

**Reprint
as at 18 March 2019**

Income Tax Act 1994

Public Act 1994 No 164
Date of assent 20 December 1994

Income Tax Act 1994: repealed, on 1 April 2005, by section YA 1(1) of the Income Tax Act 2004 (2004 No 35).

*The Income Tax Act 1994 is not available on this website. For more information, see
<http://www.legislation.govt.nz/howitworks.aspx#whatonsite>*

Section CB 3(b)(ii)(A): substituted (with effect from 1 April 2001), on 19 December 2007, by section 281 of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Section CB 4(1)(n): amended, on 19 December 2007, by section 282(1) of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Section CB 4(1)(o): added, on 19 December 2007, by section 282(1) of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Section CB 4(1)(o): amended, on 19 December 2007, by section 282(2) of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Section CB 4(1)(p): added, on 19 December 2007, by section 282(2) of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Section CB 4(3)(a): substituted (with effect from 1 April 2001), on 19 December 2007, by section 282(3) of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Section CB 4(3)(b): substituted (with effect from 1 April 2001), on 19 December 2007, by section 282(3) of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Section CB 9(i): amended, on 19 December 2007, by section 283(1) of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Section CB 9(j): added, on 19 December 2007, by section 283(1) of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint. See the notes at the end of this reprint for further details.

Section CB 9(j): amended, on 19 December 2007, by section 283(2) of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Section CB 9(k): added, on 19 December 2007, by section 283(2) of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Section CB 12(1)(b): amended (with effect on 1 October 2001), on 6 October 2009, by section 847(1) of the Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009 (2009 No 34).

Section CB 12(1)(c): added (with effect on 1 October 2001), on 6 October 2009, by section 847(1) of the Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009 (2009 No 34).

Section CB 12(1B): inserted (with effect on 1 October 2001), on 6 October 2009, by section 847(2) of the Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009 (2009 No 34).

Section CB 12(1C): inserted (with effect on 1 October 2001), on 6 October 2009, by section 847(2) of the Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009 (2009 No 34).

Section CB 12(1D): inserted (with effect on 1 October 2001), on 6 October 2009, by section 847(2) of the Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009 (2009 No 34).

Section CB 17: inserted (with effect on 1 April 1995), on 29 August 2011, by section 219 of the Taxation (Tax Administration and Remedial Matters) Act 2011 (2011 No 63).

Section CC 4: inserted, on 1 April 2014, by section 143 of the Taxation (Annual Rates, Foreign Superannuation, and Remedial Matters) Act 2014 (2014 No 4).

Section CC 5: inserted (with effect on 31 March 2005), on 24 February 2016, by section 290 of the Taxation (Annual Rates for 2015–16, Research and Development, and Remedial Matters) Act 2016 (2016 No 1).

Section CG 15(2B): inserted (with effect from 1 April 1995), on 19 December 2007, by section 284(1) of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Section CI 1(o)(vb): inserted (with effect on 1 October 2001), on 6 October 2009, by section 848(1) of the Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009 (2009 No 34).

Part D Subpart B heading: substituted (with effect on 1 April 1997), on 29 August 2011, by section 220 of the Taxation (Tax Administration and Remedial Matters) Act 2011 (2011 No 63).

Section DB 2: added (with effect on 1 April 1997), on 29 August 2011 (applying for the 1997–98 and later income years but only in relation to an amount of interest imposed under Part 7 of the Tax Administration Act 1994 that the person has treated as a deduction in a return of income that they have furnished on or before 24 November 2010 and in a notice of proposed adjustment that is issued on or before 24 November 2010), by section 221(1) of the Taxation (Tax Administration and Remedial Matters) Act 2011 (2011 No 63).

Section DL 1(16): added (with effect on 1 April 1995), on 29 August 2011, by section 222 of the Taxation (Tax Administration and Remedial Matters) Act 2011 (2011 No 63).

Section DL 1(17): added (with effect on 1 April 1995), on 29 August 2011, by section 222 of the Taxation (Tax Administration and Remedial Matters) Act 2011 (2011 No 63).

Section DL 1(18): added (with effect on 1 April 1995), on 29 August 2011, by section 222 of the Taxation (Tax Administration and Remedial Matters) Act 2011 (2011 No 63).

Section DO 2(1): amended (with effect on 1 February 1995), on 2 November 2012 (applying for the 1995–96 to 1997–98 income years), by section 251(1) of the Taxation (Annual Rates, Returns Filing, and Remedial Matters) Act 2012 (2012 No 88).

Section DO 2(1): amended (with effect on 1 April 1998), on 2 November 2012 (applying for the 1998–99 and later income years), by section 251(2) of the Taxation (Annual Rates, Returns Filing, and Remedial Matters) Act 2012 (2012 No 88).

Section DO 2(2): amended (with effect on 1 October 2001), on 2 November 2012 (applying for the 2001–02 and later income years), by section 251(3) of the Taxation (Annual Rates, Returns Filing, and Remedial Matters) Act 2012 (2012 No 88).

Section ED 4(3): amended (with effect on 1 January 2005), on 21 December 2010, by section 184 of the Taxation (GST and Remedial Matters) Act 2010 (2010 No 130).

Section EF 1(5A): amended (with effect on 1 October 2001), on 6 October 2009, by section 849 of the Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009 (2009 No 34).

Section EG 10(1)(b): substituted (with effect on 1 April 1995), on 6 October 2009, by section 850(1) of the Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009 (2009 No 34).

Section HH 4(7B): inserted (with effect on 1 April 1995 and applying for the 1995–96 and later income years), on 24 February 2016, by section 291(1) of the Taxation (Annual Rates for 2015–16, Research and Development, and Remedial Matters) Act 2016 (2016 No 1).

Section HH 4(7B): replaced (with effect on 1 April 1997 and applying for the 1997–98 and later income years), on 24 February 2016, by section 291(2) of the Taxation (Annual Rates for 2015–16, Research and Development, and Remedial Matters) Act 2016 (2016 No 1).

Section HH 4(7C): inserted (with effect on 1 April 1995 and applying for the 1995–96 and later income years), on 24 February 2016, by section 291(1) of the Taxation (Annual Rates for 2015–16, Research and Development, and Remedial Matters) Act 2016 (2016 No 1).

Section HH 4(7C): replaced (with effect on 1 April 1997 and applying for the 1997–98 and later income years), on 24 February 2016, by section 291(2) of the Taxation (Annual Rates for 2015–16, Research and Development, and Remedial Matters) Act 2016 (2016 No 1).

Section KD 2AB(1)(a): replaced, on 18 March 2019 (with effect on 1 July 2002), by section 369 of the Taxation (Annual Rates for 2018–19, Modernising Tax Administration, and Remedial Matters) Act 2019 (2019 No 5).

Section KD 2AB(1)(b): replaced, on 18 March 2019 (with effect on 1 July 2002), by section 369 of the Taxation (Annual Rates for 2018–19, Modernising Tax Administration, and Remedial Matters) Act 2019 (2019 No 5).

Section MD 1(b): replaced, on 18 March 2019 (with effect on 1 April 2000), by section 370 of the Taxation (Annual Rates for 2018–19, Modernising Tax Administration, and Remedial Matters) Act 2019 (2019 No 5).

Section MD 1B: inserted, on 18 March 2019 (with effect on 1 April 2000), by section 371(1) (see section 371(2) for application) of the Taxation (Annual Rates for 2018–19, Modernising Tax Administration, and Remedial Matters) Act 2019 (2019 No 5).

Section ME 1(2)(i): amended (with effect from 1 April 2002), on 19 December 2007, by section 285 of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Section ME 4(1)(a)(ii): amended (with effect on 1 April 1995), on 8 December 2009, by section 164 of the Taxation (Consequential Rate Alignment and Remedial Matters) Act 2009 (2009 No 63).

Section MF 5(5B): inserted (with effect from 1 April 1997), on 19 December 2007, by section 286(1) of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Section MF 5(5C): inserted (with effect from 1 April 1997), on 19 December 2007, by section 286(1) of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Section MF 10(4B): substituted (with effect on 1 April 1997), on 6 October 2009, by section 851(1) of the Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009 (2009 No 34).

Section MF 10(4C): substituted (with effect on 1 April 1997), on 6 October 2009, by section 851(1) of the Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009 (2009 No 34).

Section MF 10(4D): substituted (with effect on 1 April 1997), on 6 October 2009, by section 851(1) of the Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009 (2009 No 34).

Section NG 1(4)(b): amended (with effect on 1 April 1997), on 24 February 2016, by section 292 of the Taxation (Annual Rates for 2015–16, Research and Development, and Remedial Matters) Act 2016 (2016 No 1).

Section OB 1 **dependent child** paragraph (da): inserted, on 24 August 2010 (applying for the 1995–96 and subsequent income years and only for the purpose of validating payments of any credits of tax made under subpart KD of the Income Tax Act 1994 in relation to any of those income years), by section 5(1) of the Taxation (Definitions of Dependent Child) Act 2010 (2010 No 104).

Section OB 1 **expenditure on account of an employee** paragraph (e): added (with effect on 1 October 2001), on 6 October 2009, by section 852(2) of the Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009 (2009 No 34).

Section OB 1 **monetary remuneration** paragraph (a): amended (with effect on 1 October 2001), on 6 October 2009, by section 852(3) of the Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009 (2009 No 34).

Section OB 1 **Niue International Trust Fund**: inserted, on 19 December 2007, by section 288(2) of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Section OB 1 **overtime**: inserted (with effect on 1 October 2001), on 6 October 2009, by section 852(4) of the Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009 (2009 No 34).

Section OB 1 **qualifying trust**: replaced (with effect on 1 April 1995 and applying for the 1995–96 and later income years), on 24 February 2016, by section 293(1) of the Taxation (Annual Rates for 2015–16, Research and Development, and Remedial Matters) Act 2016 (2016 No 1).

Section OB 1 **qualifying trust**: replaced (with effect on 1 April 1997 and applying for the 1997–98 and later income years), on 24 February 2016, by section 293(2) of the Taxation (Annual Rates for 2015–16, Research and Development, and Remedial Matters) Act 2016 (2016 No 1).

Section OB 1 **taxable bonus issue** paragraph (b): substituted (with effect from 16 November 2004), on 19 December 2007, by section 288(3) of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Section OB 1 **Tokelau International Trust Fund**: inserted, on 19 December 2007, by section 288(4) of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Section OB 1 **work-related relocation**: inserted (with effect on 1 October 2001), on 6 October 2009, by section 852(5) of the Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009 (2009 No 34).

Schedule 6A Part B clause 3(ab): inserted (with effect on 1 October 2001), on 6 October 2009, by section 853 of the Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009 (2009 No 34).

Schedule 6A Part B clause 3(ac): inserted (with effect on 1 October 2001), on 6 October 2009, by section 853 of the Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009 (2009 No 34).

Schedule 16 item 17: added (with effect on 1 October 2001), on 6 October 2009, by section 854(1) of the Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009 (2009 No 34).

Taxation (Business Taxation and Remedial Matters) Act 2007

Public Act	2007 No 109
Date of assent	19 December 2007
Commencement	see section 2

1 Title

This Act is the Taxation (Business Taxation and Remedial Matters) Act 2007.

2 Commencement

- (1) This Act comes into force on the date on which it receives the Royal assent, except as provided in this section.
- (2) Section 284 is treated as coming into force on 1 April 1995.
- (3) Sections 286 and 287 are treated as coming into force on 1 April 1997.
- (4) Sections 241(1) and (3) and 269(1) are treated as coming into force on 1 April 1999.
- (5) Sections 281 and 282(3) are treated as coming into force on 1 April 2001.
- (6) Section 273(2), (4), and (5) are treated as coming into force on 24 October 2001.
- (7) Section 285 is treated as coming into force on 1 April 2002.
- (8) Section 269(3) is treated as coming into force on 1 April 2003.
- (9) Section 133(1) is treated as coming into force on 4 June 2004.
- (10) Section 288(3) is treated as coming into force on 16 November 2004.
- (11) Sections 6, 7, 8, 9, 10, 13, 18, 19, 22, 23, 24, 25, 35, 39, 40, 41, 54, 55, 56, 76, 77, 79, 102, 128, 154, 165, 167, 182(25), (28), (33), and (55), 185(2), 230(1) and (2), and 272(1) are treated as coming into force on 1 April 2005.
- (12) Section 129(1) is treated as coming into force on 1 July 2005.
- (13) Sections 176 and 177 are treated as coming into force on 1 April 2006.
- (14) Sections 130, 182(44), and 185(1) are treated as coming into force on 1 December 2006.
- (15) Sections 4, 16, 26, 27, 31, 32, 38, 43, 44, 45, 46, 47, 49, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 80, 81, 82, 83, 84, 85, 87, 88, 89, 90, 91, 92, 94, 95, 96, 97, 100, 104, 131, 132, 135(2), 136, 138, 140, 153, 178, 179(1) and (3), 181, 182(5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (18), (19), (20), (22), (24), (27), (29), (30), (43), (45), (46), (47), (48)(a) and (b), (49), (50), (51), (52), (53), (54), and (56), 184, 189(2) and (5), 192, 193(1), 194(1), 202, 210, 224(1) and (4), 227(1), 228(1) and (3), 231(1),

- 252(2), 262(1), 295, 299, 300, 302, 304, and 305 are treated as coming into force on 1 April 2007.
- (16) Sections 156(1) and (2), 256, 258, 273(1) and (3), and 274 are treated as coming into force on 17 May 2007.
- (17) Sections 50, 51, 52, 78, 101, and 182(17), (26), and (59) are treated as coming into force on 20 June 2007.
- (18) Sections 5, 12, 28, 29, 30, 34, 75, 98, 99, 103, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 134, 135(1), 139, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 157, 158, 159, 160, 161, 162, 163, 164(2), 166(2), 168, 169, 170, 171, 172, 173, 174, 175, 179(2), 180, 182(2), (4), (23), (31), (35), (36), (37), (38), (39), (40), (41), and (42), 186, 190, 195, 196(1), (2), and (4), 207(2), (5), (6), (8), and (9), 208(1), 236, 237, 238, 239, 240, 245, 246, 247, 248, 249, and 279(1) are treated as coming into force on 1 October 2007.
- (19) Section 275 is treated as coming into force on 30 November 2007.
- (20) Sections 191, 193(2) and (3), 194(2) and (3), 196(3) and (5), 201, 203(2), 204(1), 205, 206(2) and (3), 207(1), (3), (4), (7), and (10), 208(2), 211, 212, 213, 214, 215, 216, 217, 218, 219, 222, 223, 224(2), (3), and (5), 227(2), 228(2), 231(2) to (4), 241(2), 242, 243, 244, 250(1) to (3), 251, 252(1), (3), and (4), 253, 254, 255, 257, 259, 260, 261, 262(2), 263, 264, 265, 266, 267, 269(2) and (4), 272(2), 278, 279(2), 290, 294, 307 to 318, 321 to 328, 330 to 342, 344 to 437, 438(1), 439 to 538, 540 to 549, 550(2) to (41) and (43) to (68), 551 to 553, 554(1) and (2), 554(3), and 555 to 562 come into force on 1 April 2008.
- (21) Sections 14, 15, 21, 36, 37, 137, 182(32), 183, 197(1) to (3), 198, 303, 319, 320, 329, 343, 438(2), 539, 550(42), come into force on 1 July 2008.
- (22) Sections 220(1), 293, 297, and 298 come into force on the earlier of the following:
- (a) a date to be fixed by the Governor-General by Order in Council:
 - (b) 1 April 2009.
- (23) Section 229 comes into force on the earlier of the following:
- (a) a date to be fixed by the Governor-General by Order in Council:
 - (b) 1 April 2010.

Section 2(20): amended (with effect from 19 December 2007), on 29 May 2008, by section 60(2) of the Taxation (Personal Tax Cuts, Annual Rates, and Remedial Matters) Act 2008 (2008 No 36).

Section 2(21): amended (with effect from 19 December 2007), on 29 May 2008, by section 60(2) of the Taxation (Personal Tax Cuts, Annual Rates, and Remedial Matters) Act 2008 (2008 No 36).

Section 2(22): sections 220(1), 293, 297 and 296 brought into force, on 8 August 2008, by clause 2 of the Taxation (Business Taxation and Remedial Matters) Act Commencement Order 2008 (SR 2008/242).

Part 3

Amendments to other Acts and Regulations

Income Tax Act 1994

282 Non-profit bodies' and charities' exempt income

- (1) *Amendments incorporated in the principal Act*
- (2) *Amendments incorporated in the principal Act*
- (3) *Amendments incorporated in the principal Act*
- (4) Subsection (1) applies for the 1999–2000 and later income years.
- (5) Subsection (2) applies for the 2003–04 and later income years.

283 Other exempt income

- (1) *Amendments incorporated in the principal Act*
- (2) *Amendments incorporated in the principal Act*
- (3) Subsection (1) applies for the 1999–2000 and later income years.
- (4) Subsection (2) applies for the 2003–04 and later income years.

284 What constitutes an interest in a foreign investment fund

- (1) *Amendment incorporated in the principal Act*
- (2) Subsection (1) applies for the 1995–96 and later income years.

286 Use of credit to reduce dividend withholding payment, or use of debit to satisfy income tax liability

- (1) *Amendments incorporated in the principal Act*
- (2) Subsection (1) applies for a person for the 1997–98 and later income years, unless the person has, for the relevant income year, taken a tax position in a return of income furnished to the Commissioner before 17 May 2007 that ignores the existence of subsection (1).
- (3) If subsection (1) does not apply to a person for an income year because of subsection (2), the person may treat subsection (1) as not existing.

287 Use of consolidated group credit to reduce dividend withholding payment or use of group or individual debit to satisfy income tax liability

- (1) *Amendments incorporated in the principal Act*
- (2) Subsection (1) applies for a person for the 2005–06 and later income years, unless the person has, for the relevant income year, taken a tax position in a return of income furnished to the Commissioner before 17 May 2007 that ignores the existence of subsection (1).
- (3) If subsection (1) does not apply to a person for an income year because of subsection (2), the person may treat subsection (1) as not existing.

288 Definitions

- (1) This section amends section OB 1.
- (2) *Amendment incorporated in the principal Act*
- (3) *Amendment incorporated in the principal Act*
- (4) *Amendment incorporated in the principal Act*
- (5) Subsection (3) applies for an issue of shares made on or after 16 November 2004.

Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009

Public Act	2009 No 34
Date of assent	6 October 2009
Commencement	see section 2

1 Title

This Act is the Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009.

2 Commencement

- (1) This Act comes into force on the day on which it receives the Royal assent, except as provided in this section.
- (2) Sections 74, 108, 319, 320, 322, 323, 502, 510, 546, 549, 557(26), (45), (53), (132), (145), and (147), 605(1), and (3), 606, 610, 682, 862, and 863 are treated as coming into force 3 months after this Act receives the Royal assent.
- (3) Section 704(5) is treated as coming into force—
 - (a) in relation to the Parliamentary Service, on 1 October 1986:
 - (b) in relation to the Office of the Clerk of the House of Representatives, on 1 August 1988.
- (4) Section 855 is treated as coming into force on 1 April 1993.
- (5) Section 850 is treated as coming into force on 1 April 1995.
- (6) Sections 851 and 860 are treated as coming into force on 1 April 1997.
- (7) Sections 847, 848, 849, 852, 853, 854, and 856 are treated as coming into force on 1 October 2001.
- (8) Sections 628(1), 646(1) and (4), 647(1), (3), and (6), 712, 735, 736, 738, 741, 742, 743, 746, 747, 748, 749, 750, 751, 754, 759, 760, 761, 764(2), 767, 769, 770, 771, 772, 773, 789(2) and (4), 832, 844(2), (9), (15), (23), (25), (31), and (33), 845, 858(1) and (3), and 864 are treated as coming into force on 1 April 2005.
- (9) Section 647(2) is treated as coming into force on 1 October 2005.
- (10) Sections 744, 768, and 844(3), (13), (14), (22), and (32) are treated as coming into force on 1 April 2006.
- (11) Sections 646(2) and 647(4) are treated as coming into force on 3 April 2006.
- (12) Sections 706, 739, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789(1) and (3), 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 819(2), 841, and 844(8), (11), (18), (21), and (35) are treated as coming into force on 1 April 2007.

- (13) Section 684 is treated as coming into force on 17 May 2007.
- (14) Sections 720, 731, 733(2) and (4), and 844(6) and (17) are treated as coming into force on 1 July 2007.
- (15) Sections 612, 625, 675, 677, 756, 808, 809, 811, 812, 813, 814, 815, 816, 817, 818, 819(1), 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 833, 834, 835, 836, 837, 838, 839, 840, 842, 843, and 844(26) are treated as coming into force on 1 October 2007.
- (16) Section 764(1) and (3) is treated as coming into force on 1 December 2007.
- (17) Sections 638(2), 757, 830, and 831 are treated as coming into force on 19 December 2007.
- (18) Section 758 is treated as coming into force on 1 January 2008.
- (19) Section 737, 740, 755, 762, 790, 791, 792, 803, 804, 805, 806, 807, 810, and 844(4), (5), (7), (10), (12), (16), and (27) to (30) are treated as coming into force on 25 February 2008.
- (20) Section 763 is treated as coming into force on 4 March 2008.
- (21) Sections 5(1), (2), (4), (5), and (7), 11, 12, 15(1)(b), 16, 18, 19(1), (2), (3) and (5), 20(3), 24, 25, 26, 32, 34, 35, 36, 37, 38, 41(1) and (2), 42, 43, 44, 45, 47, 48, 52, 53, 54, 56(1) and (4), 60, 62, 68, 72, 73(3), 76, 81, 82, 83, 84, 85, 93, 96(1) and (3), 97, 98(1), (3), and (4), 99, 100, 101, 102(1), (3), (5), and (7), 103(1), (3), and (5), 104(1) and (3), 105(1), (3), and (5), 106(1), (3), and (5), 107, 109, 111, 117, 118, 119, 120, 121, 127, 128, 129, 130, 131, 133, 134, 135, 136(1) and (3), 137(1), (2), (3), and (5), 138, 140, 141, 142, 143, 144, 145, 146, 147, 150, 151, 152(1), 161(7) and (15), 166, 167, 168, 169, 170, 171, 172, 173(1) to (3), (5) to (7), and (11), 174, 176(1), 177(1), (2) to (4), and (6) to (10), 178(1) to (5), and (7) to (11), 179, 180(1), 181(1), (2), and (5), 182, 183, 188, 196, 197, 198, 201, 202(1) and (3), 203, 204, 205(1), (4), and (5), 209(2), (3), and (5), 211(3) and (6), 215(1) and (3), 218(1), (4), (5), (7), and (9), 227, 230(4), 232, 233, 234, 235, 236, 238(1) and (4), 239(1), 241, 242(1), 251, 253, 254, 255, 256, 257, 258, 261, 262(1), 263, 264(2) and (4), 265, 266, 268, 269, 270, 271, 272, 273, 274, 275, 277, 280, 281, 282(1), (3), (4), and (5), 283, 284(1), (2), (4), and (6), 285, 286, 287, 288, 289, 290, 291, 293, 294, 296(2), (3), and (8), 297(2) and (5), 298(1) and (4), 299, 300, 302(2) and (4), 304, 306, 308(1), 309, 311, 312, 314, 317, 318, 321, 324(1), (2), (4), and (6), 329, 330, 331, 332, 333, 334, 335, 336(1), (3), (5), and (6), 337, 338, 339, 340(1), (3), (4), and (7), 341, 344, 345, 349, 350, 352, 353, 354, 355, 356, 357, 358, 359, 360(1) and (3), 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 376, 378(1), (2), (4), (5), and (7), 379, 381(2) and (4), 383, 387, 388(2) and (5), 389(2) and (3), 390, 391, 393, 394, 397, 398, 399(1), (4), and (8), 400(2) and (6), 409, 420(1) and (3), 421(1) and (3), 422, 427, 431(1) and (3), 440, 441, 442, 443, 444, 446, 447(2) and (5), 452(3) and (6), 453, 455, 457, 460(2), (4), and (7), 466, 470, 486, 489, 490(2), (3) and (5), 491(1), (3), and (5), 492(1) and (5), 493, 494, 495, 496, 497, 500, 503(2), (3), and (4), 504, 505, 506, 507, 509,

- 511, 512, 513, 514(1) to (4), (7), and (9) to (11), 515, 516, 517(1) and (3) to (5), 518(1) and (3) to (5), 519(1) to (6) and (8) to (13), 520, 521, 522, 523, 524, 525, 526, 529, 530, 531(1), (2), and (4) to (7), 532, 533, 534, 536, 537, 538, 539, 541, 542, 543, 544, 545, 547, 548, 554, 555, 556, 557(5), (7), (10), (25), (28), (29), (36), (37), (39), (42), (49), (50), (51), (52), (54), (55), (57), (58), (59), (62), (63), (64), (68), (69), (76), (84), (85), (88), (93), (95), (98), (99), (109), (114), (118), (119), (130), (134), (137), (138), (139), (140), (141), (142), (143), (144), (146), (149), (156), (157), (164), (170), (171), (175), (176), (184), (187), (191), (193), (195), (197), (198), (199), (200), (202), (204), (210), (214), (217), (219), (222), (224), (225), and (228), 559, 560, 561, 562, 564, 567, 568, 569, 570, 571(1) and (3), 572, 573, 574, 575, 576, 579(3) to (8), 580, 581, 582, 583, 585, 590, 591, 592, 593, 596(3), (4), (7), and (8), 597(4), 598(1) and (3), 599(1), 609, 614, 615, 616(2), 619(2), (3), (6), and (7), 620, 624, 627, 628(2) to (4), 630(1), 631, 632, 633, 636, 637, 640, 642, 643, 644, 646(3) and (5), 647(5) and (7), 648, 649, 650, 651(1) and (3), 654, 659, 660, 661, 664, 665, 669, 671, 672, 673, 680, 683, 690, 691, 693, 701, 702, 715(1) to (3), 717, 719, 724, 725, 726, 727, 729, 730, 733(3) and (5), 765, 766, 774, 775, 776, 777, 778, 844(19), (20), (24), and (34), 858(2) and (4), 859, and 865 are treated as coming into force on 1 April 2008.
- (22) Sections 88, 315, 316, 360(2), 503(1), 557(148), 732, 867, and 868 are treated as coming into force on 1 July 2008.
- (23) Sections 40, 58, 61, 243, 244, 745, 752, and 753 are treated as coming into force on 26 September 2008.
- (24) Section 137(4) and (6) are treated as coming into force on 1 October 2008.
- (25) Sections 10, 80, 112(2) and (3), 115, 116, 132(2) and (4), 173(8), (13), and (15), 557(32), (48), (60), (82), (105), (127), (131), (159), (160), (181), (186), and (206), and 704(2) and (4) are treated as coming into force on 1 January 2009.
- (26) Sections 9, 27, 50, 64, 92, 114, 136(2), (4), (5), and (6), 139, 173(9), 176(2) and (3), 181(4) and (8), 184, 276, 278, 279, 282(2), 284(3), (5), (7), and (8), 301, 347(1), 399(2) and (6), 445(1) and (4), 462, 463, 464, 465, 492(2), 508, 514(5), (6), and (8), 517(2), 518(2), 519(7), 550, 557(92), (158), (165), (166), (188), and (209), 571(2), (4), and (5), 587, 607, 608, 619(1), (4), and (5), 623, 715(4), and 721 are treated as coming into force on 1 April 2009.
- (27) Sections 5(3), (6), and (8), 6, 14, 17(2), (3) and (5), 20(1), (2), and (4), 22, 23, 29, 30, 39, 41(3) and (6), 69, 70, 71, 79, 90, 91, 110, 152(2) and (3), 153, 154, 155, 156, 160, 161(1) to (6), (9) to (14), (16), and (17), 162, 163, 164, 165, 175, 180(2) to (4), 195, 202(2) and (4), 206, 207, 208, 209(1) and (4), 210, 211(1), (2), (4), (5), and (7), 212, 213, 214, 215(2), (4), and (5), 216, 217, 218(3) and (10), 219, 220, 221, 222, 223, 224, 225, 226, 228, 229, 230(1) to (3), and (5) to (7), 231, 237, 238(2), (3), and (5), 240, 246, 247, 248, 249, 250, 252, 259, 260, 302(1) and (3), 303, 305, 340(2), (5), and (6), 342, 343, 346, 377, 385, 395, 399(3) and (7), 400(3) and (7), 401(2) and (5), 403, 404, 405,

- 406, 407, 408, 412, 413, 414, 415, 416, 417, 419, 421(2) and (4), 423, 424, 425, 426, 428, 429, 430, 431(2) and (4), 432, 433, 434, 435, 436, 437, 448, 456, 459(1) and (3), 460(3) and (8), 461(1) and (3), 468, 469(1) and (3), 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 485, 488, 490(1) and (4), 491(2), (4) and (6), 492(3), (4), and (6), 527, 528, 540, 557(8), (9), (11), (14), (16), (22), (23), (30), (34), (38), (40), (41), (43), (61), (70), (71), (74), (75), (77), (78), (79), (80), (89), (94), (96), (104), (117), (123), (128), (129), (182), (183), (185), (203), (208), (211), (212), (213), (215), (216), and (229), 558, 577(2), 584, 586, 596(5) and (9), 597(1) to (3), (5) and (6), 605(2) and (4), 617, 634, 635, 651(2) and (5), 652, 655, 656, 657, 658, 666, 668, 674, 676, 678, 686, 687, 688, 695, 697, and 700 are treated as coming into force on 30 June 2009.
- (28) Sections 46, 56(2), (3), and (5), 59, 86, 87, and 89 come into force on 1 October 2009.
- (29) Sections 95, 123, 124, 125, 126, 557(108), and (110) come into force on 1 January 2010.
- (30) Sections 4, 7, 8, 13, 15(1)(a) and (2), 17(1) and (4), 19(4), (6), and (7), 21, 28, 41(4), (5), and (7), 51, 63, 65, 66, 67, 73(1), (2), and (4), 75, 77, 78, 96(2), (4), and (5), 98(2), (5), and (6), 102(2), (4), (6), and (8), 103(2), (4), and (6), 104(2) and (4), 105(2), (4), and (6), 106(2), (4), and (6), 112(1), 113, 122, 149, 157, 158, 159, 161(8) and (18), 173(4), (10), (12), and (14), 177(5), (11), and (12), 178(6), (12), and (13), 181(3), (6), and (7), 191, 192, 218(2), (6), (8), and (11), 239(2) and (3), 242(2) to (4), 245, 262(2) and (3), 264(1) and (3), 267, 292, 295, 296(4), (6), and (9), 298(2), (3), and (5), 308(2) and (3), 313, 324(3), (5), and (7), 328, 336(2), (4), and (7), 347(2), 348, 351, 378(3), (6), and (8), 384, 401(1), (3), and (4), 438, 498, 531(3) and (8), 535, 557(2), (3), (4), (13), (15), (17), (18), (19), (21), (24), (31), (44), (66), (73), (81), (83), (91), (97), (100), (101), (102), (103), (106), (107), (111), (115), (116), (121), (126), (133), (136), (150), (154), (155), (167), (177), (179), (180), (192), (196), (220), (221), (223), and (227), 563, 565, 566, 579(1) and (2), 588, 594, 599(2), 611, 613, 618, 621, 622, 626, 628(5) and (6), 645, 651(4) and (6), 679, 681, 710(3), 713, and 861 come into force on 1 April 2010.
- (31) Sections 200 and 487 come into force on 30 June 2010.
- (32) Sections 33, 49, 55, 94, 132(1), (3), (5), and (6), 185, 186, 187, 189, 190, 193, 194, 199, 296(1), (5), and (7), 297(1), (3), and (4), 307, 310, 325, 326, 327, 372, 373, 374, 375, 380, 381(1), (3), and (5), 382, 386, 388(1), (3), and (4), 392, 396, 399(5) and (9), 400(1), (4), and (5), 402, 410, 411, 418, 420(2) and (4), 439, 445(2), (3), and (5), 447(1), (3), and (4), 449, 450, 451, 452(1), (2), (4), and (5), 454, 458, 459(2) and (4), 460(1), (5), and (6), 461(2) and (4), 467, 469(2) and (4), 483, 484, 557(6), (12), (20), (27), (33), (35), (46), (56), (65), (67), (72), (87), (90), (112), (113), (120), (122), (124), (151), (152), (153), (161), (162), (163), (168), (169), (172), (178), (189), (190), (194), (201), (205),

(207), (218), and (226), 577(1) and (3), 629, and 663 come into force on 1 July 2010.

Part 6 **Amendments to other Acts and regulations**

Income Tax Act 1994

847 Exempt income—employee allowances and expenditure on account of employee

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) *Amendment(s) incorporated in the Act(s).*
- (3) Subsections (1) and (2) apply for the 2002–03 to 2004–05 income years, except when subsection (4) applies.
- (4) Subsection (1) does not apply in relation to a tax position taken by a person—
 - (a) in the period from 1 October 2001 to 31 March 2005; and
 - (b) in relation to employees' allowances; and
 - (c) relying on section CB 12(1) in the absence of the amendment made by subsection (1).

848 Meaning of “fringe benefit”

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Subsection (1) applies for the 2002–03 to 2004–05 income years.

850 Special and provisional economic rates

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Subsection (1) applies for the 1995–96 and later income years.

851 Use of consolidated group credit to reduce dividend withholding payment, or use of group or individual debit to satisfy income tax liability

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Subsection (1) applies for the 1997–98 and later income years.

852 Definitions

- (1) This section amends section OB 1.
- (2) *Amendment(s) incorporated in the Act(s).*
- (3) *Amendment(s) incorporated in the Act(s).*
- (4) *Amendment(s) incorporated in the Act(s).*
- (5) *Amendment(s) incorporated in the Act(s).*
- (6) Subsections (2) to (5) apply for the 2002–03 to 2004–05 income years.

854 Schedule 16—Depreciable land improvements

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Subsection (1) applies for the 1995–96 and later income years.

Reprint notes

1 *General*

This is a reprint of the Income Tax Act 1994 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this reprint*

This reprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this reprint*

Taxation (Annual Rates for 2018–19, Modernising Tax Administration, and Remedial Matters) Act 2019 (2019 No 5): sections 369–371

Taxation (Annual Rates for 2015–16, Research and Development, and Remedial Matters) Act 2016 (2016 No 1): sections 290–293

Taxation (Annual Rates, Foreign Superannuation, and Remedial Matters) Act 2014 (2014 No 4): section 143

Taxation (Annual Rates, Returns Filing, and Remedial Matters) Act 2012 (2012 No 88): section 251

Taxation (Tax Administration and Remedial Matters) Act 2011 (2011 No 63): sections 219–222

Taxation (GST and Remedial Matters) Act 2010 (2010 No 130): section 184

Taxation (Definitions of Dependent Child) Act 2010 (2010 No 104): section 5

Taxation (Consequential Rate Alignment and Remedial Matters) Act 2009 (2009 No 63): section 164

Taxation (International Taxation, Life Insurance, and Remedial Matters) Act 2009 (2009 No 34): sections 847–854

Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109): sections 281–288