

Taxation and Related Legislation (Miscellaneous Amendments) Bill 2013

Part 1 - Preliminary

- Clause 1 This Act may be cited as the *Taxation and Related Legislation (Miscellaneous Amendments) Act 2013*.
- Clause 2 This Act commences upon Royal Assent, with the exception of Part 5, which is taken to have commenced on 1 July 2013.

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 section 19, relating to consideration for the transfer of property in order to capture duty on 'house and land' packages. This is achieved by including as part of the consideration for the transfer of land, any payment agreed to be made to the transferor for improvements made, or to be made, to the land.
- Clause 5 Amends section 26, by changing the concessional rate of duty chargeable on a dutiable transaction from \$20 to \$50.
- Clause 6 Amends section 29, by changing the nominal rate of duty chargeable on a dutiable transaction from \$20 to \$50. Additionally, it increases the first step threshold from \$1 300 to \$3 000.
- Clause 7 Inserts a new section 36BA to enable put and call options to be treated 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.
- Clause 8 Amends section 37, by changing the concessional rate of duty chargeable on a dutiable transaction from \$20 to \$50.
- Clause 9 Amends section 38, by changing the concessional rate of duty chargeable on a dutiable transaction from \$20 to \$50.
- Clause 10 Amends section 39, by changing the concessional rate of duty chargeable on a dutiable transaction from \$20 to \$50.
- Clause 11 Amends section 40, by changing the concessional rate of duty chargeable on a dutiable transaction from \$20 to \$50.
- Clause 12 Amends section 41, by changing the concessional rate of duty chargeable on a dutiable transaction from \$20 to \$50.
- Clause 13 Amends section 42, by changing the concessional rate of duty chargeable on a dutiable transaction from \$20 to \$50.

- Clause 14 Amends section 43, by changing the concessional rate of duty chargeable on a dutiable transaction from \$20 to \$50.
- Clause 15 Amends section 44, by changing the concessional rate of duty chargeable on a dutiable transaction from \$20 to \$50.
- Clause 16 Amends section 45, by changing the concessional rate of duty chargeable on a dutiable transaction from \$20 to \$50.
- Clause 17 Amends section 46, by changing the concessional rate of duty chargeable on a dutiable transaction from \$20 to \$50.
- Clause 18 Amends section 47, by changing the concessional rate of duty chargeable on a dutiable transaction from \$20 to \$50.
- Clause 19 Amends section 48, by changing the concessional rate of duty chargeable on a dutiable transaction from \$20 to \$50.
- Clause 20 Amends section 49, by changing the concessional rate of duty chargeable on a dutiable transaction from \$20 to \$50.
- Clause 21 Amends section 50, by changing the concessional rate of duty chargeable on a dutiable transaction from \$20 to \$50.
- Clause 22 Amends section 53(d), by increasing the first step threshold from \$1 300 to \$3 000. It also expands the exemption for gifts made to charitable, religious or educational organisations under section 53(n) to include any dutiable transaction made for no consideration.
- Clause 23 Repeals Part 5 of Chapter 3 relating to transactions involving put and call options, as this Part has been replaced by new section 36BA.
- Clause 24 Amends section 174, by changing the concessional rate of duty chargeable on a life insurance annuity from \$20 to \$50.
- Clause 25 Amends section 184, by changing the concessional rate of duty chargeable, on the total amount of all insurance annuities effected, from \$20 to \$50.
- Clause 26 Amends section 190, by replacing an old reference to the *National Health Act 1953* to the current relevant Act, that being the *Private Health Insurance Act 2007*.
- Clause 27 Amends section 220, by changing the concessional rate of duty chargeable on replica dutiable instruments from \$20 to \$50.
- Clause 28 Amends section 225, relating to intergenerational rural transfers, by expanding the exemption to include transfers to qualifying companies where the transferor and transferee shareholders are related persons; by providing a partial intergenerational rural transfer exemption where not all of the parties to a transaction are related; and by broadening the family definition and deceased persons provisions to ensure that no unintended outcomes occur regarding these transfers.

- Clause 29 Amends section 226, to ensure that a partial intergenerational rural transfer exemption can be applied where not all of the parties to a transaction are related persons.
- Clause 30 Amends clause 2 of Schedule 1, by replacing obsolete references to section 41(2)(a)(i) and section 41(3) with a reference to section 41(c). This allows duty charged under this Act to include any reference to duty charged under the former Act.

Part 3 – First Home Owner Grant Act 2000

- Clause 31 In this Part, the *First Home Owner Grant Act 2000* is referred to as the Principal Act.
- Clause 32 Amends section 12, by allowing the Commissioner to reduce the minimum period of occupancy, or extend the time in which occupancy must begin, at any time prior to a grant being recalled.

Part 4 – Land Tax Act 2000 Amended

- Clause 33 In this Part, the *Land Tax Act 2000* is referred to as the Principal Act.
- Clause 34 Amends section 6, to prevent the adjoining land principal residence land provisions from applying if there is a dwelling on the adjoining land which is used as a place of residence. It also extends the principal residence land classification to land owned by a fixed trust so long as an eligible beneficiary of the trust uses the property as their principal residence.
- Clause 35 Amends section 23, to allow the Commissioner to value subdivided land as a proportion of the total area of the land before any subdivision, if the Valuer-General has not yet formally valued that land.
- Clause 36 Amends section 37, by removing all references to the obsolete first home builder land tax rebate, by repealing subsection (1A).
- Clause 37 Amends section 39, to provide the Commissioner with powers to ensure that a taxpayer pays all land tax debts, which are in default, when any land owned by the owner is sold.

Part 5 – Land Tax Act 2000 Amended

- Clause 38 In this Part, the *Land Tax Act 2000* is referred to as the Principal Act, and all provisions under this part are taken to have commenced on 1 July 2013.
- Clause 39 Inserts a new section 19C, that ensures that land tax is not payable on land owned by a local government authority, used for the purposes of a flood levee.
- Clause 40 Inserts a new section 37B, to provide a land classification of principal residence land or primary production land to 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.

Part 6 – Taxation Administration Act 1997 Amended

- Clause 41 In this Part, the *Taxation Administration Act 1997* is referred to as the Principal Act.

- Clause 42 Amends section 38, to allow the Commissioner to reimpose any amount of interest that has previously been remitted, in circumstances that they consider appropriate.
- Clause 43 Amends section 45, to allow the Commissioner to reimpose any amount of penalty tax that has previously been remitted, in circumstances that they consider appropriate.