



# **Tax Laws Amendment (2006 Measures No. 6) Act 2007**

## **No. 4, 2007**

**An Act to amend the law relating to taxation, and  
for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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# **Tax Laws Amendment (2006 Measures No. 6) Act 2007**

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## **An Act to amend the law relating to taxation, and for related purposes**

*[Assented to 19 February 2007]*

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Tax Laws Amendment (2006 Measures No. 6) Act 2007*.

## 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	19 February 2007
2. Schedule 1	The day on which this Act receives the Royal Assent.	19 February 2007
3. Schedule 2, items 1 to 23	The day on which this Act receives the Royal Assent.	19 February 2007
4. Schedule 2, item 24	Immediately after the commencement of Part 1 of Schedule 2 to the Tax Laws Amendment (Repeal of Inoperative Provisions) Act 2006.	14 September 2006
5. Schedule 2, items 25 and 26	The day on which this Act receives the Royal Assent.	19 February 2007

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 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Specific listings of deductible gift recipients**

### ***Income Tax Assessment Act 1997***

#### **1 Subsection 30-25(2) (table item 2.2.34)**

Omit “1 July 2006”, substitute “1 July 2008”.

#### **2 Subsection 30-40(2) (at the end of the table)**

Add:

3.2.9	Don Chipp Foundation Ltd	the gift must be made after 26 June 2006
3.2.10	Lingiari Policy Centre	the gift must be made after 25 July 2006

#### **3 Subsection 30-50(2) (table item 5.2.16)**

Omit “16 August 2005”, substitute “16 August 2006”.

#### **4 Subsection 30-70(2) (at the end of the table)**

Add:

8.2.11	Playgroup SA Inc	the gift must be made after 5 August 2006
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#### **5 Subsection 30-100(2) (at the end of the table)**

Add:

12.2.3	The Ranfurly Library Service Incorporated	the gift must be made after 2 May 2006
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#### **6 Section 30-105 (table item 13.2.5)**

Omit “23 April 2006”, substitute “23 April 2008”.

#### **7 Section 30-105 (table item 13.2.6)**

Omit “10 November 2005”, substitute “1 January 2007”.

#### **8 Section 30-105 (at the end of the table)**

Add:

13.2.12	Nonprofit Australia Ltd	the gift must be made
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		after 28 June 2006 and before 29 June 2009
13.2.13	Point Nepean Community Trust	the gift must be made after 26 June 2006 and before 11 June 2009
13.2.14	St Mary's Cathedral Restoration Appeal Incorporated	the gift must be made after 26 April 2006 and before 27 April 2007

## **9 Subsection 30-315(2) (after table item 45)**

Insert:

45AAA      Don Chipp Foundation Ltd      item 3.2.9

## **10 Subsection 30-315(2) (after table item 67)**

Insert:

67A      Lingiari Policy Centre      item 3.2.10

## **11 Subsection 30-315(2) (after table item 80)**

Insert:

81      Nonprofit Australia Ltd      item 13.2.12

## **12 Subsection 30-315(2) (after table item 86C)**

Insert:

86CA      Playgroup SA Inc      item 8.2.11

## **13 Subsection 30-315(2) (after table item 86E)**

Insert:

86F      Point Nepean Community Trust      item 13.2.13

## **14 Subsection 30-315(2) (after table item 94AA)**

Insert:

94AB      Ranfurly Library Service Incorporated      item 12.2.3

## **15 Subsection 30-315(2) (after table item 112AF)**

Insert:

112AFA      St Mary's Cathedral Restoration Appeal  
Incorporated      item 13.2.14

## **Schedule 2—Technical corrections and amendments**

### **Part 1—General amendments**

#### ***Income Tax Assessment Act 1936***

##### **1 Section 102AAB (definition of *approved form*)**

Repeal the definition.

##### **2 Transitional**

An approval of a form made by the Commissioner before the commencement of this item under the definition of *approved form* in section 102AAB of the *Income Tax Assessment Act 1936* has effect on and after that commencement as if it had been made under section 388-50 in Schedule 1 to the *Taxation Administration Act 1953*.

##### **3 Subsection 124K(1) (definition of *Minister*)**

Repeal the definition, substitute:

*Minister* means the Minister administering the *Film Licensed Investment Company Act 2005*.

##### **4 Subsection 159ZR(1) (definition of *eligible income*)**

Omit “section 34A of the *Audit Act 1901* or”.

##### **5 Subsection 160AO(2)**

Omit “*Income Tax (International Agreements) Act 1953-1960*”, substitute “*International Tax Agreements Act 1953*”.

##### **6 Subsections 160AO(2) and (3)**

Renumber as subsections (1) and (2).

##### **7 Subsection 252(2)**

Repeal the subsection.

##### **8 Subsections 252(3), (4) and (4A)**

Renumber as subsections (2), (3) and (4).

**9 Subsection 252(4A)**

Omit “subsection (4)”, substitute “subsection (3)”.

**10 Subsection 252(6)**

Omit “subsection (3)”, substitute “subsection (2)”.

***Income Tax Assessment Act 1997***

**11 Section 12-5 (table item headed “film income”)**

Omit “see also *losses*”, substitute “see also *tax losses*”.

**12 Section 40-145**

Repeal the section.

**13 Paragraph 118-520(1)(c)**

Omit “or residents of a Territory”.

**14 Paragraph 118-520(1)(d)**

Omit “or a resident of a Territory”.

**15 Subsection 995-1(1) (note to the definition of *purpose of producing assessable income*)**

Repeal the note, substitute:

Note: Section 32-15 (about using property in providing entertainment) treats use of property as not being for the purpose of producing assessable income.

**16 Subsection 995-1(1) (definition of *statutory accounting period*) (the definition of *statutory accounting period* inserted by item 19 of Schedule 1 to the *New International Tax Arrangements (Participation Exemption and Other Measures) Act 2004*)**

Repeal the definition.

***Taxation Administration Act 1953***

**17 Subsections 6B(1), (2), (5), (8) and (9)**

Omit “Prime Minister”, substitute “Minister”.

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## **18 Subsection 6B(11)**

Repeal the subsection.

## **19 Transitional**

An appointment made by the Prime Minister under section 6B of the *Taxation Administration Act 1953* before the commencement of this item and in force at that commencement continues to have effect after that commencement according to its terms as if it had been made by the Minister just after that commencement.

## **20 Paragraph 298-5(c) in Schedule 1 (the paragraph (c) added by item 168 of Schedule 7 to the *Tax Laws Amendment (2006 Measures No. 2) Act 2006*)**

Omit “this Schedule.”, substitute “this Schedule; or”.

## **21 Paragraph 298-5(c) in Schedule 1 (the paragraph (c) added by item 5 of Schedule 7 to the *Tax Laws Amendment (2006 Measures No. 3) Act 2006*)**

Reletter as paragraph (d).

### ***Taxation Laws Amendment Act (No. 5) 2001***

## **22 Item 3 of Schedule 2**

Omit “*Legislative Instrument Act 2003*”, substitute “*Legislative Instruments Act 2003*”.

### ***Tax Laws Amendment (2006 Measures No. 3) Act 2006***

## **23 Item 4 of Schedule 7**

Repeal the item.

## **Part 2—Amendments commencing at different times**

### *Airports (Transitional) Act 1996*

#### **24 Subsection 49B(7) (definition of *entity*)**

Repeal the definition, substitute:

*entity* means any of the following:

- (a) a company;
- (b) a partnership;
- (c) a person in a capacity of trustee;
- (d) any other person.

## **Part 3—Asterisking amendments**

### ***A New Tax System (Goods and Services Tax) Act 1999***

#### **25 Asterisking amendments of the *A New Tax System (Goods and Services Tax) Act 1999***

The provisions of the *A New Tax System (Goods and Services Tax) Act 1999* listed in the table are amended as set out in the table.

<b>Asterisking amendments</b>			
<b>Item</b>	<b>Provision</b>	<b>Omit:</b>	<b>Substitute:</b>
1	Subsection 38-50(2)	*individual	individual
2	Paragraph 38-50(7)(b)	*individual	individual
3	Paragraph 184-1(1)(a)	*individual	individual

### ***Income Tax Assessment Act 1997***

#### **26 Asterisking amendments of the *Income Tax Assessment Act 1997***

The provisions of the *Income Tax Assessment Act 1997* listed in the table are amended as set out in the table.

<b>Asterisking amendments</b>			
<b>Item</b>	<b>Provision</b>	<b>Omit:</b>	<b>Substitute:</b>
1	Subparagraph 43-150(a)(v)	petroleum	*petroleum
2	Subsection 87-40(1)	agents	*agents
3	Paragraph 204-30(2)(b)	paid-up share capital	*paid-up share capital
4	Subsection 995-1(1) (subparagraph (b)(i) of the definition of <i>apportionable deductions</i> )	*market value	market value
5	Subsection 995-1(1) (subparagraph (b)(ii) of the definition of <i>apportionable deductions</i> )	*live stock	live stock

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*[Minister's second reading speech made in—  
House of Representatives on 2 November 2006  
Senate on 6 February 2007]*

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(164/06)