



Income Tax (TFN Withholding Tax (ESS)) Act 2009

No. 132, 2009 as amended

Compilation start date: 25 June 2014

Includes amendments up to: Act No. 46, 2014

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About this compilation

This compilation

This is a compilation of the *Income Tax (TFN Withholding Tax (ESS)) Act 2009* as in force on 25 June 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 2 July 2014.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

Uncommenced amendments

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

Contents

1	Short title	1
2	Commencement	1
3	Imposition of tax	2
4	Rate of tax	2
5	Temporary budget repair levy	2

Endnotes	3
Endnote 1—About the endnotes	3
Endnote 2—Abbreviation key	5
Endnote 3—Legislation history	6
Endnote 4—Amendment history	7
Endnote 5—Uncommenced amendments [none]	8
Endnote 6—Modifications [none]	8
Endnote 7—Misdescribed amendments [none]	8
Endnote 8—Miscellaneous [none]	8

An Act to impose tax on certain amounts relating to employee share schemes, and for related purposes

1 Short title

This Act may be cited as the *Income Tax (TFN Withholding Tax (ESS)) Act 2009*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	14 December 2009
2. Sections 3 and 4	At the same time as Schedule 1 to the <i>Tax Laws Amendment (2009 Budget Measures No. 2) Act 2009</i> commences.	14 December 2009

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Imposition of tax

The tax known as income tax, to the extent that that tax is payable by an entity in accordance with section 14-155 in Schedule 1 to the *Taxation Administration Act 1953*, is imposed on amounts mentioned in paragraph (1)(b) of that section.

4 Rate of tax

The rate of tax imposed by this Act on such an amount is the sum of the following:

- (a) the maximum rate specified in the table in Part I of Schedule 7 to the *Income Tax Rates Act 1986*;
- (b) 2%.

5 Temporary budget repair levy

- (1) This section applies if the income year in which the amount is included as mentioned in paragraph 14-155(1)(b) in Schedule 1 to the *Taxation Administration Act 1953* is a temporary budget repair levy year.
- (2) Increase the rate of tax worked out under section 4 by 2 percentage points.
- (3) In this section:

temporary budget repair levy year means an income year corresponding to a temporary budget repair levy year (within the meaning of section 4-11 of the *Income Tax (Transitional Provisions) Act 1997*).

Endnotes

Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history
Endnote 5—Uncommenced amendments
Endnote 6—Modifications
Endnote 7—Misdescribed amendments
Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

Abbreviation key—Endnote 2

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

Endnotes

Endnote 1—About the endnotes

Modifications—Endnote 6

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

Misdescribed amendments—Endnote 7

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

Miscellaneous—Endnote 8

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

Endnote 2—Abbreviation key

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Income Tax (TFN Withholding Tax (ESS)) Act 2009	132, 2009	14 Dec 2009	ss. 3 and 4: 14 Dec 2009 (see s. 2(1)) Remainder: Royal Assent	
Income Tax (TFN Withholding Tax (ESS)) Amendment (DisabilityCare Australia) Act 2013	42, 2013	28 May 2013	Schedule 1: 28 May 2013 (see s. 2(1)) Remainder: Royal Assent	Sch. 1 (item 2)
Income Tax (TFN Withholding Tax (ESS)) Amendment (Temporary Budget Repair Levy) Act 2014	46, 2014	25 June 2014	Sch 1: 25 June 2014 (see s 2(1)) Remainder: Royal Assent	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s. 4	rs. No. 42, 2013
s 5	ad No 46, 2014

Endnotes

Endnote 5—Uncommenced amendments [none]

Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications [none]

Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous [none]