

SOCIAL SERVICES TAX ACT.

Act No. 25, 1940.

An Act to impose a Social Services Tax; to declare the rates and amounts at which such tax is to be charged, levied, collected, and paid; and for purposes connected therewith.
[Assented to, 1st November, 1940.]

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:—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Social Services Tax Act, 1940." Short title and commencement.

(2) This Act shall commence upon the first day of November, one thousand nine hundred and forty.

2.

No. 25, 1940.**Division
into Parts.****2. This Act is divided into Parts as follows :—****PART I.—PRELIMINARY—ss. 1, 2.****PART II.—SOCIAL SERVICES TAX UPON NET ASSESS-
ABLE INCOME—ss. 3-10.****PART III.—SOCIAL SERVICES TAX UPON INCOME FROM
EMPLOYMENT—ss. 11-13.****PART IV.—AMENDMENT OF SOCIAL SERVICES TAX
ACT, 1939—s. 14.****SCHEDULES.**

PART II.**SOCIAL SERVICES TAX UPON NET ASSESSABLE INCOME.****Construction
of Part.****3. This Part of this Act shall be construed with the
Social Services Tax (Management) Acts, 1939-1940.****Levy of
Social
Services
Tax upon
net assess-
able
income.****4. There shall be charged, levied, collected and paid
for the use of His Majesty and for the credit of the
Social Services Fund, under the provisions of the Social
Services Tax (Management) Acts, 1939-1940, and the
regulations thereunder, and subject to the exemptions in
that Act contained, and to the provisions of section ten
of this Act, Social Services Tax at the respective rates
in this Part of this Act provided.****Rates of
Social
Services
Tax on
incomes of
persons
other than
companies.****5. In respect of the net assessable income derived by
every person other than a company during the year of
income ended on the thirtieth day of June, one thousand
nine hundred and forty, or such other period as has,
prior to the commencement of this Act, been or may,
after such commencement, be accepted by the Commis-
sioner under the provisions of the Principal Act in lieu
thereof, the rates of Social Services Tax shall subject
to section ten of this Act be as set out in the First
Schedule to this Act.****Rates of
Social Services
Tax in certain
special cases.****6. (1) Where a trust estate falls to be distributed or
a person is about to leave this State and the estate or
person has derived net assessable income after the close
of**

of the year of income ended on the thirtieth day of June, one thousand nine hundred and forty, and an assessment of Social Services Tax becomes necessary before the commencement of an Act fixing the rates of Social Services Tax in respect of net assessable income derived after such year of income the rates of tax to be paid in respect of such net assessable income shall subject to section ten of this Act be those set out in the First Schedule to this Act.

(2) Where in respect of any period after the close of the year of income ended on the thirtieth day of June, one thousand nine hundred and forty, the Commissioner, pursuant to Division 15 of Part III of the Principal Act, requires a return to be made, and an assessment of Social Services Tax becomes necessary before the commencement of an Act fixing the rates of Social Services Tax in respect of net assessable income derived after such year of income, the rate of tax to be paid in respect of such net assessable income shall subject to section ten of this Act be one shilling in each pound of the net assessable income.

7. In respect of the income derived on or after the date of the commencement of this Act by every person (other than a company) not domiciled in this State and by every company which is a non-resident consisting of dividends or interest referred to in section thirteen of the Social Services Tax (Management) Acts, 1939-1940, the rate of Social Services Tax shall subject to section ten of this Act be one shilling in each pound of the dividend or interest.

8. (1) In respect of the net assessable income derived by every company during the year of income ended on the thirtieth day of June, one thousand nine hundred and forty, or such other period as has, prior to the commencement of this Act, been or may, after such commencement, be accepted by the Commissioner under the provisions of the Principal Act in lieu thereof, the rate of Social Services Tax shall subject to section ten of this Act be one shilling in each pound thereof.

(2) Where a company which is being wound up has derived net assessable income after the close of the year of

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— of income ended on the thirtieth day of June, one thousand nine hundred and forty, and an assessment of Social Services Tax becomes necessary, before the commencement of an Act fixing the rates of Social Services Tax in respect of net assessable income so derived, the rate of tax to be paid in respect of such net assessable income shall subject to section ten of this Act be one shilling in each pound of the net assessable income.

Rates of tax under this Act not to apply in certain cases.

9. Where, prior to the commencement of this Act, an assessment has been made and Special Income Tax has been charged at the rates provided by the Special Income and Wages Tax Act, 1938, or Social Services Tax has been charged at the rates provided by the Social Services Tax Act, 1939, upon income derived after the year of income ended on the thirtieth day of June, one thousand nine hundred and thirty-nine, or such other period as has, under the provisions of the Principal Act, been accepted by the Commissioner in lieu of that year—

- (a) by a trust estate which has been distributed;
- (b) by a non-resident whilst temporarily in this State who has paid Special Income Tax or Social Services Tax upon that income before leaving Australia;
- (c) by a person by whom or on whose behalf the Commissioner, pursuant to Division 15 of Part III of the Principal Act, has required a return to be made; or
- (d) by a company which has been wound up, the rates so charged shall apply in lieu of those provided in this Act.

Reduction of rates and amounts of tax.

10. The rates of tax provided in this Part of this Act shall be reduced by five-sevenths.

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PART III.

SOCIAL SERVICES TAX UPON INCOME FROM EMPLOYMENT.

11. This Part of this Act shall be construed with the ^{Construction of Part.} Social Services Tax (Management) Acts, 1939-1940.

12. There shall be charged, levied, collected and paid ^{Levy of Social Services Tax upon income from employment.} for the use of His Majesty and for the credit of the Social Services Fund under the provisions of the Social Services Tax (Management) Acts, 1939-1940, and the regulations thereunder and subject to the exemptions in that Act contained, and to the provisions of section thirteen of this Act, and in lieu of the Social Services Tax imposed by section twelve of the Social Services Tax Act, 1939, Social Services Tax at the respective amounts or at the respective rates provided in the Second Schedule to this Act in respect of income from employment derived by every person other than a company during the period commencing on the date of the commencement of this Act, and ending on the thirtieth day of June, one thousand nine hundred and forty-one, both inclusive, or so derived during such part of the year of income ending on the thirtieth day of June, one thousand nine hundred and forty-two, not exceeding the first four months thereof as the Governor by proclamation published in the Gazette before the thirtieth day of June, one thousand nine hundred and forty-one, shall determine.

13. The rates and amounts of tax provided in this Part of this Act shall be reduced by five-sevenths. ^{Reduction of rates and amounts of tax.}

PART IV.

AMENDMENT OF SOCIAL SERVICES TAX ACT, 1939.

14. The Social Services Tax Act, 1939, is amended—

^{Amendment of Act No. 12, 1939.}

(a) by inserting at the end of section ten the following new subsection :—

<sup>Sec. 10.
(Reduction of rates.)</sup>

(2) In the application of subsection one of this section to and in respect of tax provided in

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in this Part of this Act which has not been paid to the Commissioner before the first day of November, one thousand nine hundred and forty, that subsection shall be construed as if the word "two-thirds" were omitted therefrom and the word "five-sevenths" were inserted in lieu thereof;

Sec. 13.
(Reduction
of rates and
amounts.)

(b) by inserting at the end of section thirteen the following new subsection:—

(2) In the application of subsection one of this section to and in respect of tax provided in this Part of this Act which has not been paid to the Commissioner before the first day of November, one thousand nine hundred and forty, that subsection shall be construed as if the word "two-thirds" were omitted therefrom and the word "five-sevenths" were inserted in lieu thereof.

Sec. 5.

FIRST SCHEDULE.

Net Assessable Income.

PART I.

Where, during the year of income referred to in section five of this Act, the person derived no income from employment—

(a) where the net assessable income does not exceed two hundred and eighteen pounds;	Six pence in each pound of the first one hundred pounds of the net assessable income;
	Ten pence in each pound of the next one hundred pounds of the net assessable income;
	Eleven pence in each pound of the balance of the net assessable income;

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PART I—*continued.*

(b) where the net assessable income exceeds two hundred and eighteen pounds and does not exceed two hundred and sixty pounds;	Eight pence in each pound of the first one hundred pounds of the net assessable income;
	Ten pence in each pound of the next one hundred pounds of the net assessable income;
	Eleven pence in each pound of the balance of the net assessable income;
(c) where the net assessable income exceeds two hundred and sixty pounds and does not exceed one thousand and forty pounds;	Nine pence in each pound of the first one hundred pounds of the net assessable income;
	Ten pence in each pound of the next one hundred pounds of the net assessable income;
	Eleven pence in each pound of the balance of the net assessable income;
(d) where the net assessable income exceeds one thousand and forty pounds;	Nine pence in each pound in respect of one hundred pounds of the net assessable income;
	Eleven pence in each pound in respect of nine hundred pounds of the net assessable income;
	One shilling in each pound of the balance of the net assessable income.

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FIRST SCHEDULE—*continued.*

PART II.

Where, during the year of income referred to in section five of this Act, the person also derived income from employment—

(1) where the sum of income from employment and net assessable income does not exceed two hundred and eighteen pounds; then—

(a) if the amount of the income from employment is less than one hundred pounds;

Six pence in each pound of so much of the net assessable income as equals the difference between the income from employment and one hundred pounds;

Ten pence in each pound of so much of the remainder of the net assessable income as does not exceed one hundred pounds;

Eleven pence in each pound of the balance of the net assessable income;

(b) if the amount of the income from employment is equal to or exceeds one hundred pounds and is less than two hundred pounds;

Ten pence in each pound of so much of the net assessable income as equals the difference between the income from employment and two hundred pounds;

Eleven pence in each pound of the balance of the net assessable income;

(c) if the amount of the income from employment is equal to or exceeds two hundred pounds;

Eleven pence in each pound of the net assessable income;

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FIRST SCHEDULE—*continued.*

PART II—*continued.*

(2) where the sum of income from employment and net assessable income exceeds two hundred and eighteen pounds and does not exceed two hundred and sixty pounds, then—

(a) if the amount of the income from employment is less than one hundred pounds; Eight pence in each pound of so much of the net assessable income as equals the difference between the income from employment and one hundred pounds;

Ten pence in each pound of so much of the remainder of the net assessable income as does not exceed one hundred pounds;

Eleven pence in each pound of the balance of the net assessable income;

(b) if the amount of the income from employment is equal to or exceeds one hundred pounds and is less than two hundred pounds; Ten pence in each pound of so much of the net assessable income as equals the difference between the income from employment and two hundred pounds;

Eleven pence in each pound of the balance of the net assessable income;

(c) if the amount of the income from employment is equal to or exceeds two hundred pounds; Eleven pence in each pound of the net assessable income;

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FIRST SCHEDULE—*continued.*PART II—*continued.*

(3) where the sum of income from employment and net assessable income exceeds two hundred and sixty pounds, and does not exceed one thousand and forty pounds, then—

(a) if the amount of the income from employment is less than one hundred pounds;

Nine pence in each pound of so much of the net assessable income as equals the difference between the income from employment and one hundred pounds;

Ten pence in each pound of so much of the remainder of the net assessable income as does not exceed one hundred pounds;

Eleven pence in each pound of the balance of the net assessable income;

(b) if the amount of the income from employment is equal to or exceeds one hundred pounds and is less than two hundred pounds;

Ten pence in each pound of so much of the net assessable income as equals the difference between the income from employment and two hundred pounds;

Eleven pence in each pound of the balance of the net assessable income;

(c) If the amount of the income from employment is equal to or exceeds two hundred pounds;

Eleven pence in each pound of the net assessable income;

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FIRST SCHEDULE—*continued.*PART II—*continued.*

(4) where the sum of income from employment and net assessable income exceeds one thousand and forty pounds, then—

(a) if the amount of the income from employment is less than one hundred pounds; Nine pence in each pound of so much of the net assessable income as equals the difference between the income from employment and one hundred pounds;

Eleven pence in each pound of so much of the remainder of the net assessable income as does not exceed nine hundred pounds;

One shilling in each pound of the balance of the net assessable income;

(b) if the amount of the income from employment is equal to or exceeds one hundred pounds and is less than one thousand pounds; Eleven pence in each pound of so much of the net assessable income as equals the difference between the income from employment and one thousand pounds;

One shilling in each pound of the balance of the net assessable income;

(c) if the amount of the income from employment is equal to or exceeds one thousand pounds; One shilling in each pound of the net assessable income.

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SECOND SCHEDULE.

Sec. 12.

Income from employment.

1. Where the income from employment earned by an employee in any week exceeds three pounds and is less than twenty pounds the amounts of Social Services Tax shall be as follows:—

If the income from employment earned in any week—		Weekly amounts of Social Services Tax.
Amounts to or exceeds—	But does not exceed—	
£ s. d.	£ s. d.	s. d.
3 0 1	3 1 11	1 9
3 2 0	3 3 11	1 11
3 4 0	3 5 11	2 0
3 6 0	3 7 11	2 1
3 8 0	3 9 11	2 3
3 10 0	3 11 11	2 4
3 12 0	3 13 11	2 5
3 14 0	3 15 11	2 6
3 16 0	3 17 11	2 7
3 18 0	3 19 11	2 8
4 0 0	4 1 11	2 9
4 2 0	4 3 11	2 11
4 4 0	4 5 11	3 1
4 6 0	4 7 11	3 3
4 8 0	4 9 11	3 4
4 10 0	4 11 11	3 6
4 12 0	4 13 11	3 7
4 14 0	4 15 11	3 9
4 16 0	4 17 11	3 10
4 18 0	4 19 11	4 0
5 0 0	5 1 11	4 1
5 2 0	5 3 11	4 3
5 4 0	5 5 11	4 4
5 6 0	5 7 11	4 5
5 8 0	5 9 11	4 6
5 10 0	5 11 11	4 7
5 12 0	5 13 11	4 8
5 14 0	5 15 11	4 9
5 16 0	5 17 11	4 10
5 18 0	5 19 11	4 11
6 0 0	6 1 11	5 0
6 2 0	6 3 11	5 2
6 4 0	6 5 11	5 3
6 6 0	6 7 11	5 4
6 8 0	6 9 11	5 5
6 10 0	6 11 11	5 6
6 12 0	6 13 11	5 7
6 14 0	6 15 11	5 8
6 16 0	6 17 11	5 9
6 18 0	6 19 11	5 10
7 0 0	7 1 11	5 11

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SECOND SCHEDULE—*continued.*

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If the income from employment earned in any week—	Amounts to or exceeds—	But does not exceed—	Weekly amounts of Social Services Tax.
	£ s. d.	£ s. d.	s. d.
	7 2 0	7 3 11	6 1
	7 4 0	7 5 11	6 2
	7 6 0	7 7 11	6 3
	7 8 0	7 9 11	6 4
	7 10 0	7 11 11	6 5
	7 12 0	7 13 11	6 6
	7 14 0	7 15 11	6 7
	7 16 0	7 17 11	6 8
	7 18 0	7 19 11	6 9
	8 0 0	8 1 11	6 10
	8 2 0	8 3 11	7 0
	8 4 0	8 5 11	7 1
	8 6 0	8 7 11	7 2
	8 8 0	8 9 11	7 3
	8 10 0	8 11 11	7 4
	8 12 0	8 13 11	7 5
	8 14 0	8 15 11	7 6
	8 16 0	8 17 11	7 7
	8 18 0	8 19 11	7 8
	9 0 0	9 1 11	7 9
	9 2 0	9 3 11	7 11
	9 4 0	9 5 11	8 0
	9 6 0	9 7 11	8 1
	9 8 0	9 9 11	8 2
	9 10 0	9 11 11	8 3
	9 12 0	9 13 11	8 4
	9 14 0	9 15 11	8 5
	9 16 0	9 17 11	8 6
	9 18 0	9 19 11	8 7
	10 0 0	10 1 11	8 8
	10 2 0	10 3 11	8 10
	10 4 0	10 5 11	8 11
	10 6 0	10 7 11	9 0
	10 8 0	10 9 11	9 1
	10 10 0	10 11 11	9 2
	10 12 0	10 13 11	9 3
	10 14 0	10 15 11	9 4
	10 16 0	10 17 11	9 5
	10 18 0	10 19 11	9 6
	11 0 0	11 1 11	9 7
	11 2 0	11 3 11	9 9
	11 4 0	11 5 11	9 10
	11 6 0	11 7 11	9 11
	11 8 0	11 9 11	10 0
	11 10 0	11 11 11	10 1

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SECOND SCHEDULE—*continued.*

If the income from employment earned in any week—		Weekly amounts of Social Services Tax.
Amounts to or exceeds—	But does not exceed—	
£ s. d.	£ s. d.	s. d.
11 12 0	11 13 11	10 2
11 14 0	11 15 11	10 3
11 16 0	11 17 11	10 4
11 18 0	11 19 11	10 5
12 0 0	12 1 11	10 6
12 2 0	12 3 11	10 8
12 4 0	12 5 11	10 9
12 6 0	12 7 11	10 10
12 8 0	12 9 11	10 11
12 10 0	12 11 11	11 0
12 12 0	12 13 11	11 1
12 14 0	12 15 11	11 2
12 16 0	12 17 11	11 3
12 18 0	12 19 11	11 4
13 0 0	13 1 11	11 5
13 2 0	13 3 11	11 7
13 4 0	13 5 11	11 8
13 6 0	13 7 11	11 9
13 8 0	13 9 11	11 10
13 10 0	13 11 11	11 11
13 12 0	13 13 11	12 0
13 14 0	13 15 11	12 1
13 16 0	13 17 11	12 2
13 18 0	13 19 11	12 3
14 0 0	14 1 11	12 4
14 2 0	14 3 11	12 6
14 4 0	14 5 11	12 7
14 6 0	14 7 11	12 8
14 8 0	14 9 11	12 9
14 10 0	14 11 11	12 10
14 12 0	14 13 11	12 11
14 14 0	14 15 11	13 0
14 16 0	14 17 11	13 1
14 18 0	14 19 11	13 2
15 0 0	15 1 11	13 3
15 2 0	15 3 11	13 5
15 4 0	15 5 11	13 6
15 6 0	15 7 11	13 7
15 8 0	15 9 11	13 8
15 10 0	15 11 11	13 9
15 12 0	15 13 11	13 10
15 14 0	15 15 11	13 11
15 16 0	15 17 11	14 0
15 18 0	15 19 11	14 1
16 0 0	16 1 11	14 2
16 2 0	16 3 11	14 4

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SECOND SCHEDULE—*continued.*

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If the income from employment earned in any week—		Weekly amounts of Social Services Tax.
Amounts to or exceeds—	But does not exceed—	
£ s. d.	£ s. d.	s. d.
16 4 0	16 5 11	14 5
16 6 0	16 7 11	14 6
16 8 0	16 9 11	14 7
16 10 0	16 11 11	14 8
16 12 0	16 13 11	14 9
16 14 0	16 15 11	14 10
16 16 0	16 17 11	14 11
16 18 0	16 19 11	15 0
17 0 0	17 1 11	15 1
17 2 0	17 3 11	15 3
17 4 0	17 5 11	15 4
17 6 0	17 7 11	15 5
17 8 0	17 9 11	15 6
17 10 0	17 11 11	15 7
17 12 0	17 13 11	15 8
17 14 0	17 15 11	15 9
17 16 0	17 17 11	15 10
17 18 0	17 19 11	15 11
18 0 0	18 1 11	16 0
18 2 0	18 3 11	16 2
18 4 0	18 5 11	16 3
18 6 0	18 7 11	16 4
18 8 0	18 9 11	16 5
18 10 0	18 11 11	16 6
18 12 0	18 13 11	16 7
18 14 0	18 15 11	16 8
18 16 0	18 17 11	16 9
18 18 0	18 19 11	16 10
19 0 0	19 1 11	16 11
19 2 0	19 3 11	17 1
19 4 0	19 5 11	17 2
19 6 0	19 7 11	17 3
19 8 0	19 9 11	17 4
19 10 0	19 11 11	17 5
19 12 0	19 13 11	17 6
19 14 0	19 15 11	17 7
19 16 0	19 17 11	17 8
19 18 0	19 19 11	17 9

2. Where the income from employment earned by an employee in any week is not less than twenty pounds the amounts of Social Services Tax shall be seventeen shillings and ten pence plus one penny for each one shilling and eight pence of income from employment in excess of twenty pounds.

3. Where an employee is paid at other than weekly intervals, and the amount actually earned by him in each week included in the period

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period in respect of which the payment is not readily ascertainable, the income from employment earned by the employee in each such week may, for the purposes of this Schedule, be calculated by dividing the sum paid to him by the number of weeks included in such period.
