

# TASMANIA

---

## **TAXATION AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2006**

---

### **CONTENTS**

#### **PART 1 – PRELIMINARY**

1. Short title
2. Commencement

#### **PART 2 – DUTIES ACT 2001 AMENDED**

3. Principal Act
4. Section 3 amended (Interpretation)
5. Section 35 amended (Vesting order)
6. Section 53 amended (Exemptions relating to various transactions)
7. Section 54 inserted
  54. Contracts of sale under *Homes Act 1935*
8. Section 56 amended (Exemptions – break-down of marriages)
9. Section 59A inserted
  - 59A. Company to be treated as private company in certain circumstances
10. Section 178 amended (Who is an insurer?)
11. Section 214 amended (Applicable exemptions)
12. Section 227 amended (Miscellaneous exemptions)

#### **PART 3 – DUTIES ACT 2001 FURTHER AMENDED**

13. Principal Act

14. Section 163 amended (What is general insurance?)

#### **PART 4 – FIRE SERVICE ACT 1979 AMENDED**

15. Principal Act
16. Section 77F amended (Inspectors)

#### **PART 5 – PAY-ROLL TAX ACT 1971 AMENDED**

17. Principal Act
18. Section 2AAB amended (Central fund scheme contributions constitute wages for pay-roll tax purposes)
19. Section 49 amended (Regulations)

#### **PART 6 – PAY-ROLL TAX ACT 1971 FURTHER AMENDED**

20. Principal Act
21. Section 2AAA amended (Certain trust distributions constitute wages for pay-roll tax purposes)

#### **PART 7 – TAXATION ADMINISTRATION ACT 1997 AMENDED**

22. Principal Act
23. Section 4 amended (Meaning of taxation laws)
24. Section 34A inserted
  - 34A. Imposition of interest where making of duty assessment delayed
25. Section 118A inserted
  - 118A. Administrative fee

**TAXATION AND RELATED LEGISLATION  
(MISCELLANEOUS AMENDMENTS) BILL 2006**

*(Brought in by the Premier, the Honourable Paul Anthony  
Lennon)*

**A BILL FOR**

**An Act to amend the *Duties Act 2001*, the *Fire Service Act 1979*, the *Pay-roll Tax Act 1971* and the *Taxation Administration Act 1997***

Be it enacted by His 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 2006*.

**2. Commencement**

- (1) This Act, except as specified in subsections (2) and (3), commences on the day on which this Act receives the Royal Assent.
- (2) Part 3 commences on 1 July 2007.
- (3) Part 6 is taken to have commenced on 1 July 2005.

*Taxation and Related Legislation (Miscellaneous Amendments)*  
*Act 2006*  
*Act No. of*

s. 3

Part 2 – Duties Act 2001 Amended

---

**PART 2 – DUTIES ACT 2001 AMENDED**

**3. Principal Act**

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

**4. Section 3 amended (Interpretation)**

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of “insurance intermediary” and substituting the following definition:

**“insurance intermediary”** means –

- (a) a person who arranges contracts of insurance in Tasmania –
- (i) for reward; or
- (ii) as an agent for a person carrying on a business of insurance; or
- (b) a financial services licensee (as defined in section 761A of the

---

\*No. 15 of 2001

*Taxation and Related Legislation (Miscellaneous Amendments)*  
*Act 2006*  
*Act No. of*

Part 2 – Duties Act 2001 Amended

s. 5

---

*Corporations Act 2001* of the Commonwealth) whose licence covers the arrangement of contracts of insurance as an agent for a person carrying on a business of insurance; or

- (c) a regulated principal (as defined in section 1430 of the *Corporations Act 2001* of the Commonwealth) when carrying on business as an insurance broker as regulated by Subdivision D of Division 1 of Part 10.2 of that Act;
- (b) by inserting “domain name,” after “trading name,” in paragraph (a) of the definition of “intellectual property”;
- (c) by inserting “domain name,” after “trading name,” in paragraph (b)(i) of the definition of “intellectual property”.

**5. Section 35 amended (Vesting order)**

Section 35(1) of the Principal Act is amended by omitting “land” third occurring and substituting “capital”.

*Taxation and Related Legislation (Miscellaneous Amendments)*  
*Act 2006*  
*Act No. of*

s. 6

Part 2 – Duties Act 2001 Amended

---

**6. Section 53 amended (Exemptions relating to various transactions)**

Section 53 of the Principal Act is amended by omitting paragraph (b).

**7. Section 54 inserted**

After section 53 of the Principal Act, the following section is inserted in Part 6:

**54. Contracts of sale under *Homes Act 1935***

Notwithstanding section 7(1), liability for duty on a contract of sale made under section 17 of the *Homes Act 1935* does not arise until a transfer is executed pursuant to the contract.

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

Section 56(3)(b) of the Principal Act is amended by omitting “pursuant to” and substituting “effected by or in accordance with”.

**9. Section 59A inserted**

After section 59 of the Principal Act, the following section is inserted in Division 1:

*Taxation and Related Legislation (Miscellaneous Amendments)*  
*Act 2006*  
*Act No. of*

Part 2 – Duties Act 2001 Amended

s. 10

---

**59A. Company to be treated as private company  
in certain circumstances**

Notwithstanding the definition of “**private company**” in section 3, for the purposes of this Chapter, a company is a private company if the Commissioner is satisfied that its listing on a recognised stock exchange was part of an arrangement or scheme having as its purpose, or one of its purposes, the defeat of the objects of this Chapter.

**10. Section 178 amended (Who is an insurer?)**

Section 178(2)(c) of the Principal Act is amended by omitting “registered under” and substituting “authorised as a general insurer under”.

**11. Section 214 amended (Applicable exemptions)**

Section 214(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “acquired for the sole” and substituting “acquired and used solely for the”;
- (b) by inserting in paragraph (b) “and used solely” after “acquired”;

*Taxation and Related Legislation (Miscellaneous Amendments)*  
*Act 2006*  
*Act No. of*

**s. 12**

Part 2 – Duties Act 2001 Amended

---

- (c) by inserting in paragraph (c) “and used solely” after “acquired”.

**12. Section 227 amended (Miscellaneous exemptions)**

Section 227(1) of the Principal Act is amended by omitting paragraph (h).

---

**PART 3 – DUTIES ACT 2001 FURTHER AMENDED**

**13. Principal Act**

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

**14. Section 163 amended (What is general insurance?)**

Section 163(2) of the Principal Act is amended as follows:

- (a) by omitting “General” and substituting “Notwithstanding subsection (3), general”;
- (b) by inserting “regardless of how, or by whom, the insurance is effected” after “disease”.

---

\*No. 15 of 2001

*Taxation and Related Legislation (Miscellaneous Amendments)*  
*Act 2006*  
*Act No. of*

s. 15

Part 4 – Fire Service Act 1979 Amended

---

**PART 4 – FIRE SERVICE ACT 1979 AMENDED**

**15. Principal Act**

In this Part, the *Fire Service Act 1979*\* is referred to as the Principal Act.

**16. Section 77F amended (Inspectors)**

Section 77F(1) of the Principal Act is amended by omitting “authorize” and substituting “authorise an authorised officer appointed under the *Taxation Administration Act 1997* and”.

---

\*No. 35 of 1979

---

**PART 5 – PAY-ROLL TAX ACT 1971 AMENDED**

**17. Principal Act**

In this Part, the *Pay-roll Tax Act 1971*\* is referred to as the Principal Act.

**18. Section 2AAB amended (Central fund scheme contributions constitute wages for pay-roll tax purposes)**

Paragraph (b) of the definition of “central fund scheme” in section 2AAB(3) of the Principal Act is amended as follows:

- (a) by omitting “various employers pay” and substituting “an employer pays”;
- (b) by omitting “their” first occurring and substituting “its”.

**19. Section 49 amended (Regulations)**

Section 49(1) of the Principal Act is amended by omitting paragraph (d).

---

\*No. 43 of 1971

*Taxation and Related Legislation (Miscellaneous Amendments)*  
*Act 2006*  
*Act No. of*

s. 20

Part 6 – Pay-roll Tax Act 1971 Further Amended

---

**PART 6 – PAY-ROLL TAX ACT 1971 FURTHER  
AMENDED**

**20. Principal Act**

In this Part, the *Pay-roll Tax Act 1971*\* is referred to as the Principal Act.

**21. Section 2AAA amended (Certain trust distributions constitute wages for pay-roll tax purposes)**

Section 2AAA of the Principal Act is amended by inserting after subsection (7) the following subsection:

(8) For the purposes of this section –

**“industrial instrument”** means an award, enterprise agreement or industrial agreement within the meaning of the *Industrial Relations Act 1984*, or an award, certified agreement, Australian workplace agreement or old IR agreement within the meaning of the *Workplace Relations Act 1996* of the Commonwealth.

---

\*No. 43 of 1971

*Taxation and Related Legislation (Miscellaneous Amendments)*  
*Act 2006*  
*Act No. of*

Part 7 – Taxation Administration Act 1997 Amended

s. 22

---

**PART 7 – TAXATION ADMINISTRATION ACT 1997  
AMENDED**

**22. Principal Act**

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

**23. Section 4 amended (Meaning of taxation laws)**

Section 4 of the Principal Act is amended by inserting after paragraph (ac) the following paragraph:

(b) *Land Tax Rating Act 2000*;

**24. Section 34A inserted**

After section 34 of the Principal Act, the following section is inserted in Division 1:

**34A. Imposition of interest where making of duty assessment delayed**

- (1) If in the opinion of the Commissioner the actions of the taxpayer or the taxpayer's representative, or both the taxpayer and the taxpayer's representative, unnecessarily delay the making of a duty assessment, the Commissioner may

---

\*No. 74 of 1997

*Taxation and Related Legislation (Miscellaneous Amendments)*  
*Act 2006*  
*Act No. of*

s. 25

Part 7 – Taxation Administration Act 1997 Amended

---

impose interest from the end of the last day for payment until the day on which the duty is paid.

- (2) For the purposes of subsection (1), the “**last day for payment**” is the last day of the period of 3 months after the liability for duty arises as provided in section 10 of the *Duties Act 2001*.

**25. Section 118A inserted**

After section 118 of the Principal Act, the following section is inserted in Division 4:

**118A. Administrative fee**

- (1) If a person lodges an instrument with the Commissioner for assessment or lodges a return with the Commissioner, the Commissioner may charge that person a prescribed fee.
- (2) For the purposes of this section –
- “**instrument**” has the meaning given to that term in the *Duties Act 2001*.