

FINANCE (TAXATION MANAGEMENT) ACT.

Act No. 23, 1926.

An Act to provide for the collection of taxes under the Finance (Newspapers Taxation) Act, 1926 ; to limit the amount to be paid to the County of Cumberland Main Roads Fund and the Country Main Roads Fund under the Main Roads Act, 1924 ; to make further provision regarding the Developmental Road Fund ; to amend the Main Roads Act, 1924, and certain other Acts ; and for purposes connected therewith. [Assented to, 30th December, 1926.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Finance (Taxation Management) Act, 1926." Short title, interpretation, and commencement.

(2) Words and expressions used in this Act shall have the same meaning as in the Finance (Newspapers Taxation) Act, 1926.

(3) This Act so far as it amends the Main Roads Act, 1924, shall be read and construed with that Act.

(4) This Act, except where otherwise therein expressed, shall commence on the first day of January in the year one thousand nine hundred and twenty-seven.

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Payment of
newspaper
tax.

2. (1) Any tax under the Finance (Newspapers Taxation) Act, 1926, shall be paid to the Colonial Treasurer by the proprietor or the publisher monthly on or before a date in each month to be fixed by the regulations made under this Act; and the amount thereof shall be carried to the Consolidated Revenue Fund.

(2) If such taxes are not paid on or before the date upon which the same is so payable, an additional tax amounting to ten per centum of the tax unpaid shall be payable by way of penalty.

(3) The Colonial Treasurer may in any case in which it appears to him that serious hardship would ensue, forego the whole or any part of such additional tax, or give time for the payment thereof.

(4) Any such tax or additional tax may be recovered as a Crown debt in any court of competent jurisdiction.

Examination
of books, &c.

3. (1) The Colonial Treasurer may, by seven days' notice in the form prescribed, require any person to produce for examination by any person appointed in that behalf, and at the time and place fixed by the Colonial Treasurer, all instruments, books, accounts, vouchers, documents, writings, or records that may be deemed by the Colonial Treasurer to be necessary for the purpose of obtaining information as to the amount of tax properly payable under this Act.

(2) Any person who without reasonable excuse fails to comply with any requirement made under this section or to answer any question asked by the person so appointed relating to such records shall be liable on summary conviction to a penalty not exceeding fifty pounds, and to a further penalty not exceeding five pounds for every day after the first during which such default continues.

Secrecy.

4. Any person who without lawful excuse reveals any matter or thing which has come to his knowledge in an official capacity in the administration of this Act shall be liable on summary conviction to a penalty not exceeding fifty pounds.

Relief of
proprietors
and
publishers.

5. (1) The proprietor or publisher of a newspaper may recover from any periodical subscriber whose subscription is current at the commencement of this Act the amount of the tax paid in respect of the copies supplied

supplied to such subscriber or may decline to further supply the subscriber unless he has paid the amount of tax which will become payable in respect of the copies still to be supplied in satisfaction of the subscription.

(2) The proprietor or publisher of a newspaper may add the amount of tax payable by him to the amount payable to him under any contract in force at the commencement of this Act for the sale of copies of the newspaper and may recover the amount so added from the purchaser.

6. The Newspapers Act, 1898, is amended by inserting Amendment of Act No. 23, 1898, s. 14. next after subsection one of section fourteen the following new subsection:—

(1A) Upon the front page of every newspaper there shall be printed the full title of the newspaper, the number and date of the publication, and the selling price thereof to the public.

If the newspaper is subject to taxation under the Finance (Newspapers Taxation) Act, 1926, the selling price shall be printed in such a manner as to indicate the amount of the tax to which it is subject, and that the selling price includes such tax.

7. (1) The Governor may make regulations not Regulations. inconsistent with this Act, prescribing all matters which by this Act are required or authorised to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and without limiting the generality of the foregoing power in particular, prescribing—

- (a) the records to be kept by proprietors and publishers of newspapers to evidence the number of copies sold and the amount of tax due in respect thereof;
- (b) the returns to be made by the publisher as to the number of copies issued upon each publication;
- (c) the method in which the amount of tax is to be ascertained and verified; and
- (d) the date in each month when the returns are to be furnished.

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(2) The regulations may impose a penalty not exceeding one hundred pounds for any breach thereof, and in the case of a continuing breach a further penalty not exceeding ten pounds a day for every day for which such breach continues.

(3) The regulations shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication or from a later date to be specified in the regulations; and
- (iii) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

Amendment of
Act No. 24, 1924.
Sec. 10 (2).

8. (1) The Main Roads Act, 1924, is amended—

- (a) (i) by inserting at the end of subsection two of section ten the following proviso :—

“ Provided that in the financial year commencing on the first day of July, one thousand nine hundred and twenty-six, and in each succeeding financial year the amount to be paid into each of the said Main Roads Funds under this subsection shall not exceed one hundred and six thousand one hundred and fifty-five pounds, and any balance in the said special account shall be paid to the Consolidated Revenue Fund.”

Sec. 10 (3).

- (ii) by inserting at the end of subsection three of the same section the following proviso :—

“ Provided that in the financial year commencing on the first day of July, one thousand nine hundred and twenty-six, and in each succeeding financial year the amount to be paid into the County of Cumberland

Cumberland Main Roads Fund under this subsection shall not exceed six thousand three hundred pounds, and any balance in the said special account shall be paid to the Consolidated Revenue Fund.”

(b) by inserting at the end of subsection two of Sec. 20 (2), section twenty the following proviso :—

“ Provided that in the financial year commencing on the first day of July, one thousand nine hundred and twenty-six, and in each succeeding financial year the amount to be paid into the Country Main Roads Fund under this subsection shall not exceed three hundred and forty-six thousand two hundred and twenty-seven pounds, and any balance in the said special account shall be paid to the Consolidated Revenue Fund.”

(c) by omitting from paragraph (a) of subsection Sec. 29 (1) (a), one of section twenty-nine the word “ such ” and by inserting in lieu thereof the words “ a sum not less than one hundred and thirty-eight thousand pounds to be voted by Parliament in each year from the Consolidated Revenue Fund and such other ”

(2) The amendments inserted by this section shall not be construed to refer to any balances standing to the credit of the special accounts therein referred to on the thirtieth day of June, one thousand nine hundred and twenty-six.

(3) This section shall be deemed to have come into operation on the first day of July, one thousand nine hundred and twenty-six.