

**Australian
Taxation
Law Select**

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Australian Taxation Law Select



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CCH AUSTRALIA LIMITED

GPO Box 4072, Sydney, NSW 2001

Head Office North Ryde

Phone: (02) 9857 1300 Fax: (02) 9857 1600

Customer Support

Phone: 1 300 300 224 Fax: 1 300 306 224

www.cch.com.au

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Foreword

The study of federal tax law in Australia has been described by some as daunting and complex. In his 1987 Foreword to the first edition of *Australian Taxation Law*, Graham Hill, QC recognised that the “torrent of decisions, judicial and administrative, . . . together with the outpourings of the legislature, have made the study of taxation almost unmanageable.”

Over twenty years on, federal taxation law continues to expand and students continue to face difficulties in identifying and understanding the areas of the law they require for their specific taxation courses.

While **Australian Taxation Law 2013** provides a comprehensive coverage of the tax law, many tax courses can only properly cover a portion of the law. As a result, large parts of the book are often not required for a particular course. Students studying tax cannot simply rely on commentary books for a complete understanding of the tax law. It is essential that they read the actual legislative provisions that underpin the commentary.

To help address these challenges, CCH is pleased to publish this third edition of **Australian Taxation Law Select — Legislation & Commentary**. This customised book combines, in a single volume, key legislative provisions dealing with Australian income tax along with carefully selected commentary from **Australian Taxation Law 2013**. The book is ideal for students studying introductory tax courses and provides a relevant and handy alternative to purchasing full volumes of Australian income tax legislation and the complete version of the **Australian Taxation Law** text.

This edition includes selected provisions from the *Income Tax Assessment Act 1936*, the *Income Tax Assessment Act 1997*, the *Income Tax Rates Act 1986*, *A New Tax System (Goods and Services Tax) Act 1999* and the *Taxation Administration Act 1953*.

This edition also includes the *full Australian Taxation Law 2013* chapters on:

- Introduction to income tax law
- Non-assessable income
- Tax accounting, and
- Goods and services tax.

Australian Taxation Law Select — Legislation & Commentary 2013 further contains selected parts of chapters covering:

- Tax formula, tax rates and tables, and tax offsets
 - General principles of assessable income including income from property and business
 - CGT
 - General and specific deductions
 - Capital allowances and capital works
 - Trading stock
 - Small business entities and concessions
 - Taxation of partnerships and trusts
-



- Taxation of corporate entities and their members
- Corporate tax losses, net capital losses and bad debts
- Special taxpayers and incentive schemes
- Superannuation
- FBT.

This edition incorporates legislative, case law and administrative reforms that have taken place in taxation law up to 1 July 2012, as well as various major developments that have occurred since that date.

Note that there will be cross-references to paragraphs that are contained in this customised version and also to paragraphs that have not been selected for inclusion in this edition.

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January 2013

ABOUT THE AUTHORS

Robin Woellner is currently an Adjunct Professor in the School of Law at James Cook University and the School of Taxation and Business Law at the University of New South Wales. He has practised in taxation in the private sector and in the Australian Taxation Office, and taught revenue law and advanced revenue law courses to undergraduates as well as lecturing in other commercial law subjects. He is the author/co-author of numerous books, articles and conference papers.

Stephen Barkoczy is a Professor of Law in the Faculty of Law at Monash University and a member of the Venture Capital Committee of Innovation Australia. Stephen is the author/co-author of several books and articles on taxation law and is a former editor of the *Journal of Australian Taxation*. In 2008, he received the Prime Minister's Award for Australian University Teacher of the Year.

Shirley Murphy has taught in the areas of taxation and superannuation law at a number of tertiary institutions and has acted as a taxation and superannuation consultant to industry groups. She has written in the areas of taxation and superannuation for many years, is the co-author of the *Australian Master Superannuation Guide*, and has contributed over many years to a wide range of publications including the CCH *Australian Master Tax Guide*.

Chris Evans is a Professor of Taxation in the School of Taxation and Business Law (Atax) in the Australian School of Business at the University of New South Wales. He is also an International Research Fellow at the Centre for Business Taxation at Oxford University and a Senior Research Fellow at the Tax Law and Policy Research Institute at Monash University. He is the author/co-author of numerous books, articles and conference papers, and is the co-editor of the *Australian Tax Review*.

Dale Pinto is a Professor of Taxation Law at Curtin University in Western Australia. Dale has been a member of CPA Australia's Centre of Tax Excellence and is currently Chair of the Taxation Institute's Education, Examinations and Quality Assurance Board (EEQAB). He is the author/co-author of numerous books, refereed articles and national and international conference papers, and is on the editorial board of a number of journals as well as being the Editor-in-Chief of several refereed journals. Dale was appointed to the National Tax Practitioners Board in October 2009 and is also a member of the Board of Taxation's Advisory Panel and the ATO's Tax Technical Panel.

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Contents

	Page
Foreword	v
About the Authors	vii
List of Abbreviations	xi
Key tax websites	xiv
Legislation	
A New Tax System (Goods and Services Tax) Act 1999 (extracts)	3
Income Tax Assessment Act 1936 (extracts)	91
Income Tax Assessment Act 1997 (extracts)	201
Income Tax Rates Act 1986 (extracts)	649
Taxation Administration Act 1953 (extracts)	665
Commentary	
1 Introduction to income tax law	831
2 Tax formula, tax rates and tax offsets	885
3 Assessable income: general principles	897
4 Income from personal exertion	917
5 Income from property	929
6 Income from business	937
7 Capital gains tax: general topics	977
8 Capital gains tax: concessions and special topics	1,031
9 Non-assessable income	1,045
10 General deductions	1,081
11 Specific deductions	1,183
12 Capital allowances and capital works	1,215
13 Tax accounting	1,251
14 Trading stock	1,305
15 Small business entities and concessions	1,329
16 Taxation of partnership income	1,347
17 Taxation of trust income	1,367
18 Taxation of corporate tax entities and their members	1,409
19 Corporate tax losses, net capital losses and bad debts	1,453



	Page
21 Special taxpayers and incentive schemes	1,469
23 Superannuation	1,475
26 Fringe benefits tax	1,483
27 Goods and services tax	1,491
34 Rates and tables	1,553
Case Table	1,573
Decisions of Boards of Review and AAT (Taxation Appeals Division)	1,593
Legislation Finding List	1,597
Rulings Finding List	1,613
Index	1,617

List of Abbreviations

List of Abbreviations

The following abbreviations are used in the Australian Taxation Law.

AAT	Administrative Appeals Tribunal
AAT Act	<i>Administrative Appeals Tribunal Act 1975</i>
ABN	Australian Business Number
ABN Act	<i>A New Tax System (Australian Business Number) Act 1999</i>
ABR	Australian Business Register
ADF	Approved deposit fund
ADI	Authorised deposit-taking institution
ADJRA	<i>Administrative Decisions (Judicial Review) Act 1977</i>
AFOF	Australian venture capital fund of funds
AFTS Report	Australia's Future Tax System Report to the Treasurer (Final Report of the Henry Tax Review)
ANAO	Australian National Audit Office
APRA	Australian Prudential Regulation Authority
ATC	<i>Australian Tax Cases (CCH)</i>
ATO	Australian Taxation Office
AUSTRAC	Australian Transaction Reports and Analysis Centre
AWOTE	Average weekly ordinary time earnings
BAS	Business Activity Statement
BELC	Broad-exemption listed country
CFC	Controlled foreign company
CGT	Capital gains tax
COT	Continuity of ownership test
CPI	Consumer price index
DAC	Departure authorization certificate
DFC of T	Deputy Federal Commissioner of Taxation
DPO	Departure prohibition order
DTA	Double taxation agreement
DVS	Direct value shift
EST	(Australian) Eastern Standard Time
ESVCLP	Early stage venture capital limited partnership
ETP	Employment termination payment
FBT	Fringe benefits tax
FBTAA	<i>Fringe Benefits Tax Assessment Act 1986</i>
FC of T	Federal Commissioner of Taxation
FIF	Foreign investment fund
FIFO	First in first out
FLA	<i>Family Law Act 1975</i>
FLIC	Film licensed investment company
FMD	Farm management deposit

List of Abbreviations

FOIA	<i>Freedom of Information Act 1982</i>
FTC	Foreign tax credit
FTRA	<i>Financial Transaction Reports Act 1988</i>
GIC	General interest charge
GST	Goods and services tax
GSTA	<i>A New Tax System (Goods and Services Tax) Act 1999</i>
GVSR	General value shifting regime
HECS	Higher Education Contribution Scheme
HELP	Higher Education Loan Programme
IED	Income equalization deposit
IGOT	Inspector-General of Taxation
IRDB	Industry Research and Development Board
ISC	Insurance and Superannuation Commissioner
ITAA36	<i>Income Tax Assessment Act 1936</i>
ITAA97	<i>Income Tax Assessment Act 1997</i>
ITAR	Income Tax Assessment Regulations 1997
ITR	Income Tax Regulations 1936
ITRA	<i>Income Tax Rates Act 1986</i>
ITTPA	<i>Income Tax (Transitional Provisions) Act 1997</i>
IVS	Indirect value shifting
LIFO	Last in last out
LPR	Legal personal representative
LTA	<i>Land Tax Act 1956</i>
LTMA	<i>Land Tax Management Act 1956</i>
OSSA	<i>Occupational Superannuation Standards Act 1987</i>
PAYE	Pay-as-you-earn
PAYG	Pay As You Go
PDF	Pooled development fund
PPS	Prescribed payments system
PRRT	<i>Petroleum Resource Rent Tax Act 1987</i>
PRRTAA87	<i>Petroleum Resource Rent Tax Assessment Act 1987</i>
PST	Pooled superannuation trust
R&D	Research and development
RBA	Running balance account
RBL	Reasonable benefit limit
RPS	Reportable payments system
RSA	Retirement savings account
RSAA	<i>Retirement Savings Accounts Act 1997</i>
RSAR	Retirement Savings Accounts Regulations 1997
SBT	Same business test
SCTACA	<i>Superannuation Contributions Tax (Assessment and Collection) Act 1997</i>
SCTIA	<i>Superannuation Contributions Tax Imposition Act 1997</i>
SGAA	<i>Superannuation Guarantee (Administration) Act 1992</i>

List of Abbreviations

SGC	Superannuation guarantee charge
SGCA	<i>Superannuation Guarantee Charge Act 1992</i>
SISA	<i>Superannuation Industry (Supervision) Act 1993</i>
SISR	Superannuation Industry (Supervision) Regulations 1994
SME	Small or medium enterprise
SPOR	Shorter period of review (taxpayers)
SSAA	<i>Small Superannuation Accounts Act 1995</i>
STCT	Small Taxation Claims Tribunal
STS	Simplified Tax System
TAA	<i>Taxation Administration Act 1953</i>
TFN	Tax file number
TLIP	<i>Tax Law Improvement Project</i>
TPTACA	<i>Termination Payments Tax (Assessment and Collection) Act 1997</i>
UAP	Uniform administrative penalty
VCA	<i>Venture Capital Act 2002</i>
VCF	Venture capital franking
VCLP	Venture capital limited partnership
VCMP	Venture capital management partnership

Key tax websites

Key tax and tax reform sites

Australia's Future Tax System (Henry Tax Review)	taxreview.treasury.gov.au
Australian Parliament — Internet Tax Resources	www.aph.gov.au/library/intguide/law/taxlaw.htm
Australian Taxation Office	www.ato.gov.au
Board of Taxation	www.taxboard.gov.au
Business Coalition for Tax Reform	www.bctr.org
CCH Australia Ltd	www.cch.com.au

Federal government

AusIndustry	www.ausindustry.gov.au
Australian Business Register	www.abr.business.gov.au
Australian Competition & Consumer Commission (ACCC)	www.accc.gov.au
Australian Government Entry Point	australia.gov.au
Australian Prudential Regulation Authority (APRA)	www.apra.gov.au
Australian Securities & Investment Commission (ASIC)	www.asic.gov.au
Business Entry Point	www.business.gov.au
Commonwealth Ombudsman	www.comb.gov.au
Department of Finance & Deregulation	www.finance.gov.au
Department of Treasury	www.treasury.gov.au
Inspector-General of Taxation	www.igt.gov.au
Parliament House	www.aph.gov.au
Tax Issues Entry System (Ties)	www.ties.gov.au
Treasurer	www.treasurer.gov.au

State and territory revenue offices

Australian Capital Territory	www.revenue.act.gov.au
New South Wales	www.osr.nsw.gov.au
Northern Territory	www.nt.gov.au/ntt/revenue
Queensland	www.osr.qld.gov.au
South Australia	www.treasury.sa.gov.au
Tasmania	www.treasury.tas.gov.au
Victoria	www.sro.vic.gov.au
Western Australia	www.dtf.wa.gov.au

Courts

ACT Supreme Court	www.courts.act.gov.au/supreme
Administrative Appeals Tribunal	www.aat.gov.au
Family Court of Australia	www.familycourt.gov.au
Federal Court of Australia	www.fedcourt.gov.au

Courts

High Court of Australia	www.hcourt.gov.au
Supreme Court of NSW	www.lawlink.nsw.gov.au/sc
Supreme Court of Victoria	www.supremecourt.vic.gov.au
Supreme Court of Queensland	www.courts.qld.gov.au
Supreme Court of Tasmania	www.supremecourt.tas.gov.au
Supreme Court of Western Australia	www.supremecourt.wa.gov.au

Other useful sites for source materials

Australasian Legal Information Institute	www.austlii.edu.au
Australian Tax Law Library	www.austlii.edu.au/au/special/tax
ComLaw (Commonwealth Law)	www.comlaw.gov.au
Worldlii	www.worldlii.org

Key tax and superannuation associations/organisations

Association of Superannuation Funds of Australia (ASFA)	www.superannuation.asn.au
Self-Managed Super Fund Professionals' Association of Australia (SPAA)	spaa.asn.au
Taxation Institute of Australia	www.taxinstitute.com.au

Accounting associations/organisations

Association of Taxation & Management Accountants	www.atma.com.au
CPA Australia	www.cpaaustralia.com.au
Institute of Chartered Accountants in Australia	www.charteredaccountants.com.au
Institute of Public Accountants	www.publicaccountants.org.au
National Tax & Accountants Association	www.ntaa.com.au

International tax authorities

Canada (Canada Revenue Agency)	www.cra-arc.gc.ca
China (State Administration of Taxation)	www.chinatax.gov.cn
Hong Kong (Inland Revenue Department)	www.ird.gov.hk
Malaysia (Inland Revenue Board of Malaysia)	www.hasil.gov.my
New Zealand (Inland Revenue)	www.ird.govt.nz
Singapore (Inland Revenue Authority of Singapore)	www.iras.gov.sg
United Kingdom (HM Revenue & Customs)	www.hmrc.gov.uk
United States of America (Internal Revenue Service)	www.irs.gov
United States of America (US Department of the Treasury)	www.treasury.gov