

CLAUSE NOTES

Taxation Legislation (Miscellaneous Amendments) Bill 2024

Part 1 - Preliminary

Clause 1 This Act may be cited as the *Taxation Legislation (Miscellaneous Amendments) Act 2024*.

Clause 2 The Bill is taken to have commenced on 1 July 2024.

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 to provide that subsection (2) will only apply if a transferee applies to the Commissioner to determine that consideration for a dutiable transaction does not include the consideration relating to the relevant improvements performed on the dutiable property after the relevant agreement but before the dutiable transaction, and that application is granted.

Clause 5 A new Division 2C (Pre-completion duty concession), is inserted after section 46R of Part 5 of the Principal Act to introduce a 50 per cent duty concession for buyers of new apartments and units off-plan or under construction valued at up to \$750 000, for a two year period.

Section 46S provides definitions for the purpose of the Division.

Section 46T provides that the Minister, by order, may extend the eligible period (which is currently two years commencing on 1 July 2024) for an eligible transaction to occur. An order issued under this section must be tabled in Parliament and is subject to disallowance.

Section 46U provides the eligibility criteria that determines whether a person is an eligible buyer for the purposes of this Division.

Section 46V provides the eligibility criteria that determines whether the dwelling is an eligible dwelling for the purposes of the duty concession.

Section 46W provides the eligibility criteria that determines whether the transfer of land is an eligible transaction for the purposes of the duty concession.

Section 46X provides the duty concession to be applied to an eligible transaction and provides that if a pre-construction duty concession is applied under this Division then a First Home Owner Grant is not payable.

Section 46Y provides for the Commissioner of State Revenue to reassess the duty if it is found that the eligibility requirements of section 46W were not met when the duty concession was provided.

Section 46Z provides that the Commissioner can refund any amount of duty paid where the full amount of duty has been paid on a transaction that would have been eligible for the duty concession.

Part 3 - *Land Tax Act 2000 Amended*

Clause 6 In this Part, the *Land Tax Act 2000* is referred to as the Principal Act.

Clause 7 Replaces section 38(2)(a) with a new paragraph to remove the reference to the fixed dollar amount of \$25 000 and replace it with a reference to “exempt amount”.

Exempt amount is then linked to the assessed land value for which no land tax is payable (\$125 000) as specified in Schedule 1 of the *Land Tax Rating Act 2000*.

Part 4 - Repeal of Act

Clause 8 This Act is repealed on the first anniversary of the day on which it commenced.