

TASMANIA

**TAXATION AND RELATED LEGISLATION
(MISCELLANEOUS AMENDMENTS) BILL 2026**

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Repeal of Act

PART 2 – DUTIES ACT 2001 AMENDED

4. Principal Act
5. Section 3 amended (Interpretation)
6. Section 13 amended (Necessity for written instrument or written statement)
7. Section 47 amended (Deceased estates)
8. Section 56 amended (Exemptions – break-down of marriages)
9. Section 56A amended (Exemptions – break-down of de facto relationships)
10. Section 57 amended (Exemptions – personal relationships)
11. Section 57A amended (Partial exemptions)
12. Section 59 amended (Interpretation of Chapter 3)
13. Section 78 amended (Inclusion of land holdings and goods recently transferred)
14. Section 198 amended (What is the dutiable value of a motor vehicle?)

15. Section 225 amended (Intergenerational rural transfers)
16. Section 226A amended (Interpretation of Part 1A)
17. Section 226B amended (Meaning of *corporate group*)
18. Section 226C amended (Meaning of *corporate reconstruction transaction*)
19. Section 226D amended (Meaning of *corporate consolidation transaction*)
20. Section 226E amended (Exemptions for corporate reconstruction transaction and corporate consolidation transaction)
21. Section 226H amended (Revocation of exemption)
22. Section 259F amended (Savings and transitional provisions consequent on enactment of *Duties Amendment (Landholder and Corporate Reconstruction and Consolidation) Act 2016*)

PART 3 – DUTIES ACT 2001 FURTHER AMENDED

23. Principal Act
24. Section 30HC amended (Reassessment of duty for certain developers of property)
25. Section 259H inserted
 - 259H. Savings provision consequent on *Taxation and Related Legislation (Miscellaneous Amendments) Act 2026*

PART 4 – FIRST HOME OWNER GRANT ACT 2000 AMENDED

26. Principal Act
27. Section 3 amended (Interpretation)
28. Section 18D amended (Conditions on increase of grant)

PART 5 – LAND TAX ACT 2000 AMENDED

29. Principal Act
30. Section 13 amended (Payment by instalments)
31. Section 16I amended (Reassessment of land tax for certain developers of property)
32. Section 37 amended (Land tax rebate)
33. Section 45A inserted

- 45A. Savings provision consequent on *Taxation and Related Legislation (Miscellaneous Amendments) Act 2026*

PART 6 – TAXATION ADMINISTRATION ACT 1997 AMENDED

34. Principal Act
35. Section 19 amended (Reassessment)
36. Section 23 amended (Withdrawal of assessment)
37. Section 28 amended (Application for refund)

**TAXATION AND RELATED LEGISLATION
(MISCELLANEOUS AMENDMENTS) BILL 2026**

(Brought in by the Treasurer, the Honourable Eric Abetz)

A BILL FOR

An Act to amend the *Duties Act 2001*, the *First Home Owner Grant Act 2000*, the *Land Tax Act 2000* and the *Taxation Administration Act 1997*

Be it enacted by Her 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 and Related Legislation (Miscellaneous Amendments) Act 2026*.

2. Commencement

- (1) Except as provided by this section, the provisions of this Act commence on the day on which this Act receives the Royal Assent.
- (2) Parts 3 and 5 are taken to have commenced on 1 July 2026.

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

s. 3

Part 1 – Preliminary

3. Repeal of Act

This Act is repealed on the first anniversary of the day on which it received the Royal Assent.

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

Part 2 – Duties Act 2001 Amended

s. 4

PART 2 – DUTIES ACT 2001 AMENDED

4. Principal Act

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

5. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by inserting the following definition after the definition of *associated person*:

Australian citizen has the same meaning as in the *Australian Citizenship Act 2007* of the Commonwealth;

- (b) by omitting the definition of *Australian Stock Exchange* and substituting the following definition:

Australian Securities Exchange means the Australian Securities Exchange Limited;

- (c) by inserting “or 42A” after “section 42” in paragraph (a) of the definition of *complying superannuation fund*;

*No. 15 of 2001

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

s. 5

Part 2 – Duties Act 2001 Amended

- (d) by inserting “within the meaning of that Act” after “scheme” in paragraph (b) of the definition of *complying superannuation fund*;
- (e) by omitting “Australian Stock Exchange” from paragraph (a) of the definition of *farming company* and substituting “Australian Securities Exchange”;
- (f) by omitting the definition of *foreign natural person* and substituting the following definition:

foreign natural person means a natural person who is not an Australian citizen or a permanent resident;

- (g) by inserting the following definition after the definition of *passenger vehicle*:

permanent resident means –

- (a) the holder of a permanent visa within the meaning of the *Migration Act 1958* of the Commonwealth; or
- (b) a New Zealand citizen who is the holder of a special category visa within the meaning of the *Migration Act 1958* of the Commonwealth;

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

Part 2 – Duties Act 2001 Amended

s. 5

- (h) by omitting “Australian Stock Exchange” from paragraph (b) of the definition of *private company* and substituting “Australian Securities Exchange”;
- (i) by omitting “Australian Stock Exchange” from paragraph (a) of the definition of *public unit trust scheme* and substituting “Australian Securities Exchange”;
- (j) by omitting the definition of *recognised stock exchange* and substituting the following definition:

recognised stock exchange means –

- (a) the London Stock Exchange; or
- (b) the New York Stock Exchange; or
- (c) NZX Limited, also known as the New Zealand Stock Exchange; or
- (d) a stock exchange that is, or in respect of which its operator is, a member of the World Federation of Exchanges; or
- (e) a stock exchange declared to be a recognised stock exchange under section 254;

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

s. 6

Part 2 – Duties Act 2001 Amended

6. Section 13 amended (Necessity for written instrument or written statement)

Section 13(3) of the Principal Act is amended by omitting “lodgment” and substituting “lodgement”.

7. Section 47 amended (Deceased estates)

Section 47(1A) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (b) “a trust contained in the will of the deceased person” and substituting “the trusts contained in the will of the deceased person or arising on an intestacy”;
- (b) by omitting “the trust” and substituting “the trusts”.

8. Section 56 amended (Exemptions – break-down of marriages)

Section 56 of the Principal Act is amended as follows:

- (a) by inserting the following subparagraph after subparagraph (i) in subsection (1)(b):
 - (iaa) an award made in family law arbitration within the meaning of that Act, whether or not the

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

Part 2 – Duties Act 2001 Amended

s. 9

award is registered under section
13H of that Act; or

(b) by omitting subparagraph (iii) from subsection (1)(b) and substituting the following subparagraph:

(iii) the purchase of the property at a public auction held in accordance with such a document, award, agreement or order.

(c) by omitting subsection (3) and substituting the following subsection:

(3) If *ad valorem* duty has been paid on a transfer or agreement to which subsection (1) applies, the Commissioner must reassess the transfer or agreement and refund the duty paid.

9. Section 56A amended (Exemptions – break-down of de facto relationships)

Section 56A of the Principal Act is amended as follows:

(a) by inserting the following subparagraph after subparagraph (i) in subsection (1)(b):

(ia) an award made in family law arbitration within the meaning of that Act, whether or not the

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

s. 10

Part 2 – Duties Act 2001 Amended

award is registered under section
13H of that Act; or

(b) by omitting subparagraph (iv) from subsection (1)(b) and substituting the following subparagraph:

(iv) the purchase of the property at a public auction held in accordance with such a document, award, agreement or order.

(c) by omitting subsection (3) and substituting the following subsection:

(3) If *ad valorem* duty has been paid on a transfer or agreement to which subsection (1) applies, the Commissioner must reassess the transfer or agreement and refund the duty paid.

10. Section 57 amended (Exemptions – personal relationships)

Section 57 of the Principal Act is amended as follows:

(a) by inserting in subsection (1)(b)(iii) “a” after “at”;

(b) by inserting in subsection (2A)(b)(iv) “a” after “at”.

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

Part 2 – Duties Act 2001 Amended

s. 11

11. Section 57A amended (Partial exemptions)

Section 57A of the Principal Act is amended as follows:

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

(a) to be used as a public road; or

(b) by inserting in subsection (2) “to be” after “improvements,”;

(c) by inserting the following subsections after subsection (2):

(3) If, within 24 months after the transfer, or a longer period approved by the Commissioner if the Commissioner is satisfied exceptional circumstances exist, real property that was to be used for a purpose referred to in subsection (1)(a) is not being used for that purpose, the Commissioner must reassess the duty chargeable on the transfer as if, at the time of the transfer, an exemption provided by this section did not apply.

(4) In this section –

public road includes adjacent or adjoining land used for

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

s. 12

Part 2 – Duties Act 2001 Amended

an ancillary purpose,
including associated
structures or works.

12. Section 59 amended (Interpretation of Chapter 3)

Section 59(1) of the Principal Act is amended by omitting “Australian Stock Exchange” from the definition of *listed company* and substituting “Australian Securities Exchange”.

13. Section 78 amended (Inclusion of land holdings and goods recently transferred)

Section 78 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “unit trust” second occurring;
- (b) by omitting subsection (4) and substituting the following subsection:
 - (4) The duty chargeable under this Chapter on the acquisition is to be reduced by the proportion of the amount of *ad valorem* duty (if any) paid under Chapter 2 in respect of the transfer of the land holding or goods that is the same as the proportion of the value of the interest acquired in the scheme or company.

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

Part 2 – Duties Act 2001 Amended

s. 14

14. Section 198 amended (What is the dutiable value of a motor vehicle?)

Section 198(1)(b) of the Principal Act is amended by omitting “lodgment” and substituting “lodgement”.

15. Section 225 amended (Intergenerational rural transfers)

Section 225 of the Principal Act is amended as follows:

- (a) by omitting subparagraphs (i) and (ii) from subsection (1)(c) and substituting the following subparagraphs:
 - (i) a natural person to a relative of the person at the time of the transfer; or
 - (ia) a natural person to a trustee of a trust if –
 - (A) each beneficiary of the trust is individually named in the relevant trust deed and is a relative of the person at the time of the transfer; and
 - (B) the trust deed may not be amended to add a beneficiary who is not a relative of the person; or

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

s. 15

Part 2 – Duties Act 2001 Amended

- (ii) a company to a trustee of a trust if –
 - (A) each beneficiary of the trust is individually named in the relevant trust deed and is a relative of each shareholder of the company at the time of the transfer; and
 - (B) the trust deed may not be amended to add a beneficiary who is not a relative of each shareholder; or
- (b) by inserting in subsection (1)(c)(iii) “at the time of the transfer” after “the person”;
- (c) by inserting in subsection (1)(c)(iiia) “at the time of the transfer” after “first-mentioned company”;
- (d) by inserting in subsection (1)(c)(iv) “, at the time of the transfer,” after “is”;
- (e) by omitting subparagraph (v) from subsection (1)(c) and substituting the following subparagraph:
 - (v) a trustee of a trust to a trustee of another trust if –

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

Part 2 – Duties Act 2001 Amended

s. 15

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- (A) each beneficiary of the other trust is individually named in the relevant trust deed and is, at the time of the transfer, a relative of each named beneficiary of the first-mentioned trust who is a natural person; and
- (B) the trust deed for the other trust may not be amended to add a beneficiary who is not a relative of each named beneficiary of the first-mentioned trust who is a natural person; or
- (f) by inserting the following subsections after subsection (1):
- (1A) The Commissioner may be satisfied of the matter specified in subsection (1)(c)(ia), (ii), (iv), (v) or (vi) if the relevant trust deed meets the requirements of that subparagraph –
- (a) at the time of the transfer; or
- (b) within the 6-month period after the transfer, or a longer period approved by the Commissioner.

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

s. 16

Part 2 – Duties Act 2001 Amended

- (1B) The transferee may apply to the Commissioner, in writing, for a reassessment of the duty payable under this Act on the transfer.
- (1C) If the Commissioner receives a reassessment application and is satisfied that duty is not chargeable under this Act on the transfer, the Commissioner must –
 - (a) reassess the duty payable under this Act as if, at the time of the transfer or before the end of a period that applies under subsection (1A)(b), the Commissioner was satisfied of the matters set out in subsection (1); and
 - (b) refund the amount of duty paid in respect of the transfer that is in excess of the reassessed amount.

16. Section 226A amended (Interpretation of Part 1A)

Section 226A(1) of the Principal Act is amended by omitting the definition of *security* and substituting the following definition:

security, of a corporation, means –

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

Part 2 – Duties Act 2001 Amended

s. 17

- (a) for a corporation other than a company limited by guarantee or a unit trust scheme, an issued share in the corporation; or
- (b) for a company limited by guarantee, the amount guaranteed by each member of the company; or
- (c) for a unit trust scheme, an issued unit in the scheme.

17. Section 226B amended (Meaning of *corporate group*)

Section 226B of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (2A) Subsection (2)(a) does not apply to a company limited by guarantee.

18. Section 226C amended (Meaning of *corporate reconstruction transaction*)

Section 226C of the Principal Act is amended by omitting subsections (2), (3) and (4).

19. Section 226D amended (Meaning of *corporate consolidation transaction*)

Section 226D of the Principal Act is amended as follows:

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

s. 20

Part 2 – Duties Act 2001 Amended

(a) by inserting in subsection (2)(c) “, other than an interest in the affected corporation, or a subsidiary of the affected corporation, acquired only for the purposes of the transaction” after “corporation”;

(b) by omitting subsections (4), (5) and (6).

20. Section 226E amended (Exemptions for corporate reconstruction transaction and corporate consolidation transaction)

Section 226E(1)(b) of the Principal Act is amended as follows:

(a) by omitting “either or both” and substituting “one or more”;

(b) by inserting the following subparagraph before subparagraph (i):

(iaa) establishing a corporate group;

21. Section 226H amended (Revocation of exemption)

Section 226H of the Principal Act is amended as follows:

(a) by omitting paragraph (a) from subsection (1);

(b) by omitting subsection (2);

(c) by omitting subsection (5).

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

Part 2 – Duties Act 2001 Amended

s. 22

22. Section 259F amended (Savings and transitional provisions consequent on enactment of *Duties Amendment (Landholder and Corporate Reconstruction and Consolidation) Act 2016*)

Section 259F(8) of the Principal Act is amended by omitting “Australian Stock Exchange” and substituting “Australian Securities Exchange”.

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

s. 23

Part 3 – Duties Act 2001 Further Amended

PART 3 – DUTIES ACT 2001 FURTHER AMENDED

23. Principal Act

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

24. Section 30HC amended (Reassessment of duty for certain developers of property)

Section 30HC(2)(b)(i) of the Principal Act is amended by omitting “50 relevant dwellings” and substituting “10 relevant dwellings”.

25. Section 259H inserted

After section 259G of the Principal Act, the following section is inserted in Part 3:

259H. Savings provision consequent on *Taxation and Related Legislation (Miscellaneous Amendments) Act 2026*

- (1) A person is not entitled to a reassessment, in accordance with section 30HC, of the duty payable by the person under Part 3A in relation to a previous financial year as a result of the amendment made to that section by the amending Act.

*No. 15 of 2001

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

Part 3 – Duties Act 2001 Further Amended

s. 25

- (2) The Commissioner is not to reassess the duty payable, or refund an amount of duty paid, by the person in relation to a previous financial year as a result of the amendment made to that section by the amending Act.
- (3) Section 30HC, as in force immediately before the commencement of section 24 of the amending Act, continues to apply in relation to a previous financial year.
- (4) In this section –

amending Act means the *Taxation and Related Legislation (Miscellaneous Amendments) Act 2026*;

previous financial year means a financial year preceding the financial year commencing on 1 July 2026.

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

s. 26

Part 4 – First Home Owner Grant Act 2000 Amended

**PART 4 – FIRST HOME OWNER GRANT ACT 2000
AMENDED**

26. Principal Act

In this Part, the *First Home Owner Grant Act 2000** is referred to as the Principal Act.

27. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting “*Australian Citizenship Act 1948*” from the definition of *Australian citizen* and substituting “*Australian Citizenship Act 2007*”.

28. Section 18D amended (Conditions on increase of grant)

Section 18D of the Principal Act is amended by omitting subsection (1).

*No. 19 of 2000

PART 5 – LAND TAX ACT 2000 AMENDED

29. Principal Act

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

30. Section 13 amended (Payment by instalments)

Section 13 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “3 instalments” and substituting “a number of instalments determined by the Commissioner”;
- (b) by omitting from subsection (2) “the first or second instalment” and substituting “an instalment by the due date for that instalment”;
- (c) by inserting in subsection (2) “of land tax for the financial year” after “amount”.

31. Section 16I amended (Reassessment of land tax for certain developers of property)

Section 16I(2)(b)(i) of the Principal Act is amended by omitting “50 relevant dwellings” and substituting “10 relevant dwellings”.

*No. 74 of 2000

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

s. 32

Part 5 – Land Tax Act 2000 Amended

32. Section 37 amended (Land tax rebate)

Section 37(1) of the Principal Act is amended as follows:

- (a) by omitting “The owner” and substituting “An owner”;
- (b) by omitting from paragraph (a) “the owner” second occurring and substituting “an owner”;
- (c) by omitting from paragraph (b)(i) “the owner or a related person of the owner” and substituting “an owner of at least a 50% interest in the land or a related person of such an owner”;
- (d) by omitting from paragraph (b)(ii) “50 per cent or more” and substituting “50% or more”;
- (e) by omitting from paragraph (c) “owner during the financial year did not own” and substituting “occupier referred to in paragraph (b) did not, during that financial year, own”.

33. Section 45A inserted

After section 45 of the Principal Act, the following section is inserted in Part 3:

*Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026*

Part 5 – Land Tax Act 2000 Amended

s. 33

45A. Savings provision consequent on *Taxation and Related Legislation (Miscellaneous Amendments) Act 2026*

- (1) A person is not entitled to a reassessment, in accordance with section 16I, of the foreign investor land tax payable by the person under this Act in relation to a previous financial year as a result of the amendment made to that section by the amending Act.
- (2) The Commissioner is not to reassess the foreign investor land tax payable, or refund an amount of foreign investor land tax paid, by the person in relation to a previous financial year as a result of the amendment made to that section by the amending Act.
- (3) Section 16I, as in force immediately before the commencement of section 31 of the amending Act, continues to apply in relation to a previous financial year.
- (4) In this section –

amending Act means the *Taxation and Related Legislation (Miscellaneous Amendments) Act 2026*;

previous financial year means a financial year preceding the financial year commencing on 1 July 2026.

Taxation and Related Legislation (Miscellaneous Amendments)
Act 2026
Act No. of 2026

s. 34

Part 6 – Taxation Administration Act 1997 Amended

**PART 6 – TAXATION ADMINISTRATION ACT 1997
AMENDED**

34. Principal Act

In this Part, the *Taxation Administration Act 1997** is referred to as the Principal Act.

35. Section 19 amended (Reassessment)

Section 19(2)(b) of the Principal Act is amended by omitting “additional to, or greater than,” and substituting “different from”.

36. Section 23 amended (Withdrawal of assessment)

Section 23 of the Principal Act is amended by omitting “3 years” and substituting “5 years”.

37. Section 28 amended (Application for refund)

Section 28 of the Principal Act is amended by omitting subsections (2) and (2A).

*No. 74 of 1997