

## Taxation Legislation (Miscellaneous Amendments) Bill 2012

### Part 1 - Preliminary

- Clause 1 This Act may be cited as the *Taxation Legislation (Miscellaneous Amendments) Act 2012*.
- Clause 2 This Act commences upon Royal Assent, with the exception of Part 4, which is taken to have commenced on 1 July 2012.

### Part 2 – Duties Act 2001 Amended

- Clause 3 In this Part, the *Duties Act 2001* is referred to as the Principal Act.
- Clause 4 Amends the definitions of “de facto relationship property”, “matrimonial property”, and “relationship property” in section 3 to include property held by a related person or entity to the parties of the relationship, therefore ensuring that the exemptions for marriage and relationship breakdowns are consistent with the exemptions contained in the *Family Law Act 1975* (Cth).
- Clause 5 Amends section 53, relating to exempt transactions, by clarifying that the granting, transfer or surrender of a lease attracts duty if a premium or consideration of more than \$1300 is paid. If the consideration or premium paid is less than \$1 300, then the transaction will be exempt from any duty.
- This clause also amends section 53 by removing the exemption relating to public roads and parks and garden (this paragraph is amended and re-inserted as new section 57A).
- Clause 6 Inserts a new section 57A to provide for an apportioned calculation of duty for land transferred to a council, such as parks and gardens that is to be used for both exempt and non-exempt purposes.

### Part 3 – Land Tax Act 2000 Amended

- Clause 7 In this Part, the *Land Tax Act 2000* is referred to as the Principal Act.
- Clause 8 Amends section 3 by inserting the definition of “Government Business Enterprise”.
- Clause 9 Amends section 17 by omitting references to parks and gardens being exempt (this paragraph is amended and re-inserted as part of new sections 19A and 19B). It also reflects a drafting tidy up which removes references to Government Business Enterprises in this section and includes a new definition of Government Business Enterprises in section 3.
- Clause 10 Removes paragraph (d) from section 19 relating to other exempt land (this paragraph is amended and re-inserted as part of new sections 19A and 19B).

- Clause 11 Inserts a new section 19A to allow for the partial exemption of land subject to a conservation covenant, with only the portion of land that is subject to the covenant being exempt from land tax.

Additionally, this clause inserts a new section 19B to allow council-owned parks and gardens which are used for free public recreational purposes to be apportioned between exempt and non-exempt where land is only partly used for exempt purposes.

#### **Part 4 – Land Tax Act 2000 Amended**

- Clause 12 In this Part, the *Land Tax Act 2000* is referred to as the Principal Act.
- Clause 13 Amends the definition of “owner” outlined in section 3A to include a person, other than the person listed on the title, if the Commissioner of State Revenue is satisfied on reasonable grounds that the person has become the owner of the land.

#### **Part 5 – Payroll Tax Act 2008 Amended**

- Clause 14 In this Part, the *Payroll Tax Act 2008* is referred to as the Principal Act.
- Clause 15 Amends section 53 to maintain harmonisation with harmonised jurisdictions by extending the payroll tax exemption for wages paid to parents on maternity or adoption leave to wages that are the equivalent of 14 weeks ordinary pay where the leave is taken over a greater period. For example, it allows an employee’s wages to be exempt from payroll tax for 28 weeks if they were to be paid at half pay.
- Clause 16 Amends part 4 of Schedule 2 by inserting a definition of “Government entity” which includes an agency and its related offices, a state authority, and a prescribed entity. It does not mean a Government Business Enterprise or State-owned company.
- This clause also inserts a new clause 7A to exempt prescribed Government entities from being liable for payroll tax. Those Government entities who are to be exempt are to be declared by the Minister by notice in the Gazette

#### **Part 6 – Taxation Administration Act 1997 Amended**

- Clause 17 In this Part, the *Taxation Administration Act 1997* is referred to as the Principal Act.
- Clause 18 Amends section 85 by giving the Commissioner of State Revenue the power to suspend a determination, as well as the power to revoke a suspension of a determination made by an objector if there are reasonable grounds to do so.
- Clause 19 Amends section 118A by including a subsection that enables the Commissioner of State Revenue to waive a prescribed fee for lodging a duty instrument at the State Revenue Office for assessment at their discretion.

***Part 7 – Miscellaneous***

- Clause 20      The amendments contained in this Act will be incorporated into the primary Acts upon commencement. This clause provides that this Act is repealed on the three hundred and sixty fifth day from the day on which it commences.