Date Introduced: 5 September 1984
House: House of Representatives
Presented by: Hon. Chris Hurford, M.P., Minister Assisting the Treasurer

Short Digest of Bill

Purpose

To make a benefit, received by a taxpayer from a section 23F fund, which is deemed excessive or is one which the taxpayer is not entitled to receive under fund rules, fully subject to income tax.

Background

Clause 5 of the Income Tax Assessment Amendment Bill (No. 5) 1983, which was introduced into the House of Representatives on 7 December 1983, first proposed the amendment to treatment of superannuation funds under section 23F of the Income Tax Assessment Act 1936 ("cherry picker" schemes). It was later defeated in the Senate on the question of its retrospectivity to 1 July 1977. The Income Tax Assessment Amendment Bill (No. 2) 1984 was then introduced into the House of Representatives on 4 April 1984, essentially reproducing the provisions of clause 5, and was, however, later defeated in the Senate.

An identical Bill has been re-introduced, and for information on section 23F funds and the amending provisions, refer to the digest (84/47) for the Income Tax Assessment Amendment (No. 2) Bill 1984.

Senator Jack Evans introduced the Income Tax Assessment Amendment Bill 1984 on 2 May 1984 which is identical to that Bill except for its date of application, namely 7 December 1983, instead of 1 July 1977 (the date of the original proposed amendment). It was designed to remove the element of retrospectivity.

For further information, if required, contact:

11 September 1984 Economics and Commerce Group
LEGISLATIVE RESEARCH SERVICE