



New South Wales

# State Revenue Legislation Amendment Bill 2008

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are as follows:

- (a) to amend the *Duties Act 1997*:
  - (i) to prevent the use of duty concession on partitions of land to avoid duty on exchanges of land that are not genuinely between joint owners, and
  - (ii) to extend the circumstances in which a duty concession applies in relation to deceased estates, and
  - (iii) to introduce a duty concession for the enlargement of a term in land into a fee simple, and
  - (iv) to introduce a duty exemption for pharmacists who incorporate, and
  - (v) to allow the First Home Plus duty concession to be claimed, in certain circumstances, in respect of a purchase of land even if the land constitutes a multiple occupancy, and
  - (vi) to prevent the avoidance of land rich duty by means of a declaration of trust, and

- (vii) to introduce a concession on the duty payable for registration of a motor vehicle in respect of any motor vehicle that has been modified for the purpose of use by, or transport of, a person with a disability, and
  - (viii) to extend the duty exemption for charities to a person who acts as a trustee of a charity when acting in that capacity, and
  - (ix) to provide that the stamping of an instrument under the Act is a tax assessment for the purposes of the *Taxation Administration Act 1996*, and
  - (x) to extend provisions that relate to quoted marketable securities to stapled securities that are quoted on a stock exchange, and
  - (xi) to remove obsolete and redundant provisions in the Act and make other changes by way of statute law revision,
- (b) to amend the *First Home Owner Grant Act 2000*:
- (i) to allow the grant to be claimed (in certain circumstances) if a person builds a home on land owned by another, purchases a manufactured home and installs it on land owned by another or purchases land with the assistance of another person who acquires a small interest in the property, and
  - (ii) to extend (from 2 years to 3 years) the period during which proceedings for an offence against the Act must be commenced,
- (c) to amend the *Health Insurance Levies Act 1982* for statute law revision purposes,
- (d) to amend the *Land Tax Management Act 1956*:
- (i) to clarify an exemption for non-profit associations, and
  - (ii) to clarify the application of the principal place of residence exemption to land comprised of 2 or more lots or strata lots, and
  - (iii) to extend a concession to land owned by one person that is comprised of multiple residential occupancies, and
  - (iv) for statute law revision purposes,
- (e) to amend the *Payroll Tax Act 2007*:
- (i) to clarify an exemption for charitable bodies, and
  - (ii) to modify grouping provisions,
- (f) to amend the *Taxation Administration Act 1996*:
- (i) to allow tax officers to disclose information obtained under taxation laws in connection with the administration of the *Fines Act 1996*, and
  - (ii) to allow information obtained under taxation laws to be disclosed to the Commissioner of NSW Fire Brigades and the Commissioner of the NSW Rural Fire Service, and
  - (iii) to extend (from 2 years to 3 years) the period during which proceedings for an offence against a taxation law must be commenced, and

- (iv) for statute law revision purposes,
- (g) to amend the *Unclaimed Money Act 1995* as a consequence of changes to Commonwealth law dealing with unclaimed superannuation benefits and for statute law revision purposes,
- (h) to repeal the *Debits Tax Act 1990* (as the tax under that Act has been abolished),
- (i) to repeal the *Stamp Duties Act 1920* (which was replaced by the *Duties Act 1997*) and to make provision for the final determination of duty payable in respect of leases that are chargeable with duty under that Act,
- (j) to repeal the *Taxation Administration Regulation 2003* and transfer the remaining provisions of that regulation to the *Taxation Administration Act 1996*.

The Bill also makes other minor and consequential amendments and includes savings and transitional provisions.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

**Clause 3** is a formal provision that gives effect to the amendments to the Acts referred to in Schedules 1–7.

**Clause 4** repeals the *Debits Tax Act 1990*, the *Stamp Duties Act 1920* and the *Taxation Administration Regulation 2003*. The *Stamp Duties Act 1920* has been replaced by the *Duties Act 1997*. Debits tax was abolished on 1 January 2002. **Schedules 1 and 6** include savings and transitional provisions relating to the repeal of these Acts that are explained further below. The provisions of the *Taxation Administration Regulation 2003* that remain relevant are to be transferred to the *Taxation Administration Act 1996* by **Schedule 6**.

**Clause 5** provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

## Schedule 1 Amendment of Duties Act 1997

### Partitions of land

At present the *Duties Act 1997* provides for a duty concession on a transfer of land that is jointly owned where the land is transferred to one or more of the joint owners (referred to as a partition). **Schedule 1 [3]** provides that the concession does not apply in cases where the Chief Commissioner of State Revenue is satisfied that the partition is part of a scheme to avoid duty on an exchange of land between parties who are not joint owners.

### **Concessions for deceased estates**

At present, the *Duties Act 1997* provides for a duty concession on a transfer of dutiable property by the legal personal representative of a deceased person if the transfer is made under and in conformity with the trusts contained in the will of the deceased person or arising on intestacy. Duty on such a transfer is charged at a flat rate of \$10, rather than ad valorem. **Schedule 1 [8] and [9]** extend this concession to the following cases:

- (a) an appropriation of the property of the deceased person in or towards satisfaction of a beneficiary's entitlement under the trusts contained in the will of the deceased person or arising on intestacy,
- (b) a transfer of dutiable property of a deceased person to a beneficiary of the estate by agreement between 2 or more beneficiaries to vary the trusts contained in the will or arising on intestacy.

In the second case, the concession will only apply to that part of the dutiable value of the property transferred which is dutiable property to which the beneficiary was entitled under the will or on intestacy. Ad valorem duty will remain chargeable on the transfer to the extent that it varies the trusts contained in the will or arising on intestacy.

**Schedule 1 [6] and [7]** are consequential amendments.

### **Enlargement of term in land into fee simple**

Under section 134 of the *Conveyancing Act 1919* a term in land of not less than 300 years may be enlarged (or converted) in certain circumstances to an estate in fee simple in the land. Under the *Duties Act 1997*, such an enlargement of a term in land is chargeable with duty in the same way as a transfer of the land.

**Schedule 1 [11]** provides that such an enlargement is chargeable with duty of \$10 if ad valorem duty was paid on the transaction by which the term in land was acquired and the Chief Commissioner of State Revenue is satisfied that the term in land was not granted, and subsequently enlarged, for the purpose of avoiding duty.

### **Incorporation of pharmacists**

Under the *Pharmacy Practice Act 2006* it is permissible for a pharmacy business to be carried on by a pharmacists' body corporate. Previously, a corporation was prohibited from having a pecuniary interest in the business of a pharmacist (under section 25 of the *Pharmacy Act 1964*).

**Schedule 1 [13]** provides for a duty exemption for any currently practising pharmacist, or partnership of pharmacists, that becomes a body corporate. A transfer of dutiable property of the pharmacist or partnership to the incorporated body will be exempt from duty. This is similar to the exemption that applies to lawyers who incorporate.

### **First Home Plus**

The First Home Plus scheme under the *Duties Act 1997* allows first home owners to obtain a duty exemption or concession when they build or purchase their first home. At present, the scheme requires that an application for a concession under the Act relate to the whole property.

**Schedule 1 [15] and [16]** will allow an application to be made under the scheme where the property concerned is a parcel of land on which 2 or more homes are built or are to be built, if the Chief Commissioner of State Revenue is satisfied that the first home owner will be entitled to occupy the home that the first home owner is acquiring to the exclusion of the persons who occupy other homes on the land.

### **Acquisition of interests in land rich landholders**

An acquisition of an interest in a land rich landholder (a company or unit trust with significant land holdings) is chargeable with duty under the *Duties Act 1997* in a similar manner to a purchase of land.

**Schedule 1 [23]** extends the situations in which an acquisition will be dutiable under the land rich duty provisions. The amendment provides that a change in the capacity in which the person holds an interest in a land rich landholder is to be regarded as an acquisition of an interest in a land rich landholder. An example is if a person who holds a unit or share in a land rich landholder declares a trust in respect of the unit or share. This amendment is intended as an anti-avoidance measure.

**Schedule 1 [33]** is a related amendment to ensure that an exemption provision does not operate to permit the practice of using declarations of trust to avoid land rich duty.

### **Modifications to vehicles**

**Schedule 1 [37]** introduces a duty concession in respect of the duty chargeable on an application to register a motor vehicle. The amendment allows the value of any modifications to the vehicle that have been made to a vehicle to enable a person with a disability to drive the vehicle or to enable someone else to use the vehicle to transport a person with a disability to be disregarded in determining the dutiable value of the motor vehicle.

**Schedule 1 [36]** is a consequential amendment.

### **Exemptions for charities**

**Schedule 1 [43]** extends the duty exemption that applies to charities to persons acting in their capacity as a trustee for a charity.

**Schedule 1 [41] and [48]** make it clear that the charity exemption extends to any body established for charitable purposes (including a body corporate).

### **Stamping of documents**

**Schedule 1 [53]** clarifies the interaction between the assessment provisions under the *Duties Act 1997* and the *Taxation Administration Act 1996*. The amendment provides

that the stamping of a document is taken to constitute an assessment under the *Taxation Administration Act 1996* and that the stamped instrument is a notice of assessment (unless a separate notice is issued). This means that the period for making an objection to the assessment will start to run from the date the stamped instrument is given to the taxpayer.

### **Extension of meaning of “quoted” securities**

**Schedule 1 [60]** extends the meaning of “quoted”, to shares, units in a unit trust scheme or interests in shares or units that comprise a stapled security that is quoted on a stock exchange. Accordingly, those securities will be considered to be a quoted marketable security (and not subject to duty under Chapter 2) if transferred. The amendment also clarifies that a reference to a quoted security can include a reference to a security that is not a marketable security (accordingly it is not necessary for the security to have a nexus with New South Wales, in the manner required of marketable securities).

Other amendments make the use of the expression “quoted” more consistent in the Act. (See **Schedule 1 [14], [25] and [59]**.)

### **Removal of obsolete provisions**

The amendments remove provisions in the Act that are now obsolete. These provisions relate to:

- (a) vendor duty and duty on the disposal of interests in land rich landholders (**Schedule 1 [1], [2], [17]–[22], [24], [26]–[32], [34], [35], [38]–[40], [42], [45], [47], [49], [52], [54], [57] and [58]**), and
- (b) use of adhesive stamps (**Schedule 1 [50] and [51]**), and
- (c) duty on hire of goods (**Schedule 1 [58]**).

**Schedule 1 [4] and [5]** are consequential amendments.

### **Other amendments**

**Schedule 1 [10]** clarifies the application of an exemption where ad valorem duty has previously been paid.

**Schedule 1 [12]** updates a reference to the *Legal Profession Act 1987* (which has been replaced by the *Legal Profession Act 2004*).

**Schedule 1 [44] and [46]** update a provision as a consequence of the abolition of the general duty on leases and its replacement with a more limited duty on leases (leases in respect of which a premium is paid or agreed to be paid).

**Schedule 1 [55]** enables savings and transitional regulations to be made as a consequence of the amendments.

**Schedule 1 [56]** provides for savings and transitional matters, including by providing for the final determination of the duty chargeable under the *Stamp Duties Act 1920* in connection with leases entered into before the *Duties Act 1997* took effect.

**Schedule 1 [61]** updates a reference to the Newcastle stock exchange.

## **Schedule 2      Amendment of First Home Owner Grant Act 2000**

### **Grant for building of home on land owned by another or purchase of manufactured home**

**Schedule 2 [3]** allows the first home owner grant to be claimed, in certain circumstances, in the following situations:

- (a) where a person builds a home on land owned by another (and has the permission of the owner of the land to occupy it, or a right to occupy it, after completion), including where the home is attached to another dwelling,
- (b) where a person purchases a manufactured home and installs it on land owned by another but which the person has a right to occupy under a lease, licence or other arrangement.

**Schedule 2 [4]** removes the requirement for the owner of the land to be a party to the first home owner grant application in circumstances referred to above.

The new provisions replace current provisions of the Act that give the Chief Commissioner of State Revenue a discretion to approve a grant (in cases where land is not owned by the applicant) in particular cases. (See **Schedule 2 [1] and [2].**)

### **Small interest holders**

**Schedule 2 [5]** will allow a person to qualify for the grant even if a small interest in the land is held by another person or persons (up to a 5% ownership share) and the other person or persons have previously owned land (for example, where a parent of the applicant takes a small share in the land in order to assist with financing).

### **Proceedings for offences**

**Schedule 2 [6]** extends, from 2 to 3 years, the period during which proceedings for an offence under the Act must be taken.

### **Savings and transitional provisions**

**Schedule 2 [7]** enables savings and transitional regulations to be made as a consequence of the amendments.

**Schedule 2 [8]** provides for other savings and transitional matters.

## **Schedule 3      Amendment of Health Insurance Levies Act 1982**

**Schedule 3** makes an amendment to the description of family membership plans in the *Health Insurance Levies Act 1982*. The amendment removes the need to make regulations that define what is meant by “dependant” by utilising a definition under Commonwealth health insurance legislation.

## **Schedule 4      Amendment of Land Tax Management Act 1956**

### **Principal place of residence exemption**

**Schedule 4 [15]** clarifies the application of the principal place of residence exemption to land comprised of 2 or more lots or 2 or more strata lots. In order to qualify for the exemption:

- (a) the lots must be adjoining or, in the case of strata lots, must have adjoining walls or floors, and
- (b) the lots must be owned by the same person or, if any of the lots are jointly owned, the lots must all be jointly owned by the same persons, and
- (c) the lots must be the site of, or comprise, a single residence.

The rules will not prevent a part of the land from being used for the purpose of an occupancy in addition to that of the owner if it is permitted under the existing rules relating to the principal place of residence exemption (see clause 4 of Schedule 1A to the Act). However, the additional residential occupancy must be located on a lot that is also used and occupied by the owner of the land for residential purposes. (See **Schedule 4 [13]**).

The rules will not prevent a strata lot that is ancillary to a residence (such as one used as a garage) from being claimed as being subject to the principal place of residence exemption.

**Schedule 4 [10]–[12]** are ancillary amendments.

### **Concession for multiple-occupancy land**

**Schedule 4 [14]** will allow a land tax concession to be applied in respect of land owned by one person that does comprise more than one residential occupancy. (This may include land that is excluded from the principal place of residence exemption by the amendments referred to above). The concession, which is similar to the concession that applies to mixed use land, will allow land tax to be assessed on the basis of that proportion of the land that is used for a separate residential occupation to that of the owner.

### **Land exempted from tax**

The *Land Tax Management Act 1956* contains a land tax exemption for land that is the site of a building used and owned by a non-profit association for the purposes of that association. **Schedule 4 [9]** clarifies that, if the building contains strata lots, each strata lot is to be regarded as separate premises for the purposes of the exemption (and the exemption applies if the premises are used and owned by a non-profit association for the purposes of that association).

### **Other amendments**

**Schedule 4 [1] and [3]–[7]** remove the general distinction in the *Land Tax Management Act 1956* between flats and single dwellings. The distinction is only relevant to the mixed use land concession in sections 9C and 9D (where it is preserved). The amendments ensure that the concession for additional residential occupancies under the principal place of residence exemption is capable of applying to any flat that is a separate dwelling from a person's principal place of residence.

**Schedule 4 [2]** simplifies an existing provision (including by rectifying a formatting error).

**Schedule 4 [8]** removes a redundant cross-reference.

**Schedule 4 [16]** enables savings and transitional regulations to be made as a consequence of the amendments.

**Schedule 4 [17]** provides for the application of the amendments in respect of the next land tax year to commence on or after the commencement of the amendments.

## **Schedule 5     Amendment of Payroll Tax Act 2007**

### **Exemption for charitable bodies**

**Schedule 5 [1]** clarifies an exemption from payroll tax that currently applies to wages paid by any non-profit organisation that has a wholly charitable, benevolent, philanthropic or patriotic purpose so that it applies to wages paid by a non-profit organisation that has as its sole or dominant purpose a charitable, benevolent, philanthropic or patriotic purpose. The amendment does not affect the existing requirement that the wages must be paid or payable for work of a kind ordinarily performed in connection with the religious, charitable, benevolent, philanthropic or patriotic purpose and to a person engaged exclusively in that kind of work.

### **Grouping provisions**

**Schedule 5 [2]** removes a provision that may require a trustee company to be grouped together, for payroll tax purposes, with other companies in which it has an interest as trustee, as if the companies were related bodies corporate under the *Corporations Act 2001* of the Commonwealth. Although it will still be possible for a trustee company to be grouped with another company in which it holds an interest under other provisions of the *Payroll Tax Act 2007* (such as those relating to commonly controlled businesses), it will no longer be required to treat the companies as related bodies corporate. As a result, the Chief Commissioner of State Revenue will have a discretion to exclude persons from the group in appropriate cases.

**Schedule 5 [3]** modifies the grouping provisions in the *Payroll Tax Act 2007* so that when 2 or more members of a group, when considered together, have a controlling interest in a business, all the members of the group and the person or persons who carry on the business will together constitute a group.

### **Other amendments**

**Schedule 5 [4] and [5]** correct the various formulae used for calculating annual payroll tax liability to recognise that leap years will contain an extra day to other years. **Schedule 5 [7]** ensures that the changes extend to the financial year commencing 1 July 2007 (as it straddles a leap year).

**Schedule 5 [6]** facilitates the making of savings and transitional regulations as a consequence of the amendments.

## **Schedule 6      Amendment of Taxation Administration Act 1996**

### **Disclosure of information**

**Schedule 6 [5]** allows tax officers to disclose information obtained under taxation laws in connection with the administration or execution of the *Fines Act 1996*. **Schedule 6 [4]** is a consequential amendment.

**Schedule 6 [7]** allows tax officers to disclose information obtained under taxation laws to the Commissioner of NSW Fire Brigades and the Commissioner of the NSW Rural Fire Service. **Schedule 6 [6]** is a consequential amendment.

### **Extension of time for commencement of proceedings**

**Schedule 6 [9]** extends, from 2 to 3 years, the period during which proceedings may be taken for an offence under a taxation law. Transitional arrangements in **Schedule 6 [11]** make it clear that the extension does not apply to offences alleged to have been committed before the change.

### **Recognised revenue laws for the purpose of reciprocal enforcement arrangements**

**Schedule 6 [2] and [12]** transfer, from the regulations under the *Taxation Administration Act 1996* to the Act, the list of revenue laws of other jurisdictions that are recognised for the purpose of reciprocal enforcement arrangements under the Act. The list is also updated. Under the proposed amendment in **Schedule 6 [3]**, it will be possible to directly amend the list of recognised revenue laws by proclamation of the Governor published in the Gazette.

### **Other amendments**

**Schedule 6 [1]** updates the definition of “taxation laws”, so that references to Acts that are repealed or proposed to be repealed are omitted.

**Schedule 6 [8]** omits a redundant cross-reference from a section.

**Schedule 6 [10]** enables savings and transitional regulations to be made as a consequence of the amendments.

**Schedule 6 [11]** provides for other transitional matters. These include provisions that make it clear that the repeal of the *Debits Tax Act 1990* and the *Stamp Duties Act 1920* does not affect any liability for tax under those Acts that arose before the repeal.

## **Schedule 7      Amendment of Unclaimed Money Act 1995**

### **Extension of Commonwealth laws relating to unclaimed money to superannuation providers**

**Schedule 7 [1]–[10], [12] and [13]** make amendments that are consequential on the extension of the *Superannuation (Unclaimed Money and Lost Members) Act 1999* of the Commonwealth to all superannuation benefits other than those provided by public sector superannuation schemes. The amendments remove provisions that require unclaimed superannuation benefits to be paid to the Chief Commissioner of State Revenue. Existing arrangements will continue for NSW public sector superannuation schemes.

**Schedule 7 [16]** provides that the new arrangements are taken to have effect from 1 July 2007.

**Schedule 7 [17]** makes a consequential amendment to the long title.

### **Other amendments**

**Schedule 7 [11] and [14]** are statute law revision amendments that clarify that certain arrangements under the *Taxation Administration Act 1996* do not apply in respect of the *Unclaimed Money Act 1995*.

**Schedule 7 [15]** enables savings and transitional regulations to be made as a consequence of the amendments.





New South Wales

# State Revenue Legislation Amendment Bill 2008

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New South Wales

# State Revenue Legislation Amendment Bill 2008

No. , 2008

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**A Bill for**

An Act to make miscellaneous amendments to certain State revenue legislation.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>State Revenue Legislation Amendment Act 2008</i> .	3
<b>2 Commencement</b>	4
(1) This Act commences on the date of assent to this Act, except as provided by subsection (2).	5 6
(2) The following provisions commence, or are taken to have commenced, on the dates indicated:	7 8
(a) Schedule 1 [23] and [33]—the date on which the Bill for the <i>State Revenue Legislation Amendment Act 2008</i> is introduced in the Legislative Assembly,	9 10 11
(b) Schedule 5 [1]–[3]—1 July 2008.	12
<b>3 Amendment of Acts</b>	13
The Acts specified in Schedules 1–7 are amended as set out in those Schedules.	14 15
<b>4 Repeal of Acts and instrument</b>	16
The following Acts and instrument are repealed:	17
<i>Debits Tax Act 1990</i> No 112	18
<i>Stamp Duties Act 1920</i> No 47	19
<i>Taxation Administration Regulation 2003</i>	20
<b>5 Repeal of Act</b>	21
(1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.	22 23
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	24 25

<b>Schedule 1</b>	<b>Amendment of Duties Act 1997 No 123</b>	1
	(Section 3)	2
<b>[1]</b>	<b>Section 8 Imposition of duty on certain transactions concerning dutiable property</b>	3
	Omit the note at the end of section 8 (3).	4
		5
<b>[2]</b>	<b>Section 13 Who is liable to pay duty?</b>	6
	Omit the note at the end of the section.	7
<b>[3]</b>	<b>Section 30 Partitions</b>	8
	Insert after section 30 (5):	9
	(6) <b>Anti-avoidance criteria</b>	10
	This section does not apply in respect of a partition if the Chief Commissioner is satisfied that the partition is part of a scheme to avoid duty on an exchange of land that was not jointly held by the parties before the scheme was entered into.	11
		12
		13
		14
<b>[4]</b>	<b>Section 32A Premium rate for residential land with dutiable value exceeding \$3,000,000</b>	15
	Omit section 32A (4), and the note to the subsection. Insert instead:	16
	(4) For the purpose of subsection (3) (a), land does not cease to be regarded as land on which there is one single dwelling, or one flat, merely because the land is also used or is capable of being used for the purpose of one other residential occupancy, if that residential occupancy is an excluded residential occupancy.	17
		18
		19
		20
		21
		22
<b>[5]</b>	<b>Section 32A (6)</b>	23
	Insert in alphabetical order:	24
	<i>excluded residential occupancy</i> means:	25
	(a) one room, or	26
	(b) one suite of rooms (not being a flat) each room of which all occupants of the suite are entitled to occupy, or	27
		28
	(c) one flat, or	29
	(d) one suite of rooms (not being a flat) each room of which all occupants of the suite are entitled to occupy, and one room, or	30
		31
		32
	(e) one flat and one room, or	33
	(f) 2 rooms, each of which is separately occupied.	34

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<b>[6] Section 63 Deceased estates</b>	1
Omit “not made for valuable consideration” in section 63 (a).	2
<b>[7] Section 63 (a) (ii)</b>	3
Omit “and”. Insert instead “or”.	4
<b>[8] Section 63 (a) (iii)</b>	5
Insert after section 63 (a) (ii):	6
(iii) an appropriation of the property of the deceased person (as referred to in section 46 of the <i>Trustee Act 1925</i> ) in or towards satisfaction of the beneficiary’s entitlement under the trusts contained in the will of the deceased person or arising on intestacy, and	7 8 9 10 11 12
<b>[9] Section 63 (2) and (3)</b>	13
Insert at the end of section 63:	14
(2) If a transfer of dutiable property is made by a legal personal representative of a deceased person to a beneficiary under an agreement (whether or not in writing) between the beneficiary and one or more other beneficiaries to vary the trusts contained in a will of the deceased person or arising on intestacy, the dutiable value of the dutiable property is to be reduced by the portion of the dutiable value that is referable to the dutiable property to which the beneficiary had an entitlement arising under the trusts contained in the will or arising on intestacy.	15 16 17 18 19 20 21 22 23
(3) Section 25 does not apply to a dutiable transaction to which subsection (2) applies.	24 25
<b>[10] Section 64 Conversion of land use entitlement to different form of title</b>	26
Omit “at the time” from section 64 (c) (i).	27
Insert instead “on the transaction by which”.	28
<b>[11] Section 64AA</b>	29
Insert after section 64:	30
<b>64AA Enlargement of the term in land into fee simple</b>	31
The duty chargeable on the enlargement of a term in land into a fee simple under section 134 of the <i>Conveyancing Act 1919</i> is \$10 if:	32 33 34

(a)	the Chief Commissioner is satisfied that the grant of the term in the land, and subsequent enlargement, are not part of a scheme to avoid duty on a transfer of land, and	1 2 3
(b)	one of the following applies:	4
(i)	ad valorem duty was paid by the transferee on the transaction by which the term in the land was acquired,	5 6 7
(ii)	section 55, 57 or 63 applied to the acquisition of the term in the land, and duty was paid as provided for by the section that applied,	8 9 10
(iii)	no duty was chargeable on the acquisition of the term in the land by the transferee because of section 68.	11 12 13
<b>[12]</b>	<b>Section 65 Exemptions from duty</b>	14
	Omit “under that Act” wherever occurring in section 65 (5).	15
	Insert instead “under the <i>Legal Profession Act 2004</i> ”.	16
<b>[13]</b>	<b>Section 65 (17)</b>	17
	Insert after section 65 (16):	18
(17)	<b>Pharmacists’ body corporate</b>	19
	No duty is chargeable under this Chapter on the transfer of, or an agreement to transfer, dutiable property in the following cases:	20 21
(a)	dutiable property of a partnership carrying on the business of a pharmacist before the commencement of section 25 of the <i>Pharmacy Practice Act 2006</i> that is transferred or agreed to be transferred to a pharmacists’ body corporate (within the meaning of that Act), if the members of the partnership immediately before the transfer or agreement is first executed are all directors and shareholders of the pharmacists’ body corporate and there are no other directors or shareholders of that pharmacists’ body corporate,	22 23 24 25 26 27 28 29 30 31
(b)	dutiable property of a pharmacist carrying on the business of a pharmacist before the commencement of section 25 of the <i>Pharmacy Practice Act 2006</i> that is transferred or agreed to be transferred to a pharmacists’ body corporate (within the meaning of that Act), if the pharmacist is the sole director and shareholder of that pharmacists’ body corporate.	32 33 34 35 36 37 38

State Revenue Legislation Amendment Bill 2008

Schedule 1 Amendment of Duties Act 1997 No 123

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<b>[14] Section 66 Exemptions—marketable securities</b>	1
Omit “listed for quotation” from section 66 (9A) (a). Insert instead “quoted”.	2
<b>[15] Section 74 Eligible agreements or transfers</b>	3
Insert “or, if the property is a parcel of land on which 2 or more homes are built, or are being built, for that part of the land that is an exclusive occupancy” after “property” in section 74 (2).	4 5 6
<b>[16] Section 74 (4)</b>	7
Insert after the note to section 74 (3):	8
(4) For the purposes of this section, land is an <i>exclusive occupancy</i> only if the Chief Commissioner is satisfied that the person acquiring the land will be entitled to occupy a home that is built, or being built, on the land as a place of residence to the exclusion of other persons who occupy or are to occupy the other home or homes built or being built on the parcel of land.	9 10 11 12 13 14
<b>[17] Section 99 Transfer by special trust to corporation</b>	15
Omit “and disposal” from section 99 (2).	16
<b>[18] Chapter 4 Transactions concerning land-related property—vendor duty</b>	17
Omit the Chapter.	18
<b>[19] Chapter 4A, heading</b>	19
Omit “and disposal”.	20
<b>[20] Section 163 Overview</b>	21
Omit “or ‘vendor duty transactions’ under Chapter 4” and the second paragraph of the note.	22 23
<b>[21] Section 163A Meaning of “landholder” and related expressions</b>	24
Omit section 163A (2) and (3).	25
<b>[22] Section 163D What are “interests” and “significant interests” in landholders?</b>	26 27
Omit “For the purposes of Part 2 only, an” from section 163D (3).	28
Insert instead “An”.	29

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<b>[23] Section 163G How may an interest be “acquired”?</b>	1
Insert after section 163G (2) (d):	2
(e) if the person holds an interest in the land rich landholder (whether or not as trustee for another person) and the capacity in which the person holds the interest changes (including if there is a change in the beneficial ownership of an interest held by a person as trustee).	3 4 5 6 7
<b>Note.</b> For example, the capacity in which a person holds a unit or share in a land rich landholder changes if the person declares a trust in respect of the unit or share.	8 9 10
<b>[24] Chapter 4A, Part 3 Charging of duty on disposals of interests in land rich landholders</b>	11 12
Omit the Part.	13
<b>[25] Section 163T Constructive ownership of land holdings and other property: linked entities</b>	14 15
Omit “listed” wherever occurring in section 163T (2) (a) (iv) and (b).	16
Insert instead “quoted”.	17
<b>[26] Section 163T (2), note</b>	18
Omit the note.	19
<b>[27] Section 163V Effect of uncompleted agreements</b>	20
Omit “or disposal” from the note at the end of section 163V (1).	21
<b>[28] Sections 163W and 163X</b>	22
Omit “acquisition or disposal” wherever occurring.	23
Insert instead “acquisition”.	24
<b>[29] Sections 163W and 163X</b>	25
Omit “or disposal statement” wherever occurring.	26
<b>[30] Section 163Y Valuation of property</b>	27
Omit “or disposal statement” and “or relevant disposal” wherever occurring.	28
<b>[31] Section 163Z Use of valuations prepared within 12-month period before disposal</b>	29 30
Omit the section.	31

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<b>[32]</b>	<b>Section 163ZB Exempt transactions</b>	1
	Omit “or disposal”, “or disposed of” and “disposal or” wherever occurring.	2
<b>[33]</b>	<b>Section 163ZB (1) (i)</b>	3
	Insert “and the Chief Commissioner is satisfied that the acquisition is not part of a scheme to avoid duty under this Chapter” after “New South Wales”.	4 5
<b>[34]</b>	<b>Section 163ZD Duty concession: disposals securing financial accommodation</b>	6 7
	Omit the section.	8
<b>[35]</b>	<b>Chapter 4A, Part 6 Further exemptions and concessions for disposal duty</b>	9 10
	Omit the Part.	11
<b>[36]</b>	<b>Chapter 9, Part 3, heading</b>	12
	Omit the heading. Insert instead:	13
	<b>Part 3 Miscellaneous exemptions and reductions</b>	14
<b>[37]</b>	<b>Section 270A</b>	15
	Insert after section 270:	16
<b>270A</b>	<b>Reduction in dutiable value—modified vehicles for people with disabilities</b>	17 18
	(1) Duty on an application to register a motor vehicle is to be charged as provided for by this section if:	19 20
	(a) the application is made by a person with a disability or the motor vehicle is used by or to transport a person with a disability, and	21 22 23
	(b) modifications ( <i>user modifications</i> ) have been made to the vehicle to enable a person with a disability to drive the vehicle or to enable a person with a disability to be transported in the vehicle.	24 25 26 27
	(2) The duty chargeable on the application is to be charged on the lesser of the following:	28 29
	(a) the dutiable value of the motor vehicle reduced by the value of the user modifications,	30 31
	(b) the dutiable value of the motor vehicle determined without regard to the user modifications.	32 33

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	(3) The value of the user modifications is the consideration in money or money's worth given for the user modifications.	1 2
<b>[38]</b>	<b>Section 275 Charitable and benevolent bodies</b>	3
	Omit "(other than vendor duty)" from section 275 (1).	4
<b>[39]</b>	<b>Section 275 (2)</b>	5
	Omit the subsection.	6
<b>[40]</b>	<b>Section 275 (2A)</b>	7
	Omit "or disposal".	8
<b>[41]</b>	<b>Section 275 (3), definition of "exempt charitable or benevolent body"</b>	9
	Omit "any society or institution" wherever occurring.	10
	Insert instead "any body corporate, society, institution or other organisation".	11
<b>[42]</b>	<b>Section 275 (3), definition of "exempt charitable or benevolent body"</b>	12
	Omit paragraph (b) (ii).	13
<b>[43]</b>	<b>Section 275 (3), definition of "exempt charitable or benevolent body"</b>	14
	Insert at the end of paragraph (b):	15
	, or	16
	(c) any person acting in the person's capacity as trustee for a body corporate, society, institution or other organisation referred to in paragraph (a) or (b).	17 18 19
<b>[44]</b>	<b>Section 275A Partial exemption for certain transactions by charitable and benevolent bodies</b>	20 21
	Insert "or a lease," after "agreement for the sale or transfer," in section 275A (1).	22 23
<b>[45]</b>	<b>Section 275A (2)</b>	24
	Omit the subsection.	25
<b>[46]</b>	<b>Section 275A (3)</b>	26
	Omit the subsection.	27
<b>[47]</b>	<b>Section 275A (5)</b>	28
	Omit "or disposal" wherever occurring.	29

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<b>[48] Section 275A (7), definition of “charitable or benevolent body”</b>	1
Omit “society or institution”.	2
Insert instead “body corporate, society, institution or other organisation”.	3
<b>[49] Sections 288 and 288A, notes</b>	4
Omit the notes.	5
<b>[50] Section 290 Adhesive stamps</b>	6
Omit the section.	7
<b>[51] Section 292 Refunds—spoiled and unused stamps</b>	8
Omit the section.	9
<b>[52] Section 293 Reassessments—failed instruments</b>	10
Omit “and Part 4 of Chapter 4 for refunds of vendor duty on failed instruments” from the note.	11 12
<b>[53] Section 297</b>	13
Omit the section. Insert instead:	14
<b>297 Stamping taken to constitute assessment</b>	15
(1) For the purposes of the <i>Taxation Administration Act 1996</i> , the stamping of an instrument by the Chief Commissioner is taken to constitute an assessment of the duty payable under this Act in respect of the instrument or the dutiable transaction effected or evidenced by that instrument.	16 17 18 19 20
(2) If the Chief Commissioner does not issue a notice of assessment at the time that the instrument is stamped, the stamped instrument is taken, for the purposes of the <i>Taxation Administration Act 1996</i> , to be a notice of assessment.	21 22 23 24
<b>Note.</b> The <i>Taxation Administration Act 1996</i> provides that an objection to an assessment must be lodged within 60 days of service of the notice of assessment (unless late lodgment is permitted by the Chief Commissioner).	25 26 27 28
<b>[54] Section 301 Registration of transactions and instruments</b>	29
Omit section 301 (2), and the note to that subsection.	30
<b>[55] Schedule 1 Savings, transitional and other provisions</b>	31
Insert at the end of clause 1 (1):	32
<i>State Revenue Legislation Amendment Act 2008</i>	33

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<b>[56] Schedule 1, Part 28</b>	1
Insert after Part 27:	2
<b>Part 28 Provisions consequent on enactment of State Revenue Legislation Amendment Act 2008</b>	3 4 5
<b>66 Repeal of vendor duty and other obsolete provisions</b>	6
An amendment made to this Act by the <i>State Revenue Legislation Amendment Act 2008</i> does not affect any liability for duty under this Act that arose before the commencement of that amendment, and this Act, as in force before that amendment, continues to have effect in respect of any such liability.	7 8 9 10 11
<b>67 Repeal of Stamp Duties Act 1920</b>	12
(1) The repeal of the <i>Stamp Duties Act 1920</i> by the <i>State Revenue Legislation Amendment Act 2008</i> does not affect any liability for duty that arose before that repeal, and that Act, as in force immediately before that repeal, continues to have effect in respect of any such liability, subject to this clause.	13 14 15 16 17
(2) If, immediately before the repeal of the <i>Stamp Duties Act 1920</i> , a lease to which section 78D of that Act applies has one or more redetermination dates that have not yet occurred:	18 19 20
(a) the Chief Commissioner must, on the first redetermination date to occur on or after the repeal of the <i>Stamp Duties Act 1920</i> (the <b>final redetermination date</b> ), make a final estimate of the total rent payable for the term of the lease, and	21 22 23 24 25
(b) the lease is chargeable with duty under that Act as if that final estimate were the total rent payable for the term of the lease, and	26 27 28
(c) section 78D (2) (e) of the <i>Stamp Duties Act 1920</i> applies in respect of that redetermination, and	29 30
(d) no further redetermination of the duty payable in respect of the lease is to be made.	31 32
(3) For the purposes of this clause, a <b>redetermination date</b> means a date on which the Chief Commissioner is required under section 78D of the <i>Stamp Duties Act 1920</i> , as in force immediately before its repeal, to make a redetermination of the duty payable in respect of a lease (or would have been required to do so if that Act had not been repealed).	33 34 35 36 37 38

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State Revenue Legislation Amendment Bill 2008

Schedule 1 Amendment of Duties Act 1997 No 123

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(4)	Section 78D (2) (c) of the <i>Stamp Duties Act 1920</i> , as in force immediately before its repeal, continues to apply only to the final redetermination date and to any redetermination date that occurred before the final redetermination date.	1 2 3 4
(5)	A reference in any Act or in any instrument made under any Act to the <i>Stamp Duties Act 1920</i> is to be read as including a reference to the <i>Duties Act 1997</i> .	5 6 7
(6)	A reference in any other instrument to the <i>Stamp Duties Act 1920</i> is to be read as including a reference to the <i>Duties Act 1997</i> unless a contrary intention appears.	8 9 10
<b>68</b>	<b>Changes to concessions</b>	11
(1)	The amendment to section 30 made by the <i>State Revenue Legislation Amendment Act 2008</i> does not apply in respect of a transfer or agreement to transfer dutiable property first executed before the commencement of the amendment.	12 13 14 15
(2)	The amendments to section 63 made by the <i>State Revenue Legislation Amendment Act 2008</i> do not apply in respect of a transfer of dutiable property made before the commencement of those amendments.	16 17 18 19
<b>[57]</b>	<b>Schedule 2 Principal place of residence exemption—concessions</b>	20
	Omit the Schedule.	21
<b>[58]</b>	<b>Dictionary</b>	22
	Omit the definitions of <i>commercial hire business</i> , <i>heritage building</i> , <i>hire of goods</i> , <i>hire purchase agreement</i> , <i>hiring charges</i> , <i>land-related property</i> , <i>special hiring agreement</i> and <i>vendor duty transaction</i> .	23 24 25
<b>[59]</b>	<b>Dictionary, definition of “listed trust”</b>	26
	Omit “listed for quotation”. Insert instead “quoted”.	27
<b>[60]</b>	<b>Dictionary, definition of “quoted”</b>	28
	Omit the definition. Insert instead:	29
	<i>quoted</i> , in relation to any shares, units in a unit trust scheme or interests in such shares or units, includes:	30 31
(a)	shares, units or interests that have stopped being quoted on a stock exchange merely because they belong to a class of shares, units or interests the quotation of which has been suspended, unless the body that issued the shares, units or interests has ceased to be included in the official list of the stock exchange, and	32 33 34 35 36 37

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(b) shares, units or interests that comprise a stapled security that is quoted on a stock exchange.	1
	2
<b>[61] Dictionary, definition of “recognised stock exchange”</b>	3
Omit “Stock Exchange of Newcastle”.	4
Insert instead “National Stock Exchange”.	5

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<b>Schedule 2</b>	<b>Amendment of First Home Owner Grant Act 2000 No 21</b>	1
		2
	(Section 3)	3
<b>[1] Section 5 Ownership of land and homes</b>		4
	Omit “subsection (4)” from section 5 (3). Insert instead “sections 6C and 6D”.	5
<b>[2] Section 5 (4) and (5)</b>		6
	Omit the subsections.	7
<b>[3] Sections 6C and 6D</b>		8
	Insert after section 6B:	9
<b>6C Building of home on land owned by another</b>		10
(1)	If a person enters into a comprehensive building contract to build, or builds or has built, a free-standing home on land in which the person does not have a relevant interest, the provisions of this Act apply in respect of the building of the free-standing home as if the person did have such a relevant interest.	11 12 13 14 15
(2)	If a person enters into a comprehensive building contract to build, or builds or has built, at the person’s own expense, an attached home on land in which the person does not have a relevant interest, the provisions of this Act apply in respect of the building of the attached home as if the person did have such a relevant interest.	16 17 18 19 20 21
(3)	Accordingly, a person may apply for a first home owner grant in respect of the building of such an attached home or free-standing home.	22 23 24
(4)	This section applies in respect of the building of a home only if the owner of the estate in fee simple in the land on which the home is built has consented to the occupation of the home by the applicant for the first home owner grant on completion of the home or the applicant has a right, under a lease, licence or other arrangement, to occupy the home on completion.	25 26 27 28 29 30
(5)	In this section:	31
	<b><i>attached home</i></b> means a home which includes a kitchen, a bathroom, a living area and a bedroom or a combined bedroom living area and which is part of, or connected to, a building that contains another home.	32 33 34 35
	<b><i>free-standing home</i></b> means a home that is not part of, or connected to, a building that contains another home.	36 37

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<b>6D Purchase of manufactured home</b>	1
(1) If a person purchases a manufactured home and intends to use it as a place of residence on land which the person has a right to occupy under a lease, licence or other arrangement but in which the person does not have a relevant interest:	2
(a) this Act applies as if the person had a relevant interest in the land and were an owner builder building a home on the land, and	3
(b) the commencement date of the transaction is taken to be the date of the contract to purchase the manufactured home, and	4
(c) the transaction is taken to be completed when the manufactured home is ready for occupation as a place of residence on land that the person has a right to occupy.	5
(2) In this section:	6
<i>manufactured home</i> has the same meaning as it has in the <i>Local Government Act 1993</i> .	7
	8
<b>[4] Section 15 All interested persons to join in application</b>	9
Omit section 15 (2) (a). Insert instead:	10
(a) in a case to which section 6C or 6D applies—a person who is the owner of the estate in fee simple in the land on which the home is built or situated,	11
	12
	13
	14
<b>[5] Section 15 (2) (e)</b>	15
Insert after section 15 (2) (d):	16
(e) a person whose ownership share in the relevant home does not exceed 5% (a <i>small interest holder</i> ), but only if, in a case where there is more than one small interest holder, the total ownership share of all small interest holders in the relevant home does not exceed 5%.	17
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<b>[6] Section 49 Proceedings for offences</b>	30
Omit “2 years” from section 49 (2). Insert instead “3 years”.	31
<b>[7] Schedule 1 Savings, transitional and other provisions</b>	32
Insert at the end of clause 1 (1):	33
<i>State Revenue Legislation Amendment Act 2008</i>	34

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<b>[8] Schedule 1, Part 6</b>	1
Insert after Part 5:	2
<b>Part 6 Provisions consequent on enactment of State Revenue Legislation Amendment Act 2008</b>	3 4 5
<b>10 Application of amendments</b>	6
(1) An amendment to this Act made by the <i>State Revenue Legislation Amendment Act 2008</i> applies in relation to applications for the first home owner grant that are made on or after the commencement of that amendment.	7 8 9 10
(2) The amendment made to section 49 by the <i>State Revenue Legislation Amendment Act 2008</i> does not apply in respect of an offence alleged to have been committed before the commencement of that amendment (and section 49, as in force immediately before that amendment, continues to apply in respect of any such offence).	11 12 13 14 15 16

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**Schedule 3      Amendment of Health Insurance Levies Act 1982 No 159**

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(Section 3)

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**Section 16B Contributors**

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Omit section 16B (3). Insert instead:

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- (3) A reference in subsection (2) (b) to the dependants of a person includes a reference to the spouse of the person and to any other person who is a dependent child (within the meaning of section 10AA of the *Health Insurance Act 1973* of the Commonwealth) in relation to the person.

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<b>Schedule 4</b>	<b>Amendment of Land Tax Management Act 1956 No 26</b>	1
		2
	(Section 3)	3
<b>[1] Section 3 Definitions</b>		4
	Omit “, but does not include a single dwelling” from the definition of <i>flat</i> in section 3 (1).	5 6
<b>[2] Section 3 (1), definition of “Residential unit”</b>		7
	Omit paragraph (b). Insert instead:	8
	(b) is used and occupied as a principal place of residence, and for no other purpose, by a person who is a joint owner (otherwise than as a trustee) of the parcel of land on which the building is erected and who has entered into an arrangement with the other joint owners of that land under which the person has the exclusive right to occupy that flat (whether jointly with one or more of the co-owners or not).	9 10 11 12 13 14 15
<b>[3] Section 3 (1), definition of “single dwelling”</b>		16
	Omit the definition.	17
<b>[4] Section 3 (3)</b>		18
	Omit “definitions of <i>flat</i> and <i>single dwelling</i> ”.	19
	Insert instead “definition of <i>flat</i> ”.	20
<b>[5] Section 9C Reduction in land value for flats on mixed development land or mixed use land</b>		21 22
	Insert “9D or” after “land to which section” in section 9C (7).	23
<b>[6] Section 9D Reduction in land value for single dwellings on mixed use land</b>		24 25
	Omit “9C or” from section 9D (10).	26
<b>[7] Section 9D (11)</b>		27
	Insert in alphabetical order:	28
	<i>single dwelling</i> has the same meaning as it has in Division 5A of Part 1B of the <i>Valuation of Land Act 1916</i> .	29 30
<b>[8] Section 10 Land exempted from tax</b>		31
	Omit “(not being a building society within the meaning of section 10G)” from section 10 (1) (g) (iii).	32 33

<b>[9] Section 10 (4) and (5)</b>	1
Insert after section 10 (3):	2
(4) Subsection (1) (g) (iii), and the other provisions of this section as they relate to that subparagraph, apply in respect of premises comprised in a strata lot as if those premises were a building erected on the site of the strata lot (and a reference to a building is to be construed as a reference to the strata lot).	3 4 5 6 7
(5) In this section:	8
<i>strata lot</i> means a lot under the <i>Strata Schemes (Freehold Development) Act 1973</i> or the <i>Strata Schemes (Leasehold Development) Act 1986</i> .	9 10 11
<b>[10] Schedule 1A Principal place of residence exemption</b>	12
Insert in alphabetical order in clause 1 (1):	13
<i>strata lot</i> means a lot under the <i>Strata Schemes (Freehold Development) Act 1973</i> or the <i>Strata Schemes (Leasehold Development) Act 1986</i> .	14 15 16
<b>[11] Schedule 1A, clause 2 (1) (b)</b>	17
Omit the paragraph. Insert instead:	18
(b) a strata lot or, subject to this Schedule, land comprised of 2 or more strata lots.	19 20
<b>[12] Schedule 1A, clause 3 (1) (a)</b>	21
Omit “lots within a strata plan”. Insert instead “strata lots”.	22
<b>[13] Schedule 1A, clause 4 (4)</b>	23
Insert after clause 4 (3):	24
(4) If land is comprised of 2 or more lots or strata lots, the excluded residential occupancy must be located on a lot or strata lot that is also used and occupied by the owner of the land for residential purposes.	25 26 27 28
<b>[14] Schedule 1A, clause 10B</b>	29
Insert after clause 10A:	30
<b>10B Concession for multiple-occupancy land</b>	31
(1) This clause applies if land owned by one person, or by 2 or more joint owners, is the site of a flat that is used and occupied by the owner, or by one of them, as a principal place of residence, and there is also situated on the land one or more other flats that are	32 33 34 35

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	used, or adapted for use, as a separate occupation to that of the owner (not being an excluded residential occupancy that may be disregarded under clause 4).	1 2 3
(2)	Section 9C applies in respect of the land as if the land were mixed use land.	4 5
(3)	For the purposes of applying Division 5A of Part 1B of the <i>Valuation of Land Act 1916</i> to the land, a reference in that Division to that part of the land that is occupied or used for non-residential purposes is to be read as a reference to that part of the land that is adapted for use as a separate occupation to that of the owner (and which is not an excluded residential occupancy that may be disregarded under clause 4).	6 7 8 9 10 11 12
(4)	This clause does not apply to land comprised of one or more strata lots.	13 14
<b>[15]</b>	<b>Schedule 1A, clauses 13 and 14</b>	15
	Insert after clause 12:	16
<b>13</b>	<b>Application of exemption to residence comprised of 2 or more lots (other than strata lots)</b>	17 18
(1)	The principal place of residence exemption does not extend to a parcel of residential land that is comprised of 2 or more lots of land, and that is used and occupied by the owner of the lots (or by one of them) as a principal place of residence, unless:	19 20 21 22
	(a) the lots are adjoining, and	23
	(b) the lots are owned by the same person or, if any of the lots are jointly owned, the lots are all jointly owned by the same persons, and	24 25 26
	(c) the lots are the site of a single residence (excluding any additional residential occupancy that may be disregarded under clause 4).	27 28 29
(2)	For the purposes of this clause:	30
	(a) separate lots are not to be regarded as adjoining merely because one lot has a single corner point on its boundary that is common to the boundary of another lot, and	31 32 33
	(b) separate buildings erected on separate lots are not to be regarded as a single residence if the buildings are separately occupied or capable of being used for separate occupation.	34 35 36 37
(3)	This clause does not apply to land comprised of 2 or more strata lots.	38 39

<b>14</b>	<b>Application of exemption to residence comprised of 2 or more lots in a strata plan</b>	1 2
(1)	The principal place of residence exemption does not extend to land that is comprised of 2 or more strata lots, and that is used and occupied by the owner of the lots (or by one of them) as a principal place of residence, unless:	3 4 5 6
(a)	the strata lots (excluding any ancillary lot) have adjoining walls or floors, and	7 8
(b)	the strata lots are owned by the same person or, if any of the strata lots are jointly owned, the strata lots are all jointly owned by the same persons, and	9 10 11
(c)	the strata lots comprise a single residence (excluding any additional residential occupancy that may be disregarded under clause 4).	12 13 14
(2)	For the purposes of this clause, 2 or more strata lots are not to be regarded as comprising a single residence unless there is internal access between all the strata lots (other than any ancillary lot), such as internal connecting doors or internal staircases.	15 16 17 18
(3)	In this clause:	19
	<i>ancillary lot</i> means a strata lot that is used for purposes ancillary to another strata lot and which is not used or adapted for habitation (for example, a garage or storage area).	20 21 22
<b>[16]</b>	<b>Schedule 2 Savings and transitional provisions</b>	23
	Insert at the end of clause 1A (1):	24
	<i>State Revenue Legislation Amendment Act 2008</i>	25
<b>[17]</b>	<b>Schedule 2, Part 22</b>	26
	Insert after Part 21:	27
	<b>Part 22 Provisions consequent on enactment of State Revenue Legislation Amendment Act 2008</b>	28 29 30
<b>45</b>	<b>Application of amendments</b>	31
	The amendments made to this Act by the <i>State Revenue Legislation Amendment Act 2008</i> apply in respect of a land tax year commencing on or after the date of commencement of the amendments and do not affect any liability for land tax in respect of any land tax year commencing before that date.	32 33 34 35 36

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<b>Schedule 5</b>	<b>Amendment of Payroll Tax Act 2007</b>	1
	<b>No 21</b>	2
	(Section 3)	3
<b>[1] Section 48 Non-profit organisations</b>		4
Omit section 48 (1) (c). Insert instead:		5
(c) a non-profit organisation having as its sole or dominant purpose a charitable, benevolent, philanthropic or patriotic purpose (but not including a school, an educational institution, an educational company or an instrumentality of the State).		6 7 8 9 10
<b>[2] Section 70 Groups of corporations</b>		11
Omit section 70 (2) and the note at the end of the section.		12
<b>[3] Section 74 Smaller groups subsumed by larger groups</b>		13
Insert at the end of the section (before the note):		14
(2) If 2 or more members of a group have together a controlling interest in a business (within the meaning of section 72), all the members of the group and the person or persons who carry on the business together constitute a group.		15 16 17 18
<b>[4] Schedule 1 Calculation of payroll tax liability for financial year commencing 1 July 2007 and subsequent financial years</b>		19 20
Insert in alphabetical order in clause 1:		21
<i>FY</i> is the number of days in the financial year.		22
<b>[5] Schedule 1, clauses 4, 5, 8 and 9 (2)</b>		23
Omit “365” from the formulae, wherever occurring. Insert instead “FY”.		24
<b>[6] Schedule 3 Savings, transitional and other provisions</b>		25
Insert at the end of clause 1 (1):		26
<i>State Revenue Legislation Amendment Act 2008</i>		27

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<b>[7] Schedule 3, Part 3</b>	1
Insert after Part 2:	2
<b>Part 3 Provisions consequent on enactment of State Revenue Legislation Amendment Act 2008</b>	3 4 5
<b>16 Application of amendments</b>	6
The amendments made to Schedule 1 by the <i>State Revenue Legislation Amendment Act 2008</i> apply to the financial year commencing on 1 July 2007 and any subsequent financial year.	7 8 9

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<b>Schedule 6</b>	<b>Amendment of Taxation Administration Act 1996 No 97</b>	1
		2
	(Section 3)	3
<b>[1] Section 4 Meaning of “taxation laws”</b>		4
	Omit “ <i>Accommodation Levy Act 1997</i> ”, “ <i>Debits Tax Act 1990</i> ” and “ <i>Stamp Duties Act 1920</i> ”.	5
		6
<b>[2] Section 80A Investigations for the purposes of recognised revenue laws</b>		7
	Omit the definition of <i>recognised revenue law</i> from section 80A (5).	8
	Insert instead:	9
	<i>recognised revenue law</i> means a law of the Commonwealth, another State or a Territory that:	10
	(a) corresponds to a taxation law, or	11
	(b) is listed in Schedule 2.	12
		13
<b>[3] Section 80A (6)</b>		14
	Insert after section 80A (5):	15
	(6) The Governor may, by proclamation, amend Schedule 2 by inserting, omitting or amending any matter.	16
		17
<b>[4] Section 82 Permitted disclosures—to particular persons</b>		18
	Omit “or” from section 82 (b) (iv).	19
<b>[5] Section 82 (b) (v)</b>		20
	Insert after section 82 (b) (iv):	21
	(v) the <i>Fines Act 1996</i> , or	22
<b>[6] Section 82 (k) (xvi)</b>		23
	Omit “or”.	24
<b>[7] Section 82 (k) (xvii)</b>		25
	Insert after section 82 (k) (xvi):	26
	(xvii) the Commissioner of NSW Fire Brigades or the Commissioner of the NSW Rural Fire Service, or	27
		28
<b>[8] Section 97 Review by Supreme Court</b>		29
	Omit section 97 (3).	30

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<b>[9] Section 125 Proceedings for offences</b>	1
Omit “2 years” from section 125 (2). Insert instead “3 years”.	2
<b>[10] Schedule 1 Savings, transitional and other provisions</b>	3
Insert at the end of clause 1 (1):	4
<i>State Revenue Legislation Amendment Act 2008</i>	5
<b>[11] Schedule 1, Part 7</b>	6
Insert after Part 6:	7
 <b>Part 7 Provisions arising from enactment of State Revenue Legislation Amendment Act 2008</b>	 8 9
<b>34 Application of amendments</b>	10
(1) The amendments made to section 82 by the <i>State Revenue Legislation Amendment Act 2008</i> extend to the disclosure, on or after the commencement of the amendments, of information obtained under or in relation to the administration of a taxation law before the commencement of those amendments.	11 12 13 14 15
(2) The amendment made to section 125 by the <i>State Revenue Legislation Amendment Act 2008</i> does not apply in respect of an offence alleged to have been committed before the commencement of that amendment (and section 125, as in force immediately before that amendment, continues to apply in respect of such an offence).	16 17 18 19 20 21
<b>35 Repeal of Debits Tax Act 1990</b>	22
The repeal of the <i>Debits Tax Act 1990</i> does not affect any liability for tax under that Act that arose before that repeal, and that Act, and this Act, as in force immediately before the repeal of the <i>Debits Tax Act 1990</i> , continues to apply in respect of any such liability.	23 24 25 26 27
<b>36 Repeal of Stamp Duties Act 1920</b>	28
This Act, as in force immediately before the repeal of the <i>Stamp Duties Act 1920</i> , continues to apply in respect of any liability for tax under the <i>Stamp Duties Act 1920</i> .	29 30 31

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<b>[12] Schedule 2</b>	1
Omit the Schedule. Insert instead:	2
<b>Schedule 2 Recognised revenue laws</b>	3
(Section 80A)	4
<b>Australian Capital Territory</b>	5
<i>Rates Act 2004</i>	6
<i>Utilities Act 2000</i>	7
<i>Utilities (Network Facilities Tax) Act 2006</i>	8
<b>Commonwealth</b>	9
<i>A New Tax System (Goods and Services Tax) Act 1999</i>	10
<i>A New Tax System (Luxury Car Tax) Act 1999</i>	11
<i>A New Tax System (Wine Equalisation Tax) Act 1999</i>	12
<i>Fringe Benefits Tax Assessment Act 1986</i>	13
<i>Fuel Tax Act 2006</i>	14
<i>Income Tax Assessment Act 1936</i>	15
<i>Income Tax Assessment Act 1997</i>	16
<i>International Tax Agreements Act 1953</i>	17
<i>Petroleum Resource Rent Tax Assessment Act 1987</i>	18
<i>Product Grants and Benefits Administration Act 2000</i>	19
<i>Superannuation Guarantee (Administration) Act 1992</i>	20
<i>Taxation Administration Act 1953</i>	21
<i>Trust Recoupment Tax Assessment Act 1985</i>	22
<b>Northern Territory</b>	23
<i>Fuel Subsidies Act</i>	24
<b>Queensland</b>	25
<i>Community Ambulance Cover Act 2003</i>	26
<i>Fuel Subsidy Act 1997</i>	27
<i>Tobacco Products (Licensing) Act 1988</i>	28
<b>South Australia</b>	29
<i>Petroleum Products Regulation Act 1995</i>	30
<b>Victoria</b>	31
<i>Business Franchise (Petroleum Products) Act 1979</i>	32

<b>Schedule 7</b>	<b>Amendment of Unclaimed Money Act</b>	1
	<b>1995 No 75</b>	2
	(Section 3)	3
<b>[1] Section 3 Definitions</b>		4
	Omit the definitions of <i>Commonwealth RSA Act, retirement savings account, RSA provider, superannuation fund</i> and <i>superannuation provider</i> .	5
		6
	Insert in alphabetical order:	7
	<i>public sector superannuation provider</i> means a public sector superannuation provider within the meaning of Part 3A.	8
		9
<b>[2] Section 3, definition of “officer”</b>		10
	Insert “public sector” before “superannuation provider” wherever occurring.	11
<b>[3] Section 13A Definitions</b>		12
	Omit the definitions of <i>approved deposit fund, exempt public sector superannuation scheme, fund, holder, member, regulated superannuation fund, superannuation fund, superannuation provider</i> and <i>trustee</i> .	13
		14
		15
	Insert in alphabetical order:	16
	<i>member</i> means a member of a public sector superannuation scheme.	17
		18
	<i>public sector superannuation provider</i> means a trustee of a public sector superannuation scheme.	19
		20
	<i>public sector superannuation scheme</i> means a State or Territory public sector superannuation scheme (within the meaning of section 18 of the <i>Superannuation (Unclaimed Money and Lost Members) Act 1999</i> of the Commonwealth) that is established:	21
		22
		23
		24
	(a) by or under a law of New South Wales, or	25
	(b) under the authority of the Government of New South Wales or a body constituted by or under a law of New South Wales.	26
		27
		28
	<i>trustee</i> means:	29
	(a) in relation to a public sector superannuation scheme that is an STC scheme within the meaning of the <i>Superannuation Administration Act 1996</i> , the SAS Trustee Corporation, and	30
		31
		32
		33
	(b) in relation to any other public sector superannuation scheme, the trustee of the scheme within the meaning of section 10 (1) of the Commonwealth Superannuation Act.	34
		35
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<b>[4] Section 13A, definition of “beneficiary”</b>	1
Omit “superannuation fund”.	2
Insert instead “public sector superannuation scheme”.	3
<b>[5] Sections 13B, 13C, 13E, 13F, 13H, 13I and 27–29</b>	4
Omit “superannuation provider” and “superannuation provider’s” wherever occurring.	5 6
Insert instead “public sector superannuation provider” and “public sector superannuation provider’s” respectively.	7 8
<b>[6] Section 13B Return and payment of unclaimed superannuation benefits to Chief Commissioner</b>	9 10
Omit “the fund” wherever occurring in section 13B (6).	11
Insert instead “the public sector superannuation scheme”.	12
<b>[7] Section 13I Discharge of liability</b>	13
Omit “his or her capacity as”. Insert instead “its capacity as a”.	14
<b>[8] Section 13J Public sector superannuation provider not in breach of trust</b>	15
Omit “trustee of a superannuation fund”.	16
Insert instead “public sector superannuation provider”.	17
<b>[9] Section 13K</b>	18
Omit the section. Insert instead:	19
<b>13K Part applies to NSW public sector superannuation schemes</b>	20
This Part applies to a public sector superannuation scheme of New South Wales and the provisions of this Part apply to the scheme and to the trustee of the scheme despite any provision of any other Act or law.	21 22 23 24
<b>[10] Section 13L Extra-territorial operation</b>	25
Omit the section.	26
<b>[11] Section 27 Application of certain provisions of Taxation Administration Act 1996</b>	27 28
Omit “(other than sections 60, 63, 81–85, 111 and 126–128)” from section 27 (1).	29 30
Insert instead “(other than the excluded provisions)”.	31

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<b>[12] Section 27 (2)</b>	1
Omit “or RSA benefit”.	2
<b>[13] Section 27 (2)</b>	3
Omit “of the fund or a retirement savings account”.	4
Insert instead “of the scheme”.	5
<b>[14] Section 27 (4)</b>	6
Insert after section 27 (3):	7
(4) For the purposes of this section, the <i>excluded provisions</i> are the following provisions of the <i>Taxation Administration Act 1996</i> :	8
(a) Division 2 of Part 7,	9
(b) sections 60 and 63,	10
(c) Divisions 2A and 3 of Part 9,	11
(d) Division 5 of Part 10,	12
(e) sections 111 and 126–128.	13
<b>[15] Schedule 2 Savings, transitional and other provisions</b>	14
Insert at the end of clause 1 (1):	15
<i>State Revenue Legislation Amendment Act 2008</i>	16
<b>[16] Schedule 2, Part 7</b>	17
Insert after Part 6:	18
<b>Part 7 Provisions consequent on enactment of State Revenue Legislation Amendment Act 2008</b>	19
	20
	21
	22
<b>13 Application of amendments</b>	23
(1) The amendments made to this Act by the <i>State Revenue Legislation Amendment Act 2008</i> (other than the amendments to section 27) are taken to have effect on and from 1 July 2007.	24
	25
	26
(2) This Act, as in force immediately before 1 July 2007, continues to apply in respect of any unclaimed superannuation benefits in a fund managed or provided by a superannuation provider before 1 July 2007.	27
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State Revenue Legislation Amendment Bill 2008

Schedule 7 Amendment of Unclaimed Money Act 1995 No 75

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- (3) However, a superannuation provider is, on payment of any such amount to the Commissioner of Taxation in accordance with the *Superannuation (Unclaimed Money and Lost Members) Act 1999* of the Commonwealth, discharged from further liability under this Act in respect of the amount. 1  
2  
3  
4  
5
- (4) Subclause (3) does not apply to a public sector superannuation provider (within the meaning of Part 3A). 6  
7
- (5) In this clause: 8  
*fund* and *superannuation provider* have the meanings given by Part 3A of this Act, as in force before its amendment by the *State Revenue Legislation Amendment Act 2008*. 9  
10  
11
- [17] Long title** 12
- Omit “to require the publication of information relating to unclaimed money; to provide for a Chief Commissioner of Unclaimed Money and a scheme for determining applications for repayment of unclaimed money;”. 13  
14  
15
- Insert instead “to make provision for the publication of information about, and the repayment of, unclaimed money; to make similar provision in relation to unclaimed superannuation benefits of public sector superannuation schemes;”. 16  
17  
18