

Legislation Fact Sheet

Taxation and Related Legislation (Miscellaneous Amendments) Bill 2013

- The Taxation and Related Legislation (Miscellaneous Amendments) Bill 2013 amends the *Duties Act 2001*, the *Land Tax Act 2000*, the *First Home Owner Grant Act 2000*, and the *Taxation Administration Act 1997*.
- The Duties Act is to be amended to:
 - include as consideration for the transfer of land any payment agreed to be given for improvements to the land, to be carried out by the transferor or an associate of the transferor (for example house and land packages);
 - increase the minimum duty payable under the general rates of duty and for concessions from \$20.00 to \$50.00;
 - treat put and call options identically with standard agreements for sale and to treat the assignment of a call option (under a put and call agreement) in the same manner as sub-sales of dutiable property;
 - expand the exemption for gifts made to charitable, religious or educational organisations to include any dutiable transaction made for no consideration;
 - expand the intergenerational rural transfer exemption to include transfers to qualifying companies where the transferor and transferee shareholders are related persons; and
 - provide that a partial intergenerational rural transfer exemption can apply in circumstances where not all of the parties to a transaction are related.
- The First Home Owner Grant Act is to be amended to:
 - provide that the Commissioner can reduce the minimum period of occupancy, or extend the time in which occupancy must begin, at any time prior to a grant being recalled.
- The Land Tax Act is to be amended to:
 - tighten the requirements for adjoining land to be classified as principal residence land, by denying such a classification where the adjoining land has a dwelling that is used as a place of residence;
 - extend the principal residence land classification to land owned by a fixed trust so long as a beneficiary of the trust uses the property as their principal residence and the beneficiary is entitled to 50 per cent or more of the income and capital of the trust on winding up;
 - provide that land tax is not payable for land, owned by a local government authority, which is used for the purpose of a flood levee;
 - provide that a land classification of principal residence land or primary production land can be extended for a period of up to two years if the property is affected by fire, flood or other disaster in circumstances outside the owner's control; and

- provide that a taxpayer must pay all land tax debts which are in default when land is sold.
- The Taxation Administration Act is to be amended to:
 - provide that the Commissioner may reimpose any amount of penalty tax or interest that has previously been remitted.