





# **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/>)



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## **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*.

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Note:	This table relates only to the provisions of this Act as originally enacted.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

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

$$\left( \begin{array}{c} \text{The tax-free} \\ \text{threshold} \end{array} - \$4,736 \right) + \left( \$4,736 \times \frac{\begin{array}{c} \text{Number of months in the year} \\ \text{of income during which there} \\ \text{is a part-year residency period} \\ \text{in relation to the person} \\ \text{and the year of income} \end{array}}{12} \right)$$

###### *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:

$$\left( \begin{array}{c} \text{The tax-free} \\ \text{threshold} \end{array} - \$4,736 \right) + \left( \$4,736 \times \frac{\begin{array}{c} \text{Number of months in the year} \\ \text{of income when a part-year} \\ \text{residency period, or} \\ \text{part-year residency periods,} \\ \text{in relation to the beneficiary} \\ \text{in relation to the year} \\ \text{of income subsisted} \end{array}}{12} \right)$$

**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 exceed \$37,000	19%
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.

**Schedule 1** Personal tax rates

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

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**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%
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**9 Application provision**

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

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