

Land Tax Management (Transitional) Regulation 2018

[2018-173]



New South Wales

Status Information

Currency of version

Repealed version for 27 April 2018 to 7 January 2019 (accessed 1 December 2024 at 8:49)

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—

- **Repeal**

This Regulation was repealed by Sch 3 to the [Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2018 No 68](#) with effect from 9.1.2019.

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 8 January 2019

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1 Name of Regulation

This Regulation is the *Land Tax Management (Transitional) Regulation 2018*.

2 Commencement

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

3 Refund of surcharge land tax for 2017 land tax year

- (1) The Chief Commissioner must assess or reassess the surcharge land tax chargeable on residential land on the basis that no surcharge land tax is chargeable on the residential land for the land tax year starting on 1 January 2017 if:
 - (a) a liability for surcharge land tax arose at midnight on 31 December 2016, and
 - (b) a relevant determination is made by the Chief Commissioner before 1 January 2018 and is approved by the Treasurer for the purposes of this clause, and
 - (c) the Chief Commissioner is satisfied that no surcharge land tax would have been chargeable on the residential land had the relevant determination been made before the liability for surcharge land tax arose.
- (2) A **relevant determination** is a determination made under section 104I (2) of the *Duties Act 1997* (as inserted by the *State Revenue and Other Legislation Amendment (Budget Measures) Act 2017*).
- (3) In the case of a reassessment, the Chief Commissioner must refund any surcharge land tax paid on the residential land if an application for the refund of the land tax is made within 5 years after the initial assessment.
- (4) In this clause, **residential land** has the same meaning as in Chapter 2A of the *Duties Act 1997*.