

NORTHERN TERRITORY OF AUSTRALIA

REVENUE LEGISLATION AMENDMENT AND REPEAL ACT 2022

Act No. 15 of 2022

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 15 of 2022

An Act to amend the *Monetary Units Act 2018*, the *Penalty Units Act 2009*, the *Penalty Units Regulations 2010*, the *Revenue Units Act 2009* and the *Stamp Duty Act 1978* and to repeal the *Property Activation Act 2019*

[Assented to 30 June 2022]
[Introduced 10 May 2022]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Revenue Legislation Amendment and Repeal Act 2022*.

2 Commencement

This Act commences on 1 July 2022.

Part 2 Amendment of Monetary Units Act 2018

3 Act amended

This Part amends the *Monetary Units Act 2018*.

4 Section 6 amended (Calculation of monetary unit)

Before section 6(1)

insert

(1AA) Despite section 5, the amount of a monetary unit is:

- (a) \$1.04 for the financial year ending on 30 June 2023; and
- (b) the amount calculated in accordance with subsections (1) and (2) for the financial years following 30 June 2023.

5 Part 3 inserted

After section 8

insert

**Part 3 Transitional matters for Revenue Legislation
Amendment and Repeal Act 2022**

9 Application of change in value of monetary unit

- (1) The amendment made to this Act by the *Revenue Legislation Amendment and Repeal Act 2022* applies to matters occurring on or after 1 July 2022.
- (2) This Act, as in force immediately before 1 July 2022, continues to apply to matters occurring before 1 July 2022.

Part 3 Amendment of Penalty Units Legislation

Division 1 Penalty Units Act 2009

6 Act amended

This Division amends the *Penalty Units Act 2009*.

7 Long title

omit

and reviewing the monetary value of penalty units

8 Section 5 amended (Indexation of monetary value of penalty unit)

(1) Section 5(1)

omit, insert

(1) The monetary value of a penalty unit is:

(a) \$162 for the financial year ending on 30 June 2023; and

(b) the amount calculated in accordance with subsections (2) and (3) for the financial years following 30 June 2023.

(2) Section 5(2), definition **A**

omit

review

insert

calculation

(3) Section 5(4)

omit

9 Section 6 amended (Prescribing new monetary value of penalty unit)

Section 6(3)

omit, insert

(3) An increase in the prescribed value of a penalty unit does not apply in relation to any offence committed before the increase takes effect.

Division 2 Penalty Units Regulations 2010

10 Regulations amended

This Division amends the *Penalty Units Regulations 2010*.

11 Regulation 2 amended (Monetary value of penalty unit)

Regulation 2

omit

\$157

insert

\$162

Part 4 Repeal of Property Activation Act 2019**Division 1 Repeal****12 Act repealed**

The *Property Activation Act 2019* (Act No. 21 of 2019) is repealed.

Division 2 Transitional matters**13 Obligations for levies and returns for periods before repeal of *Property Activation Act 2019***

The repeal of the *Property Activation Act 2019* does not affect the following:

- (a) the liability of an owner for any levy imposed under that Act before its repeal;
- (b) the duty of an owner to lodge a return for any return period ending before 1 July 2022 in accordance with sections 13, 14 and 15 of that Act as in force before its repeal;
- (c) the relationship between this Act and the *Taxation Administration Act 2007*, as stated in section 5 of that Act before its repeal.

Part 5 Amendment of Revenue Units Act 2009**14 Act amended**

This Part amends the *Revenue Units Act 2009*.

15 Section 4 amended (Indexation of monetary value of revenue unit)

Section 4(1)

omit, insert

- (1) The monetary value of a revenue unit is:
- (a) \$1.27 for the financial year ending on 30 June 2023; and
 - (b) the amount calculated in accordance with subsections (2), (3) and (4) for the financial years following 30 June 2023.

16 Section 11 inserted

After section 10

insert

11 Transitional matters for Revenue Legislation Amendment and Repeal Act 2022

- (1) The amendment made to this Act by the *Revenue Legislation Amendment and Repeal Act 2022* applies to any fee or charge incurred on or after 1 July 2022.
- (2) This Act, as in force immediately before 1 July 2022, continues to apply to any fee or charge incurred before 1 July 2022.

Part 6 Amendment of Stamp Duty Act 1978**17 Act amended**

This Part amends the *Stamp Duty Act 1978*.

18 Section 4 amended (Interpretation)

Section 4(1)

insert

building contractor, for Part 5, Division 2A, see section 90C(1).

developed, for Part 5, Division 2A, see section 90C(2).

new home, for Part 5, Division 2A, see section 90C(1).

19 Section 90A amended (Reassessments in relation to first home owner grant and senior, pensioner and carer concession or principal place of residence rebate)

(1) Section 90A(1)

omit

This subsection applies

insert

Subsection (2) applies to a conveyance

(2) Section 90A(1)(a) and (3)(a)

omit

on a

insert

on the

(3) Section 90A(2)

omit

If subsection (1) applies, the

insert

The

(4) Section 90A(3)

omit

This subsection applies

insert

Subsection (4) applies to a conveyance

(5) Section 90A(4)

omit, insert

- (4) The Commissioner must reassess duty on the conveyance on the basis that the conveyee or conveyees are not entitled to, and will not become entitled to, a first home owner grant if:
- (a) the conveyee or conveyees apply for the reassessment; or
 - (b) the Commissioner considers the reassessment appropriate.

20 Part 5, Division 2A inserted

After section 90B

insert

Division 2A Residential land conveyance**90C Interpretation**

- (1) In this Division:

building contractor means a building contractor prescribed under regulation 41B of the *Building Regulations 1993*.

developed, see subsection (2).

new home means a home that has not been previously occupied or sold as a place of residence.

- (2) For this Division, land is considered to be **developed** if:
- (a) the land is cleared of vegetation, existing structures are removed from the land or the land is rehabilitated; and
 - (b) new infrastructure is constructed on the land; and
 - (c) the land is subdivided into lots.
- (3) The definitions in section 88(1) apply to this Division.

90D Exemption for conveyance of residential land

- (1) This section applies in relation to a conveyance first executed during the period commencing on 1 July 2022 and ending on 30 June 2027 unless:
- (a) the conveyance replaces an earlier conveyance, first executed before 1 July 2022, in relation to the same or substantially similar land; or
 - (b) the conveyance is in relation to land for which the conveyee entered into an option to purchase before 1 July 2022; or
 - (c) the conveyor of the land had an option, granted before 1 July 2022, to require the conveyee to purchase the land to which the conveyance relates or substantially similar land.
- (2) The conveyance is exempt from duty if all of the following conditions are met:
- (a) the conveyee is:
 - (i) an individual; and
 - (ii) subject to subsection (7), at least 18 years of age at the relevant time; and
 - (iii) an Australian citizen or a permanent resident at the relevant time;
 - (b) in the conveyance, the conveyee agrees to acquire title to and the whole beneficial interest in land owned by a building contractor;
 - (c) the conveyee has no beneficial interest in the land being conveyed before the relevant time;
 - (d) in the conveyance, the building contractor agrees to convey the land to the conveyee;
 - (e) in the conveyance, the building contractor agrees to do one of the following:
 - (i) build or place a detached, new home on the land being conveyed;
 - (ii) complete the building of a partially completed and detached, new home that is situated on the land being conveyed;

- (iii) convey a completed and detached, new home that is situated on the land being conveyed;
- (f) the land being conveyed is owned by the building contractor immediately before the conveyance is executed or will be owned by the building contractor immediately before settlement of the conveyance;
- (g) the land being conveyed was purchased by the building contractor from another person who developed it as a residential lot;
- (h) the building contractor paid duty on the dutiable value of the land when the building contractor purchased it from the person who developed it as a residential lot;
- (i) the conveyee occupies the home as the conveyee's principal place of residence for the prescribed period commencing within the period for occupancy, unless the Commissioner is satisfied that special reasons exist to vary this requirement;
- (j) the conveyee becomes entitled to possession of the land within 12 months after settlement of the conveyance, unless the Commissioner is satisfied that special reasons exist to vary this requirement.

Note for subsection (2)(b)

The conveyee is not acquiring an interest in the land in the capacity of a trustee.

- (3) If there are 2 or more conveyees under the conveyance, the conveyance is not exempt from duty unless:
 - (a) subject to subsection (7), at least one of the conveyees meets the criteria specified in subsection (2)(a)(ii); and
 - (b) at least one of the conveyees meets the criteria specified in subsection (2)(a)(iii); and
 - (c) subject to paragraphs (a) and (b), all conditions in subsection (2) are met; and
 - (d) all conveyees agree to acquire title to and the whole beneficial interest in the land being conveyed.
- (4) If a person acquires land or an interest in land as guardian of a person under a legal disability, the person under the legal disability is taken to be:
 - (a) the conveyee of the land; and

- (b) the applicant for the exemption; and
 - (c) the recipient of any exemption granted.
- (5) A conveyee who fails, or will fail, to occupy a home in accordance with subsection (2)(i) must give written notice to the Commissioner of the failure or impending failure within 30 days after the day on which it first becomes apparent to the conveyee that the failure occurred or will occur.

Maximum penalty: 50 penalty units.

Note for subsection (5)

This subsection does not apply to a conveyee who has an exemption from the relevant occupancy requirement.

- (6) For subsection (5), if there are 2 or more conveyees under the conveyance:
- (a) the notice is only required to be given if all conveyees fail, or will fail, to occupy a home in accordance with subsection (2)(i); and
 - (b) the notice is only required to be given by one conveyee.
- (7) The Commissioner may exempt a conveyee from the requirement that the conveyee be at least 18 years of age at the relevant time if the Commissioner is satisfied that the conveyance does not form part of a scheme to circumvent limitations on, or requirements affecting, eligibility for or entitlement to the exemption.
- (8) If a conveyee fails to occupy the home in accordance with subsection (2)(i), the Commissioner must, even though the time limit for reassessment under the *Taxation Administration Act 2007* may have passed, reassess duty on the conveyance on the basis that the conveyee or conveyees were not eligible for the exemption unless, in the Commissioner's opinion, there are special reasons for not making the reassessment.

21 Part 5, Division 5 inserted

After section 92

insert

Division 5 Electric motor vehicle**92A Concession for duty on registration of electric motor vehicle**

- (1) This section applies in relation to the issue of a certificate of registration for an electric motor vehicle during the period commencing on 1 July 2022 and ending on 30 June 2027.
- (2) When determining the amount of duty payable in relation to the issue of a certificate of registration under section 57 for an electric motor vehicle, the first \$50 000 of the dutiable value of the electric motor vehicle is exempt from duty.
- (3) Section 61 does not apply to this section.
- (4) Despite subsection (2), the amount of the exemption that may be claimed under this section is limited to a maximum of \$1 500.
- (5) In this section:

electric motor vehicle means a motor vehicle that:

- (a) uses an electric motor for propulsion, whether or not it is also fitted with an internal combustion engine; and
- (b) takes and stores energy from an external source of electricity; and
- (c) is not equipped with a fuel cell for converting hydrogen to electricity.

Note for subsection (5)

This includes vehicles that operate only with an electric motor as well as plug-in hybrid electric vehicles.

Part 7 Repeal**22 Repeal of Act**

This Act is repealed on 2 July 2023.