



PAY-ROLL TAX AMENDMENT ACT 1989

No. 31 of 1989

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AN ACT to amend the Pay-roll Tax Act 1971 and to repeal section 11 of the Railways (Transfer to Commonwealth) Act 1975.

[Royal Assent 18 April 1989]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Pay-roll Tax Amendment Act 1989*. Short title.

Commencement.

2—(1) This section and sections 1, 3, 4, and 5 shall commence on the day on which this Act receives the Royal assent.

(2) Section 6 shall be deemed to have commenced on 1st July 1988.

Principal Act.

3—In this Act, the *Pay-roll Tax Act 1971** is referred to as the Principal Act.

Amendment of section 9A of Principal Act (Application of deductions for small businesses where two or more employers related, &c.).

4—Section 9A (1) of the Principal Act is amended by inserting the following paragraph after paragraph (a):—

(ab) where the employer is related within the meaning of section 41 to another trustee or company (in this section called a “related person”);

Amendment of section 41 of Principal Act (Agents and trustees).

5—Section 41 of the Principal Act is amended as follows:—

(a) by inserting “(1)” before “The following”;

(b) by adding the following subsections:—

(2) An employer that is a trustee for a trust is related to another trustee for a trust (whether or not that trustee is an employer) where—

(a) a person is a beneficiary in respect of 50 per cent or more, or 2 or more persons together are beneficiaries in respect of 50 per cent or more, of the value of the interests in the first-mentioned trust; and

(b) that person is also a beneficiary in respect of 50 per cent or more, or those persons are together also beneficiaries in respect of 50 per cent or more, of the value of the interests in the second-mentioned trust.

(3) An employer that is a company and also a trustee for a trust is related to another company which is not a trustee where—

(a) a person is a beneficiary in respect of 50 per cent or more, or 2 or more persons are together beneficiaries in respect of 50 per cent or more of the value of the interests in the trust; and

* No. 43 of 1971. For this Act, as amended to 1st October 1977, see the continuing Reprint of Statutes. Subsequently amended by No. 78 of 1977, No. 91 of 1980, No. 64 of 1981, Nos. 9, 45, and 99 of 1982, No. 57 of 1983, Nos. 29 and 79 of 1984, No. 96 of 1985, and No. 50 of 1988.

(b) that person or those persons together (whether directly or indirectly) may exercise, control the exercise of, or substantially influence the exercise of, 50 per cent or more of the voting share issued by that other company.

(4) A person who, as the result of the exercise of a power or discretion by any person under a discretionary trust, benefits under that trust, is deemed to be a beneficiary in respect of 50 per cent or more of the value of the interests in that trust for the purposes of this section.

(5) Notwithstanding subsections (2) and (3), an employer that is a trustee is not related, for the purposes of this Act, to another trustee or a company (whether or not that trustee or company is an employer) where the employer satisfies the Commissioner that the trade, business or profession carried on by him is carried on independently of, and is not connected with, the trade, business or profession carried on by the other trustee or company.

(6) Nothing in this section affects the operation of section 9A in relation to a trustee.

6—Section 11 of the *Railways (Transfer to Commonwealth) Act 1975* is repealed.

Repeal of section
11 of *Railways
(Transfer to
Commonwealth)
Act 1975*.

