

## CLAUSE NOTES

### Taxation Legislation (Miscellaneous Amendments) Bill 2014

#### *Part 1 - Preliminary*

- Clause 1 This Act may be cited as the *Taxation Legislation (Miscellaneous Amendments) Act 2014*.
- Clause 2 The Bill is to commence upon Royal Assent, but for the following exceptions: Part 3 will commence retrospectively on 22 November 2012; Part 4 will commence retrospectively from 21 October 2013; and Part 6 will commence retrospectively from 1 July 2013.
- Clause 3 This Act will be repealed 365 days after this Act receives Royal Assent.

#### *Part 2 – Duties Act 2001 Amended*

- Clause 4 In this Part, the *Duties Act 2001* is referred to as the Principal Act.
- Clause 5 Amends section 47 by expanding the exemption for transfers made in accordance with a Will, so that a pro rata exemption can be applied in circumstances where a transfer is made partially in accordance with a Will.
- Clause 6 Amends section 50 by replacing “dutable value of the transfer” with “dutable value of the dutiable property”.

#### *Part 3 – Duties Act 2001 Further Amended*

- Clause 7 In this Part, the *Duties Act 2001* is referred to as the Principal Act.
- Clause 8 Amends section 53 by clarifying that premiums (of more than \$1 300) paid for or in connection with the grant, transfer or surrender of a lease will only be dutiable where a premium exceeding a fixed sum is paid.

#### *Part 4 – Duties Act 2001 Further Further Amended*

- Clause 9 In this Part, the *Duties Act 2001* is referred to as the Principal Act.
- Clause 10 Amends section 53 by clarifying that premiums (of more than \$3 000) paid for or in connection with the grant, transfer or surrender of a lease will only be dutiable where a premium exceeding a fixed sum is paid.
- Clause 11 Amends section 225 relating to intergenerational rural transfers to include “the person or of” to ensure that the category of relatives includes the transferor’s spouse or caring partner.

#### *Part 5 – 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 section 3 by inserting key definitions used elsewhere in the Act in the ‘Interpretation’ section. These definitions include that of “certified forest practices plan”, “Forest Practices Authority”, and “State Permanent Forest Estate Policy”.

- Clause 14 Inserts a new section 3B that aligns the eligibility test for the Principal Residence Land classification for land held by joint tenants with the test applied to land held by tenants in common.
- Clause 15 Amends section 7 by removing the definitions of “certified forest practices plan”, “Forest Practices Authority”, and “State Permanent Forest Estate Policy” (which have been inserted into section 3).
- Clause 16 Amends section 10 to ensure that the vendor is liable for land tax owing on a property being sold, together with land tax in default on any other properties owned by the taxpayer, before the end of the day on which a sale or transfer of land settles.
- Clause 17 Amends section 16 to require an owner to notify the Commissioner, within 30 days, where there is a full or partial change to land use.
- Clause 18 Amends section 19B to ensure that this exemption is only available for a park or garden in public recreational use.
- Clause 19 Amends section 27 to ensure that land classified as Primary Production Land is able to be apportioned between multiple land use classifications.
- Clause 20 Inserts a new section 30A to provide the Commissioner with discretion to apportion the value of land, owned by a municipal council, between conservation covenant, public parks and gardens, and flood protection structures, where that land is used for more than one of these exempt uses.
- Clause 21 Amends section 39 to require a vendor to pay any land tax owing on a property being sold, together with land tax in default on any other properties owned by the taxpayer, before the end of the day on which a sale or transfer of property owned by the vendor settles.
- It introduces the definition of “relevant day”, being the day on which the sale or transfer of land is completed. It also provides the Commissioner with the discretion to change the date of the relevant day.

#### ***Part 6 – Land Tax Act 2000 Further Amended***

- Clause 22 In this Part, the *Land Tax Act 2000* is referred to as the Principal Act.
- Clause 23 Amends 19C by removing the definition of “flood levee” and introducing a new and tighter definition of “flood prevention structure” that excludes structures if an unrelated capital improvement is situated on, above or below these structures.

#### ***Part 7 – Taxation Administration Act 1997 Amended***

- Clause 24 In this Part, the *Taxation Administration Act 1997* is referred to as the Principal Act.
- Clause 25 Inserts a new section 20A to provide the Commissioner with the power to require a person obtaining an interest in land to provide, at the time documents are lodged for stamping, specified information that is relevant to the administration of the taxation laws. This amendment also enables the Commissioner to refuse to stamp or endorse an instrument in the absence of the specified information being provided.