

B.A.W.R.A. INCOME TAX (DECLARATORY) ACT.

Act No. 21, 1931.

An Act to declare that certain distributions and payments made by the British Australian Wool Realisation Association, Limited, and in certain cases the value of priority certificates issued by and shares in the association allotted by reason of the supply to the Imperial Government of wool and goods produced in New South Wales and certain receipts of money or shares from the trustee of the Wool Selling Brokers' Commission Trust shall be deemed to be income for the purposes of the Income Tax (Management) Act, 1912, as amended by subsequent Acts, and/or assessable income for the purposes of the Income Tax (Management) Act, 1928, as amended by subsequent Acts; to amend such Acts; and for purposes connected therewith. [Assented to, 19th June, 1931.]

George V.
No. 21, 1931.
—

BE

No. 21, 1931.

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:—

Short title.

1. (1) This Act may be cited as the "B.A.W.R.A. Income Tax (Declaratory) Act, 1931."

(2) This Act shall be deemed to have commenced on the first day of July, one thousand nine hundred and twenty.

Interpretation.

2. (1) This Act shall be read with the Income Tax (Management) Act, 1912, as amended by subsequent Acts, and with the Income Tax (Management) Act, 1928, as amended by subsequent Acts, which Acts as so amended are herein referred to as the Principal Acts.

(2) In this Act, unless the context or subject-matter otherwise requires,—

"Association" means The British Australian Wool Realisation Association, Limited, and includes any liquidator thereof.

"Assessable income" also means income as referred to in the Income Tax (Management) Act, 1912.

"Income year" includes year of income.

"Non-resident person" means a person whose usual or principal place of abode is not in the State.

"Person" includes a company.

"Priority certificate" or "certificate" means a priority certificate issued by the association.

"Resident person" means a person whose usual or principal place of abode is in the State.

"Share" means a share in the association.

"Supplier" means a person who has since the year one thousand nine hundred and fifteen sold or delivered for appraisement to the Imperial Government or to the Government of the Commonwealth of Australia, the Central Wool Committee, or a wool committee of a State on behalf of the Imperial Government wool or other goods produced in New South Wales and

was

was paid cash or is nominated by the Central Wool Committee as a person who in respect of such wool or other goods should receive a priority certificate or have a share allotted to him; and "supplies" or "supplied" has a corresponding meaning.

3. Where any resident person by reason of his being a supplier receives from the association either money or a priority certificate or has issued to him a share, any payment received by him of such money or in respect of the certificate or share from the association shall be deemed for the purposes of the Principal Acts to be assessable income of such resident in the income year in which the payment is received by him. Resident person.

4. (1) Subject to this section, where a resident person sells or otherwise disposes of a priority certificate issued to him or a share allotted to him, the amount realised by such sale (less the expenses of the sale) or the market value of the priority certificate or the share at the date of any disposal otherwise than by way of sale shall, for the purposes of the Principal Acts, be deemed to be assessable income of that person in the income year in which such sale or disposal is effected. Proceeds of sale of priority certificates.

(2) Where a resident person has supplied or supplies wool or goods and a priority certificate is issued or a share is allotted to any other person who is the assign of the business in connection with which the wool or goods were or are supplied, any payment by the association to such assign in respect of the wool or goods supplied or in respect of the priority certificate or share or the purchase money if the certificate or share is sold (less the expenses of sale) shall, for the purposes of the Principal Acts, be deemed assessable income of such assign in the income year in which the payment or purchase money is received.

And where a priority certificate or a share in the association is transferred by the supplier to such assign any payment afterwards received from the association by the assign in respect of the priority certificate or share or the purchase money if the same is sold (less the expenses of sale) shall be deemed assessable income of such assign in the income year in which the payment or purchase money is received.

This

No. 21, 1931.

This subsection applies only in a case where the assign is a company in which the resident person is at or about the date of its formation substantially interested as a shareholder or is a company the shares in which at or about the date of formation are substantially in the same hands as the shares in a company which supplied the wool or goods.

(3) Where by reason of the death of or any settlement made by a resident person who sold or delivered for appraisement to the Imperial Government wool or goods produced in New South Wales any money is paid or any priority certificate is issued or any share is allotted to the personal representative of such resident person or the trustee of such settlement, the money paid or any payment made by the association in respect of the priority certificate or share or the purchase money (less the expenses of sale if the certificate or share is sold) shall, for the purposes of the Principal Acts, be deemed assessable income of the personal representative of the resident person as such or of the trustee of the settlement as such in the income year in which such payment or purchase money was received, and such personal representative or trustee may be assessed for income tax and shall be liable to pay the same in accordance with the assessment :

Provided that where any beneficiary at the time of the receipt of any such payment or purchase money by the personal representative or trustee has a vested interest in the whole or a part of such payment or purchase money and is entitled to receive the same or the income from any investment thereof, the payment or purchase money or such part shall be deemed assessable income of such beneficiary in the income year in which the payment is made by the association or the purchase money so received, as the case may be.

**Non-resident
person.**

5. (1) Where any non-resident person by reason of his being a supplier receives from the association either money or a priority certificate or has allotted to him a share, the money so received or the value of the priority certificate or the share shall, for the purposes of the Principal Acts, be deemed to be assessable income of that

that person in the income year in which the payment is received or the priority certificate issued or the share allotted, as the case may be.

(2) Where a non-resident person has supplied or supplies wool or goods and payment of money is made by or a priority certificate of the association is issued or a share in the association is allotted to any other person who is the assign of the business in connection with which the wool or goods were or are supplied, the amount so paid or the value of the certificate issued or the shares allotted shall, for the purposes of the Principal Acts, be deemed to be assessable income of the assign in the income year in which the money is received, the certificate issued, or the share allotted, as the case may be.

This subsection applies only in a case where the assign is a company in which the non-resident person is at or about the date of its formation substantially interested as a shareholder or is a company the shares in which at or about the date of its formation are substantially in the same hands as the shares in a company which supplied the wool or goods.

(3) Where by reason of the death of or any settlement made by a non-resident person who sold or delivered for appraisement to the Imperial Government wool or goods produced in New South Wales any money is paid by the association or any priority certificate is issued or any share is allotted to the personal representative of such non-resident person or to the trustee of such settlement, the money so paid or the value of the certificate or share shall, for the purposes of the Principal Acts, be deemed assessable income of the personal representative of the non-resident person as such or of the trustee of the settlement as such in the income year in which such payment was received, certificate issued or share allotted, and such personal representative or trustee may be assessed for income tax, and shall be liable to pay the same in accordance with the assessment :

Provided that where at the time any priority certificate is issued or any share is allotted to the personal representative or the trustee, or any payment is

No. 21, 1931.

is made by the association in lieu of the issue of a priority certificate or the allotment of a share to the personal representative or trustee any beneficiary has a vested interest in the whole or in part of such share, priority certificate, or payment, and is entitled to receive the same or the income from any investment thereof, the value of the priority certificate or share or the payment referred to in this paragraph shall be deemed to be assessable income of such beneficiary in the income year in which it is issued, allotted, or received by the personal representative or trustee.

(4) For the purposes of this section the value of a priority certificate shall be taken to be nineteen shillings and the value of a share shall be taken to be twelve shillings and sixpence.

payments
in respect of
Wool Selling
Brokers
Commission
Trust.

6. (1) Notwithstanding any of the provisions of the Principal Acts the payments made by Sir John Michael Higgins as trustee of the Wool Selling Brokers' Commission Trust in the course of the distribution of the trust funds (after excluding therefrom the proportion attributable to income from investments not subject to income tax under the provisions of the Principal Acts) to any person in respect of or for or in relation directly or indirectly to any service in connection with the appraisement of any goods or any other service whatsoever in connection with any wool pool or the Central Wool Committee or the association where such services were performed in New South Wales or in connection with the operation of a business carried on in New South Wales shall be deemed to be assessable income of that person in the income year in which the payments were received.

(2) Where any person has received a share in the association from Sir John Michael Higgins as trustee of the Wool Selling Brokers' Commission Trust in the course of the distribution of the trust property and trust funds in respect of or for or in relation directly or indirectly to any service in connection with the appraisement of any goods or any other service whatsoever in connection with any wool pool or the Central Wool Committee or the association where such services were performed in New South Wales or in connection with

with the operations of a business carried on in New South Wales, any payments received by him from the association in respect of that share shall, for the purpose of the Principal Act, be deemed to be assessable income of such person in the income year in which the payment is received from the association, or if he sells or otherwise disposes of the share the proceeds of sale or the market value of the share at the time of disposal, such proceeds or value shall be deemed to be assessable income of such person in the income year in which such proceeds are received or the disposal is made.
