

HEALTH INSURANCE LEVY ASSESSMENT AMENDMENT ACT 1978

No. 90 of 1978

An Act to amend the law relating to income tax in relation to the imposition, assessment and collection of a health insurance levy.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

Short title,
&c.

1. (1) This Act may be cited as the *Health Insurance Levy Assessment Amendment Act 1978*.¹

(2) The *Income Tax Assessment Act 1936*² is in this Act referred to as the Principal Act.

Commence-
ment

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹

Interpret-
ation

3. (1) Section 251R of the Principal Act is amended—

(a) by inserting “, (3A)” after “(3)” in sub-section (2);

(b) by inserting after sub-section (3) the following sub-section:

“(3A) Where in relation to a period being the whole or a part of a year of income—

(a) the parents of a child referred to in paragraph (b) of sub-section (2) lived separately and apart from each other; and

(b) that child would, but for this sub-section, be taken, for the purposes of this Part and of any Act imposing levy, to be a dependant of each of his parents in respect of that period,

that child shall be taken to be a dependant only of the parent (if any) to whom child endowment under Part VI of the *Social Services Act 1947* was paid or is payable in respect of that child in respect of that period.”; and

(c) by adding at the end of sub-section (6) “or under an Act imposing levy for a year of income”.

(2) The amendments made by sub-section (1) apply to assessments in respect of income of the year of income commencing on 1 July 1978 and to assessments in respect of income of all subsequent years of income.

4. (1) Section 251U of the Principal Act is amended—

- (a) by omitting from sub-section (1) “other”; and
- (b) by omitting sub-sections (2) and (3) and substituting the following sub-section:

Excess tax
rebates to be
allowed
against levy

“(2) If, in the assessment of a taxpayer in respect of income of a year of income, a rebate is, or rebates are, allowable to the taxpayer under this section or under an Act imposing levy for that year of income, that rebate, or the sum of those rebates, as the case may be, shall not exceed the amount of levy that, but for that rebate or those rebates, would be payable by the taxpayer in respect of income of that year of income.”.

(2) The amendments made by sub-section (1) apply to assessments in respect of income of the year of income commencing on 1 July 1978 and to assessments in respect of income of all subsequent years of income.

5. (1) Section 251V of the Principal Act is amended—

- (a) by omitting “or” at the end of paragraph (c) of sub-section (1);
- (b) by adding at the end of sub-section (1) the following word and paragraph:

Prescribed
persons

“; or (e) during the whole of that period the person was—

- (i) the head of a diplomatic mission, or the head of a consular post, established in Australia;
- (ii) a member of the staff of a diplomatic mission, or a member of the consular staff of a consular post, established in Australia; or
- (iii) a member of the family of a person referred to in sub-paragraph (i) or (ii), being a member who forms part of the household of that person,

and was not an Australian citizen and was not ordinarily resident in Australia.”; and

- (c) by inserting after sub-section (1) the following sub-section:

“(1A) In this section—

- (a) expressions that are defined by the Vienna Convention on Diplomatic Relations referred to in the *Diplomatic Privileges and Immunities Act* 1967 have the same respective meanings as in that Convention; and
- (b) expressions that are defined by the Vienna Convention on Consular Relations referred to in the *Consular Privileges and Immunities Act* 1972 have the same respective meanings as in that Convention.”.

(2) The amendments made by sub-section (1) apply to assessments in respect of income of the year of income commencing on 1 July 1978 and to assessments in respect of income of all subsequent years of income.

NOTES

1. Act No. 90, 1978; assented to 22 June 1978.
2. Act No. 27, 1936, as amended. For previous amendments *see* Act No. 88, 1936; No. 5, 1937; No. 46, 1938; No. 30, 1939; Nos. 17 and 65, 1940; Nos. 58 and 69, 1941; Nos. 22 and 50, 1942; No. 10, 1943; Nos. 3 and 28, 1944; Nos. 4 and 37, 1945; No. 6, 1946; Nos. 11 and 63, 1947; No. 44, 1948; No. 66, 1949; No. 48, 1950; No. 44, 1951; Nos. 4, 28 and 90, 1952; Nos. 1, 28, 45 and 81, 1953; No. 43, 1954; Nos. 18 and 62, 1955; Nos. 25, 30 and 101, 1956; Nos. 39 and 65, 1957; No. 55, 1958; Nos. 12, 70 and 85, 1959; Nos. 17, 18, 58 and 108, 1960; Nos. 17, 27 and 94, 1961; Nos. 39 and 98, 1962; Nos. 34 and 69, 1963; Nos. 46, 68, 110 and 115, 1964; Nos. 33, 103 and 143, 1965; Nos. 50 and 83, 1966; Nos. 19, 38, 76 and 85, 1967; Nos. 4, 60, 70, 87 and 148, 1968; Nos. 18, 93 and 101, 1969; No. 87, 1970; Nos. 6, 54 and 93, 1971; Nos. 5, 46, 47, 65 and 85, 1972; Nos. 51, 52, 53, 164 and 165, 1973; No. 216, 1973 (as amended by No. 20, 1974); Nos. 26 and 126, 1974; Nos. 80 and 117, 1975; Nos. 50, 53, 56, 98, 143, 165 and 205, 1976; and Nos. 57, 126 and 127, 1977.