

TASMANIA

REVENUE MEASURES BILL 2005

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REVENUE MEASURES BILL 2005

(Brought in by the Treasurer, the Honourable Paul Anthony Lennon)

A BILL FOR

An Act to amend the *Duties Act 2001* and the *Land Tax Rating Act 2000* and repeal the *Debits Duties Act 2001*

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 *Revenue Measures Act 2005*.

2. Commencement

- (1) Part 1 commences on the day on which this Act receives the Royal Assent.
- (2) Part 2 is taken to have commenced on 24 January 2005.
- (3) Part 3 is taken to have commenced on 19 May 2005.
- (4) Part 4 commences on 1 July 2006.

- (5) Part 5 and section 24(3) and (4) commence on 1 July 2007.
- (6) Part 6 and section 24(5) and (6) commence on 1 July 2008.
- (7) The remaining provisions of this Act commence on 1 July 2005.

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 53 amended (Exemptions relating to various transactions)

Section 53 of the Principal Act is amended by inserting after paragraph (d) the following paragraph:

- (e) a transfer to a council of real property that is –
 - (i) a public road; or
 - (ii) a park or garden used for recreational purposes for which free public access will be normally provided by the council;

*No. 15 of 2001

PART 3 – DUTIES ACT 2001 AMENDED**5. Principal Act**

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

6. Section 30 amended (First home owners - concessional rate)

Section 30(2) of the Principal Act is amended by omitting “and on or before 30 June 2005”.

7. Section 30A amended (First home owners - concession - vacant land)

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

(a) by omitting paragraph (d) from subsection (1) and substituting the following paragraph:

(d) the eligible transaction is completed in accordance with section 13(5)(b) or (c) of the *First Home Owner Grant Act 2000* within 2 years from the date of the agreement for sale or transfer referred to in subsection (1)(a) or within a longer period approved by the Commissioner –

*No. 15 of 2001

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

(2) Subsection (1) applies to an agreement for sale or transfer only if –

(a) the agreement is entered into on or after 20 May 2004; and

(b) the application to which subsection (1) relates is lodged within 3 months from the completion of the eligible transaction in accordance with section 13(5)(b) or (c) of the *First Home Owner Grant Act 2000* or within a longer period approved by the Commissioner.

(c) by inserting the following subsection after subsection (3):

(3A) Notwithstanding subsection (3), the Commissioner may refund an amount to a person under that subsection before the completion of the eligible transaction if –

(a) a payment to the person has been authorised under section 17(2) of the *First Home Owner Grant Act 2000*; and

- (b) the interests of the State can be adequately protected by conditions requiring repayment of the amount refunded to the person if the eligible transaction is not completed in accordance with the requirements of subsection (1)(d).

PART 4 – DUTIES ACT 2001 AMENDED**8. Principal Act**

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

9. Section 144 amended (How is mortgage duty charged?)

Section 144 of the Principal Act is amended as follows:

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

(2) The amount of duty is –

- (a) \$20 if no amount is secured by the mortgage or if the amount secured does not exceed \$10 000; or
- (b) if the amount secured by the mortgage exceeds \$10 000, \$20 for the first \$10 000 plus 0.175 per cent of the amount secured exceeding \$10 000.

- (b) by inserting the following subsection after subsection (3):

*No. 15 of 2001

- (4) Subsection (2) applies to a mortgage executed, or an advance or further advance made, on or after 1 July 2006.

10. Section 147 amended (Secured amount)

Section 147(2) of the Principal Act is amended by omitting “\$8 000” and substituting “\$10 000”.

PART 5 – DUTIES ACT 2001 AMENDED**11. Principal Act**

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

12. Chapter 6 repealed

Chapter 6 of the Principal Act is repealed.

13. Section 227A repealed

Section 227A of the Principal Act is repealed.

*No. 15 of 2001

PART 6 – DUTIES ACT 2001 AMENDED**14. Principal Act**

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

15. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of “business asset”;
- (b) by omitting the definition of “intellectual property”.

16. Section 9 amended (What is dutiable property?)

Section 9(1) of the Principal Act is amended as follows:

- (a) by omitting paragraphs (g), (h) and (i);
- (b) by omitting from paragraph (j) “(other than intellectual property)”.

17. Section 18 amended (What is the dutiable value of dutiable property?)

Section 18 of the Principal Act is amended by omitting subsections (3) and (4).

*No. 15 of 2001

18. Sections 24 and 25 repealed

Sections 24 and 25 of the Principal Act are repealed.

19. Section 26 amended (Partitions)

Section 26 of the Principal Act is amended by omitting subsection (4).

20. Section 53 amended (Exemptions relating to various transactions)

Section 53 of the Principal Act is amended by omitting paragraph (c).

PART 7 – LAND TAX RATING ACT 2000 AMENDED**21. Principal Act**

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

22. Schedule 1 substituted

Schedule 1 to the Principal Act is repealed and the following Schedule is substituted:

SCHEDULE 1 – RATE OF LAND TAX

Section 6

| Assessed or apportioned assessed land value of land | Amounts and rates of land tax |
|--|---|
| Less than \$25 000 | Nil |
| \$25 000 - \$349 999.99 | \$50 and 0.55 cents for each dollar of the assessed land value or apportioned assessed land value in excess of \$25 000 |
| \$350 000 - \$749 999.99 | \$1 837.50 and 2.0 cents for each dollar of the assessed land value or apportioned assessed land value in excess of \$350 000 |

*No. 73 of 2000

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| Assessed or apportioned assessed land value of land | Amounts and rates of land tax |
|--|---|
| \$750 000 or more | \$9 837.50 and 2.5 cents for each dollar of the assessed land value or apportioned assessed land value in excess of \$750 000 |

PART 8 – LEGISLATION REPEALED

23. Legislation repealed

The legislation specified in Schedule 1 is repealed.

PART 9 – MISCELLANEOUS**24. Recovery of liability**

- (1) Notwithstanding the repeal of the *Debits Duties Act 2001* by section 23 and Schedule 1 of this Act, the Commissioner of State Revenue may recover from an account holder, or financial institution, within the meaning of that Act, any debits duty that relates to a transaction made before 1 July 2005 and that was unpaid at that day.
- (2) For the purposes of subsection (1), the *Taxation Administration Act 1997* is to be read as if the *Debits Duties Act 2001* had not been repealed.
- (3) Notwithstanding the repeal of Chapter 6 of the *Duties Act 2001* by section 12 of this Act, the Commissioner of State Revenue may recover from a mortgagor any mortgage duty that relates to a mortgage executed, or an advance or further advance made, before 1 July 2007 and that was unpaid at that day.
- (4) For the purposes of subsection (3), the *Taxation Administration Act 1997* is to be read as if Chapter 6 of the *Duties Act 2001* had not been repealed.
- (5) Notwithstanding the amendments to the *Duties Act 2001* effected by Part 6 of this Act, the Commissioner of State Revenue may recover any duty that relates to a transaction entered into before 1 July 2008, involving the dutiable property referred to in section 9(1)(g), (h) or (i) of that Act, as in force immediately before that day, and that was unpaid at that day.

- (6) For the purposes of subsection (5), the *Taxation Administration Act 1997* is to be read as if the amendments effected by Part 6 had not been made.

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SCHEDULE 1 – LEGISLATION REPEALED

Section 23

Debits Duties Act 2001 (No. 16 of 2001)