

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 19 September 1985

(Treasurer)

A BILL

FOR

An Act to amend the *Sales Tax (Exemptions and Classifications) Act 1935*, and for related purposes

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

5 1. (1) This Act may be cited as the *Sales Tax (Exemptions and Classifications) Amendment Act 1985*.

 (2) The *Sales Tax (Exemptions and Classifications) Act 1935*¹ is in this Act referred to as the Principal Act.

Commencement

10 2. (1) Sections 1 and 2 shall come into operation on the day on which this Act receives the Royal Assent.

 (2) Sub-sections 4 (1) and 5 (1) shall be deemed to have come into operation on 21 August 1985.

 (3) Section 3 and sub-sections 4 (2) and 5 (2) shall be deemed to have come into operation on 20 September 1985.

Classification of goods

3. Section 6B of the Principal Act is amended by omitting from sub-section (2) "Second and Third Schedules" and substituting "Second, Third and Sixth Schedules".

Amendments relating to Schedules to Principal Act

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4. (1) The First Schedule to the Principal Act is amended as set out in Schedule 1 to this Act.

(2) The First, Second, Third and Sixth Schedules to the Principal Act are amended as set out in Schedule 2 to this Act.

Application of amendments

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5. (1) The amendment of the Principal Act made by sub-section 4 (1) applies in relation to transactions, acts and operations effected or done in relation to goods at or after the commencement of this sub-section.

(2) The amendments of the Principal Act made by sub-section 4 (2) apply in relation to transactions, acts and operations effected or done in relation to goods at or after the commencement of this sub-section.

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SCHEDULE 1

Sub-section 4 (1)

AMENDMENT OF FIRST SCHEDULE

1. After item 117 in the First Schedule the following item is inserted:
"117A. Imported horses Nos. 5 to 9".

SCHEDULE 2

Sub-section 4 (2)

PART I—AMENDMENT OF FIRST SCHEDULE

1. Clause 1 in the First Schedule is amended—
- (a) by inserting after the definition of "auxiliaries to aids to manufacture" in sub-clause (1) the following definitions:
- " 'biscuits' includes—
- (a) cookies, crackers, pretzels, cones or wafers; or
- (b) goods consisting principally of biscuits or of goods falling within paragraph (a),
- but does not include—
- (c) breakfast food consisting wholly or principally of compressed, rolled or flattened cereal;
- (d) rusks for infants or invalids, or crispbread; or
- (e) goods consisting principally of goods falling within paragraph (d);
- 'confectionery' includes—
- (a) goods marketed as confectionery or consisting principally of confectionery;
- (b) popcorn;
- (c) confectionery novelties;
- (d) crystallised fruit, glacé fruit or drained fruit;
- (e) crystallised ginger or preserved ginger; or
- (f) edible cake decorations,
- but does not include candied peel;";
- (b) by adding at the end of sub-clause (1) the following definition:
- " 'savory snacks' means—
- (a) goods, being—
- (i) potato crisps, sticks or straws, corn crisps or chips, bacon or pork crackling, prawn chips, or seeds or nuts that have been shelled or have been processed or treated by salting, spicing, smoking or roasting or in any other manner; or
- (ii) any similar product, whether or not consisting wholly or partly of any vegetable, cereal, herb, fruit, meat, seafood or dairy product or extract thereof and whether or not artificially flavoured,
- that are—
- (iii) of a kind sold exclusively or principally; or
- (iv) put up for sale,

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as food for human consumption without requiring processing or treatment; or

- (b) goods consisting principally of any one or more of the goods referred to in paragraph (a),

but does not include goods marketed exclusively or principally as ingredients of food for human consumption or as goods to be mixed with or added to food for human consumption.”; and

- (c) by inserting after sub-clause (5) the following sub-clause:

“(6) The reference in paragraph (f) of the definition of ‘aids to manufacture’ in sub-clause (1) to goods for use by a confectioner, baker or pastry-cook in the manufacture of biscuits does not include a reference to machinery designed for manufacturing biscuits used in premises or vehicles in which the business of manufacturing biscuits is carried on exclusively or principally for the purpose of sale by retail directly from those premises or vehicles.”.

2. Item 4 in the First Schedule is amended by omitting from sub-item (1) “edible fruit, vegetables or nuts” and substituting “goods covered by item 23, savoury snacks (being seeds or nuts) or goods put up for sale or sold as food for birds”.

3. Item 21 in the First Schedule is amended by adding at the end of sub-items (1) and (3) “, other than goods put up for sale or sold as food for birds”.

4. Item 23 in the First Schedule is omitted and the following item is substituted:

“23. Goods—

Nos. 1 to 9”.

- (a) of a kind sold exclusively or principally; or
- (b) put up for sale,
as food for human consumption (whether or not requiring processing or treatment) or as ingredients of food for human consumption or as goods to be mixed with or added to food for human consumption, including condiments, spices and flavourings, but not including—
- (c) beverages (except beverages of a kind marketed exclusively or principally as food for infants or invalids) or cordials;
- (d) confectionery or goods of a kind marketed exclusively or principally as ingredients of confectionery;
- (e) goods of a kind marketed exclusively or principally as ingredients of goods falling within paragraph (c);
- (f) biscuits, other than biscuits manufactured in premises or vehicles in which the business of manufacturing biscuits is carried on exclusively or principally for the purpose of sale by retail directly from those premises or vehicles;
- (g) mixes marketed exclusively or principally for use (other than household use) in the manufacture of biscuits;
- (h) goods, being ice-cream, ice-cream cakes, ice-creams, ice-cream substitutes, frozen confectionery (other than frozen yoghurt), flavoured iceblocks (whether or not marketed in a frozen state) or similar goods, other than any such goods manufactured in premises or vehicles in which the business of manufacturing goods of that kind is carried on exclusively or principally for the purpose of sale by retail directly from those premises or vehicles;

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- (j) mixes marketed exclusively or principally for use (other than household use) in the manufacture of ice-cream, ice-cream cakes, ice-creams, ice-cream substitutes, frozen confectionery (other than frozen yoghurt), flavoured iceblocks or similar goods;
 - (k) savoury snacks; or
 - (m) goods consisting principally of any 2 or more of the following, namely, confectionery, biscuits and savoury snacks
5. Item 24 in the First Schedule is amended by omitting sub-items (1), (2) and (3).
6. Item 25 in the First Schedule is amended—
- (a) by adding at the end of sub-item (1) “, but not including savoury snacks”; and
 - (b) by omitting sub-item (2).
7. Item 26 in the First Schedule is omitted and the following item is substituted:
- “26. (1) Milk, casein, milk powder, condensed or concentrated milk, Nos. 1 to 9
skim milk, skim milk powder, condensed or concentrated skim milk, butter milk and butter milk powder
- “(2) Goods not less than 95% of which consist of milk (including Nos. 1 to 9
skim milk) or milk powder (including skim milk powder) or goods to which sub-item (3) refers, but not including goods falling within paragraph (h) or (m) of item 23 or savoury snacks
- “(3) Whey, whey powder and whey paste Nos. 1 to 9
- “(4) Goods not less than 95% of which consist of— Nos. 1 to 9
- (a) goods covered by sub-item (1); and
 - (b) goods covered by sub-item (3),
but not including goods falling within paragraph (h) or (m) of item 23 or savoury snacks
- “(5) Lactose Nos. 1 to 9”.
8. Item 27 in the First Schedule is amended by omitting sub-items (1) to (9) (inclusive).
9. Items 27A to 34 (inclusive) in the First Schedule are omitted.
10. Item 34A in the First Schedule is omitted and the following item is substituted:
- “34A. Ice (other than goods falling within paragraph (h) of item Nos. 1 to 9”.
23) and solid carbon dioxide
11. Item 35 in the First Schedule is omitted.
12. Item 35A in the First Schedule is amended—
- (a) by adding at the end of sub-item (1) the following:
“For the purposes of this sub-item, ‘tea’ includes herbal tea, fruit tea, ginseng tea and other beverage preparations similar to tea, herbal tea, fruit tea or ginseng tea”; and
 - (b) by omitting sub-item (4) and substituting the following sub-items:
“(4) Malt and malt extract for potable use and preparations that Nos. 1 to 9
are of a kind marketed exclusively, or primarily and principally, as malt preparations, being preparations for potable use the ingredients of which consist principally of malt or malt extract or principally of—
 - (a) malt or malt extract; and

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(b) milk, milk powder, milk substitute or any other substance of a kind ordinarily used as a beverage whitener, sugar or any other sweetener, or a mixture of any 2 or more of those goods,
but not including confectionery

“(5) Preparations that are of a kind marketed exclusively or Nos. 1 to 9”
principally as coffee substitutes and consist principally of cereals or cereal products

13. Item 35C in the First Schedule is omitted.

14. Item 47 in the First Schedule is amended by omitting sub-item (1) and substituting the following sub-item:

“(1) Briquettes consisting wholly or principally of coal dust and Nos. 1 to 4
designed for use as fuel and 9”.

15. Item 51 in the First Schedule is amended by inserting after paragraph (1) (b) the following paragraph:

“(ba) books covered by sub-item (3) of item 3 in the Third Schedule”.

16. Item 59 in the First Schedule is amended by adding at the end of sub-item (2) “, or overseas travel literature or other printed matter relating to overseas travel”.

17. Item 60 in the First Schedule is omitted.

18. Item 82A in the First Schedule is amended—

- (a) by omitting from the end of paragraph (1) (e) “or”;
- (b) by adding at the end of sub-item (1) the following word and paragraph:
“; or (g) goods covered by item 12 in the Third Schedule”;
- (c) by omitting from the end of paragraph (2) (a) “or”; and
- (d) by adding at the end of sub-item (2) the following word and paragraph:
“; or (c) goods referred to in item 12 in the Third Schedule (including goods referred to in sub-item (3) of that item)”.

19. Item 83 in the First Schedule is amended—

- (a) by omitting from the end of paragraph (2) (h) “or”;
- (b) by adding at the end of sub-item (2) the following word and paragraph:
“; or (k) goods covered by item 12 in the Third Schedule”;
- (c) by omitting from the end of paragraph (3) (e) “or”; and
- (d) by adding at the end of sub-item (3) the following word and paragraph:
“; or (g) goods covered by item 12 in the Third Schedule”.

20. Item 84 in the First Schedule is amended—

- (a) by omitting from the end of paragraph (1) (d) “or”;
- (b) by adding at the end of sub-item (1) the following word and paragraph:
“; or (f) goods covered by item 12 in the Third Schedule”; and
- (c) by inserting in sub-item (2) “, or goods covered by item 12 in the Third Schedule” after “channelling” (second occurring).

21. Item 86 in the First Schedule is amended—

- (a) by omitting from the end of paragraph (1) (e) “or”; and
- (b) by adding at the end of sub-item (1) the following word and paragraph:
“; or (g) goods covered by item 12 in the Third Schedule”.

22. Item 90B in the First Schedule is omitted.

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23. Item 90C in the First Schedule is amended—

- (a) by omitting from the end of paragraph (1) (h) “or”; and
- (b) by adding at the end of sub-item (1) the following word and paragraph:
“; or (j) goods covered by item 2, or sub-item (4) of item 12, in the Third Schedule or goods or parts for goods referred to in sub-item (3) of item 12 in the Third Schedule”.

24. Item 90E in the First Schedule is omitted.

25. Item 90F in the First Schedule is omitted.

26. Item 96 in the First Schedule is amended by omitting paragraph (1) (c) and substituting the following:

- “(c) twine, lashing, rubber bands and adhesive tape,
but not including goods covered by item 13 in the Third Schedule”.

27. Item 108 in the First Schedule is omitted and the following item is substituted:

- “108. Goods marketed exclusively or principally as food for birds, Nos. 1 to 9”
other than birds kept as domestic pets

28. Item 109 in the First Schedule is omitted and the following items are substituted:

- “109. Gold coin and gold recovered by crushing, washing, dollying No. 5
or sweeping, where the coin or gold is imported for treatment
by the Royal Australian Mint or by any other mint approved
by the Treasurer in writing for the purposes of this item

- “109A. Bullion Nos. 1 to 9”.

29. Item 113 in the First Schedule is amended by adding at the end:

- “For the purposes of this item, ‘materials’ does not include goods falling within paragraph (g) or (j) of item 23”.

30. Item 119 in the First Schedule is amended—

- (a) by omitting from sub-item (1) “sport or recreation” and substituting “sport, recreation, private transport or accommodation”;
- (b) by inserting after sub-item (1) the following sub-item:

- “(1AA) Ships and other vessels to be used exclusively or principally—

- (a) by the relevant owner or relevant owners;
- (b) in the course of a business carried on by the relevant owner or relevant owners, being a business having as its object, or as one of its objects, the providing, for the public, of transport of passengers for reward otherwise than on sight-seeing tours; and
- (c) for the purpose of providing, for the public, transport of passengers for reward otherwise than on sight-seeing tours”;

- (c) by inserting in sub-item (1A) “and sub-item (1AA)” after “this sub-item”;
- (d) by inserting in sub-item (2) “, (1AA)” after “sub-item (1)”;
- (e) by inserting in sub-item (3) “(1AA),” after “sub-item (1),”.

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31. Item 124 in the First Schedule is omitted and the following item is substituted:

- “(1) Goods designed for conveying infants, being prams, strollers, pushers, go-carts and similar articles Nos. 1 to 9
- “(2) Bassinets, sleeping baskets for infants, cradles and cots Nos. 1 to 9
- “(3) Booster seats, safety seats and other articles designed for use in the carrying of infants, whether or not intended to be used in motor vehicles Nos. 1 to 9
- “(4) Restraining harness for infants Nos. 1 to 9
- “(5) Parts for, and goods designed for use with, goods covered by this item Nos. 1 to 9”.

32. Item 140A in the First Schedule is omitted.

33. Item 148 in the First Schedule is amended by adding “or (2)” at the end of sub-item (3).

34. Item 152 in the First Schedule is omitted.

35. Item 153 in the First Schedule is amended by adding at the end of sub-item (1) “, but not including goods covered by sub-item (1) of item 12 in the Third Schedule”.

PART II—AMENDMENT OF SECOND SCHEDULE

36. Items 7, 8, 9, 11 and 12 in the Second Schedule are omitted.

37. Items 31, 32, 33, 34 and 35 in the Second Schedule are omitted.

38. Item 43 in the Second Schedule is omitted.

39. Item 46 in the Second Schedule is omitted.

40. Item 50 in the Second Schedule is amended by omitting “43,” and “46,”.

41. Item 60 in the Second Schedule is omitted and the following item is substituted:

- “60 (1) Goods, being machines, instruments or devices of a kind used for the purpose of gambling, entertainment or amusement, the operation of which is designed to depend upon the insertion of money or tokens in the goods or in machines, instruments or devices connected to, or associated with, the goods
- (2) Goods, being machines, instruments or devices, where—
 - (a) the operation of the goods is designed to depend upon the insertion of money or tokens in the goods; and
 - (b) the goods are designed for use in connection with the use of goods of a kind used for the purpose of gambling, entertainment or amusement
- (3) Accessories and parts for goods to which sub-item (1) or (2) applies”.

42. Item 61 in the Second Schedule is omitted.

PART III—AMENDMENT OF THIRD SCHEDULE

43. Item 1 in the Third Schedule is amended—

- (a) by omitting paragraph (h) and substituting the following paragraphs:
 - “(ga) space heaters, radiators and other appliances for use for room heating;

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- “(h) grillers, stoves, ranges, ovens, cookers, toasters, mixing machines, immersion heaters, hot water jugs and kettles, percolators and other appliances for use for culinary purposes;”;
- (b) by inserting in paragraph (ja) “compost bins,” after “incinerators,”; and
- (c) by inserting after paragraph (ja) the following paragraph:
“(jb) fire grates and fireplaces;”.
44. Item 3 in the Third Schedule is amended by adding at the end the following sub-item:
- “(3) Books consisting wholly or principally of maps (including road and tourist maps and navigators’ charts)”.
45. Item 4 in the Third Schedule is omitted and the following item is substituted:
- “4 Goods (not being beverages, cordials or ingredients of beverages or cordials) that would be covered by item 23 in the First Schedule but for the operation of paragraph (d), (f), (g), (h), (j), (k) or (m) of that item”.
46. Item 10 in the Third Schedule is amended by adding at the end the following sub-item:
- “(2) Firelighters, fire starters and similar goods, but not including goods covered by item 47 in the First Schedule”.
47. Item 12 in the Third Schedule is omitted and the following items are substituted:
- “12 (1) Bath heaters, sink heaters and other water heating and hot water storage equipment, being goods of a kind installed as fixtures in domestic premises;
- (2) Appliances or equipment for softening, filtering, de-salting or sterilizing water, being goods of a kind installed as fixtures;
- (3) Sub-item (2) does not include appliances or equipment of a kind installed exclusively or principally in, or in connection with, swimming pools, spa baths, spa pools and hot tubs;
- (4) Parts for, and materials (other than lubricants as defined in sub-clause (1) of clause 1 of the First Schedule) for use in the operation of, goods covered by sub-item (1) or (2), and stands and drip trays for use in connection with any of those goods
- “13 Goods, being—
- (a) wrapping material or bags consisting wholly or principally of paper, netting, flexible film or metallic foil or any combination of those materials;
- (b) twine, lashing, rubber bands and adhesive tape, marketed exclusively or principally for household purposes
- “14 Containers for goods covered by an item in this Schedule”.

PART IV—AMENDMENT OF SIXTH SCHEDULE

48. After item 1 in the Sixth Schedule the following item is added:
- “2. Containers for goods covered by an item in this Schedule”.

NOTE

1. No. 60, 1935, as amended. For previous amendments, see No. 41, 1936; No. 78, 1938; No. 32, 1939; Nos. 29 and 76, 1940; No. 32, 1941; No. 6, 1942; Nos. 35 and 44, 1943; No. 31, 1944; No. 36, 1945; Nos. 12 and 67, 1946; No. 65, 1947; No. 42, 1948; No. 54, 1949; No. 37, 1950; No. 42, 1951; No. 44, 1952; No. 53, 1953; No. 45, 1954; No. 5, 1956; No. 71, 1957; Nos. 17 and 92, 1959; Nos. 65 and 88, 1960; Nos. 1 and 76, 1961; No. 4, 1962; No. 44, 1963; No. 30, 1965; Nos. 26 and 62, 1966; Nos. 21, 29 and 80, 1967; No. 78, 1970; Nos. 67 and 87, 1972; Nos. 17, 181 and 216, 1973; No. 24, 1975; No. 175, 1976; No. 107, 1978; Nos. 3, 94 and 157, 1979; No. 142, 1981; Nos. 64, 93 and 115, 1982; Nos. 63, 84 and 136, 1983; Nos. 81, 123 and 165, 1984; and Nos. 65 and 67, 1985.

