

# Clean Energy (Income Tax Rates Amendments) Act 2011

No. 150, 2011

An Act to amend the *Income Tax Rates Act 1986*, and for related purposes

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

# Contents 1 Short title 1 2 Commencement 2 2 3 Schedule(s) 3 3 Schedule 1—Personal tax rates 4 Part 1—Amendments applying from the 2012-13 year of income 4 4 Income Tax Rates Act 1986 4



### **Clean Energy (Income Tax Rates Amendments) Act 2011**

No. 150, 2011

#### An Act to amend the Income Tax Rates Act 1986, and for related purposes

[Assented to 4 December 2011]

The Parliament of Australia enacts:

#### 1 Short title

This Act may be cited as the Clean Energy (Income Tax Rates Amendments) Act 2011.

#### 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 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	4 December 2011		
2. Schedule 1,	The latest of:			
Part 1	(a) the start of 1 July 2012; and			
	(b) the commencement of section 3 of the <i>Clean Energy Act 2011</i> ; and			
	(c) the start of the day the Clean Energy (Tax Laws Amendments) Act 2011 receives the Royal Assent.			
	However, the provision(s) do not commence at all unless both of the events mentioned in paragraphs (b) and (c) occur.			
3. Schedule 1,	The latest of:			
Part 2	(a) the start of 1 July 2015; and			
	(b) the commencement of section 3 of the <i>Clean Energy Act 2011</i> ; and			
	(c) the start of the day the <i>Clean Energy</i> ( <i>Tax Laws Amendments</i> ) <i>Act 2011</i> receives the Royal Assent.			
	However, the provision(s) do not commence at all unless both of the events mentioned in paragraphs (b) and (c) occur.			
Note:	This table relates only to the provisions of this A	ct as originally		

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This table relates only to the provisions of this Act as originally enacted.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.

#### 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—Personal tax rates

## Part 1—Amendments applying from the 2012-13 year of income

#### Income Tax Rates Act 1986

#### 1 Subsection 3(1)

Insert:

tax-free threshold means \$18,200.

#### 2 **Subsections 20(1) and (2)**

Repeal the subsections, substitute:

Part-year residency periods

(1) This Act applies in relation to a person and a year of income as if the reference in the table in Part I of Schedule 7 to the tax-free threshold were a reference to the amount calculated in accordance with the following formula, if there are one or more part-year residency periods in relation to the person in relation to the year of income:

Number of months in the year of income during which there is a part-year residency period in relation to the person and the year of income 
$$\frac{12}{12}$$

Trustees

- (1A) Subsection (1) does not apply in calculating the tax payable by the trustee of a trust estate under section 98 of the Assessment Act in respect of a share of a beneficiary of the net income of the trust estate of a year of income.
  - (2) However, this Act applies in calculating the tax payable by the trustee in respect of that share as if the reference in the table in Part I of Schedule 7 to the tax-free threshold were a reference to

the amount calculated in accordance with the following formula, if there are one or more part-year residency periods in relation to the beneficiary in relation to the year of income:

#### 3 Clause 1 of Part I of Schedule 7 (table items 1 and 2)

Repeal the items, substitute:

1	exceeds the tax-free threshold but does not	19%
	exceed \$37,000	
2	exceeds \$37,000 but does not exceed \$80,000	32.5%

#### 4 Subparagraph 2(b)(ii) of Division 2 of Part I of Schedule 8

Omit "\$6,000", substitute "the tax-free threshold".

#### 5 Paragraph 2(b) of Part I of Schedule 10

Omit "\$6,000", substitute "the tax-free threshold".

#### 6 Application provision

The amendments made by this Part apply to the 2012-13 year of income and later years of income.

# Part 2—Amendments applying from the 2015-16 year of income

#### Income Tax Rates Act 1986

#### 7 Subsection 3(1) (definition of tax-free threshold)

Omit "\$18,200", substitute "\$19,400".

#### 8 Clause 1 of Part I of Schedule 7 (table item 2)

Repeal the item, substitute:

2 exceeds \$37,000 but does not exceed \$80,000 33%

#### 9 Application provision

The amendments made by this Part apply to the 2015-16 year of income and later years of income.

[Minister's second reading speech made in— House of Representatives on 13 September 2011 Senate on 12 October 2011]