

TASMANIA

**TAXATION CONCESSIONS AND REBATES BILL
2011**

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TAXATION CONCESSIONS AND REBATES BILL 2011

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*
23 June 2011

(Brought in by the Treasurer, the Honourable Larissa Tahireh Giddings)

A BILL FOR

An Act to amend the *Duties Act 2001*, the *Employment Incentive Scheme (Payroll Tax Rebate) Act 2009*, the *Land Tax Act 2000* and the *Land Tax Rating Act 2000*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Taxation Concessions and Rebates Act 2011*.

2. Commencement

- (1) Except as provided in this section, this Act commences on the day on which this Act receives the Royal Assent.

Taxation Concessions and Rebates Act 2011
Act No. of

s. 2

Part 1 – Preliminary

- (2) Parts 2 and 4 are taken to have commenced on 16 June 2011.
- (3) Parts 5 and 6 are taken to have commenced on 1 July 2011.
- (4) Part 3 commences on 16 December 2011.

Taxation Concessions and Rebates Act 2011
Act No. of

Part 2 – Duties Act 2001 Amended

s. 3

PART 2 – DUTIES ACT 2001 AMENDED

3. Principal Act

In this Part, the *Duties Act 2001** is referred to as the Principal Act.

4. Section 30 amended (First home owners – concessional rate)

Section 30 of the Principal Act is amended as follows:

(a) by omitting subsection (2) and substituting the following subsection:

(2) Subsection (1) applies to a dutiable transaction if the agreement for sale or transfer relating to that transaction was entered into on or after 20 May 2004 and on or before 16 June 2011.

Note: While the *agreement* for sale or transfer must have been entered into on or after 20 May 2004 and on or before 16 June 2011, it is not necessary that the transfer of dutiable property take place on or before 16 June 2011.

(b) by inserting the following subsections after subsection (6):

*No. 15 of 2001

Taxation Concessions and Rebates Act 2011
Act No. of

s. 5

Part 2 – Duties Act 2001 Amended

(6A) The Commissioner, unless satisfied to the contrary, is to presume the existence of a scheme referred to in subsection (5) if the parties to an agreement for sale or transfer entered into after 16 June 2011 enter into another agreement for sale or transfer with respect to the same or substantially the same property on or before 16 June 2011.

(6B) In subsections (6) and (6A), “**parties**”, in relation to an agreement, includes a person or persons nominated by the parties.

5. Section 30A amended (First home owners – concession – vacant land)

Section 30A of the Principal Act is amended as follows:

- (a) by inserting in subsection (1)(c) “the transfer or” after “on”;
- (b) by inserting in subsection (2) “a transfer or” after “applies to”;
- (c) by inserting in subsection (2)(a) “and on or before 16 June 2011” after “2004”.

Taxation Concessions and Rebates Act 2011
Act No. of

Part 3 – Duties Act 2001 Further Amended

s. 6

PART 3 – DUTIES ACT 2001 FURTHER AMENDED

6. Principal Act

In this Part, the *Duties Act 2001** is referred to as the Principal Act.

7. Section 30 repealed

Section 30 of the Principal Act is repealed.

8. Section 30A repealed

Section 30A of the Principal Act is repealed.

*No. 15 of 2001

Taxation Concessions and Rebates Act 2011
Act No. of

s. 9 Part 4 – Employment Incentive Scheme (Payroll Tax Rebate) Act 2009
Amended

**PART 4 – EMPLOYMENT INCENTIVE SCHEME
(PAYROLL TAX REBATE) ACT 2009 AMENDED**

9. Principal Act

In this Part, the *Employment Incentive Scheme (Payroll Tax Rebate) Act 2009** is referred to as the Principal Act.

10. Section 4 amended (Establishment of scheme)

Section 4 of the Principal Act is amended by inserting after subsection (2) the following subsections:

- (3) The Crown is to establish a scheme for the payment of rebates equivalent to the payroll tax paid on new employment created between 16 June 2011 and 30 June 2012.
- (4) Rebates under the scheme referred to in subsection (3) may be paid in respect of wages paid before 1 July 2013.

11. Section 7 amended (Repeal of Act)

Section 7 of the Principal Act is amended by omitting “1 January 2015” and substituting “1 January 2017”.

*No. 36 of 2009

Taxation Concessions and Rebates Act 2011
Act No. of

Part 4 – Employment Incentive Scheme (Payroll Tax Rebate) Act 2009
Amended

s. 12

12. Section 10 amended (Claim for rebate)

Section 10 of the Principal Act is amended by omitting subsection (7) and substituting the following subsections:

- (7) A claim under a scheme established under section 4(1) may not be made after 31 December 2011.
- (7A) A claim under a scheme established under section 4(3) may not be made after 31 December 2013.

Taxation Concessions and Rebates Act 2011
Act No. of

s. 13

Part 5 – Land Tax Act 2000 Amended

PART 5 – LAND TAX ACT 2000 AMENDED

13. Principal Act

In this Part, the *Land Tax Act 2000** is referred to as the Principal Act.

14. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting the definition of “shack land”.

15. Section 6A repealed

Section 6A of the Principal Act is repealed.

16. Section 8 amended (General land)

Section 8 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (b) “land; or” and substituting “land.”;
- (b) by omitting paragraph (c).

*No. 74 of 2000

Taxation Concessions and Rebates Act 2011
Act No. of

Part 5 – Land Tax Act 2000 Amended

s. 17

17. Section 16 amended (Notice of change in use of land)

Section 16 of the Principal Act is amended by omitting paragraph (ba).

18. Section 19 amended (Other exempt land)

Section 19 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “land owned” and substituting “principal residence land or primary production land owned”;
- (b) by omitting from paragraph (b) “land, 50%” and substituting “principal residence land or primary production land, 50%”.

19. Section 20 amended (Amount of land tax)

Section 20(2) of the Principal Act is amended by omitting paragraph (ba).

20. Section 24 amended (Aggregate land value)

Section 24(1A) of the Principal Act is amended as follows:

- (a) by omitting “4” and substituting “3”;

Taxation Concessions and Rebates Act 2011
Act No. of

s. 21

Part 5 – Land Tax Act 2000 Amended

(b) by omitting “, shack land”.

21. Section 36 amended (Onus of establishing facts)

Section 36(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (d) “business;” and substituting “business.”;
- (b) by omitting paragraph (e).

Taxation Concessions and Rebates Act 2011
Act No. of

Part 6 – Land Tax Rating Act 2000 Amended

s. 22

PART 6 – LAND TAX RATING ACT 2000 AMENDED

22. Principal Act

In this Part, the *Land Tax Rating Act 2000** is referred to as the Principal Act.

23. Section 5A repealed

Section 5A of the Principal Act is repealed.

*No. 73 of 2000

Taxation Concessions and Rebates Act 2011
Act No. of

s. 24

Part 7 – Repeal of Act

PART 7 – REPEAL OF ACT

24. Repeal of Act

This Act is repealed on the ninetieth day from the day on which Part 3 commences.