

Payroll Tax (Amendment) Bill 1992

A BILL

FOR

An Act to amend the *Payroll Tax Act 1987*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Payroll Tax (Amendment) Act 1992*.

Principal Act

2. In this Act, "Principal Act" means the *Payroll Tax Act 1987*.

Application of Act to certain contracts

3. Section 3B of the Principal Act is amended -
 - (a) by omitting "or" from the end of subparagraph (1)(e)(i);
 - (b) by deleting subparagraph (1)(e)(ii);
 - (c) by adding at the end of subparagraph (1)(e)(i) the following subparagraphs:
 - "(ii) those services are of a kind ordinarily required by the designated person for less than 180 days in a financial year;
 - (iii) those services are provided for a period that does not exceed 90 days or for periods that, in the aggregate, do not exceed 90 days in a financial year and are not services
 - (A) provided by a person by whom similar services are provided to the designated person; or

- (B) for or in relation to the performance of work where any of the persons who perform the work also perform similar work for the designated person, for periods that, in the aggregate, exceed 90 days in a financial year;
 - (iv) the payment of the consideration under the contract is made at a rate that is not less than \$500,000 per annum; or
 - (v) those services are supplied under a contract to which subparagraphs (i)-(iv) do not apply and the Commissioner is satisfied that those services are rendered by a person who ordinarily renders services of that kind to the public generally; or"
- (d) by inserting after paragraph (1)(e) the following paragraph:
- "(f) is supplied by a person (in this paragraph called the "contractor") with services for or in relation to the performance of work under a contract to which paragraphs (d) and (e) do not apply, where the work to which the services relate is performed -
 - (i) by 2 or more persons employed by, or who provide services for, the contractor in the course of a business carried on by the contractor;
 - (ii) where the contractor is a partnership of 2 or more natural persons -
 - (A) by 1 or more of the members of the partnership and 1 or more persons employed by, or who provide services for, the contractor in the course of a business carried on by the contractor; or
 - (B) by 2 or more of the members of the partnership; or
 - (iii) where the contractor is a natural person, by the contractor and 1 or more persons employed by, or who provide services for, the contractor in the course of a business carried on by the contractor,"