

SALES TAX ASSESSMENT (No. 1) AMENDMENT ACT 1978

No. 197 of 1978

An Act to amend the *Sales Tax Assessment Act (No. 1) 1930*.

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

1. (1) This Act may be cited as the *Sales Tax Assessment (No. 1) Amendment Act 1978*.¹ Short title, &c.

(2) The *Sales Tax Assessment Act (No. 1) 1930*² is in this Act referred to as the Principal Act.

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

3. Section 17 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-sections: Sales Tax

“(2) The reference in sub-section (1) to goods manufactured in Australia by a taxpayer and applied to his own use shall be read as a reference—

- (a) to goods manufactured in Australia by a manufacturer in the course of carrying on a business and applied to his own use, whether for the purposes of that business or for any other purpose and whether or not the goods are of a class manufactured by the manufacturer for sale; and
- (b) to goods manufactured in Australia by a manufacturer as provided in sub-section (3) and applied to his own use.

“(3) For the purposes of paragraph (b) of sub-section (2) where—

- (a) goods (in this sub-section referred to as the ‘relevant goods’) have been manufactured in Australia by a manufacturer, otherwise than in the course of carrying on a business;
- (b) the manufacture of the relevant goods commenced after 16 November 1978;
- (c) the manufacture of the relevant goods was carried out in whole or in part on premises made available to the manufacturer, under an agreement entered into after 16 November 1978, for the purpose of, or for purposes which included the purpose of, manufacturing the relevant goods;

- (d) the premises so made available to the manufacturer were premises ordinarily used by a person in the course of carrying on a business in the ordinary course of the carrying on of which goods identical in all material respects with the relevant goods could reasonably be expected to be manufactured; and
- (e) the whole, or the principal part, of the labour used in the manufacture of the relevant goods was provided by persons who provided their labour otherwise than voluntarily and without remuneration,

the relevant goods are goods manufactured in Australia by the manufacturer as provided in this sub-section.

“(4) For the purposes of sub-section (3)—

(a) where—

- (i) the manufacture of goods has been carried out in whole or in part on premises, being land, a building or a part of a building; and
- (ii) under an agreement entered into after 16 November 1978, the manufacturer acquired an estate or interest in, or obtained permission to use or occupy, the land, the building or the part of the building, as the case may be, for the purpose of, or for purposes which included the purpose of, manufacturing the goods on the land, or in the building or the part of the building,

the premises shall be deemed to have been made available to the manufacturer for the purpose of manufacturing those goods; and

- (b) where goods have been manufactured in Australia by a manufacturer and the manufacturer himself worked on the manufacture of the goods, the manufacturer shall be deemed to have provided his labour voluntarily and without remuneration.

“(5) In this section, ‘agreement’ means any agreement, arrangement or understanding—

- (a) whether formal or informal;
- (b) whether express or implied; or
- (c) whether or not enforceable, or intended to be enforceable, by legal proceedings.”.

4. (1) Section 17A of the Principal Act is repealed and the following section substituted:

“17A. (1) Where—

- (a) goods have been manufactured in Australia by a person for another person (in this sub-section referred to as the ‘customer’) under an agreement entered into after 20 September 1978; and

Goods
deemed to
be sold

- (b) the goods were manufactured in whole or in part out of materials supplied by the customer,

the manufacturer of the goods shall, for the purposes of this Act, be deemed to have sold the goods to the customer at the time when the goods were delivered to the customer, or were delivered under an agreement with the customer to some other person, and the customer shall, for the purposes of this Act, be deemed to be the purchaser of the goods.

“(2) For the purposes of this section, where a person has procured the manufacture of goods for a person (in this sub-section referred to as the ‘customer’) by another person (in this sub-section referred to as the ‘third person’) in whole or in part out of materials supplied by the customer, the person who so procured the manufacture of the goods shall be deemed to have been the manufacturer of the goods and the third person shall be deemed not to have been the manufacturer of the goods.

“(3) For the purposes of this section, goods manufactured for a person (in this sub-section referred to as the ‘customer’) shall be taken to be manufactured in whole or in part out of materials supplied by the customer if the goods are manufactured in whole or in part out of materials—

- (a) which are supplied by the customer or by another person at the request of, or under an agreement with, the customer; or
- (b) which the customer has purchased, or agreed to purchase, from the manufacturer.

“(4) In this section, ‘agreement’ means any agreement, arrangement or understanding—

- (a) whether formal or informal;
- (b) whether express or implied; or
- (c) whether or not enforceable, or intended to be enforceable, by legal proceedings.”.

(2) The amendment made by sub-section (1) does not apply in relation to goods manufactured in Australia under an agreement to manufacture the goods entered into on or before 20 September 1978.

5. (1) Section 18 of the Principal Act is amended—

- (a) by omitting sub-section (1) and substituting the following sub-sections:

Sale value of
goods

“(1) Subject to sub-sections (1B), (1C) and (4A), where goods (other than goods treated by a manufacturer as stock for sale by retail) have been sold by the manufacturer to an unregistered person or to a registered person who has not quoted his certificate in respect of the sale, the sale value of the goods, for the purposes of this Act, is—

- (a) if the goods were sold by wholesale—the amount for which the goods were sold; or

- (b) if the goods were sold by retail—
 - (i) if the goods are of a class which the manufacturer himself sells by wholesale—the amount for which the goods could reasonably be expected to have been sold by the manufacturer by wholesale; or
 - (ii) in any other case—the amount for which the manufacturer could reasonably be expected to have purchased identical goods from another manufacturer if the other manufacturer had, in the ordinary course of his business, manufactured the identical goods for sale and had sold them to the first-mentioned manufacturer by wholesale.

“(1A) Where—

- (a) goods that have been sold by the manufacturer after 20 September 1978 to an unregistered person or to a registered person who has not quoted his certificate in respect of the sale—
 - (i) were manufactured for the purchaser in whole or in part out of materials supplied by the purchaser; and
 - (ii) were sold by the manufacturer to the purchaser for an amount that is less than—
 - (A) if the goods are of a class which the manufacturer himself sells by wholesale—the amount for which the goods could reasonably be expected to have been sold by the manufacturer by wholesale if all the materials used in the manufacture of the goods had been purchased by the manufacturer in the ordinary course of his business from a person with whom he was dealing at arm’s length; or
 - (B) in any other case—the amount for which the manufacturer could reasonably be expected to have purchased identical goods from another manufacturer if the other manufacturer had, in the ordinary course of his business, manufactured the identical goods for sale wholly out of materials purchased in the ordinary course of his business from a person with whom he was dealing at arm’s length and had sold the identical goods to the first-mentioned manufacturer by wholesale; or

(b) goods—

- (i) have been manufactured in Australia for a person, under an agreement to manufacture the goods entered into after 20 September 1978, in whole or in part out of materials supplied by that person;
- (ii) are deemed by section 17A to have been sold by the manufacturer to that person; and
- (iii) the person to whom the goods are deemed to have been sold was an unregistered person or a registered person who had not quoted his certificate in respect of the sale that was so deemed to have occurred,

sub-section (1B) applies to the goods.

“(1B) Subject to sub-section (4A), the sale value of goods to which this sub-section applies is—

- (a) where all the relevant materials used in the manufacture of the goods consisted of goods the sale values of which were exempt from sales tax by virtue of the *Sales Tax (Exemptions and Classifications) Act 1935*—
 - (i) if the goods are of a class which the manufacturer himself sells by wholesale—the amount for which the goods could reasonably be expected to have been sold by the manufacturer by wholesale if all the materials used in the manufacture of the goods had been purchased by the manufacturer in the ordinary course of his business from a person with whom he was dealing at arm’s length; or
 - (ii) in any other case—the amount for which the manufacturer could reasonably be expected to have purchased identical goods from another manufacturer if the other manufacturer had, in the ordinary course of his business, manufactured the identical goods for sale wholly out of materials purchased in the ordinary course of his business from a person with whom he was dealing at arm’s length and had sold the identical goods to the first-mentioned manufacturer by wholesale;
- (b) where all the relevant materials used in the manufacture of the goods comprised—
 - (i) excluded goods;
 - (ii) goods the sale values of which were not exempt from sales tax by virtue of the *Sales Tax (Exemptions and Classifications) Act 1935*; or

- (iii) excluded goods and goods referred to in subparagraph (ii),

the amount charged to the purchaser by the manufacturer in respect of the goods; or

- (c) in any other case—the sum of—

- (i) the amount for which the manufacturer could reasonably be expected to have purchased by wholesale materials identical in all material respects with the relevant materials used in the manufacture of the goods which consisted of goods the sale values of which were exempt from sales tax by virtue of the *Sales Tax (Exemptions and Classifications) Act 1935* from another person who sold by wholesale the materials identical in all material respects with the relevant materials in the ordinary course of his business; and

- (ii) the amount charged to the purchaser by the manufacturer in respect of the goods.

“(1C) Subject to sub-section (4A), where goods sold after 20 September 1978 by the manufacturer to an unregistered person or to a registered person who has not quoted his certificate in respect of the sale have been manufactured for the purchaser in whole or in part out of materials sold to the manufacturer—

- (a) by the purchaser; or
 - (b) by another person who did so at the request of, or under an agreement with, the purchaser,

the sale value of the goods, for the purposes of this Act, is—

- (c) if the goods are of a class which the manufacturer himself sells by wholesale—the amount for which the goods could reasonably be expected to have been sold by the manufacturer by wholesale if all the materials used in the manufacture of the goods had been purchased by the manufacturer in the ordinary course of his business from a person with whom he was dealing at arm’s length; or
 - (d) in any other case—the amount for which the manufacturer could reasonably be expected to have purchased identical goods from another manufacturer if the other manufacturer had, in the ordinary course of his business, manufactured the identical goods for sale wholly out of materials purchased in the ordinary course of his business from a person with whom he was dealing at arm’s length and had sold the identical goods to the first-mentioned manufacturer by wholesale.”;

- (b) by omitting paragraph (a) and (b) of sub-section (2) and substituting the following paragraphs:
 - “(a) if the goods so treated by the manufacturer are of a class which the manufacturer himself sells by wholesale—the amount for which those goods could reasonably be expected to be sold by the manufacturer by wholesale; or
 - “(b) in any other case—the amount for which the manufacturer could reasonably be expected to purchase identical goods from another manufacturer if the other manufacturer had in the ordinary course of his business manufactured the identical goods for sale and had sold them to the first-mentioned manufacturer by wholesale:”;
- (c) by omitting paragraphs (a) and (b) of sub-section (3) and substituting the following paragraphs:
 - “(a) if the goods so applied by the manufacturer are of a class which the manufacturer himself sells by wholesale—the amount for which those goods could reasonably be expected to be sold by the manufacturer by wholesale; or
 - “(b) in any other case—the amount for which the manufacturer could reasonably be expected to purchase identical goods from another manufacturer if the other manufacturer had, in the ordinary course of his business, manufactured the identical goods for sale and had sold them to the first-mentioned manufacturer by wholesale:”;
- (d) by omitting from sub-section (3A) “and the amount so determined shall be the sale value of the goods for the purposes of this Act” and substituting “and, if he does so, the Commissioner shall be deemed to have altered the sale value of the goods (whether a sale value was set forth in the return or not) to the amount so determined by him, and the value as so deemed to be altered shall, notwithstanding sub-section (1), (2) or (3), as the case may be, be the sale value of those goods for the purposes of this Act”;
- (e) by omitting sub-section (4) and substituting the following sub-sections:
 - “(4) Where—
 - (a) goods (in this sub-section referred to as the ‘relevant goods’) have been sold after 20 September 1978 by the manufacturer by wholesale to an unregistered person or to a registered person who has not quoted his certificate in respect of the sale;

- (b) the Commissioner is satisfied that, having regard to any connection between the manufacturer and the purchaser of the relevant goods or to any other relevant circumstances (including circumstances arising out of any agreement entered into between the manufacturer and the purchaser, or out of any other agreement, that was related, directly or indirectly, to the sale of the goods), the manufacturer and the purchaser were not dealing with each other at arm's length in relation to the transaction; and
- (c) the Commissioner is also satisfied—
 - (i) that the amount for which the relevant goods were sold is less than the amount (in this sub-section referred to as the 'arm's length price') for which, in the opinion of the Commissioner, the relevant goods could reasonably be expected to have been sold if the manufacturer and the purchaser had been dealing with each other at arm's length in relation to the transaction; or
 - (ii) that—
 - (A) the purchaser could have purchased identical goods from another manufacturer by wholesale and obtained delivery of the identical goods at or about the time when the purchaser obtained delivery of the relevant goods; and
 - (B) the amount for which the relevant goods were sold is less than the amount (in this sub-section referred to as the 'alternative price') for which, in the opinion of the Commissioner, the identical goods could reasonably be expected to have been sold to the purchaser,

the Commissioner shall alter the sale value of the relevant goods to the amount ascertained in accordance with the following paragraphs:

- (d) if the Commissioner is satisfied as to the matter mentioned in sub-paragraph (i) of paragraph (c) but not as to the matters mentioned in sub-paragraph (ii) of that paragraph—an amount equal to the arm's length price;
- (e) if the Commissioner is satisfied as to the matters mentioned in sub-paragraph (ii) of paragraph (c) but not as to the matter mentioned in sub-paragraph (i) of that paragraph—an amount equal to the alternative price;

- (f) if the Commissioner is satisfied as to the matter mentioned in sub-paragraph (i) of paragraph (c) and also as to the matters mentioned in sub-paragraph (ii) of that paragraph—an amount equal to the lesser of—

- (i) the arm's length price; and
 - (ii) the alternative price.

“(4A) Where the Commissioner alters the sale value of goods in pursuance of sub-section (4), the sale value so altered shall be the sale value of the goods for the purposes of this Act.”; and

- (f) by adding at the end thereof the following sub-sections:

“(6) For the purposes of this section—

- (a) goods manufactured for a person (in this sub-section referred to as the ‘customer’) shall be taken to have been manufactured in whole or in part out of materials supplied by the customer if the goods were manufactured in whole or in part out of materials—
 - (i) which were supplied by the customer or by another person at the request of, or under an agreement with, the customer; or
 - (ii) which the customer purchased, or agreed to purchase, from the manufacturer; and
- (b) the materials which were so supplied or purchased and were used in the manufacture of the goods shall be taken to have been the relevant materials used in the manufacture of the goods.

“(7) In this section—

- (a) a reference to excluded goods shall be read as a reference to goods, including commodities, of a kind referred to in paragraph (a) or (b) of the definition of ‘goods’ in sub-section (1) of section 3; and
- (b) a reference to identical goods shall be read as a reference to goods identical in all material respects with the goods in relation to which the expression is used.

“(8) In sub-sections (1A), (1C), (4) and (6), ‘agreement’ means any agreement, arrangement or understanding—

- (a) whether formal or informal;
- (b) whether express or implied; or
- (c) whether or not enforceable, or intended to be enforceable, by legal proceedings.”.

(2) The amendments made by sub-section (1) do not apply in relation to goods manufactured in Australia for a person under an agreement to manufacture the goods entered into on or before 20 September 1978 and deemed by section 17A of the Principal Act, in its application in accordance with sub-section 4 (2) of this Act, to have been sold after that date by the manufacturer to that person.

6. After section 18 of the Principal Act the following section is inserted:

Sale value of
goods in
special cases

“18A. (1) Where—

- (a) goods (in this section referred to as the ‘relevant goods’), not being goods treated by the manufacturer as stock for sale by retail, have been sold by the manufacturer to an unregistered person or to a registered person who has not quoted his certificate in respect of the sale;
- (b) under an agreement entered into for the purpose, or for purposes that included the purpose, of securing that the amount of the sale value of the relevant goods would be less than the amount that could reasonably be expected to be the amount of the sale value of the relevant goods if the agreement had not been entered into, valuable consideration (in this section referred to as the ‘relevant consideration’) has been given, directly or indirectly, by the purchaser, or by another person, to the manufacturer or another person for, or in connection with, any of, or any 2 or more of, the following acts:
 - (i) the grant of a right or option to purchase goods;
 - (ii) the exercise, in whole or in part, of a right or option to purchase goods;
 - (iii) the surrender or other termination, in whole or in part, of a right or option to purchase goods;
 - (iv) allowing a right or option to purchase goods to lapse in whole or in part;
 - (v) the assignment, in whole or in part, of a right or option to purchase goods;
 - (vi) the provision of, or procuring the provision of, services in connection with the relevant goods; and
- (c) the relevant goods were sold—
 - (i) in a case where the relevant consideration has been so given, in whole or in part, for, or in connection with, any of, or any 2 or more of, any acts referred to in subparagraphs (i) to (v) (inclusive) of paragraph (b)—after 20 September 1978; or

- (ii) if sub-paragraph (i) does not apply but the relevant consideration has been given for, or in connection with, any acts referred to in sub-paragraph (vi) of paragraph (b)—after 16 November 1978,

the sale value of the relevant goods shall, for the purposes of this Act, be determined in accordance with the provisions of this section and not in accordance with the provisions of sub-section (1), (1B), (1C), (3A) or (4) of section 18.

“(2) In sub-section (1)—

- (a) a reference to a right or option to purchase goods shall be read as a reference to a right or option (including a contingent right or option) to purchase—

- (i) goods, as defined in sub-section (1) of section 3;
- (ii) excluded goods; or
- (iii) goods as so defined and excluded goods,

whether ascertained or not and whether they comprise or include the relevant goods or not; and

- (b) a reference to services in connection with the relevant goods shall be read as a reference to services in connection with the relevant goods or with the relevant goods and other goods (including excluded goods) and, without limiting the generality of the foregoing, shall be read as including a reference to—

- (i) the doing of any act or thing in relation to the manufacture or marketing of the relevant goods or the relevant goods and other goods (including excluded goods);
- (ii) the giving of a guarantee or warranty in respect of the relevant goods or the relevant goods and other goods (including excluded goods); or
- (iii) the doing of any act or thing in relation to the relevant goods or the relevant goods and other goods (including excluded goods) after their sale.

“(3) For the purposes of sub-section (1), where any valuable consideration given under an agreement entered into for the purpose, or for purposes that included the purpose, of securing that the amount of the sale value of the relevant goods would be less than the amount that could reasonably be expected to be the amount of the sale value of the relevant goods if the agreement had not been entered into is required to be calculated by reference to the value or quantity of goods (which may include excluded goods) sold to the purchaser of the relevant goods, the valuable consideration shall be deemed to have been given under an agreement for or in connection with the doing of acts by way of the provision of services in connection with the relevant goods.

“(4) Subject to sub-sections (5) and (6), for the purposes of this Act, the sale value of goods the sale value of which is required to be determined in accordance with the provisions of this section is—

- (a) if the relevant goods are of a class which the manufacturer himself sells by wholesale—the amount for which the goods could reasonably be expected to have been sold by the manufacturer by wholesale if no agreement of a kind referred to in paragraph (b) of sub-section (1) had been entered into in relation to the sale of the goods; or
- (b) in any other case—the amount for which the manufacturer could reasonably be expected to have purchased identical goods from another manufacturer if the other manufacturer had, in the ordinary course of his business, manufactured the identical goods for sale and had sold them to the first-mentioned manufacturer by wholesale and no agreement of a kind referred to in paragraph (b) of sub-section (1) had been entered into in relation to the sale of the identical goods.

“(5) Where—

- (a) the sale value of the relevant goods would, but for sub-section (1), be required to be determined, for the purposes of this Act, in accordance with the provisions of sub-section (1B) or (1C) of section 18; and
- (b) the return required to be furnished under this Act with respect to the goods—
 - (i) does not set forth any amount as the sale value of the goods; or
 - (ii) sets forth an amount as the sale value of the goods that is less than the amount which, in the opinion of the Commissioner, is a fair and reasonable wholesale value of the goods,

the Commissioner may determine the amount which, in his opinion, is a fair and reasonable wholesale value of the goods and, if he does so, the Commissioner shall be deemed to have altered the sale value of the goods (whether a sale value was set forth in the return or not) to the amount so determined by him, and the value as so deemed to be altered shall be the sale value of those goods for the purposes of this Act.

“(6) Subject to sub-section (5), where—

- (a) the sale value of the relevant goods is required to be determined, for the purposes of this Act, in accordance with the provisions of this section;
- (b) the Commissioner is satisfied that, having regard to any connection between the manufacturer and the purchaser of the relevant goods or to any other relevant circumstances (including circumstances arising out of any agreement entered into between the

manufacturer and the purchaser, or out of any other agreement, that is related, directly or indirectly, to the sale of the relevant goods), the manufacturer and the purchaser were not dealing with each other at arm's length in relation to the transaction; and

(c) the Commissioner is also satisfied—

(i) that the amount for which the relevant goods were sold is less than the amount (in this section referred to as the 'arm's length price') for which, in the opinion of the Commissioner, the relevant goods could reasonably be expected to have been sold if the manufacturer and the purchaser had been dealing with each other at arm's length in relation to the transaction and no agreement of a kind referred to in paragraph (b) of sub-section (1) had been entered into in relation to the sale of the relevant goods; or

(ii) that—

(A) the purchaser could have purchased identical goods from another manufacturer and obtained delivery of the identical goods at or about the time when the purchaser obtained delivery of the relevant goods; and

(B) the amount for which the relevant goods were sold is less than the amount (in this section referred to as the 'alternative price') for which, in the opinion of the Commissioner, the identical goods could reasonably be expected to have been sold to the purchaser if no agreement of a kind referred to in paragraph (b) of sub-section (1) had been entered into in relation to the sale of the identical goods,

the Commissioner shall alter the sale value of the relevant goods to the amount ascertained in accordance with sub-section (7), and the sale value so altered shall be the sale value of the relevant goods for the purposes of this Act.

“(7) The amount ascertained in relation to the relevant goods for the purposes of sub-section (6) is—

- (a) if the Commissioner is satisfied as to the matter mentioned in sub-paragraph (i) of paragraph (c) of sub-section (6) but not as to the matters mentioned in sub-paragraph (ii) of that paragraph—an amount equal to the arm's length price;
- (b) if the Commissioner is satisfied as to the matters mentioned in sub-paragraph (ii) of paragraph (c) of sub-section (6) but not as to the matter mentioned in sub-paragraph (i) of that paragraph—an amount equal to the alternative price; or

- (c) if the Commissioner is satisfied as to the matter mentioned in sub-paragraph (i) of paragraph (c) of sub-section (6) and also to the matters mentioned in sub-paragraph (ii) of that paragraph—an amount equal to the lesser of—
 - (i) the arm's length price; and
 - (ii) the alternative price.

“(8) For the purposes of this section, an agreement shall be taken to have been entered into for a particular purpose, or for purposes that include a particular purpose, if any of the parties to the agreement entered into the agreement for that purpose or for purposes that included that purpose.

“(9) In this section—

- (a) a reference to excluded goods shall be read as a reference to goods, including commodities, of a kind referred to in paragraph (a) or (b) of the definition of ‘goods’ in sub-section (1) of section 3; and
- (b) a reference to identical goods shall be read as a reference to goods identical in all material respects with the goods in relation to which the expression is used.

“(10) In this section, ‘agreement’ means any agreement, arrangement or understanding—

- (a) whether formal or informal;
- (b) whether express or implied; or
- (c) whether or not enforceable, or intended to be enforceable, by legal proceedings.”.

7. Section 19 of the Principal Act is repealed and the following section substituted:

Liability for
tax

“19. Sales tax shall be paid by the manufacturer of goods manufactured in Australia and—

- (a) sold by the manufacturer to an unregistered person or to a registered person who has not quoted his certificate in respect of the sale;
- (b) treated by the manufacturer as stock for sale by retail; or
- (c) applied by the manufacturer to his own use.”.

Returns, &c.

8. Section 21 of the Principal Act is amended by omitting from paragraph (a) “section eighteen of this Act” and substituting “section 18 or 18A”.

9. Section 24 of the Principal Act is repealed and the following section substituted:

“24. A person liable under this Act to pay sales tax upon the sale value of any goods—

Time of
payment of
tax

- (a) sold by him;
- (b) treated by him as stock for sale by retail; or
- (c) applied by him to his own use,

during a month shall, within 21 days after the close of that month, pay sales tax upon the sale value of the goods.”.

10. Section 25 of the Principal Act is amended by omitting from sub-section (2) “sub-section (3A) or (4) of section eighteen of this Act” and substituting “sub-section (3A) or (4) of section 18 or sub-section (5) or (6) of section 18A”.

Further tax

11. The Principal Act is amended as set out in the Schedule.

Formal
amendments

12. (1) Where—

Liability to
pay sales tax

- (a) sales tax was not payable, or would not be payable, under the Principal Act on the sale value of any goods that were sold or were deemed to have been sold by a person, were treated by a person as stock for sale by retail or were applied by a person to his own use before the day on which this Act receives the Royal Assent but is payable on the sale value of those goods under the Principal Act as amended by this Act; or
- (b) the amount of sales tax that was payable, or would be payable, under the Principal Act on the sale value of any goods that were sold or were deemed to have been sold by a person, were treated by a person as stock for sale by retail or were applied by a person to his own use before the day on which this Act receives the Royal Assent is less than the amount of sales tax that is payable on the sale value of those goods under the Principal Act as amended by this Act,

the person liable to pay sales tax on the sale value of the goods under the Principal Act as amended by this Act shall pay the sales tax, or the further sales tax, as the case may be, that is so payable on the sale value of those goods within 21 days after the close of the month in which this Act receives the Royal Assent.

(2) The Principal Act as amended by this Act applies to and in relation to sales tax, or further sales tax, payable by a person on the sale value of goods in accordance with sub-section (1) as if the sales tax or

further sales tax were payable on the sale value of the goods under section 24 of the Principal Act as amended by this Act and the goods had been sold or were deemed to have been sold by the person, were treated by the person as stock for sale by retail or were applied by the person to his own use, in the month in which this Act receives the Royal Assent.

SCHEDULE

Section 11

FORMAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting any number expressed in words that is used, whether with or without the addition of a letter or letters, to identify a section of that Act, or of another Act, and substituting that number expressed in figures:

Sections 5 (3), 11 (4) and (4B), 13, 16 (b), 20, 21 (c), 26 (5), 29, 32 (5), 40, 45 (3), 46 (2), 50 (2) and 70C (2).

2. The following provisions of the Principal Act are amended by omitting the words “of this Act”, “of this section”, “of this sub-section” and “of this definition” (wherever occurring):

Sections 5 (3), 13, 16 (b), 20, 21 (c), 26 (5), 29, 32 (5), 35 (2), 40, 42 (5), 45 (2) and (3), 46, 50 (2) and 70C (2).

3. The Principal Act is further amended as set out in the following table:

Provision	Amendment
Section 3 (1) (definition of “Board of Review”)	Omit “ <i>Income Tax Assessment Act 1922-1929</i> ”, substitute “ <i>Income Tax Assessment Act 1936</i> ”.
Section 3 (definition of “Sale of goods by wholesale”)	(a) Omit “of this section” (wherever occurring). (b) Omit “of this definition” (second occurring).
Section 3 (6)	Omit “the last preceding sub-section”, substitute “sub-section (5)”.
Section 10 (4)	(a) Omit “appointed under this Act”. (b) Omit “of this section” (second occurring).
Section 11 (4)	(a) Omit “of this section”. (b) Omit “of this Act”.
Section 11 (4B)	(a) Omit “the thirtieth day of June, One Thousand nine hundred and thirty-one”, substitute “30 June 1931”. (b) Omit “of this Act”.
Section 11 (8B)	Omit “the last preceding sub-section”, substitute “sub-section 8A”.
Section 11 (9A)	Omit “Deed of Arrangement”, substitute “deed of arrangement”.
Section 17 (1)	(a) Omit “, either before or after the commencement of this this Act,”. (b) Omit “on or after the first day of August One thousand nine hundred and thirty”.
Section 18 (3A)	Omit “of this section” (wherever occurring).
Section 18 (5)	Omit “Excise”, substitute “excise”.
Section 18 (5C)	Omit “the last preceding sub-section”, substitute “sub-section (5B)”.
Section 22	Omit “the last preceding section”, substitute “section 21”.
Section 23 (3)	Omit “Regulations”, substitute “regulations”.
Section 25 (2B)	Omit “the last preceding sub-section”, substitute “sub-section (2A)”.
Section 26 (6)	Omit “, either before or after the commencement of this sub-section,”.
Section 30 (1)	Omit “the King on behalf of”.
Section 32 (1)	Omit “on or after the first day of August, One Thousand nine hundred and thirty”.

SCHEDULE—continued

Provision	Amendment
Section 32 (2B)	Omit “the last preceding sub-section,” substitute “sub-section (2A)”.
Section 35 (8)	(a) Omit “the Second Schedule to this Act”, substitute “the Schedule”.
	(b) Omit “of the Commonwealth” (last occurring).
Section 35 (10)	Omit “the last three preceding sub-sections”, substitute “sub-sections (7), (8) and (9)”.
Section 42 (1)	Omit “the last preceding section”, substitute “section 41”.
Section 42 (3)	Omit “the next succeeding sub-section,” substitute “sub-section (4)”.
Section 45 (1) (a)	Omit “the Regulations thereunder”, substitute “the regulations”.
Section 46 (1)	Omit “the last preceding section”, substitute “section 45”.
Section 46 (1) (a)	Omit “the Regulations thereunder”, substitute “the regulations”.
Section 46 (2)	Omit “the last preceding section”, substitute “section 45”.
Section 47	Omit “the Regulations thereunder”, substitute “the regulations”.
Section 50 (1)	Omit “either of the last two preceding sections”, substitute “section 48 or 49”.
Section 52	Omit “the Regulations thereunder”, substitute “the regulations”.
Section 68 (d), (e), (f) and (h)	Omit “the Regulations thereunder” (wherever occurring), substitute “the regulations”.
Section 70A	Omit “, whether before or after the commencement of this section,”.
Section 70B	Omit “, before or after the commencement of this section”.
Section 73 (b)	Omit “the Regulations”, substitute “the regulations”.
Heading to the Schedules	Omit.
Heading to the Second Schedule	Omit “THE SECOND SCHEDULE”, substitute “SCHEDULE”.

NOTES

1. Act No. 197, 1978; assented to 6 December 1978.
2. Act No. 25, 1930, as amended. For previous amendments *see* Act No. 62, 1930; No. 25, 1931; Nos. 39 and 64, 1932; Nos. 17 and 47, 1933; Nos. 16 and 29, 1934; Nos. 8, 45 and 61, 1935; No. 78, 1936; Nos. 30 and 64, 1940; No. 54, 1942; No. 1, 1953; No. 40, 1962; No. 93, 1966; No. 216, 1973 (as amended by No. 20, 1974).