Commonwealth Coat of Arms

Income Tax Amendment Regulation 2013 (No. 1)

Select Legislative Instrument No. 128, 2013

I, Professor Marie Bashir AC CVO, Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Income Tax Assessment Act 1936*.

Dated 13 June 2013

Marie Bashir

Administrator

By Her Excellency’s Command

David Bradbury

Assistant Treasurer

Contents

1 Name of regulation 1

2 Commencement 1

3 Authority 1

4 Schedule(s) 1

Schedule 1—Amendments 2

Income Tax Regulations 1936 2

1 Name of regulation

This regulation is the *Income Tax Amendment Regulation 2013 (No. 1)*.

2 Commencement

This regulation commences on the day after it is registered.

3 Authority

This regulation is made under the *Income Tax Assessment Act 1936.*

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Income Tax Regulations 1936

1 Subregulation 150AE(12)

After “$6 000”, insert “, and TP1 is a resident of Australia”.

2 At the end of regulation 150AE

Add:

(13) In the circumstances mentioned in paragraphs (2)(b) and (4)(b), if TP1’s taxable income for the year is greater than $6 000, and TP1 is a non‑resident, the amount of excess rebate is the excess rebate amount mentioned in paragraph (1)(b).

Note: ***Non‑resident*** is defined in section 6 of the Act. Division 63 of the *Income Tax Assessment Act 1997* sets out the general rules about excess tax offsets.

3 Subregulation 150AF(9)

After “$6 000”, insert “, and TP1 is a resident of Australia”.

4 At the end of regulation 150AF

Add:

(10) In the circumstances mentioned in paragraphs (2)(b) and (4)(b), if TP1’s taxable income for the year is greater than $6 000, and TP1 is a non‑resident, the amount of excess rebate is the excess rebate amount mentioned in paragraph (1)(b).

Note: ***Non‑resident*** is defined in section 6 of the Act. Division 63 of the *Income Tax Assessment Act 1997* sets out the general rules about excess tax offsets.

5 After Part 10

Insert:

Part 15—Application and transitional provisions

200 Amendments made by the *Income Tax Amendment Regulation 2013 (No. 1)*

The amendments made by Schedule 1 to the *Income Tax Amendment Regulation 2013 (No. 1)* apply in relation to assessments of income for the 2012‑2013 income year and later income years.