





# **Tax and Superannuation Laws Amendment (2016 Measures No. 2) Act 2017**

**No. 15, 2017**

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

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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**No. 15, 2017**

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

*[Assented to 28 February 2017]*

The Parliament of Australia enacts:

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*No. 15, 2017      Tax and Superannuation Laws Amendment (2016 Measures No. 2) Act      1*  
*2017*

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## 1 Short title

This Act is the *Tax and Superannuation Laws Amendment (2016 Measures No. 2) Act 2017*.

## 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
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	28 February 2017
2. Schedule 1	The day after this Act receives the Royal Assent.	1 March 2017
3. Schedule 2	The first 1 January, 1 April, 1 July or 1 October to occur after the day this Act receives the Royal Assent.	1 April 2017
4. Schedule 3	The day this Act receives the Royal Assent.	28 February 2017
5. Schedule 4, Part 1, Division 1	At the same time as Part 1 of Schedule 2 to the <i>Social Security Legislation Amendment (Community Development Program) Act 2017</i> commences.	
6. Schedule 4, Part 1, Division 2	At the same time as the provisions covered by table item 5. However, if item 146 of Schedule 12 to the <i>Omnibus Repeal Day (Spring 2015) Act 2016</i> commences at or before that time, the provision does not commence at all.	
7. Schedule 4, Part 1, Division 3	At the same time as the provisions covered by table item 5.	

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
8. Schedule 4, items 9 to 69	At the same time as the provisions covered by table item 3.	1 April 2017
9. Schedule 4, item 70	Immediately after the time specified in the <i>Tax and Superannuation Laws Amendment (2014 Measures No. 7) Act 2015</i> for the commencement of item 2 of Schedule 6 to that Act.	19 March 2015
10. Schedule 4, items 71 to 83	At the same time as the provisions covered by table item 3.	1 April 2017
11. Schedule 4, item 84	Immediately after the time specified in the <i>Treasury Legislation Amendment (Repeal Day) Act 2015</i> for the commencement of Division 1 of Part 1 of Schedule 2 to that Act.	25 February 2015
12. Schedule 4, items 85 to 96	At the same time as the provisions covered by table item 3.	1 April 2017
13. Schedule 4, item 97	Immediately after the time specified in the <i>Treasury Legislation Amendment (Repeal Day) Act 2015</i> for the commencement of Division 1 of Part 1 of Schedule 2 to that Act.	25 February 2015
14. Schedule 4, item 98	Immediately after the time specified in the <i>Treasury Legislation Amendment (Repeal Day) Act 2015</i> for the commencement of Division 2 of Part 1 of Schedule 2 to that Act.	1 July 2015
15. Schedule 4, Parts 4 and 5	At the same time as the provisions covered by table item 3.	1 April 2017

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

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### **3 Schedules**

Legislation 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—Commissioner's remedial power**

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

#### **1 Subsection 995-1(1)**

Insert:

***Finance Department*** means the Department administered by the \*Finance Minister.

***Finance Secretary*** means the Secretary of the \*Finance Department.

### ***Taxation Administration Act 1953***

#### **2 At the end of subsection 3B(1AA)**

Add:

; and (e) set out information on the exercise during the year of the Commissioner's powers under Subdivision 370-A in Schedule 1 (Commissioner's remedial power).

#### **3 After Part 5-5 in Schedule 1**

Insert:

## **Part 5-10—Commissioner's remedial power**

### **Division 370—Commissioner's remedial power**

#### **Table of Subdivisions**

Guide to Division 370  
370-A Commissioner's remedial power

## Guide to Division 370

### 370-1 What this Division is about

The Commissioner may determine a modification of the operation of a provision of a taxation law. The modification must not be inconsistent with the intended purpose or object of the provision.

Furthermore:

- (a) the Commissioner must consider the modification to be reasonable; and
- (b) the Department, or the Finance Department, must advise that any impact of the modification on the Commonwealth budget would be negligible.

**Example:** After a provision of a taxation law is enacted, it is found that, because of developments in the practices of businesses or the Commissioner, the provision imposes disproportionate compliance costs on taxpayers. The Commissioner might, under this Division, be able to modify the operation of the provision to give timely relief.

An entity must not apply a modification if it would produce a less favourable result for the entity.

**Note:** The Commissioner must include in the Commissioner's annual report under section 3B of this Act information about the exercise of his or her powers under this Division.

### Subdivision 370-A—Commissioner's remedial power

#### Table of sections

370-5	Commissioner's remedial power
370-10	Intended purpose or object
370-15	Repeal of determinations
370-20	Commencement of determinations

### 370-5 Commissioner's remedial power

- (1) The Commissioner may, by legislative instrument, determine a modification of the operation of a provision of a \*taxation law if:
  - (a) the modification is not inconsistent with the intended purpose or object of the provision; and

- (b) the Commissioner considers the modification to be reasonable, having regard to:
    - (i) the intended purpose or object of the provision; and
    - (ii) whether the cost of complying with the provision is disproportionate to that intended purpose or object; and
  - (c) any of the following persons advises the Commissioner that any impact of the modification on the Commonwealth budget would be negligible:
    - (i) the Secretary of the Department, or an APS employee in the Department who is authorised by the Secretary for the purposes of this paragraph;
    - (ii) the \*Finance Secretary, or an APS employee in the \*Finance Department who is authorised by the Finance Secretary for the purposes of this paragraph.
- (2) If the Commissioner determines a modification of the operation of a provision of a \*taxation law under subsection (1), the provision operates with the modification.

*Scope of determination*

- (3) A modification applies generally, unless the determination states that the modification only applies:
- (a) to a specified class of entities; or
  - (b) in specified circumstances.
- (4) An entity (the **first entity**) must treat a modification as:
- (a) not applying to the first entity; and
  - (b) not applying to any other entity;
- if the modification would produce a less favourable result for the first entity.
- (5) If the Commissioner determines a modification of the operation of a provision of a \*taxation law, the modification (as applied by subsection (2)) does not affect a right or liability under an order (including any judgment, conviction or sentence) made by a court before the commencement of the determination.

### 370-10 Intended purpose or object

In ascertaining the intended purpose or object of a provision of a \*taxation law for the purposes of paragraph 370-5(1)(a) or subparagraph 370-5(1)(b)(i):

- (a) consideration must be given to any documents that may be considered under subsection 15AB(2) of the *Acts Interpretation Act 1901* (or that subsection as applied by section 13 of the *Legislation Act 2003*) in relation to the provision; and

Example: An explanatory memorandum, second reading speech or report of a parliamentary committee.

- (b) consideration may be given to any other material (including material not forming part of the provision) that would assist in ascertaining the intended purpose or object of the provision; and
- (c) primacy is not required to be given to the text of the provision.

Note: Ascertaining an intended purpose or object for the purposes of paragraph 370-5(1)(a) or subparagraph 370-5(1)(b)(i) is not necessarily the same as ascertaining a purpose or object for the purposes of interpreting a provision of an Act.

### 370-15 Repeal of determinations

- (1) The Commissioner may, by legislative instrument, repeal a determination made under section 370-5.
- (2) A legislative instrument made under subsection (1) of this section may make an application, saving or transitional provision relating to the repeal.
- (3) Subsection 33(3) of the *Acts Interpretation Act 1901* does not apply in relation to the repeal, rescission or revocation of a determination made under section 370-5 in this Schedule (but does apply in relation to the amendment or variation of such a determination).

### **370-20 Commencement of determinations**

A determination made under section 370-5, or a repeal made under section 370-15, must not commence before the first day it is no longer liable to be disallowed, or to be taken to have been disallowed, under section 42 of the *Legislation Act 2003*.

### **4 Review of Subdivision 370-A in Schedule 1 to the *Taxation Administration Act 1953***

- (1) During the 2 years starting on the third anniversary of the commencement of this item, the Minister may cause to be undertaken a review of the operation of Subdivision 370-A in Schedule 1 to the *Taxation Administration Act 1953*.
- (2) The persons undertaking the review must give to the Minister a written report of the review.
- (3) The Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the report is given to the Minister.

## Schedule 2—Primary producer income averaging

### *Income Tax Assessment Act 1997*

#### **1 Subsection 392-5(6)**

Omit “the rest of your life”, substitute “10 income years”.

#### **2 At the end of section 392-10**

Add:

- (3) This section applies as if you did not carry on a \*primary production business during a particular income year if, because you made a choice under section 392-25, this Division did not apply to your assessment for that income year.

Note: A choice that you make under section 392-25 has the effect that this Division does not apply to your assessments for 10 income years. None of these income years can be taken into account in applying this section after the 10 year opt-out period.

#### **3 Subsection 392-25(1)**

Omit “*or any later income year*”, substitute “or any of the next 9 income years”.

#### **4 After subsection 392-25(1)**

Insert:

- (1A) Your choice must not cover any income year that a previous choice of yours has already covered.

#### **5 Application of amendments**

The amendments made by this Schedule apply in relation to the 2016-17 income year and later income years.

## **Schedule 3—Cars for display by public institutions**

### ***A New Tax System (Luxury Car Tax) Act 1999***

#### **1 After paragraph 7-10(3)(b)**

Insert:

- (ba) you are \*registered at the time of the importation, and the car:
  - (i) is covered by item 7 in Schedule 4 to the \*Customs Tariff; and
  - (ii) is imported by the library, museum, gallery or institution to which it is consigned; and
  - (iii) is imported for the sole purpose of public display; or

#### **2 After subsection 15-30(1)**

Insert:

- (1A) You have a *decreasing luxury car tax adjustment* if:
  - (a) you are supplied with a \*luxury car; and
  - (b) luxury car tax is payable on the supply; and
  - (c) you are \*registered at the time of the supply; and
  - (d) were you to \*import the car for the same purpose as your purpose in acquiring it, luxury car tax would, because of paragraph 7-10(3)(ba), not be payable on the importation; and
  - (e) you do not intend to use the car, or permit it to be used, other than for that purpose.

#### **3 After subsection 15-30(3)**

Insert:

- (3A) You have an *increasing luxury car tax adjustment* if:
  - (a) you were supplied with a \*luxury car; and
  - (b) you had a \*decreasing luxury car tax adjustment under subsection (1A) in relation to the supply; and
  - (c) either:

- (i) you use the car (or permit it to be used), and that use would have prevented a decreasing luxury car tax adjustment arising under that subsection if it had been your purpose in acquiring the car; or
- (ii) you supply the car to another entity.

(3B) However, subparagraph (3A)(c)(ii) does not apply if luxury car tax would, because of paragraph 7-10(3)(ba), not have been payable if the other entity had instead \*imported the car for the same purpose as its purpose in acquiring the car from you.

#### 4 After subsection 15-35(3)

Insert:

- (3A) You have an *increasing luxury car tax adjustment* if:
- (a) you \*imported a \*luxury car; and
  - (b) no luxury car tax was payable on the importation because of paragraph 7-10(3)(ba); and
  - (c) either:
    - (i) you use the car (or permit it to be used), and that use would have prevented that paragraph applying if it had been your purpose in importing the car; or
    - (ii) you supply the car to another entity.

(3B) However, subparagraph (3A)(c)(ii) does not apply if luxury car tax would, because of paragraph 7-10(3)(ba), not have been payable if the other entity had instead \*imported the car for the same purpose as its purpose in acquiring the car from you.

#### 5 After paragraph 15-35(4)(b)

Insert:

- or (c) the amount of luxury car tax that you would have had to pay if paragraph 7-10(3)(ba) had not applied in relation to the importation;

#### 6 Application of amendments

The amendments made by this Schedule apply in relation to supplies made, or importations occurring, after the day on which this Act receives the Royal Assent.

## **Schedule 4—Miscellaneous amendments**

### **Part 1—CDEP Scheme**

#### **Division 1—Main amendments**

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

**1 Subsection 160AAA(1) (paragraph (a) of the definition of *rebatable benefit*)**

Omit “, 2.23B or 3.15A”, substitute “or 2.23B”.

**2 Paragraph 202CB(6)(a)**

Omit “a CDEP Scheme Participant Supplement,”.

**3 Paragraph 202CE(7)(a)**

Omit “a CDEP Scheme Participant Supplement,”.

##### *Income Tax Rates Act 1986*

**4 Section 16 (paragraph (c) of the definition of *eligible pensioner*)**

Omit “, 2.15 or 3.15A”, substitute “or 2.15”.

##### *Taxation Administration Act 1953*

**5 Paragraph 12-110(1)(cb) in Schedule 1**

Omit “pay; or”, substitute “pay.”.

**6 Paragraph 12-110(1)(d) in Schedule 1**

Repeal the paragraph.

## **Division 2—Contingent amendments**

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

#### **7 Subsection 160AAA(1) (paragraph (d) of the definition of *rebtable benefit*)**

Repeal the paragraph.

## **Division 3—Application of amendments**

### **8 Application of amendments**

Despite any amendment made by this Part of a particular provision, the provision, as in force immediately before the commencement of the amendment, continues to apply on and after that commencement in relation to a payment under Part 2.27 or 3.15A of the *Social Security Act 1991* made before that commencement.

## **Part 2—Other amendments of principal Acts**

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

#### **9 Subsection 177-10(3)**

Omit “\*Education Minister”, substitute “\*Student Assistance Minister”.

#### **10 Section 195-1 (paragraph (a) of the definition of *adult and community education course*)**

Omit “\*Education Minister”, substitute “\*Student Assistance Minister”.

#### **11 Section 195-1 (paragraph (b) of the definition of *adult and community education course*)**

Omit “\*Education Minister”, substitute “Student Assistance Minister”.

#### **12 Section 195-1 (definition of *Education Minister*)**

Repeal the definition.

#### **13 Section 195-1 (paragraph (b) of the definition of *primary course*)**

Omit “\*Education Minister”, substitute “\*Student Assistance Minister”.

#### **14 Section 195-1 (paragraph (a) of the definition of *secondary course*)**

Omit “\*Education Minister”, substitute “\*Student Assistance Minister”.

#### **15 Section 195-1 (paragraph (b) of the definition of *secondary course*)**

Omit “\*Education Minister”, substitute “Student Assistance Minister”.

#### **16 Section 195-1**

Insert:

*Student Assistance Minister* has the same meaning as in the  
*Income Tax Assessment Act 1997*.

**17 Section 195-1 (paragraph (a) of the definition of *tertiary course*)**

Omit “\*Education Minister”, substitute “\*Student Assistance Minister”.

**18 Section 195-1 (paragraph (b) of the definition of *tertiary course*)**

Omit “Education Minister”, substitute “Student Assistance Minister”.

***Commonwealth Grants Commission Act 1973***

**19 Subsection 25(2)**

Omit “16AA,” (second occurring).

***Income Tax Assessment Act 1936***

**20 Subsection 6(1) (paragraph (f) of the definition of *assessment*)**

Repeal the paragraph.

**21 Subsection 6(1) (definition of *Education Secretary*)**

Repeal the definition.

**22 Subsection 6(1)**

Insert:

*Student Assistance Secretary* has the meaning given by the *Income Tax Assessment Act 1997*.

**23 Section 202A (definition of *securities dealer*)**

Repeal the definition, substitute:

*securities dealer* has the same meaning as in the *Income Tax Assessment Act 1997*.

**24 Subsection 202CB(6)**

Omit “Education Secretary”, substitute “Student Assistance Secretary”.

**25 Section 271-100 in Schedule 2F**

Repeal the section.

***Income Tax Assessment Act 1997***

**26 Subsection 25-25(4) (method statement, step 1)**

Omit:

- |  |
|--|
| <ul style="list-style-type: none"><li>• For a later income year, it is the amount of the expenditure reduced by the the maximum amount that you can deduct for the expenditure for each earlier income year.</li></ul> |
|--|

substitute:

- |  |
|--|
| <ul style="list-style-type: none"><li>• For a later income year, it is the amount of the expenditure reduced by the maximum amount that you can deduct for the expenditure for each earlier income year.</li></ul> |
|--|

**27 Section 30-15 (table item 6, column headed “Recipient”, paragraph (c))**

Omit “The National Trust of Queensland”, substitute “National Trust of Australia (Queensland) Limited”.

**28 Subsection 30-25(1) (table item 2.1.7, column headed “Fund, authority or institution”)**

Omit “\*Education Minister”, substitute “\*Student Assistance Minister”.

**29 Paragraph 30-30(1)(c)**

Omit “\*Education Minister”, substitute “\*Student Assistance Minister”.

**30 Paragraph 30-30(1)(d)**

Omit “Education Minister”, substitute “Student Assistance Minister”.

**31 Subsection 30-45(2) (table item 4.2.14, column headed “Fund, authority or institution”)**

Omit “the R.S.P.C.A. Australia Incorporated”, substitute “RSPCA Australia”.

**32 Application of amendment**

The amendment made by item 31 applies in relation to gifts or contributions made on or after 10 July 2015.

**33 Subsection 30-55(2) (table item 6.2.15, column headed “Fund, authority or institution”)**

Omit “The National Trust of Queensland”, substitute “National Trust of Australia (Queensland) Limited”.

**34 Application of amendments**

The amendments made by items 27 and 33 apply in relation to gifts or contributions made on or after 1 July 2014.

**35 Subsection 30-70(2) (table item 8.2.6, column headed “Fund, authority or institution”)**

Omit “Playgroup Queensland Incorporated”, substitute “Playgroup Queensland Ltd”.

**36 Application of amendment**

The amendment made by item 35 applies in relation to gifts or contributions made on or after 17 December 2014.

**37 Section 30-315 (table item 86C)**

Omit “Playgroup Queensland Incorporated”, substitute “Playgroup Queensland Ltd”.

**38 Paragraph 40-25(8)(a)**

Repeal the paragraph, substitute:

- (a) if section 250-150 applies—you are taken not to be using the asset for a \*taxable purpose to the extent of the \*disallowed capital allowance percentage; or

**39 Subsection 40-180(4) (note)**

Omit “40-1105”, substitute “40-1130”.

**40 Subsection 40-520(1) (example)**

Omit “livestock”, substitute “live stock”.

**41 Subsections 40-525(1), (2), (3) and (4) (paragraph (a) of the note)**

After “taken”, insert “not”.

**42 Subsection 40-630(1) (paragraph (a) of the note)**

Repeal the paragraph, substitute:

- (a) if section 250-150 applies—you are taken not to be using the land for the purpose of carrying on a primary production business, or a business for the purpose of producing assessable income from the use of rural land (except a business of mining and quarrying operations), to the extent specified under subsection 250-150(3); or

**43 Subsection 40-730(1) (paragraph (a) of the note)**

Repeal the paragraph, substitute:

- (a) if section 250-150 applies—you cannot deduct expenditure you incur in relation to the land to the extent specified under subsection 250-150(3); or

**44 Subsection 40-735(1) (paragraph (a) of note 2)**

Repeal the paragraph, substitute:

- (a) if section 250-150 applies—you cannot deduct expenditure you incur in relation to the land to the extent specified under subsection 250-150(3); or

**45 Subsection 40-750(1) (paragraph (a) of note 2)**

Repeal the paragraph, substitute:

- (a) if section 250-150 applies—you cannot deduct expenditure you incur in relation to the asset to the extent specified under subsection 250-150(3); or

**46 Subsection 40-755(1) (paragraph (a) of the note)**

Repeal the paragraph, substitute:

- (a) if section 250-150 applies—you cannot deduct expenditure you incur in relation to the land to the extent specified under subsection 250-150(3); or

**47 Section 40-835 (paragraph (a) of the note)**

Repeal the paragraph, substitute:

- (a) if section 250-150 applies—you are taken not to be using the asset for taxable purposes to the extent specified under subsection 250-150(3); or

**48 Subsection 40-880(1) (paragraph (a) of the note)**

Repeal the paragraph, substitute:

- (a) if section 250-150 applies—you cannot deduct an amount for capital expenditure you incur in relation to the asset to the extent specified under subsection 250-150(3); or

**49 Subsection 43-140(1) (paragraph (a) of note 2)**

Repeal the paragraph, substitute:

- (a) if section 250-150 applies—you are taken not to be using the capital work for the purpose of producing assessable income, or for the purpose of conducting R&D activities, to the extent specified under subsection 250-150(3); or

**50 Subsection 52-131(9) (note)**

Omit “Education Minister”, substitute “Student Assistance Minister”.

**51 Subsection 122-25(3)**

Omit “precluded asset”, substitute “*precluded asset*”.

**52 Subsection 124-784B(2) (method statement, step 2, paragraph (b))**

Repeal the paragraph, substitute:

- |   |
|---|
| <ul style="list-style-type: none"><li>(b) for *live stock acquired by natural increase during that income year but before the completion time—the *cost of that live stock; and</li></ul> |
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**53 Subsection 124-784B(2) (method statement, step 2, paragraph (c))**

Omit “livestock”, substitute “live stock”.

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**54 Paragraph 149-15(3)(e)**

Omit “local governing body”, substitute “\*local governing body”.

**55 Paragraph 165-60(3)(a)**

Omit “livestock”, substitute “\*live stock”.

**56 Paragraph 165-60(3)(b)**

Omit “livestock”, substitute “live stock”.

**57 Subsection 165-115A(1A)**

Omit “165-115A”.

**58 Paragraph 165-202(1)(c)**

Omit “local governing body”, substitute “\*local governing body”.

**59 Subsection 307-290(3)**

After the formula, insert:  
where:

**60 Section 328-285 (note 2)**

Repeal the note, substitute:

- Note 2: When making a reasonable estimate of the value of trading stock on hand:
- (a) special valuation rules may be used, for example, obsolete stock, natural increase of live stock, horse breeding stock; and
  - (b) the estimated value disregards an amount equal to the amount of input tax credits (if any) to which you would be entitled for an item if the acquisition of the item had been solely for a creditable purpose: see subsection 70-45(1A).

**61 Paragraph 355-210(1)(a)**

Omit “or an external Territory”.

**62 Subparagraph 355-210(1)(d)(i)**

Omit “and the external Territories”.

**63 Subparagraph 355-210(1)(e)(i)**

Omit “or an external Territory”.

**64 Subparagraph 355-210(1)(e)(ii)**

Omit “and the external Territories”.

**65 Subsection 355-210(1) (note)**

Omit “or the external Territories”.

**66 Paragraph 355-215(a)**

Omit “or an external Territory”.

**67 Subparagraph 355-215(b)(i)**

Omit “or an external Territory”.

**68 Paragraph 355-220(1)(a)**

Omit “or an external Territory”.

**69 Subparagraph 355-220(1)(b)(i)**

Omit “or an external Territory”.

**70 Paragraph 418-15(1)(d)**

Omit “would be a distribution to which paragraph 207-110(1)(b) would apply”, substitute “would give rise to a \*tax offset for the entity that would be subject to the refundable tax offset rules because of paragraph 67-25(1C)(b) or (1D)(b)”.

**71 Subparagraphs 418-80(3)(d)(ii) and (iii)**

Repeal the subparagraphs, substitute:

(ii) an area referred to in subsection 960-505(2).

**72 Subsection 418-80(3) (note)**

Repeal the note.

**73 Paragraph 615-10(1)(a)**

Omit “no more than 5”, substitute “one or more, but not all, of the”.

**74 Paragraph 701-25(4)(b)**

Omit “\*livestock”, substitute “\*live stock”.

**75 Paragraph 701-35(4)(b)**

Omit “\*livestock”, substitute “\*live stock”.

**76 Paragraph 705-30(1)(b)**

Omit “\*livestock”, substitute “\*live stock”.

**77 Subdivision 716-S (heading)**

Repeal the heading, substitute:

**Subdivision 716-S—Miscellaneous consequences of tax cost setting**

**78 Paragraph 770-135(1)(b)**

Omit “subsections (3), (5) and (6)”, substitute “subsections (3) and (5)”.

**79 Subsection 995-1(1)**

Repeal the following definitions:

- (a) definition of *Education Minister*;
- (b) definition of *Education Secretary*.

**80 Subsection 995-1(1) (definition of *public official*)**

Omit “\*Australian Government Agency”, substitute “\*Australian government agency”.

**81 Subsection 995-1(1)**

Insert:

*securities dealer* means a person who, for the purposes of the *Corporations Act 2001* or for the purposes of a law of a State or Territory that corresponds to that Act, deals in securities.

**82 Subsection 995-1(1) (definition of *shortfall amount*)**

Omit “give”, substitute “given”.

**83 Subsection 995-1(1)**

Insert:

*Student Assistance Minister* means the Minister administering the *Student Assistance Act 1973*.

*Student Assistance Secretary* means the Secretary of the Department administered by the \*Student Assistance Minister.

### ***Product Grants and Benefits Administration Act 2000***

#### **84 Section 42**

Omit “section 350-10”, substitute “section 353-10”.

### ***Superannuation (Unclaimed Money and Lost Members) Act 1999***

#### **85 Paragraph 20N(2)(a)**

Omit “1936”, substitute “1997”.

### ***Taxation Administration Act 1953***

#### **86 Subsection 3B(1C)**

Omit “sections 3D and 3E.”.

#### **87 Section 14ZQ (definition of *starting base assessment*)**

Repeal the definition.

#### **88 Subsection 350-10(1) in Schedule 1 (table item 2)**

Repeal the item, substitute:

2	a notice of *assessment under a *taxation law;	(a) the assessment was properly made; and (b) except in proceedings under Part IVC of this Act on a review or appeal relating to the assessment—the amounts and particulars of the assessment are correct.
3	a notice under any of the following: (a) section 18-140 in this Schedule; (b) section 102UR, 177EA or 177EB	(a) the notice was properly given; and (b) except in proceedings under

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	of the <i>Income Tax Assessment Act 1936</i> ; (c) section 271-90 in Schedule 2F to that Act;	Part IVC of this Act on a review or appeal relating to the notice—the amounts and particulars of the notice are correct.
4	a declaration under: (a) subsection 165-40(1) or 165-45(3) of the *GST Act; or (b) subsection 75-40(1) or 75-45(3) of the <i>Fuel Tax Act 2006</i> ;	(a) the declaration was properly made; and (b) except in proceedings under Part IVC of this Act on a review or appeal relating to the declaration—the amounts and particulars of the declaration are correct.

**89 Subsection 350-10(2) in Schedule 1**

Omit “Paragraph (b) of column 1 of item 2”, substitute “Column 1 of item 4”.

**90 Subsection 355-65(2) in Schedule 1 (table item 4, column headed “The record is made for or the disclosure is to ...”)**

Omit “\*Education Secretary”, substitute “\*Student Assistance Secretary”.

**91 Subsection 355-65(2) in Schedule 1 (table items 5 and 5AA)**

Repeal the items, substitute:

5	(a) the *Student Assistance Secretary; or (b) the Secretary of the Department administered by the Minister administering the <i>Higher Education Support Act 2003</i>	is for the purpose of administering any *Commonwealth law relating to financial assistance to students.
5AA	the Secretary of the Department administered by the Minister administering the <i>Trade Support Loans Act 2014</i>	is for the purpose of administering that Act.

## **92 Application of amendments**

- (1) Item 5 of the table in subsection 355-65(2) in Schedule 1 to the *Taxation Administration Act 1953* (as substituted by this Schedule) applies in relation to records and disclosures of information on or after 18 September 2013 (regardless of when the information was acquired).
- (2) Item 5AA of the table in subsection 355-65(2) in Schedule 1 to the *Taxation Administration Act 1953* (as substituted by this Schedule) applies in relation to records and disclosures of information on or after 23 December 2014 (regardless of when the information was acquired).

## **Part 3—Amendments of amending Acts**

### *Indirect Tax Laws Amendment (Assessment) Act 2012*

#### **93 Item 262 of Schedule 1**

Repeal the item, substitute:

#### **262 Subsection 350-10(1) in Schedule 1 (table item 4)**

Repeal the item.

### *Tax and Superannuation Laws Amendment (2014 Measures No. 7) Act 2015*

#### **94 Subsection 2(1) (table item 8)**

Repeal the item.

#### **95 Item 21 of Schedule 6**

Repeal the item.

### *Tax and Superannuation Laws Amendment (2015 Measures No. 1) Act 2015*

#### **96 Subsection 2(1) (table item 7)**

Repeal the item, substitute:

7. Schedules 2 and 3	The day this Act receives the Royal Assent.	25 June 2015
7A. Schedule 4, Part 1	The day after this Act receives the Royal Assent.	26 June 2015
7B. Schedule 4, Part 2	1 July 2021.	1 July 2021

***Treasury Legislation Amendment (Repeal Day) Act 2015***

**97 Item 3 of Schedule 2**

Repeal the item.

**98 Item 36 of Schedule 2**

Repeal the item.

## **Part 4—Repeals of Excise Tariff Acts**

### *Excise Tariff 1924*

#### **99 The whole of the Act**

Repeal the Act.

### *Excise Tariff 1926*

#### **100 The whole of the Act**

Repeal the Act.

### *Excise Tariff 1928*

#### **101 The whole of the Act**

Repeal the Act.

### *Excise Tariff 1933*

#### **102 The whole of the Act**

Repeal the Act.

### *Excise Tariff (No. 2) 1933*

#### **103 The whole of the Act**

Repeal the Act.

### *Excise Tariff 1936*

#### **104 The whole of the Act**

Repeal the Act.

***Excise Tariff 1938***

**105 The whole of the Act**

Repeal the Act.

***Excise Tariff (No. 2) 1938***

**106 The whole of the Act**

Repeal the Act.

***Excise Tariff 1939***

**107 The whole of the Act**

Repeal the Act.

***Excise Tariff (No. 2) 1939***

**108 The whole of the Act**

Repeal the Act.

***Excise Tariff (No. 3) 1939***

**109 The whole of the Act**

Repeal the Act.

***Excise Tariff 1948***

**110 The whole of the Act**

Repeal the Act.

***Excise Tariff (No. 2) 1948***

**111 The whole of the Act**

Repeal the Act.

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***Excise Tariff (No. 3) 1948***

**112 The whole of the Act**

Repeal the Act.

***Excise Tariff (No. 4) 1948***

**113 The whole of the Act**

Repeal the Act.

***Excise Tariff 1949***

**114 The whole of the Act**

Repeal the Act.

***Excise Tariff (No. 2) 1949***

**115 The whole of the Act**

Repeal the Act.

***Excise Tariff 1950***

**116 The whole of the Act**

Repeal the Act.

***Excise Tariff (No. 2) 1950***

**117 The whole of the Act**

Repeal the Act.

***Excise Tariff 1952***

**118 The whole of the Act**

Repeal the Act.

***Excise Tariff 1953***

**119 The whole of the Act**

Repeal the Act.

***Excise Tariff 1956***

**120 The whole of the Act**

Repeal the Act.

***Excise Tariff (No. 2) 1956***

**121 The whole of the Act**

Repeal the Act.

***Excise Tariff (No. 3) 1956***

**122 The whole of the Act**

Repeal the Act.

***Excise Tariff 1957***

**123 The whole of the Act**

Repeal the Act.

***Excise Tariff 1958***

**124 The whole of the Act**

Repeal the Act.

***Excise Tariff 1959***

**125 The whole of the Act**

Repeal the Act.

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***Excise Tariff (No. 2) 1959***

**126 The whole of the Act**

Repeal the Act.

***Excise Tariff (No. 3) 1959***

**127 The whole of the Act**

Repeal the Act.

***Excise Tariff 1960***

**128 The whole of the Act**

Repeal the Act.

***Excise Tariff (No. 2) 1960***

**129 The whole of the Act**

Repeal the Act.

***Excise Tariff 1961***

**130 The whole of the Act**

Repeal the Act.

***Excise Tariff (No. 2) 1961***

**131 The whole of the Act**

Repeal the Act.

***Excise Tariff 1962***

**132 The whole of the Act**

Repeal the Act.

***Excise Tariff 1963***

**133 The whole of the Act**

Repeal the Act.

***Excise Tariff (No. 2) 1963***

**134 The whole of the Act**

Repeal the Act.

***Excise Tariff 1964***

**135 The whole of the Act**

Repeal the Act.

***Excise Tariff 1965***

**136 The whole of the Act**

Repeal the Act.

***Excise Tariff (No. 2) 1965***

**137 The whole of the Act**

Repeal the Act.

***Excise Tariff 1967***

**138 The whole of the Act**

Repeal the Act.

***Excise Tariff (No. 2) 1967***

**139 The whole of the Act**

Repeal the Act.

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### ***Excise Tariff 1968***

#### **140 The whole of the Act**

Repeal the Act.

### ***Excise Tariff (No. 2) 1968***

#### **141 The whole of the Act**

Repeal the Act.

### ***Excise Tariff 1969***

#### **142 The whole of the Act**

Repeal the Act.

### ***Excise Tariff (No. 2) 1969***

#### **143 The whole of the Act**

Repeal the Act.

#### **144 Object of items 145 to 148**

The object of items 145 to 148 is to ensure that, despite the repeals made by this Part, the full legal and administrative consequences of:

- (a) any act done or omitted to be done; or
- (b) any state of affairs existing; or
- (c) any period ending;

before such a repeal applies, can continue to arise and be carried out, directly or indirectly through an indefinite number of steps, even if some or all of those steps are taken after the repeal applies.

#### **145 Saving provision about liability for excise**

If a provision, or part of a provision, that is repealed by this Part results in consequences because an entity is or was liable for a duty of excise, the repeal is disregarded in relation to liabilities arising, before or after the repeal applies, in relation to any act done or omitted to be done, any state of affairs existing, or any period ending, before the repeal applies.

**146 Saving provision about collections etc.**

If the imposition, demand or collection of an amount of a duty of excise was made, or taken to be, lawful, valid or effectual to any extent immediately before the commencement of this item under an Act repealed by this Part, then the imposition, demand or collection continues to be, or to be taken to be, lawful, valid or effectual to the same extent after the commencement of this item.

**147 Repeals disregarded for the purposes of dependent provisions**

If the operation of a provision (the *subject provision*) of any Act or legislative instrument depends to any extent on an Act, or a provision of an Act, that is repealed by this Part, the repeal is disregarded so far as it affects the operation of the subject provision.

**148 Operation of section 7 of the *Acts Interpretation Act 1901* not limited**

Items 145 to 147 do not limit the operation of section 7 of the *Acts Interpretation Act 1901*.

## **Part 5—Other repeals**

### ***Income Tax (War-time Arrangements) Act 1942***

#### **149 The whole of the Act**

Repeal the Act.

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*[Minister's second reading speech made in—  
House of Representatives on 14 September 2016  
Senate on 8 February 2017]*

(091/16)

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