Section 5 ensured that goods subject to sales tax under the
19 pre 1992 sales tax law were not also taxable under the
20 1992 sales tax law.

21 ***ANL Act 1956***

22 **18 Section 61 (paragraphs (a) and (b) of the definition of tax)**

23 Repeal the paragraphs.

24 ***Australian Hearing Services Act 1991***

25 **19 Subsection 53(1)**

26 Omit “(1)”.

1 **20 Subsection 53(2)**

2 Repeal the subsection.

3 ***Australian Institute of Aboriginal and Torres Strait Islander***
4 ***Studies Act 1989***

5 **21 Section 39**

6 Omit “(including taxation under the *Debits Tax Act 1982*)”.

7 ***Australian Institute of Health and Welfare Act 1987***

8 **22 Section 26**

9 Omit “(including taxation under the *Bank Account Debits Tax Act*
10 *1982*)”.

11 ***Australian National Maritime Museum Act 1990***

12 **23 Subsection 49(1)**

13 Omit “(1)”.

14 **24 Subsection 49(2)**

15 Repeal the subsection.

16 ***Australian Postal Corporation Act 1989***

17 **25 Section 90E (definition of sales tax on imports)**

18 Repeal the definition.

19 **26 Subparagraph 90K(3)(b)(ii)**

20 Repeal the subparagraph.

21 **27 Sub-subparagraph 90S(1)(b)(ii)(B)**

22 Repeal the sub-subparagraph.

23 **28 Subsection 90S(5)**

24 Omit “, (B)”.

1 **29 Subsection 90S(5)**

2 Omit “, sales tax.”

3 **30 Subparagraph 90T(5)(b)(ii)**

4 Repeal the subparagraph.

5 **31 Subsection 90T(6)**

6 Omit “, sales tax.”

7 ***Australian Securities and Investments Commission Act 2001***

8 **32 Paragraph 139(1)(a)**

9 Omit “a law imposing sales tax, the *Debits Tax Act 1982* or”.

10 **33 Paragraph 165(1)(a)**

11 Omit “a law imposing sales tax, the *Debits Tax Act 1982* or”.

12 ***Australian Sports Commission Act 1989***

13 **34 Subsection 50(1)**

14 Omit “(including taxation under the *Debits Tax Act 1982*)”.

15 **35 Subsection 50(1)**

16 Omit “(other than laws relating to sales tax)”.

17 **36 Subsection 50(2)**

18 Repeal the subsection.

19 **37 Subsection 50(3)**

20 Omit “or (2)”.

21 **38 Subsection 51(1)**

22 Omit “(including taxation under the *Debits Tax Act 1982*)”.

23 **39 Subsection 51(1)**

24 Omit “(other than laws relating to sales tax)”.

25 **40 Subsection 51(2)**

1 Repeal the subsection.

2 **41 Subsection 51(3)**

3 Omit “or (2)”.

4 ***Australian Sports Drug Agency Act 1990***

5 **42 Subsection 65A(2)**

6 Repeal the subsection.

7 **43 Subsection 65A(3)**

8 Omit “or (2)”.

9 ***Bank Integration Act 1991***

10 **44 Section 5 (paragraph (a) of the definition of tax)**

11 Repeal the paragraph.

12 ***Commonwealth Serum Laboratories Act 1961***

13 **45 Section 31 (paragraphs (a) and (b) of the definition of tax)**

14 Repeal the paragraphs.

15 ***Consular Privileges and Immunities Act 1972***

16 **46 Sections 8 and 8A**

17 Repeal the sections.

18 ***Crimes (Taxation Offences) Act 1980***

19 **47 Subsection 3(1) (definition of Australian installation)**

20 Repeal the definition, substitute:

21 *Australian installation* means an installation (within the meaning
22 of the *Customs Act 1901*) that is deemed by section 5C of the
23 *Customs Act 1901* to be part of Australia.

24 **48 Subsection 3(1) (definition of old sales tax)**

1 Repeal the definition.

2 **49 Subsection 3(1) (definition of *Sales Tax Assessment Acts*)**

3 Repeal the definition.

4 **50 Subsection 3(1) (definition of *Training Guarantee***
5 ***(Administration) Act*)**

6 Repeal the definition.

7 **51 Subsection 3(1) (definition of *training guarantee charge*)**

8 Repeal the definition.

9 **52 Paragraph 3(2)(a)**

10 Omit “old sales tax” (wherever occurring), substitute “income tax”.

11 **53 Paragraph 3(2)(b)**

12 Omit “future old sales tax”, substitute “future income tax”.

13 **54 Subparagraphs 3(2)(b)(i) and (ii)**

14 Omit “the old sales tax”, substitute “the income tax”.

15 **55 Sub-subparagraph 3(2)(b)(ii)(B)**

16 Omit “some one or other of the Sales Tax Assessment Acts”, substitute
17 “the Income Tax Assessment Act”.

18 **56 Paragraph 3(2)(c)**

19 Omit “old sales tax moneys”, substitute “income tax moneys”.

20 **57 Subparagraph 3(2)(c)(i)**

21 Omit “the old sales tax”, substitute “the income tax”.

22 **58 Subparagraph 3(2)(c)(ii)**

23 Omit “further sales tax”, substitute “further income tax”.

24 **59 Subparagraphs 3(2)(c)(ii),(iii) and (iv)**

25 Omit “any of the Sales Tax Assessment Acts”, substitute “the Income
26 Tax Assessment Act”.

27 **60 Subparagraph 3(2)(c)(v)**

1 Omit “old sales tax, further sales tax”, substitute “income tax, further
2 income tax”.

3 **61 Subsection 3(3)**

4 Omit “old sales tax” (wherever occurring), substitute “income tax”.

5 **62 Paragraph 3(4)(e)**

6 Omit “old sales tax” (wherever occurring), substitute “income tax”.

7 **63 Subsection 3(5)**

8 Omit “old sales tax” (wherever occurring), substitute “income tax”.

9 **64 Subsections 4(2), (2A) and (3)**

10 Repeal the subsections.

11 **65 Part II (heading)**

12 Repeal the heading, substitute:

13 **Part II—Offences relating to income tax**

14 **66 Part II (paragraphs (a), (b) and (e) of note to heading)**

15 Repeal the paragraphs.

16 **67 Subsection 5(1)**

17 Omit “old sales tax”, substitute “income tax”.

18 **68 Paragraphs 5(2)(a) and (b)**

19 Omit “old sales tax”, substitute “income tax”.

20 **69 Subsection 6(1)**

21 Omit “old sales tax”, substitute “income tax”.

22 **70 Paragraphs 6(2)(a) and (b)**

23 Omit “old sales tax”, substitute “income tax”.

24 **71 Subsection 7(1)**

25 Omit “old sales tax”, substitute “income tax”.

1 **72 Paragraphs 7(2)(a) and (b)**

2 Omit “old sales tax”, substitute “income tax”.

3 **73 Paragraph 8(a)**

4 Omit “old sales tax”, substitute “income tax”.

5 **74 Sub-subparagraph 8(b)(i)(A)**

6 Omit “some one or other of the Sales Tax Assessment Acts”, substitute
7 “the Income Tax Assessment Act”.

8 **75 Subparagraph 8(b)(ii)**

9 Omit “old sales tax”, substitute “income tax”.

10 **76 Subparagraph 8(b)(iii)**

11 Omit “if old sales tax”, substitute “if income tax”.

12 **77 Subparagraph 8(b)(iii)**

13 Omit “when the old sales tax”, substitute “when the income tax”.

14 **78 Sub-subparagraphs 8(b)(iii)(A), (B) and (C)**

15 Omit “old sales tax”, substitute “income tax”.

16 **79 Sub-subparagraph 8(b)(iii)(C)**

17 Omit “some one or other of the Sales Tax Assessment Acts”, substitute
18 “the Income Tax Assessment Act”.

19 **80 Paragraph 8(c)**

20 Omit “old sales tax”, substitute “income tax”.

21 **81 Subsection 10(1)**

22 Omit “old sales tax”, substitute “income tax”.

23 **82 Paragraph 10(2)(a)**

24 Omit “old sales tax”, substitute “income tax”.

25 **83 Paragraph 10(2)(b)**

1 Omit “some one or other of the Sales Tax Assessment Acts, that the old
2 sales tax moneys, or part of the old sales tax moneys”, substitute “the
3 Income Tax Assessment Act, that the income tax moneys, or part of the
4 income tax moneys”.

5 **84 Subsection 10(2)**

6 Omit “old sales tax moneys or the part of the old sales tax”, substitute
7 “income tax moneys or the part of the income tax”.

8 **85 Subsection 10(3)**

9 Omit “old sales tax” (wherever occurring), substitute “income tax”.

10 **86 Subsection 10(3)**

11 Omit “some one or other of the Sales Tax Assessment Acts”, substitute
12 “the Income Tax Assessment Act”.

13 **87 Paragraph 11(1)(a)**

14 Omit “old sales tax”, substitute “income tax”.

15 **88 Paragraph 11(1)(a)**

16 Omit “some one or other of the Sales Tax Assessment Acts”, substitute
17 “the Income Tax Assessment Act”.

18 **89 Paragraphs 11(1)(b),(c) and (d)**

19 Omit “old sales tax”, substitute “income tax”.

20 **90 Subsection 12(1)**

21 Omit “old sales tax” (wherever occurring), substitute “income tax”.

22 **91 Subsection 12(1)**

23 Omit “some one or other of the Sales Tax Assessment Acts”, substitute
24 “the Income Tax Assessment Act”.

25 **92 Subsection 12(2)**

26 Omit “to the old sales tax moneys”, substitute “to the income tax
27 moneys”.

28 **93 Paragraphs 12(2)(a) and (b)**

29 Omit “old sales tax” (wherever occurring), substitute “income tax”.

1 **94 Parts IIA and III**

2 Repeal the Parts.

3 **95 Paragraphs 14(1)(a) and (b)**

4 Omit “old sales tax”, substitute “income tax”.

5 **96 Paragraph 14(1)(c)**

6 Omit “some one or other of the Sales Tax Assessment Acts”, substitute
7 “the Income Tax Assessment Act”.

8 **97 Paragraph 14(1)(d)**

9 Omit “old sales tax”, substitute “income tax”.

10 **98 Paragraphs 15(1)(a) and (b)**

11 Omit “old sales tax”, substitute “income tax”.

12 **99 Paragraph 15(1)(c)**

13 Omit “some one or other of the Sales Tax Assessment Acts”, substitute
14 “the Income Tax Assessment Act”.

15 **100 Paragraph 15(1)(d)**

16 Omit “old sales tax”, substitute “income tax”.

17 **101 Part VI**

18 Repeal the Part.

19 **102 Paragraphs 17(1)(a) and (b)**

20 Omit “old sales tax”, substitute “income tax”.

21 **103 Paragraph 17(1)(c)**

22 Omit “some one or other of the Sales Tax Assessment Acts”, substitute
23 “the Income Tax Assessment Act”.

24 **104 Paragraph 17(1)(d)**

25 Omit “old sales tax”, substitute “income tax”.

26 **105 Paragraphs 18(1)(a) and (b)**

27 Omit “old sales tax”, substitute “income tax”.

1 **106 Paragraph 18(1)(c)**

2 Omit “some one or other of the Sales Tax Assessment Acts”, substitute
3 “the Income Tax Assessment Act”.

4 **107 Paragraph 18(1)(d)**

5 Omit “old sales tax”, substitute “income tax”.

6 **108 Paragraphs 19(1)(a) and (b)**

7 Omit “old sales tax”, substitute “income tax”.

8 **109 Paragraph 19(1)(c)**

9 Omit “some one or other of the Sales Tax Assessment Acts”, substitute
10 “the Income Tax Assessment Act”.

11 **110 Paragraph 19(1)(d)**

12 Omit “old sales tax”, substitute “income tax”.

13 **111 Paragraphs 20(1)(a) and (b)**

14 Omit “old sales tax”, substitute “income tax”.

15 **112 Paragraph 20(1)(c)**

16 Omit “some one or other of the Sales Tax Assessment Acts”, substitute
17 “the Income Tax Assessment Act”.

18 **113 Paragraph 20(1)(d)**

19 Omit “old sales tax”, substitute “income tax”.

20 ***Freedom of Information Act 1982***

21 **114 Schedule 3**

22 Omit “*Debits Tax Administration Act 1982*, subsection 7(2)”.

23 **115 Schedule 3**

24 Omit “*Sales Tax Assessment Act (No. 1) 1930*, subsection 10(2)”.

25 **116 Schedule 3**

26 Omit “*Sales Tax Procedure Act 1934*, subsection 4A(3)”.

1 **117 Schedule 3**

2 Omit “*Sales Tax Assessment Act 1992*, subsection 110(2)”.

3 **118 Schedule 3**

4 Omit “*Tobacco Charges Assessment Act 1955*, subsections 10(2) and
5 (5)”.

6 **119 Schedule 3**

7 Omit “*Wool Tax (Administration) Act 1964*, subsections 8(2) and (5)”.

8 ***Fringe Benefits Tax Assessment Act 1986***

9 **120 Subsection 136(1) (subparagraph (a)(i) of the definition of**
10 **cost price)**

11 Repeal the subparagraph, substitute:

- 12 (i) where the car was manufactured by the person—the
13 amount for which the car could reasonably have been
14 expected to have been sold by the person by wholesale
15 under an arm’s length transaction at or about the time
16 when the car was applied to the person’s own use; or

17 **121 Subsection 136(1) (subparagraph (a)(iii) of the definition**
18 **of cost price)**

19 Omit “sales tax or”.

20 **122 Subsection 136(1) (subparagraph (b)(i) of the definition**
21 **of cost price)**

22 Repeal the subparagraph, substitute:

- 23 (i) where the accessory was manufactured by the person (in
24 this paragraph called the *provider*) who held the car at
25 the time of the fitting—the amount for which the
26 accessory could reasonably have been expected to have
27 been sold under an arm’s length transaction by the
28 person by wholesale at or about the time when the
29 accessory was applied to the provider’s own use; and

30 **123 Subsection 136(1) (subparagraph (b)(iii) of the definition**
31 **of cost price)**

32 Omit “sales tax or”.

1 **124 Subsection 136(1) (definition of sales tax)**

2 Repeal the definition.

3 ***Income Tax Assessment Act 1997***

4 **125 Subsection 995-1(1) (paragraph (d) of the definition of**
5 ***BAS provisions*)**

6 Omit “and”.

7 **126 Subsection 995-1(1) (paragraph (e) of the definition of**
8 ***BAS provisions*)**

9 Repeal the paragraph.

10 ***Primary Industries and Energy Research and Development***
11 ***Act 1989***

12 **127 Subsection 4(1) (definition of tobacco levy)**

13 Repeal the definition.

14 **128 Subsection 32(1)**

15 Omit “Subject to subsection (3), where”, substitute “Where”.

16 **129 Subsection 32(3)**

17 Repeal the subsection.

18 **130 Subsection 110(1)**

19 Omit “Subject to subsection (3), where”, substitute “Where”.

20 **131 Subsection 110(3)**

21 Repeal the subsection.

22 ***Snowy Mountains Engineering Corporation Act 1970***

23 **132 Section 39M (paragraphs (a) and (b) of the definition of**
24 ***tax*)**

25 Repeal the paragraphs.

1 ***Special Broadcasting Service Act 1991***

2 **133 Section 68**

3 Omit all the words after “Territory”.

4 ***Taxation Administration Act 1953***

5 **134 Subsection 8AAB(5) (table items 5 to 7, 21 and 22)**

6 Repeal the items.

7 **135 Subsection 8B(5)**

8 Repeal the subsection.

9 **136 Paragraph 8C(1)(c)**

10 Repeal the paragraph.

11 **137 Paragraphs 8J(2)(f), (g), (m), (n) and (na)**

12 Repeal the paragraphs.

13 **138 Paragraph 8J(2)(pa)**

14 Omit “or”.

15 **139 Paragraphs 8J(2)(q) to (r)**

16 Repeal the paragraphs.

17 **140 Section 14ZQ (definition of *appealable objection***
18 ***decision*)**

19 Repeal the definition, substitute:

20 *appealable objection decision* means an objection decision other
21 than one made on a taxation objection under section 14E of this
22 Act:

23 **141 Section 14ZQ (paragraphs (c) to (f) of the definition of**
24 ***delayed administration (beneficiary) objection*)**

25 Repeal the paragraphs.

26 **142 Section 14ZQ (definition of *ineligible sales tax remission***
27 ***decision*)**

1 Repeal the definition.

2 **143 Section 14ZQ (definition of *registration-type sales tax***
3 ***decision*)**

4 Repeal the definition.

5 **144 Section 14ZQ (definition of *reviewable objection***
6 ***decision*)**

7 Repeal the definition, substitute:

8 *reviewable objection decision* means an objection decision that is
9 not an ineligible income tax remission decision.

10 **145 Section 14ZQ (definition of *Sales Tax Assessment Act*)**

11 Repeal the definition.

12 **146 Subsection 14ZR(2)**

13 Omit all the words after paragraph (b), substitute:

14 (c) the objection decision is to any extent an ineligible income
15 tax remission decision;

16 then, this Part has effect, in relation to any review or appeal, as if
17 so much of the objection decision as consists of one or more
18 ineligible income tax remission decisions were taken to be a
19 separate objection decision.

20 **147 Section 14ZT**

21 Repeal the section.

22 **148 Paragraph 14ZZB(1)(a)**

23 Omit “(other than a reviewable objection decision that relates to a
24 registration-type sales tax decision)”.

25 **149 Subsection 14ZZB(2)**

26 Omit “(other than a reviewable objection decision that relates to a
27 registration-type sales tax decision)”.

28 **150 Section 14ZZH**

29 Repeal the section.

1 **151 Sections 14ZZM and 14ZZR**

2 Omit “(other than a registration-type sales tax decision)”.

3 **152 Section 250-10(2) in Schedule 1 (table items 150 to 165)**

4 Repeal the items.

5 ***Taxation (Interest on Overpayments and Early Payments) Act***
6 ***1983***

7 **153 Subsection 3(1) (paragraph (e) of the definition of**
8 ***decision to which this Act applies*)**

9 Repeal the paragraph.

10 **154 Subsection 3(1) (definition of *objection*)**

11 Repeal the definition, substitute:

12 *objection* means a taxation objection within the meaning of
13 Part IVC of the *Taxation Administration Act 1953*.

14 **155 Section 3C (table items 100, 105, 115, 125, 130, 135 and**
15 **140 in the definition of *relevant tax*)**

16 Repeal the items.

17 **156 Section 12**

18 Repeal the section.

19 ***Trade Practices Act 1974***

20 **157 Section 75AT (paragraph (a) of the definition of *New Tax***
21 ***System changes*)**

22 After “of the”, insert “former”.

23 **158 Section 75AT (paragraph (b) of the definition of *New Tax***
24 ***System changes*)**

25 After “in the”, insert “former”.

26 ***Wool International Act 1953***

1 **159 Title**

2 Omit “through payments of wool tax”.

3 **160 Section 3**

4 Omit “through payments of wool tax”.

5 **161 Section 4 (definition of *Administration Act*)**

6 Repeal the definition.

7 **162 Section 4 (definition of *carpet wool*)**

8 Repeal the definition.

9 **163 Section 4 (definition of *sale value*)**

10 Repeal the definition.

11 **164 Section 4 (definition of *wool tax*)**

12 Repeal the definition.

13 **165 Section 4 (definition of *Wool Tax Act*)**

14 Repeal the definition.

15 **166 Part 7**

16 Repeal the Part.

17 ***Wool Services Privatisation Act 2000***

18 **167 Section 7 (definition of *wool tax*)**

19 Repeal the definition.

20 **168 Paragraph 31(1)(a)**

21 Omit “wool tax and”.

22 **169 Subsections 31(5) and (6)**

23 Repeal the subsections, substitute:

24 *Overall limit on appropriation for category A payments*

25 (5) For category A payments, the total limit on the appropriation is the
26 total amount of wool levy received by the Commonwealth. For this

Schedule 5 Inoperative Acts repealed on Royal Assent
Part 2 Consequential amendments

1 purpose, amounts received by the Commonwealth as penalties for
2 late payment of wool levy are to be treated as amounts of wool
3 levy.

4 *Overall limit on appropriation for category B payments*

5 (6) For category B payments, the total limit on the appropriation is the
6 total amount of wool levy received by the Commonwealth. For this
7 purpose, amounts received by the Commonwealth as penalties for
8 late payment of wool levy are not to be treated as amounts of wool
9 levy.

1
2 **Schedule 6—Application and savings**
3 **provisions**
4

5 **Part 1—Application provisions**

6 **1 Application of Schedule 1 and 2 amendments**

7 Except as mentioned in items 2 and 3, the repeals and amendments
8 made by Schedules 1 and 2 apply:

- 9 (a) so far as they affect assessments—to assessments for the
10 2006-07 income year and all later income years; and
11 (b) otherwise—to acts done or omitted to be done, or states of
12 affairs existing, after the commencement of the amendments.

13 **2 Application of Schedule 2 withholding tax amendments**

14 The amendments made by items 321, 327 and 328 of Schedule 2 apply
15 to income derived in the 2006-07 income year or a later income year.

16 **3 Application of TFN withholding tax amendments**

- 17 (1) The amendment made by item 900 of Schedule 2 applies to payments
18 made on or after the day on which this Act receives the Royal Assent.
- 19 (2) The repeal of Subdivision C of Division 3B of Part VI of the *Income*
20 *Tax Assessment Act 1936* by item 151 of Schedule 1 to this Act, and the
21 insertion of section 14-55 in Schedule 1 to the *Taxation Administration*
22 *Act 1953* by item 906 of Schedule 2 to this Act, apply to the 2006-07
23 income year and later income years.
- 24 (3) The insertion of sections 14-50, 14-60, 14-65, 14-75 and 14-85 in
25 Schedule 1 to the *Taxation Administration Act 1953* by item 906 of
26 Schedule 2 to this Act applies to tax payable in accordance with former
27 section 221YHZR of the *Income Tax Assessment Act 1936* as if:
28 (a) the tax were TFN withholding tax (payable under
29 section 14-55 in that Schedule); and
30 (b) section 14-55 in that Schedule applied to the income year in
31 respect of which the tax is payable.

32 **4 Application of Schedule 3 and 4 amendments**

33 The repeals and amendments made by Schedules 3 and 4 apply:

- 1 (a) so far as they affect assessments—to assessments for the
2 2007-08 income year and all later income years; and
3 (b) otherwise—to acts done or omitted to be done, or states of
4 affairs existing, after the commencement of the amendments.

5 **5 Application of Schedule 5 amendments**

6 The repeals and amendments made by Schedule 5 apply to acts done or
7 omitted to be done, or states of affairs existing, after the commencement
8 of the amendments.

9 **Part 2—General saving provisions**

10 **6 Making and amending assessments, and doing other**
11 **things, in relation to past matters**

12 Even though an Act is repealed or amended by this Act, the repeal or
13 amendment is disregarded for the purpose of doing any of the following
14 under any Act or legislative instrument (within the meaning of the
15 *Legislative Instruments Act 2003*):

- 16 (a) making or amending an assessment (including under a
17 provision that is itself repealed or amended);
18 (b) exercising any right or power, performing any obligation or
19 duty or doing any other thing;

20 in relation to any act done or omitted to be done, any state of affairs
21 existing, or any period ending, before the repeal or amendment applies.

22 **7 Saving of provisions about effect of assessments**

23 If a provision or part of a provision that is repealed or amended by this
24 Act deals with the effect of an assessment, the repeal or amendment is
25 disregarded in relation to assessments made, before or after the repeal or
26 amendment applies, under provisions that are themselves repealed or
27 amended by this Act.

28 **8 Saving of provisions about general interest charge, failure**
29 **to notify penalty or late reconciliation statement penalty**

30 If:

- 31 (a) a provision or part of a provision that is repealed or amended
32 by this Act provides for the payment of:

- 1 (i) general interest charge, failure to notify penalty or late
2 reconciliation statement penalty (all within the meaning
3 of the *Income Tax Assessment Act 1936*); or
4 (ii) interest under the *Taxation (Interest on Overpayments
5 and Early Payments) Act 1983*; and
6 (b) in a particular case, the period in respect of which the charge,
7 penalty or interest is payable (whether under the provision or
8 under the *Taxation Administration Act 1953*) had not ended
9 when the provision is repealed;
10 then, despite the repeal or amendment, the provision or part continues to
11 apply in the particular case until the end of the period.

12 **9 Repeals and amendments disregarded for the purposes of**
13 **dependent provisions**

14 If the operation of a provision (the *subject provision*) of any Act or
15 legislative instrument (within the meaning of the *Legislative*
16 *Instruments Act 2003*) made under any Act depends to any extent on an
17 Act that is repealed or amended by this Act, the repeal or amendment is
18 disregarded so far as it affects the operation of the subject provision.

19 **10 Schedule does not limit operation of section 8 of Acts**
20 ***Interpretation Act 1901***

21 This Schedule does not limit the operation of section 8 of the *Acts*
22 *Interpretation Act 1901*.

23 **Part 3—Other saving provisions and transitional**
24 **provisions**

25 **11 Continued operation of repealed section 215 of *Income***
26 ***Tax Assessment Act 1936***

27 If, just before the repeal of section 215 of the *Income Tax Assessment*
28 *Act 1936* by Schedule 1 to this Act, that section applied to:

- 29 (a) a liquidator of a company that was being wound up; or
30 (b) a receiver for debenture holders who had taken possession of
31 assets of a company; or
32 (c) an agent for a non-resident who had been required by the
33 agent's principal to wind up the business or realise the assets
34 of the principal;

35 the section continues so to apply in spite of the repeal.

1 **12 Continued operation of repealed sections 216 and 220 of**
2 ***Income Tax Assessment Act 1936***

3 If, just before the repeal of section 216 or 220 of the *Income Tax*
4 *Assessment Act 1936* by Schedule 1 to this Act, that section applied to a
5 deceased taxpayer, the section continues so to apply in spite of the
6 repeal.

7 **13 Resolutions to which section 221B of *Income Tax***
8 ***Assessment Act 1936* applies**

9 If a resolution to which section 221B of the *Income Tax Assessment Act*
10 *1936* applied was in force just before the repeal of that section by
11 Schedule 1 to this Act, section 446-5 in Schedule 1 to the *Taxation*
12 *Administration Act 1953* (inserted by item 921 of Schedule 2 to this
13 Act) applies to the resolution after the repeal.

14 **14 Extended operation of subsection 265-45(2) in Schedule 1**
15 **to the *Taxation Administration Act 1953***

16 In addition to the operation that it has apart from this item, subsection
17 265-45(2) in Schedule 1 to the *Taxation Administration Act 1953* also
18 applies to an amount of a liability (within the meaning of that
19 subsection) that a person pays after the repeal of section 259 of the
20 *Income Tax Assessment Act 1936* by item 154 of Schedule 1 to this Act,
21 where the liability arose before 1 July 2000.