

# Duties Regulation 2022

[2022-489]



New South Wales

## Status Information

### Currency of version

Current version for 16 December 2022 to date (accessed 7 May 2024 at 13:30)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Staged repeal status**

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2027

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 16 December 2022

# Duties Regulation 2022



New South Wales

## Contents

1 Name of Regulation ..... 3

2 Commencement ..... 3

3 Definition ..... 3

4 Excluded transactions ..... 3

5 Transitional provision consequent on State Revenue and Fines Legislation Amendment (Miscellaneous) Act 2022 ..... 4

..... 4

# Duties Regulation 2022



New South Wales

## 1 Name of Regulation

This Regulation is the *Duties Regulation 2022*.

## 2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

## 3 Definition

In this Regulation—

**the Act** means the *Duties Act 1997*.

### Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

## 4 Excluded transactions

- (1) For the Act, section 8(3) definition of **excluded transaction**, paragraph (k), the following transactions are prescribed—
  - (a) a change in default beneficial interests under a discretionary trust, including the following—
    - (i) a change to the default beneficial interests of the default beneficiaries,
    - (ii) the addition or removal of a default beneficiary,
  - (b) a change in beneficial ownership of dutiable property that occurs—
    - (i) under a testamentary instrument or the laws of intestacy, or
    - (ii) otherwise by operation of law on the death of a person,
  - (c) the grant or termination of a life estate in dutiable property for no consideration,
  - (d) the variation or surrender of an easement for no consideration,

- (e) the grant, creation, variation or extinguishment of a mortgage, charge or other security over land,
- (f) the creation, variation or surrender, for no consideration, of a tenant's interest in fixtures that are fit-out for commercial premises,
- (g) a change in tenancy under a lease for no consideration,
- (h) a change, for no consideration, in the holding of property—
  - (i) from joint tenants to tenants in common in equal shares, or
  - (ii) from tenants in common in equal shares to joint tenants,
- (i) the grant, variation, cessation, revocation or cancellation of a water right,
- (j) the expiry, extinguishment or merger of one or more leases for no consideration,
- (k) the variation or extinguishment of a profit a prendre for no consideration,
- (l) the surrender of a security interest for no consideration,
- (m) a transaction that results in an increase in a person's interest in dutiable property under an agreement, relating to the dutiable property, entered into between the person and the State under a shared equity scheme.

(2) In this section—

**security interest** has the same meaning as in the [Personal Property Securities Act 2009](#) of the Commonwealth.

**shared equity scheme** has the same meaning as in the *First Home Owner Grant and Shared Equity Act 2000*, section 24B.

**water right** has the same meaning as in the [Valuation of Land Act 1916](#).

## **5 Transitional provision consequent on [State Revenue and Fines Legislation Amendment \(Miscellaneous\) Act 2022](#)**

For the Act, Schedule 1, clause 1(3), this Regulation, section 4 is taken to have commenced on 19 May 2022.