

# State Revenue Legislation Amendment Act 2001 No 22

[2001-22]



New South Wales

## Status Information

### Currency of version

Repealed version for 19 June 2001 to 21 July 2003 (accessed 20 December 2024 at 20:23)

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**

The Act was repealed by the [Statute Law \(Miscellaneous Provisions\) Act 2003 No 40](#), Sch 3 with effect from 22.7.2003.

### 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 22 July 2003

# State Revenue Legislation Amendment Act 2001 No 22



New South Wales

## Contents

<b>Long title</b> .....	3
1 Name of Act .....	3
2 Commencement .....	3
3 Amendment of Duties Act 1997 No 123 .....	3
4 Amendment of Health Insurance Levies Act 1982 No 159 .....	3
5 Amendment of Pay-roll Tax Act 1971 No 22 .....	3
6 Amendment of Taxation Administration Act 1996 No 97 .....	4
7 Amendment of Unclaimed Money Act 1995 No 75 .....	4
8 Consequential amendment of Regulations .....	4
<b>Schedule 1 Amendment of Duties Act 1997</b> .....	4
<b>Schedule 2 Amendment of Health Insurance Levies Act 1982</b> .....	10
<b>Schedule 3 Amendment of Pay-roll Tax Act 1971</b> .....	10
<b>Schedule 4 Amendment of Taxation Administration Act 1996</b> .....	22
<b>Schedule 5 Amendment of Unclaimed Money Act 1995</b> .....	23
<b>Schedule 6 Consequential amendment of Regulations</b> .....	25

# State Revenue Legislation Amendment Act 2001 No 22



New South Wales

An Act to make miscellaneous amendments to certain State revenue legislation; and for other purposes.

## 1 Name of Act

This Act is the *State Revenue Legislation Amendment Act 2001*.

## 2 Commencement

- (1) This Act commences on the date of assent, except as provided by this section.
- (2) The following provisions commence, or are taken to have commenced, on the dates indicated:

Schedule 1 [4] on the commencement of Schedule 1 to the *Legal Profession Amendment (Incorporated Legal Practices) Act 2000*

Schedule 1 [5] and Schedule 3 [2]-[15] and [17] on 1 July 2000

Schedule 1 [6]-[19], [21] and [22], Schedule 4 [1] and [2], Schedule 5 and Schedule 6 on 1 July 2001

Schedule 4 [5] on the commencement of Schedule 2 [15] to the *Administrative Decisions Tribunal Legislation Amendment (Revenue) Act 2000*

## 3 Amendment of **Duties Act 1997 No 123**

The *Duties Act 1997* is amended as set out in Schedule 1.

## 4 Amendment of **Health Insurance Levies Act 1982 No 159**

The *Health Insurance Levies Act 1982* is amended as set out in Schedule 2.

## 5 Amendment of **Pay-roll Tax Act 1971 No 22**

The *Pay-roll Tax Act 1971* is amended as set out in Schedule 3.

## 6 Amendment of **Taxation Administration Act 1996 No 97**

The *Taxation Administration Act 1996* is amended as set out in Schedule 4.

## 7 Amendment of **Unclaimed Money Act 1995 No 75**

The *Unclaimed Money Act 1995* is amended as set out in Schedule 5.

## 8 Consequential amendment of Regulations

Each Regulation specified in Schedule 6 is amended as set out in that Schedule.

## Schedule 1 Amendment of **Duties Act 1997**

(Section 3)

### [1] Section 21 What is the “dutiable value” of dutiable property?

Omit section 21 (3). Insert instead:

- (3) The **dutiable value** of a business asset to which section 28 applies is to be determined in accordance with that section.

### [2] Section 62 Transfers between trustees and custodians of superannuation funds or trusts

Omit section 62 (1) and (2). Insert instead:

- (1) This section applies to the following dutiable transactions:

- (a) a transfer of, or an agreement to transfer, dutiable property from a trustee of:
- (i) a complying superannuation fund, or
  - (ii) a pooled superannuation trust, or
  - (iii) a fund or trust that, in the opinion of the trustees, will be a complying superannuation fund or a pooled superannuation trust within 12 months after the transfer takes effect,

to a custodian of the trustee of the fund or trust, where there is no change in the beneficial ownership of the property,

- (b) a transfer of, or an agreement to transfer, dutiable property from a custodian of a trustee of:
- (i) a complying superannuation fund, or
  - (ii) a pooled superannuation trust, or

- (iii) a fund or trust that, in the opinion of the trustees, will be a complying superannuation fund or a pooled superannuation trust within 12 months after the transfer takes effect,  
  
to a trustee of the fund or trust, where there is no change in the beneficial ownership of the property,
- (c) a transfer of, or an agreement to transfer, dutiable property from a custodian of a trustee of:
  - (i) a complying superannuation fund, or
  - (ii) a pooled superannuation trust, or
  - (iii) a fund or trust that, in the opinion of the trustees, will be a complying superannuation fund or a pooled superannuation trust within 12 months after the transfer takes effect,  
  
to another custodian of the trustee of the fund or trust, where there is no change in the beneficial ownership of the property.

**[3] Section 62 (4)**

Insert after section 62 (3):

- (4) In this section, **complying superannuation fund** includes a complying approved deposit fund and an eligible rollover fund.

**[4] Section 65 Exemptions from duty**

Omit section 65 (5). Insert instead:

- (5) **Incorporated legal practices** No duty is chargeable under this Chapter on the transfer of, or an agreement to transfer, dutiable property in the following cases:
  - (a) dutiable property of a solicitor corporation formed under the [Legal Profession Act 1987](#) that is transferred or agreed to be transferred to:
    - (i) an incorporated legal practice under that Act if the voting shareholders of the solicitor corporation immediately before the transfer or agreement is first executed are solicitor directors or employed solicitors of the incorporated legal practice, or
    - (ii) a partnership of solicitors if the voting shareholders of the solicitor corporation immediately before the transfer or agreement is first executed are the same as the members of the partnership, or

- (iii) a solicitor practising as a sole practitioner if the only voting shareholder of the solicitor corporation immediately before the transfer or agreement is first executed is that solicitor,
- (b) dutiable property of a partnership of solicitors formed or originally formed before the commencement of Division 2A of Part 3 of the *Legal Profession Act 1987* that is transferred or agreed to be transferred to an incorporated legal practice under that Act if the members of the partnership immediately before the transfer or agreement is first executed are solicitor directors or employed solicitors of the incorporated legal practice,
- (c) dutiable property of a solicitor practising as a sole practitioner before the commencement of Division 2A of Part 3 of the *Legal Profession Act 1987* that is transferred or agreed to be transferred to an incorporated legal practice under that Act if the solicitor is the sole solicitor director of the incorporated legal practice.

**[5] Section 65 (9)**

Insert after section 65 (8):

- (9) **Administration agreements under first home owner grant scheme** No duty is chargeable under this Chapter on an administration agreement under the *First Home Owner Grant Act 2000*.

**[6] Section 69 The nature of the scheme**

Omit the section. Insert instead:

**69 The nature of the scheme**

This scheme is intended to help people who are acquiring their first home. Under the scheme, the acquisition and any mortgage given to assist the financing of the acquisition is subject to a concession or exemption from duty.

**[7] Section 71 Eligible persons—generally**

Omit the section. Insert instead:

**71 Eligible persons**

- (1) A purchaser or transferee under an agreement or transfer may apply under the scheme, but will be eligible only if the purchaser or transferee has not at any time owned residential property in Australia (either solely or with someone else) that he or she occupied as his or her principal place of residence.

- (2) If there is more than one purchaser or transferee under an agreement or transfer, they may apply under the scheme, but will be eligible only if at least one of them has not at any time owned residential property in Australia (either solely or with someone else) that he or she occupied as his or her principal place of residence.

**[8] Section 73 Ineligible persons**

Omit section 73 (3) and (4). Insert instead:

- (3) A purchaser or transferee under an agreement or transfer is not eligible if the purchaser or transferee has previously been a party to an application under the scheme and the application was approved by the Chief Commissioner.
- (4) If there is more than one purchase or transferee under the agreement or transfer, the purchasers or transferees are not eligible if any one of them has previously been a party to an application under the scheme and the application was approved by the Chief Commissioner.
- (5) Despite subsection (4), the Chief Commissioner may determine that the purchasers are eligible if the Chief Commissioner is satisfied that the purchaser who has previously been a party to an application under the scheme that was approved is acquiring an interest in the property that is the subject of the current application solely for the purpose of assisting the other purchaser or purchasers in financing the acquisition.

**[9] Section 74 Eligible agreements or transfers**

Omit “purchase” wherever occurring in section 74 (1).

Insert instead “acquisition”.

**[10] Section 74 (3)**

Omit the subsection, including the note at the end of the subsection.

Insert instead:

- (3) The dutiable value of the dutiable property that is the subject of the agreement or transfer must be less than:
- (a) \$300,000 if the property is located in the Metropolitan Area and has a private dwelling built on it, or
- (b) \$250,000 if the property is located elsewhere than in the Metropolitan Area and has a private dwelling built on it, or

(c) \$140,000 if the property is located in the Metropolitan Area and comprises a vacant block of residential land, or

(d) \$110,000 if the property is located elsewhere than in the Metropolitan Area and comprises a vacant block of residential land.

**Note—**

The **dutiable value** of dutiable property is the greater of:

(a) the consideration (if any) for the dutiable transaction (being the amount of a monetary consideration or the value of a non-monetary consideration), and

(b) the unencumbered value of the dutiable property.

**Metropolitan area** is defined in the Dictionary.

**[11] Section 74 (4)**

Omit the subsection.

**[12] Section 75 Ineligible agreements and transfers**

Omit section 75 (3).

**[13] Section 76 Other qualifications**

Omit the section. Insert instead:

**76 Residence requirement**

(1) The home must be occupied or intended to be occupied by the person or persons who are acquiring it on or before settlement, or within 12 months after settlement, as the principal place of residence.

(2) This section does not apply to a person who acquires an interest in the property concerned solely for the purpose of assisting the other purchaser or purchasers in financing the acquisition (as referred to in section 73 (5)).

**[14] Section 77 Eligible mortgages**

Insert “and the purchaser or purchasers under the agreement or transfer are eligible under the scheme” after “scheme” in section 77 (1).

**[15] Section 77 (3) and (4)**

Omit “the amount of the total consideration permitted” wherever occurring.

Insert instead “the amount of the dutiable value permitted”.



**[16] Section 80 Duty payable if application approved**

Omit “and the consideration payable under the agreement or transfer is not more than the following amounts” from section 80 (1).

Insert instead “and the dutiable value of the dutiable property that is the subject of the agreement or transfer is not more than the following amounts”.

**[17] Section 80 (2)**

Omit “the total consideration payable under the agreement or transfer” wherever occurring.

Insert instead “the dutiable value of the dutiable property that is the subject of the agreement or transfer”.

**[18] Section 80A Definition**

Omit the definitions. Insert instead:

***residential property*** means:

- (a) land on which there is a building that is lawfully occupied as a place of residence or suitable for occupation as a place of residence, or
- (b) a company title dwelling.

**[19] Section 221 Eligible mortgages under First Home Plus**

Omit “Consideration payable under” wherever occurring in section 221 (1).

Insert instead “Dutiable value of dutiable property subject to”.

**[20] Section 267 Exemptions**

Insert after section 267 (7A):

(7B) **Conditional registration** Duty under this Chapter is not chargeable in respect of an application to register a motor vehicle if the motor vehicle is to be registered conditionally under the regulations under the [Road Transport \(Vehicle Registration\) Act 1997](#).

**[21] Section 301 Registration of transactions and instruments**

Insert “a dutiable transaction,” after “dutiable property”.

**[22] Section 301 (c)**

Insert at the end of section 301 (b):

, or

(c) it bears an endorsement, or is otherwise effected, in accordance with an approval under section 37 of the *Taxation Administration Act 1996*.

**[23] Schedule 1 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*State Revenue Legislation Amendment Act 2001*

**[24] Schedule 1**

Insert at the end of Schedule 1, with appropriate Part and clause numbering:

## **Part Provisions consequent on enactment of *State Revenue Legislation Amendment Act 2001***

### **Transfers between trustees and custodians of superannuation funds or trusts**

The amendments made to section 62 by the *State Revenue Legislation Amendment Act 2001* apply to transactions that occur on or after the date of commencement of those amendments.

### **Changes to “First Home Plus” scheme**

The amendments made to Part 8 by the *State Revenue Legislation Amendment Act 2001* apply to transactions that occur and instruments that are executed on or after the date of commencement of those amendments.

## **Schedule 2 Amendment of *Health Insurance Levies Act 1982***

(Section 4)

### **Schedule 2 Adjustment of prescribed rate**

Insert “(Original)” after “Average Weekly Earnings” in clause 2 (1) (b) (i).

## **Schedule 3 Amendment of *Pay-roll Tax Act 1971***

(Section 5)

### **[1] Section 3C Employment agents**

Omit “during any period” from section 3C (7).

Insert instead “at any time during the financial year”.

**[2] Section 7 Imposition of pay-roll tax on taxable wages**

Omit “July 1996” from section 7 (1) (b).

Insert instead “June 1996 and before the month of July 2000”.

**[3] Section 7 (1) (c) and (d)**

Insert at the end of section 7 (1) (b):

, and

(c) ascertained in accordance with Schedule 3 in respect of such of those wages as are paid or payable after the month of June 2000 and before the month of July 2001, and

(d) ascertained in accordance with Schedule 4 in respect of such of those wages as are paid or payable after the month of June 2001.

**[4] Section 11B Annual adjustments**

Omit “or any subsequent financial year” from paragraph (b) of the definition of **annual amount of pay-roll tax** in section 11B (1).

Insert instead “, 1 July 1997, 1 July 1998 or 1 July 1999”.

**[5] Section 11B, definition of “annual amount of pay-roll tax”**

Insert at the end of paragraph (b):

, and

(c) the amount ascertained in accordance with section 17 and Schedule 3 in respect of the employer for the financial year commencing on 1 July 2000, and

(d) the amount ascertained in accordance with section 17 and Schedule 4 in respect of the employer for the financial year commencing on 1 July 2001 or any subsequent financial year.

**[6] Section 11C Adjustment of pay-roll tax when employer ceases to be an employer etc during a financial year**

Omit “or any subsequent financial year” from paragraph (b) of the definition of **total amount of pay-roll tax** in section 11C (1).

Insert instead “, 1 July 1997, 1 July 1998 or 1 July 1999”.

**[7] Section 11C, definition of “total amount of pay-roll tax”**

Insert at the end of paragraph (b):

, and

- (c) the amount ascertained in accordance with section 17 and Schedule 3 in respect of the employer for a prescribed period that falls within the financial year commencing on 1 July 2000, and
- (d) the amount ascertained in accordance with section 17 and Schedule 4 in respect of the employer for a prescribed period that falls within the financial year commencing on 1 July 2001 or any subsequent financial year.

**[8] Section 16K Annual adjustments**

Omit “or any subsequent financial year” from section 16K (2) (b).

Insert instead “, 1 July 1997, 1 July 1998 or 1 July 1999”.

**[9] Section 16K (2) (c) and (d)**

Insert at the end of section 16K (2) (b):

, or

- (c) the amount ascertained in accordance with section 17 and Schedule 3 in respect of that member for the financial year commencing on 1 July 2000, or
- (d) the amount ascertained in accordance with section 17 and Schedule 4 in respect of that member for the financial year commencing on 1 July 2001 or any subsequent financial year.

**[10] Section 16L Adjustment of pay-roll tax when members of a group cease to pay taxable wages or interstate wages during a financial year**

Omit “or any subsequent financial year” from section 16L (3) (b).

Insert instead “, 1 July 1997, 1 July 1998 or 1 July 1999”.

**[11] Section 16L (3) (c) and (d)**

Insert at the end of section 16L (3) (b):

, or

- (c) the amount ascertained in accordance with section 17 and Schedule 3 in respect of

that member for a prescribed period that falls within the financial year commencing on 1 July 2000, or

- (d) the amount ascertained in accordance with section 17 and Schedule 4 in respect of that member for a prescribed period that falls within the financial year commencing on 1 July 2001 or any subsequent financial year.

**[12] Schedule 2 Calculation of pay-roll tax liability from 1 July 1996**

Omit “**from 1 July 1996**” from the heading to Schedule 2.

Insert instead “**for the financial years commencing 1 July 1996, 1 July 1997, 1 July 1998 and 1 July 1999**”.

**[13] Schedule 2, clauses 2, 6, 10 and 13 (2)**

Omit “or on 1 July in any subsequent financial year” wherever occurring from the definition of **financial year** in those clauses.

Insert instead “, 1 July 1997, 1 July 1998 or 1 July 1999”.

**[14] Schedule 2, clause 13 (1), definition of “R”**

Omit paragraph (b). Insert instead:

- (b) for the financial year commencing on 1 July 1999—6.4.

**[15] Schedules 3 and 4**

Insert after Schedule 2:

**Schedule 3 Calculation of pay-roll tax liability for financial year commencing 1 July 2000**

(Sections 7, 11B, 11C, 16K and 16L)

**Part 1 Employers who are not members of a group**

**1 Application of Part**

This Part applies only to an employer who is not a member of a group.

**2 Definitions**

In this Part:

**financial year** means the financial year commencing on 1 July 2000.

**IW1** represents the total interstate wages paid or payable by the employer concerned during the first 2 quarters of the financial year.

**IW2** represents the total interstate wages paid or payable by the employer concerned during the last 2 quarters of the financial year.

**TW1** represents the total taxable wages paid or payable by the employer during the first 2 quarters of the financial year.

**TW2** represents the total taxable wages paid or payable by the employer during the last 2 quarters of the financial year.

### **3 Pay-roll of employer under \$600,000**

An employer is not liable to pay pay-roll tax for the financial year if the total taxable wages and interstate wages paid or payable by the employer during that year is less than \$600,000.

### **4 Pay-roll of employer \$600,000 or more**

(1) If the total taxable wages and interstate wages paid or payable by an employer during the financial year is \$600,000 or more, the employer is liable to pay as pay-roll tax for that year the amount of dollars calculated by adding together:

- (a) the pay-roll tax liability of the employer for the first 2 quarters of the financial year, and
- (b) the pay-roll tax liability of the employer for the last 2 quarters of the financial year.

(2) The pay-roll tax liability of the employer for the first 2 quarters of the financial year is the amount of dollars calculated in accordance with the following formula:

$$\left[ TW1 - \left[ \frac{TW1}{TW1 + IW1} \times 302,466 \right] \right] \times \frac{6.4}{100}$$

(3) The pay-roll tax liability of the employer for the last 2 quarters of the financial year is the amount of dollars calculated in accordance with the following formula:

$$\left[ TW2 - \left[ \frac{TW2}{TW2 + IW2} \times 297,534 \right] \right] \times \frac{6.2}{100}$$

## Part 2 Groups with a designated group employer

### 5 Application of Part

This Part applies only to an employer who is a member of a group for which there is a designated group employer.

### 6 Definitions

In this Part:

**designated group employer** means a member designated for a group in accordance with section 16I.

**financial year** means the financial year commencing on 1 July 2000.

**GIW1** represents the total interstate wages paid or payable by the group concerned during the first 2 quarters of the financial year.

**GIW2** represents the total interstate wages paid or payable by the group concerned during the last 2 quarters of the financial year.

**group** means a group for which there is a designated group employer.

**GTW1** represents the total taxable wages paid or payable by the group concerned during the first 2 quarters of the financial year.

**GTW2** represents the total taxable wages paid or payable by the group concerned during the last 2 quarters of the financial year.

**TW1** represents the total taxable wages paid or payable by the employer concerned during the first 2 quarters of the financial year.

**TW2** represents the total taxable wages paid or payable by the employer concerned during the last 2 quarters of the financial year.

### 7 Pay-roll of group under \$600,000

None of the members of a group is liable to pay pay-roll tax for the financial year if the total taxable wages and interstate wages paid or payable by the group during that year is less than \$600,000.

### 8 Pay-roll of group \$600,000 or more

(1) If the total taxable wages and interstate wages paid or payable by a group during the financial year is \$600,000 or more, pay-roll tax is payable as provided by this clause.

(2) The designated group employer for the group is liable to pay as pay-roll tax for

the financial year the amount of dollars calculated by adding together:

- (a) the pay-roll tax liability of the designated group employer for the first 2 quarters of the financial year, and
- (b) the pay-roll tax liability of the designated group employer for the last 2 quarters of the financial year.

- (3) The pay-roll tax liability of the designated group employer for the first 2 quarters of the financial year is the amount of dollars calculated in accordance with the following formula:

$$\left[ TW1 - \left[ \frac{GTW1}{GTW1 + GIW1} \times 302,466 \right] \right] \times \frac{6.4}{100}$$

- (4) The pay-roll tax liability of the designated group employer for the last 2 quarters of the financial year is the amount of dollars calculated in accordance with the following formula:

$$\left[ TW2 - \left[ \frac{GTW2}{GTW2 + GIW2} \times 297,534 \right] \right] \times \frac{6.2}{100}$$

- (5) Each member of the group (other than the designated group employer) is liable to pay as pay-roll tax for the financial year the amount of dollars calculated by adding together:

- (a) the pay-roll tax liability of the member for the first 2 quarters of the financial year, and
- (b) the pay-roll tax liability of the member for the last 2 quarters of the financial year.

- (6) The pay-roll tax liability of a member referred to in subclause (5) for the first 2 quarters of the financial year is the amount of dollars calculated in accordance with the following formula:

$$TW1 \times \frac{6.4}{100}$$

- (7) The pay-roll tax liability of a member referred to in subclause (5) for the last 2 quarters of the financial year is the amount of dollars calculated in accordance with the following formula:

$$TW2 \times \frac{6.2}{100}$$



## **Part 3 Groups with no designated group employer**

### **9 Application of Part**

This Part applies only to an employer who is a member of a group for which there is no designated group employer.

### **10 Definitions**

In this Part:

**designated group employer** means a member designated as the designated group employer for a group in accordance with section 16I.

**financial year** means the financial year commencing on 1 July 2000.

**GIW1** represents the total interstate wages paid or payable by the group concerned during the first 2 quarters of the financial year.

**GIW2** represents the total interstate wages paid or payable by the group concerned during the last 2 quarters of the financial year.

**group** means a group for which there is no designated group employer.

**GTW1** represents the total taxable wages paid or payable by the group concerned during the first 2 quarters of the financial year.

**GTW2** represents the total taxable wages paid or payable by the group concerned during the last 2 quarters of the financial year.

**TW1** represents the total taxable wages paid or payable by the employer concerned during the first 2 quarters of the financial year.

**TW2** represents the total taxable wages paid or payable by the employer concerned during the last 2 quarters of the financial year.

### **11 Pay-roll of group under \$600,000**

None of the members of a group is liable to pay pay-roll tax for the financial year if the total taxable wages and interstate wages paid or payable by the group during that year is less than \$600,000.

### **12 Pay-roll of group \$600,000 or more**

(1) If the total taxable wages and interstate wages paid or payable by a group during the financial year is \$600,000 or more, each member of the group is liable to pay as pay-roll tax for that year the amount of dollars calculated by adding together:

- (a) the pay-roll tax liability of the member for the first 2 quarters of the financial year, and
  - (b) the pay-roll tax liability of the member for the last 2 quarters of the financial year.
- (2) The pay-roll tax liability of a member for the first 2 quarters of the financial year is the amount of dollars calculated in accordance with the following formula:

$$\left[ \text{TW1} - \left[ \frac{\text{TW1}}{\text{GTW1} + \text{GIW1}} \times 302,466 \right] \right] \times \frac{6.4}{100}$$

- (3) The pay-roll tax liability of a member for the last 2 quarters of the financial year is the amount of dollars calculated in accordance with the following formula:

$$\left[ \text{TW2} - \left[ \frac{\text{TW2}}{\text{GTW2} + \text{GIW2}} \times 297,534 \right] \right] \times \frac{6.2}{100}$$

## Part 4 Definition

### 13 Definition

In this Schedule:

**quarter** means a period of 3 months ending with the last day of March, June, September or December.

## Schedule 4 Calculation of pay-roll tax liability for financial year commencing 1 July 2001 and subsequent financial years

(Sections 7, 11B, 11C, 16K and 16L)

## Part 1 Employers who are not members of a group

### 1 Application of Part

This Part applies only to an employer who is not a member of a group.

### 2 Definitions

In this Part:

**financial year** means the financial year commencing on 1 July 2001 or on 1 July in any subsequent financial year.

**IW** represents the total interstate wages paid or payable by the employer concerned

during the financial year to which the calculation of the relevant pay-roll tax relates.

**TW** represents the total taxable wages paid or payable by the employer concerned during the financial year to which the calculation of the relevant pay-roll tax relates.

### 3 Pay-roll of employer under \$600,000

An employer is not liable to pay pay-roll tax for a financial year if the total taxable wages and interstate wages paid or payable by the employer during that year is less than \$600,000.

### 4 Pay-roll of employer \$600,000 or more

If the total taxable wages and interstate wages paid or payable by an employer during a financial year is \$600,000 or more, the employer is liable to pay as pay-roll tax for that year the amount of dollars calculated in accordance with the following formula:

$$\left[ TW - \left[ \frac{TW}{TW + IW} \times 600,000 \right] \right] \times \frac{R}{100}$$

## Part 2 Groups with a designated group employer

### 5 Application of Part

This Part applies only to an employer who is a member of a group for which there is a designated group employer.

### 6 Definitions

In this Part:

**designated group employer** means a member designated for a group in accordance with section 16I.

**financial year** means the financial year commencing on 1 July 2001 or on 1 July in any subsequent financial year.

**group** means a group for which there is a designated group employer.

**GIW** represents the total interstate wages paid or payable by the group concerned during the financial year to which the calculation of the relevant pay-roll tax relates.

**GTW** represents the total taxable wages paid or payable by the group concerned during the financial year to which the calculation of the relevant pay-roll tax relates.

**TW** represents the total taxable wages paid or payable by the employer concerned during the financial year to which the calculation of the relevant pay-roll tax relates.

## 7 Pay-roll of group under \$600,000

None of the members of a group is liable to pay pay-roll tax for the financial year if the total taxable wages and interstate wages paid or payable by the group during that year is less than \$600,000.

## 8 Pay-roll of group \$600,000 or more

- (1) If the total taxable wages and interstate wages paid or payable by a group during the financial year is \$600,000 or more, pay-roll tax is payable as provided by subclauses (2) and (3).
- (2) The designated group employer for the group is liable to pay as pay-roll tax for the financial year the amount of dollars calculated in accordance with the following formula:

$$\left[ TW - \left[ \frac{GTW}{GTW + GIW} \times 600,000 \right] \right] \times \frac{R}{100}$$

- (3) Each member of the group (other than that designated group employer) is liable to pay as pay-roll tax for the financial year the amount of dollars calculated in accordance with the following formula:

$$TW \times \frac{R}{100}$$

## Part 3 Groups with no designated group employer

### 9 Application of Part

This Part applies only to an employer who is a member of a group for which there is no designated group employer.

### 10 Definitions

In this Part:

**designated group employer** means a member designated as the designated group employer for a group in accordance with section 16I.

**financial year** means the financial year commencing on 1 July 2001 or on 1 July in any subsequent financial year.

**GIW** represents the total interstate wages paid or payable by the group concerned during the financial year to which the calculation of the relevant pay-roll tax relates.

**group** means a group for which there is no designated group employer.

**GTW** represents the total taxable wages paid or payable by the group concerned during the financial year to which the calculation of the relevant pay-roll tax relates.

**TW** represents the total taxable wages paid or payable by the employer concerned during the financial year to which the calculation of the relevant pay-roll tax relates.

### **11 Pay-roll of group under \$600,000**

None of the members of a group is liable to pay pay-roll tax for the financial year if the total taxable wages and interstate wages paid or payable by the group during that year is less than \$600,000.

### **12 Pay-roll of group \$600,000 or more**

If the total taxable wages and interstate wages paid or payable by a group during the financial year is \$600,000 or more, each member of the group is liable to pay as pay-roll tax for that year the amount of dollars calculated in accordance with the following formula:

$$\left[ TW - \left[ \frac{TW}{GTW + GIW} \times 600,000 \right] \right] \times \frac{R}{100}$$

## **Part 4 Rates**

### **13 Rates**

In this Schedule:

**R** means:

- (a) for the financial year commencing on 1 July 2001—6.2, or
- (b) for a financial year commencing on 1 July 2002 or 1 July in any subsequent year—6.0.

### **[16] Schedule 6 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*State Revenue Legislation Amendment Act 2001*

### **[17] Schedule 6, Part 6**

Insert after Part 5 of Schedule 6:

## **Part 6 Provisions consequent on enactment of State**

## Revenue Legislation Amendment Act 2001

### 9 Imposition of pay-roll tax on taxable wages

The amendment made to section 7 (1) (b) by Schedule 3 [2] to the *State Revenue Legislation Amendment Act 2001*, insofar as it replaces the reference to July 1996 with a reference to June 1996, is taken to have taken effect on 1 July 1996.

### Schedule 4 Amendment of *Taxation Administration Act 1996*

(Section 6)

#### [1] Section 22 Interest rate

Omit “Treasury Note yield rate” from section 22 (2) (a).

Insert instead “Bank Accepted Bill rate”.

#### [2] Section 22 (4)

Omit the subsection. Insert instead:

- (4) In this section, the **Bank Accepted Bill rate** in respect of any day is the yield rate for 90-day Bank Accepted Bills published by the Reserve Bank for the month of May in the financial year preceding the financial year in which the day occurs.

#### [3] Section 82 Permitted disclosures—to particular persons

Omit section 82 (b). Insert instead:

- (b) in connection with the administration or execution of the following laws (including for the purpose of any legal proceedings arising out of any of those laws or a report of any such proceedings):
- (i) a taxation law,
  - (ii) the *First Home Owner Grant Act 2000*,
  - (iii) the *Unclaimed Money Act 1995*, or

#### [4] Section 82 (e) (va)

Insert after section 82 (e) (v):

- (va) the Valuer-General, or

#### [5] Section 97 Review by Supreme Court (as substituted by the *Administrative Decisions*

### **Tribunal Legislation Amendment (Revenue) Act 2000**

Insert after section 97 (3):

- (4) A review by the Supreme Court is taken to be an appeal for the purposes of the *Supreme Court Act 1970* and the regulations and rules made under that Act, except as otherwise provided by that Act or those regulations or rules.

### **[6] Schedule 1 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*State Revenue Legislation Amendment Act 2001*

## **Schedule 5 Amendment of Unclaimed Money Act 1995**

(Section 7)

### **[1] Sections 12 and 13D**

Omit “published in the Gazette” wherever occurring.

Insert instead “published”.

### **[2] Sections 12 (a) and 13D (a)**

Omit “\$50” wherever occurring. Insert instead “\$20”.

### **[3] Sections 12 (2) and 13D (2)**

Insert at the end of sections 12 and 13D:

- (2) The Chief Commissioner may determine the method by which such information is to be published. For example, the information may be published in the Gazette or on the Internet (or both).

### **[4] Section 31**

Insert after section 30:

#### **31 Disclosure of certain information prohibited**

- (1) A person engaged in the administration of this Act must not disclose any information obtained in connection with an application for payment of unclaimed money or an unclaimed superannuation benefit under this Act, including any information obtained for the purpose of determining the application.

Maximum penalty: 100 penalty units.

- (2) This section does not prohibit a disclosure that is made:
- (a) with the consent of the person to whom the information relates or at the request of a person acting on behalf of the person to whom the information relates, or
  - (b) in connection with the administration or execution of this Act or a taxation law (within the meaning of the *Taxation Administration Act 1996*), including for the purpose of any legal proceedings arising out of this Act or a taxation law or a report of any such proceedings, or
  - (c) to the Commissioner of Taxation holding office under a law of the Commonwealth, or a person authorised by the Commissioner of Taxation.

**[5] Schedule 2 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*State Revenue Legislation Amendment Act 2001*

**[6] Schedule 2, Part 5**

Insert at the end of Schedule 2:

## **Part 5 Provisions consequent on enactment of [State Revenue Legislation Amendment Act 2001](#)**

### **11 Publication of unclaimed money and benefit information**

- (1) The requirement that the Chief Commissioner cause amounts of unclaimed money or superannuation benefits paid to the Chief Commissioner that exceed \$20 to be published as provided for by section 12 or 13D, as amended by the *State Revenue Legislation Amendment Act 2001*, applies only in respect of amounts paid to the Chief Commissioner on or after 1 July 2001.
- (2) In respect of amounts paid to the Chief Commissioner before that date, the requirement applies to amounts exceeding \$50.
- (3) Sections 12 (2) and 13D (2), as inserted by the *State Revenue Legislation Amendment Act 2001*, apply to amounts paid to the Chief Commissioner before or after 1 July 2001.



## **Schedule 6 Consequential amendment of Regulations**

(Section 8)

### **6.1 Crown Lands Regulation 2000**

#### **Clause 43 Interest on arrears**

Omit “Treasury note yield rate” wherever occurring.

Insert instead “Bank Accepted Bill rate”.

### **6.2 Crown Lands (Continued Tenures) Regulation 2000**

#### **Clause 7 Interest on arrears**

Omit “Treasury Note yield rate” wherever occurring.

Insert instead “Bank Accepted Bill rate”.