



Sales Tax Laws Amendment Act (No. 1) 1991

No. 51 of 1991

An Act to amend the law relating to sales tax

[Assented to 24 April 1991]

The Parliament of Australia enacts:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Sales Tax Laws Amendment Act (No. 1) 1991*.

Commencement

2. This Act is taken to have commenced on 13 March 1991.

PART 2—AMENDMENT OF THE SALES TAX (EXEMPTIONS AND CLASSIFICATIONS) ACT 1935

Principal Act

3. In this Part, “**Principal Act**” means the *Sales Tax (Exemptions and Classifications) Act 1935*¹.

Second Schedule

4. The Second Schedule to the Principal Act is amended by inserting after item 60 the following item:

“61. (1) Motor vehicles (including vehicles known as four-wheel drive vehicles) that are motor cars or station wagons

(2) Sub-item (1) does not apply in relation to a transaction, act or operation effected or done in relation to a motor vehicle unless the sale value of the motor vehicle for the purposes of the relevant Sales Tax Assessment Act exceeds the amount calculated using the formula:

$$\frac{\text{Depreciation limit}}{\left[\frac{1}{1 - \text{Statutory fraction}} \right] + \left[\begin{array}{c} \text{Sales} \\ \text{tax} \\ \text{rate} \end{array} \right]}$$

where:

‘**Depreciation limit**’ means:

- (a) in the case of a transaction, act or operation effected or done in the period that commenced on 13 March 1991 and ends on 30 June 1991—\$45,056; or
- (b) in the case of a transaction, act or operation effected or done in the period of 12 months commencing on 1 July 1991 or a period of 12 months commencing on any subsequent 1 July—the motor vehicle depreciation limit as determined under section 57AF of the *Income Tax Assessment Act 1936* in relation to the year of income that commences on that 1 July;

‘**Statutory fraction**’ means 0.225 or such other decimal fraction as the Commissioner determines by notice in writing served on the taxpayer;

‘**Sales tax rate**’ means the rate of sales tax imposed by the *Sales Tax Act (No. 1) 1930*, as in force at the time when the transaction, act or operation is effected or done, in respect of goods covered by the Fifth Schedule, being that rate expressed as a decimal fraction

(3) Sub-item (1) does not apply to motor vehicles that are specially fitted out for transporting disabled persons seated in wheelchairs”.

Fourth Schedule

5. The Fourth Schedule to the Principal Act is amended by omitting from sub-item 1 (2) “item 1 in the Sixth Schedule” and substituting “item 61 in the Second Schedule”.

Fifth Schedule

6. The Fifth Schedule to the Principal Act is amended by omitting from item 3 “item 1 in the Sixth Schedule” and substituting “item 61 in the Second Schedule”.

Repeal of Sixth Schedule

7. The Sixth Schedule to the Principal Act is repealed.

PART 3—AMENDMENT OF OTHER ACTS

Amendment of other Acts

8. (1) Each of the following Acts is amended as set out in Part 1 of the Schedule:

Sales Tax Act (No. 1) 1930

Sales Tax Act (No. 2) 1930

Sales Tax Act (No. 3) 1930

Sales Tax Act (No. 4) 1930

Sales Tax Act (No. 5) 1930

Sales Tax Act (No. 6) 1930

Sales Tax Act (No. 7) 1930

Sales Tax Act (No. 8) 1930

Sales Tax Act (No. 9) 1930.

(2) Both of the following Acts are amended as set out in Part 2 of the Schedule:

Sales Tax Act (No. 11A) 1985

Sales Tax Act (No. 11B) 1985.

PART 4—APPLICATION OF AMENDMENTS

Application of amendments

9. The amendments made by this Act apply in relation to transactions, acts and operations effected or done in relation to goods after the commencement of this Act.

SCHEDULE

Section 8

AMENDMENTS OF OTHER ACTS

PART 1—AMENDMENTS OF THE SALES TAX ACTS (Nos. 1-9)

Paragraph 4 (c):

Add at the end “and”.

Paragraph 4 (ca):

Omit the paragraph.

Paragraph 4 (d):

Omit “, Fifth or Sixth”, substitute “or Fifth”.

Section 5:

Repeal the section.

**PART 2—AMENDMENTS OF THE SALES TAX ACTS (Nos. 11A
AND 11B)**

Paragraph 6 (c):

Omit “, Fifth or Sixth”, substitute “or Fifth”.

NOTE

1. No. 60, 1935, as amended. For previous amendments, see No. 41, 1936; No. 78, 1938; No. 32, 1939; Nos. 29 and 76, 1940; No. 32, 1941; No. 6, 1942; Nos. 35 and 44, 1943; No. 31, 1944; No. 36, 1945; Nos. 12 and 67, 1946; No. 65, 1947; No. 42, 1948; No. 54, 1949; No. 37, 1950; No. 42, 1951; No. 44, 1952; No. 53, 1953; No. 45, 1954; No. 5, 1956; No. 71, 1957; Nos. 17 and 92, 1959; Nos. 65 and 88, 1960; Nos. 1 and 76, 1961; No. 4, 1962; No. 44, 1963; No. 30, 1965; Nos. 26 and 62, 1966; No. 78, 1970; Nos. 67 and 87, 1972; Nos. 17, 181 and 216, 1973; No. 24, 1975; Nos. 21, 29, 80 and 175, 1976; No. 107, 1978; Nos. 3, 94 and 157, 1979; No. 142, 1981; Nos. 64, 93 and 115, 1982; Nos. 63, 84 and 136, 1983; Nos. 81, 123 and 165, 1984; Nos. 65 and 67, 1985; Nos. 28, 76 and 98, 1986; Nos. 42, 135 and 140, 1987; Nos. 78, 89 and 152, 1988; Nos. 63 and 72, 1989; and Nos. 18, 55, 57, 58, 82 and 131, 1990.
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*[Minister's second reading speech made in—
House of Representatives on 12 March 1991
Senate on 10 April 1991]*