

Serial 123  
Revenue and Other Legislation Amendment Bill 2015  
Mr Tollner

A Bill for an Act to amend legislation administered by the Treasurer



NORTHERN TERRITORY OF AUSTRALIA

REVENUE AND OTHER LEGISLATION AMENDMENT ACT 2015

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Act No. [ ] of 2015

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2015

An Act to amend legislation administered by the Treasurer

[Assented to [ ] 2015]  
[Second reading [ ] 2015]

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 and Other Legislation Amendment Act 2015*.

### 2 Commencement

- (1) This Act, other than the provisions mentioned in subsections (2) and (3), commences on the day on which the Administrator's assent to the Act is declared.
- (2) Part 2 and Part 5, Divisions 1 to 4 are taken to have commenced on 28 April 2015.
- (3) Parts 3 and 4, Part 5, Divisions 5 to 8 and Part 6 commence on 1 July 2015.

## Part 2 Amendment of First Home Owner Grant Act

### 3 Act amended

This Part amends the *First Home Owner Grant Act*.

---

**4 Section 12 amended**

- (1) Section 12(1)  
*omit*  
(3)(b).  
*insert*  
(3)(b) or (4).
- (2) After section 12(3)  
*insert*
- (4) An applicant is exempt from the requirement under subsection (1) if:
- (a) the commencement date for the transaction to which the application relates is on or after 28 April 2015; and
  - (b) at least one other applicant to the application complies with the requirement under subsection (1).

**5 Section 45A amended**

Section 45A(2)

*omit***Part 3 Amendment of Gaming Control Act****6 Act amended**This Part amends the *Gaming Control Act*.**7 Section 20 amended**

Section 20(2)(c)

*omit*

or levy

*insert*

, levy or charge



---

**8 Section 23 amended**

Section 23, after "taxes"

*insert*

, levies

**9 Section 24 amended**

(1) Section 24, heading

*omit, insert*

**24 Payment of fees, taxes and levies**

(2) Section 24(2) and (3)

*omit, insert*

- (2) The person must pay to the Territory all of the following:
- (a) fees for the casino licence specified in, or calculated in accordance with, the agreement at the times specified in the agreement;
  - (b) fees for the casino licence prescribed by, or calculated in accordance with, Regulations made for this subsection, at the times prescribed by the Regulations;
  - (c) taxes and levies specified in, or calculated in accordance with, the agreement at the times specified in the agreement;
  - (d) taxes and levies prescribed by, or calculated in accordance with, Regulations made for this subsection, at the times prescribed by the Regulations.
- (3) Subsection (2) does not limit the person's liability to pay any other fees, taxes or levies under a law of the Territory.

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**10 Part 3, Division 3 inserted**

After section 35

*insert*

**Division 3 Gaming machine community benefit levy****35A Gaming machine community benefit levy**

- (1) The Licensee of a casino must pay a gaming machine community benefit levy to the Director-General for each month.
- (2) For subsection (1), sections 144, 148(1), 150(2) and (3) and 152 to 159 of the *Gaming Machine Act* apply (except to the extent that they relate to the gaming machine tax or costs and charges payable under section 149A).
- (3) Those provisions apply as if:
  - (a) the casino were licensed premises under the *Gaming Machine Act*; and
  - (b) the Licensee's casino licence were a gaming machine licence under that Act held by the Licensee; and
  - (c) a reference in those provisions to a prescribed matter or thing were a reference to a matter or thing prescribed by regulation under this Act; and
  - (d) section 144(1) required the report for a month to be lodged not later than the prescribed day in the following month; and
  - (e) a reference in those provisions to a machine manager were a reference to a person holding a Casino Operative Licence – Gaming Standard.

- (4) If a monthly assessment is made under section 148(1) of the *Gaming Machine Act* as applied by subsection (2), by way of an electronic monitoring system installed at the casino, the period to be covered by the assessment commences when the system first reports data from the casino to the Director-General for the month and ends when the system first reports data from the casino to the Director-General in the next month.

**11 Section 68C amended**

After section 68C(1)(a)

*insert*

- (aa) all moneys received and assessed by the Director-General as gaming machine community benefit levy under section 35A;

**12 Section 80 amended**

- (1) Section 80(2), after "in relation to"

*insert*

the following

- (2) Section 80(2)(s)

*omit*

money; and

*insert*

money;

- (3) Section 80(2)(t)

*omit*

offences.

*insert*

offences;

- (4) After section 80(2)(t)

*insert*

- (u) fees, taxes and levies as mentioned in section 24(2)(b) and (d);

- (v) matters required or permitted to be prescribed for the provisions of the *Gaming Machine Act* that apply under section 35A;
- (w) methods for, and other procedures relating to, the payment of fees, taxes, levies, penalties and other amounts payable under this Act.

## **Part 4 Amendment of Payroll Tax Act**

### **13 Act amended**

This Part amends the *Payroll Tax Act*.

### **14 Section 3 amended**

Section 3

*insert (in alphabetical order)*

**category 1 to 3 purpose**, for Part 4, Division 1, see section 48.

**educational company**, for Part 4, Division 1, see section 48.

**educational institution**, for Part 4, Division 1, see section 48.

**entity**, for Part 4, Division 1, see section 48.

**industrial association**, for Part 4, Division 1, see section 48.

**non-profit entity**, see section 48A.

**political party**, for Part 4, Division 1, see section 48.

**professional association**, for Part 4, Division 1, see section 48.

**trade, industry or commerce entity**, for Part 4, Division 1, see section 48B.

### **15 Section 32 amended**

- (1) Section 32(2)(c)(iii), at the end

*insert*

or

## (2) Section 32(2)(c)

*omit*

all words from "unless" to "person; or"

## (3) Section 32(2)(d)

*omit, insert*

(d) is supplied with services solely for or ancillary to the conveyance of goods by means of a vehicle provided by the person conveying them.

## (4) After section 32(2)

*insert*

(2A) Subsection (2)(a), (b) or (d) does not apply to a contract if the services supplied under the contract include services that are not mentioned in that paragraph.

(2B) Subsection (2) does not apply if the Commissioner determines the contract under which the services are supplied was entered into with an intention either directly or indirectly of avoiding or evading the payment of tax by any person.

**16 Section 40 amended**

Section 40(2)

*omit*

, section 50 or clause 17 of Schedule 2

*insert*

or section 50

---

**17 Part 4, Division 1 replaced**

Part 4, Division 1

*repeal, insert*

**Division 1 Non-profit entities****48 Definitions**

(1) In this Division:

**category 1 to 3 purpose** means a charitable purpose that falls within the first 3 categories (being relief of poverty, advancement of education and advancement of religion) identified by Lord Macnaghten in *Commissioners for Special Purposes of Income Tax v Pemsel* [1891] AC 531 as developed by the common law of Australia from time to time.

**educational company** means a company:

- (a) in which an educational institution has a controlling interest; and
- (b) that provides, promotes or supports the educational services of that institution.

**educational institution** means an entity that provides education above secondary level.

**entity** includes a person, and a body, association or organisation (whether corporate or unincorporated).

**industrial association** means any of the following:

- (a) an association of employees, or an association of employers, registered as an organisation, or recognised, under the *Fair Work (Registered Organisations) Act 2009* (Cth);
- (b) an association of employees registered or recognised as a trade union (however described) under the law of a State or Territory;
- (c) an association of employers registered or recognised as such (however described) under the law of a State or Territory;
- (d) an association of employees the predominant purpose of which is the protection and promotion of the employees' interests in matters concerning their employment.

**non-profit entity**, see section 48A.

**political party** means an entity that has as one of its purposes the promotion of the election to the Legislative Assembly or the Parliament of the Commonwealth or of a State or another Territory, of a candidate or candidates endorsed by it or by an entity of which it forms part.

**professional association** means an entity that has as one of its purposes the promotion of the interests of its members in any profession.

**trade, industry or commerce entity**, see section 48B.

- (2) For the definition **educational company**, an educational institution has a **controlling interest** in a company if:
- (a) members of the board of management of the company who are entitled to exercise more than 50% of the voting power at meetings of the board of management are accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of the educational institution; or
  - (b) the educational institution may (whether directly or indirectly) exercise, control the exercise of, or substantially influence the exercise of, more than 50% of the voting power attached to voting shares, or any class of voting shares, issued by the company; or
  - (c) the educational institution has power to appoint more than 50% of the members of the board of management of the company.

#### **48A Meaning of non-profit entity**

- (1) Each of the following is a **non-profit entity**:
- (a) a religious institution;
  - (b) a public benevolent institution;
  - (c) a non-profit organisation:
    - (i) the sole or predominant purpose of which is a religious, charitable, benevolent, philanthropic or patriotic purpose; and
    - (ii) that is not an excluded entity.

- (2) However, an instrumentality of the Territory is not a non-profit entity.
- (3) An entity is an ***excluded entity*** if it is one of the following:
- (a) a school;
  - (b) an educational institution;
  - (c) an educational company;
  - (d) a political party;
  - (e) an industrial association;
  - (f) a professional association;
  - (g) a trade, industry or commerce entity.

*Note for subsection (3)*

*Wages paid by a school or college may be exempt wages under section 49 and Schedule 2, clause 16.*

- (4) However, an entity is not an excluded entity if a determination under section 48E is in force in relation to the entity.

#### **48B Meaning of *trade, industry or commerce entity***

- (1) An entity is a ***trade, industry or commerce entity*** if:
- (a) a purpose of the entity is to promote trade, industry or commerce (whether generally or in respect of any particular kind of trade, industry or commerce); and
  - (b) the entity is not an entity mentioned in section 48A(3)(a) to (f).
- (2) However, an entity is not a trade, industry or commerce entity if:
- (a) the entity's sole or predominant purpose is a category 1 to 3 purpose; or
  - (b) the entity has 2 or more purposes that:
    - (i) are each category 1 to 3 purposes; and
    - (ii) together constitute the entity's predominant purpose.



**48C Non-profit entities – exempt wages**

- (1) Wages are **exempt wages** if the Commissioner is satisfied that the wages:
  - (a) are paid or payable by a non-profit entity that carries on charitable activities; and
  - (b) are paid or payable to a person who:
    - (i) is engaged predominantly in the performance of services in connection with the carrying on by the entity of charitable activities; and
    - (ii) is not engaged in the performance of services in connection with any commercial or competitive activity carried on by the entity.
- (2) A non-profit entity **carries on charitable activities** if the entity directly carries out work that is predominantly of a religious, charitable, benevolent, philanthropic or patriotic nature.
- (3) For subsection (2), giving money to another entity that carries out work of the kind mentioned in subsection (2) does not, by itself, constitute carrying on a charitable activity.
- (4) An activity carried on by a non-profit entity is a **commercial or competitive activity** if the activity:
  - (a) is not related to the religious, charitable, benevolent, philanthropic or patriotic purposes of the entity; or
  - (b) is a commercial activity; or
  - (c) is carried on in competition with a business carried on by another person.
- (5) Subsection (4)(a), (b) and (c) apply to an activity even if money raised from carrying on the activity is used for a religious, charitable, benevolent, philanthropic or patriotic purpose.
- (6) Subsection (4)(b) and (c) apply to an activity even if it is of a religious, charitable, benevolent, philanthropic or patriotic nature.

**48D Determining purpose of entity**

For this Division, the purpose or purposes of an entity are to be determined having regard to all the relevant circumstances including the entity's stated objects (if any) and its activities.

**48E Commissioner may override exclusion**

- (1) The Commissioner may, by order in writing, determine that an entity that would, but for the determination, be an excluded entity under section 48A(3)(f) or (g) is not an excluded entity.
- (2) The Commissioner may do so only if satisfied there are special reasons that justify the entity being treated as a non-profit entity for the purposes of this Division.
- (3) In deciding whether to make a determination, the Commissioner may have regard to the following:
  - (a) the significance of the excluding feature of the entity in relation to the purposes of the entity considered as a whole;
  - (b) the extent to which the entity's purposes are category 1 to 3 purposes or are otherwise beneficial to the community;
  - (c) the extent to which the entity's purposes are, or are intended to be, beneficial to a particular class of persons (whether or not members of the entity) rather than the community generally;
  - (d) any other factors the Commissioner considers relevant.
- (4) A determination may be expressed to take effect on a date that is:
  - (a) earlier than the date of the determination; but
  - (b) not earlier than 1 July 2015.
- (5) The Commissioner may, by order in writing, revoke a determination if the Commissioner ceases to be satisfied as mentioned in subsection (2).
- (6) A revocation of a determination may be expressed to take effect on a date that is earlier than the date of the revocation.
- (7) In this section:

**excluding feature** of an entity, means a purpose, object or activity of the entity that would, but for a determination under this section, cause it to be an excluded entity.

**18 Section 52 amended**

Section 52(2)

*omit*

all words from "organisation," to "section 48"

*insert*

entity, Part 4, Division 1

**19 Part 11 heading replaced**

Part 11, heading

*omit, insert*

**Part 11 Transitional matters for amendment Acts**

**Division 1 Payroll Tax Amendment Act 2010**

**20 Part 12 heading replaced**

Part 12, heading

*omit, insert*

**Division 2 Revenue Legislation Amendment Act 2011**

**21 Part 11, Division 3 inserted**

After section 115

*insert*

**Division 3 Revenue and Other Legislation Amendment Act 2015**

**116 Definition**

In this Division:

**2015 Act** means the *Revenue and Other Legislation Amendment Act 2015*.

**117 Contractor provisions – wages paid or payable before 1 July 2015**

- (1) Section 32, as amended by section 15 of the 2015 Act, does not apply in relation to wages paid or payable before 1 July 2015.

- (2) Section 32, as in force before 1 July 2015, continues to apply in relation to wages paid or payable before 1 July 2015 as if section 15 of the 2015 Act had not commenced.

**118       Non-profit entities – wages paid or payable before 1 July 2015**

- (1) Part 4, Division 1, as amended by section 17 of the 2015 Act, does not apply in relation to wages paid or payable before 1 July 2015.
- (2) Part 4, Division 1, as in force before 1 July 2015, continues to apply in relation to wages paid or payable before 1 July 2015 as if section 17 of the 2015 Act had not commenced.

**22       Schedule 2 amended**

Schedule 2, clauses 17 and 18

*omit*

**Part 5           Amendment of Stamp Duty Act**

**Division 1       Act amended**

**23       Act amended**

This Part amends the *Stamp Duty Act*.

**Division 2       Amendments about senior, pensioner and carer concession**

**24       Section 88 amended**

Section 88(1), definition ***senior, pensioner and carer concession***, paragraph (b)

*omit, insert*

- (b) the following:
- (i) for a conveyance that was first executed before 28 April 2015 – \$8 500;
  - (ii) for a conveyance that is first executed on or after 28 April 2015 – \$10 000.

**25 Part 11 inserted**

After section 106

*insert*

**Part 11 Transitional matters for Revenue and Other  
Legislation Amendment Act 2015**

**107 Definition**

In this Part:

***amending act*** means the *Revenue and Other Legislation Amendment Act 2015*.

**109 Changes to the definition of senior, pensioner and carer  
concession in section 88**

- (1) This section applies to a conveyance of land if:
  - (a) the conveyance replaces an earlier conveyance, first executed before 28 April 2015, of the same or substantially similar land; or
  - (b) the conveyees entered into a contract or option, before 28 April 2015, to purchase the same or substantially similar land; or
  - (c) the conveyor had an option, granted before 28 April 2015, to require the conveyees to purchase the same or substantially similar land.
- (2) If this section applies to a conveyance, the amount of the senior, pensioner and carer concession is equal to the lesser of the following:
  - (a) the total amount of duty assessed as payable on the conveyance;
  - (b) \$8 500.

**Division 3 Amendments about requirements for senior, pensioner and carer concession and principal place of residence rebate**

**26 Section 89A amended**

After section 89A(11)

*insert*

- (11AA) A conveyee is exempt from the requirement under subsection (1)(g) if:
- (a) the conveyance is first executed on or after 28 April 2015; and
  - (b) at least one other conveyee to the conveyance complies with the requirements in both subsections (1)(b) and (g).

**27 Section 90 amended**

After section 90(8)

*insert*

- (8A) A conveyee is exempt from the requirement under subsection (1)(f) if:
- (a) the conveyance is first executed on or after 28 April 2015; and
  - (b) at least one other conveyee to the conveyance complies with the requirement under subsection (1)(f).

**Division 4 Amendments about stepchildren**

**28 Schedule 2 amended**

Schedule 2, clause 23(b)(i) and (ii)

*omit*

parent or child

*insert*

parent, child or stepchild

## **Division 5            Amendments about life insurance**

### **29            Section 4 amended**

- (1)            Section 4(1), definition ***life insurance***  
*omit*
- (2)            Section 4(1)  
*insert (in alphabetical order)*  
***accident insurance***, see section 37A.  
***life insurance***, see section 37A.  
***life insurance rider***, see section 37A.
- (3)            Section 4(1), definition ***insurance***, paragraph (c)  
*omit*  
that insurance,  
*insert*  
that insurance; and
- (4)            Section 4(1), definition ***insurance***, after paragraph (c)  
*insert*  
(ca) a life insurance rider;
- (5)            Section 4(5)  
*omit*  
or a life policy

### **30            Section 9 amended**

- Section 9(3)(b)  
*omit*  
(or life insurance)

**31 Section 37A inserted**

After section 37

*insert*

**37A Life insurance and life insurance rider**

(1) In this Act:

**accident insurance** means insurance insuring the payment of benefits:

- (a) on the death of a person only from accident or violence or otherwise than from a natural cause; or
- (b) as compensation for personal injury.

**life insurance** means insurance insuring the payment of benefits on death (other than accident insurance) or on the happening of a contingency dependent upon the termination or continuance of human life, and includes:

- (a) insurance under an instrument evidencing a contract that is subject to payment of premiums for a term dependent upon the termination or continuance of human life; and
- (b) insurance under an instrument securing the grant of an annuity for a term dependent upon the termination or continuance of human life.

(2) If a life policy also provides for the payment of benefits on the occurrence of a contingency or event that does not relate to or depend on the termination or continuance of human life (**life insurance rider**), then the additional insurance provided under or in accordance with the life policy is taken to be a life insurance rider and not life insurance.

(3) Subsection (2) applies:

- (a) whether or not the life insurance and the life insurance rider are separate or distinct matters; and
- (b) whether or not payment of benefits under the life insurance rider component of the policy:
  - (i) will or may reduce the benefits payable under the life insurance component of the policy; or
  - (ii) will or may terminate the policy.



- (4) The Commissioner may apportion the amount or proportion of a premium or other amount payable for a life policy that relates to a life insurance rider if:
- (a) there is no separately identifiable part of the premium or other amount apportioned to the rider; or
  - (b) the Commissioner is not satisfied that the separately identifiable part of the premium or other amount has been correctly apportioned to the rider.

**32 Section 38 amended**

- (1) Section 38(b)

*omit*

Territory.

*insert*

Territory; or

- (2) After section 38(b)

*insert*

- (c) a life insurance rider in respect of a person whose principal place of residence is in the Territory.

**33 Part 3, Division 7 repealed**

Part 3, Division 7

*repeal*

**34 Section 49A amended**

Section 49A(b)

*omit, insert*

- (b) a policy of insurance that is a life insurance rider in respect of persons whose principal places of residence are variously in the Territory and another place.

**35            Section 49B amended**

Section 49B(1)

*omit (all references)*

or life insurance

**36            Section 49C amended**

Section 49C(3)

*omit*

or life policy

**37            Section 110 inserted**

After section 109

*insert*

**110          Changes to life insurance provisions**

- (1) This Act, as amended by the amending act, applies in relation to:
  - (a) a life policy or life insurance rider issued on or after 1 July 2015; and
  - (b) a group life insurance policy:
    - (i) issued before 1 July 2015; but
    - (ii) only to the extent it relates to a person who becomes insured under the policy on or after 1 July 2015.
- (2) This Act, as in force before 1 July 2015, continues to apply in relation to:
  - (a) a life policy (as defined before 1 July 2015) issued before 1 July 2015; but
  - (b) does not apply in relation to a group life insurance policy issued before 1 July 2015 to the extent it relates to a person who becomes insured under the policy on or after 1 July 2015.
- (3) A person who, immediately before 1 July 2015, was registered as a life insurer under section 47 is taken to be an Australian insurer registered under section 41.

(4) In this section:

**group life insurance policy** means a life policy (as defined before 1 July 2015) that insures a group of people, the membership of which changes over time.

*Example for subsection (4), definition **group life insurance policy***  
*A life policy which insures the members of a superannuation fund.*

### **38 Schedule 1 amended**

(1) Schedule 1, clause 6(2)

*omit*

(2) Schedule 1, clause 6(3)

*omit*

(other than a policy of life insurance)

(3) Schedule 1, clause 6(4)

*omit, insert*

(4) The duty on a policy of insurance that is a life insurance rider is calculated in accordance with subclause (3) on the part of the premium payable for the life policy that is apportioned to the rider.

### **39 Schedule 2 amended**

Schedule 2, clause 22A

*omit*

that is a first home saver account under the *First Home Saver Accounts Act 2008* (Cth)

*insert*

(other than a life insurance rider)

**Division 6 Amendments about agreements or arrangements that reduce value of dutiable property**

**40 Section 4A amended**

- (1) Section 4A(4)(c)  
*omit*  
unless:  
*insert*  
unless the Commissioner is satisfied that the agreement or arrangement was not created or entered into for a purpose (collateral or otherwise) of reducing the value of the property;
- (2) Section 4A(4)(c)(i) and (ii)  
*omit*
- (3) After section 4A(4)  
*insert*
- (4A) For the purpose of determining whether an agreement or arrangement was created or entered into for a purpose (collateral or otherwise) of reducing the value of the property, the Commissioner may have regard to the following:
- (a) the length of time between the agreement or arrangement being made and the conveyance;
  - (b) whether the parties to the agreement or arrangement are or have been associates;
  - (c) whether the parties to the agreement or arrangement are or have been dealing with each other at arm's length;
  - (d) whether there is any commercial efficacy to the making of the agreement or arrangement other than to reduce the value of the property;
  - (e) whether the agreement or arrangement is in favour of the conveyee or an associate of the conveyee;
  - (f) any other matters the Commissioner considers relevant.

**41            Section 108 inserted**

After section 107

*insert*

**108          Application of section 4A**

- (1) Section 4A, as amended by the amending act, applies in relation to a conveyance of dutiable property first executed on or after 1 July 2015.
- (2) Section 4A, as in force before 1 July 2015, continues to apply in relation to a conveyance of dutiable property first executed before 1 July 2015 as if the amending act had not commenced.

**Division 7            Amendments about statutory trusts for sale or partition**

**42            Part 5, Division 3A inserted**

After section 91

*insert*

**Division 3A        Statutory trusts for sale or partition**

**91A          Vesting of dutiable property in statutory trust for sale or partition**

- (1) This section applies in relation to a statutory vesting that occurs on or after 1 July 2015.
- (2) The statutory vesting under section 40(1) of the *Law of Property Act* of dutiable property by which property vests in the trustee of a statutory trust for sale or a statutory trust for partition is exempt from duty.

**91B          Conveyance of property from statutory trust for sale to beneficial owner**

- (1) This section applies to a conveyance of dutiable property that is:
  - (a) first executed on or after 1 July 2015; and
  - (b) is a conveyance from a trustee of a statutory trust for sale mentioned in section 91A(2) to one or more of the beneficial owners of the trust property.

- (2) The dutiable value of the dutiable property is calculated by deducting from the unencumbered value of the property or the consideration for the property (whichever is greater) the proportion of that amount that is the same as the proportion of the conveyee's beneficial interest in the property immediately before the conveyance.

*Note for section 91B*

*See Schedule 1, clause 1(4) in relation to the duty payable on a partition of land.*

## **Division 8      Miscellaneous amendments to Schedule 2**

### **43      Schedule 2 amended**

- (1)      Schedule 2, clause 22  
*omit, insert*
- 22      A policy of medical benefits insurance issued by a person registered as a private health insurer under Part 4-3 of the *Private Health Insurance Act 2007* (Cth) that provides hospital benefits or medical benefits (or both) whether or not other benefits are also provided.
- (2)      Schedule 2, after clause 22A  
*insert*
- 22B      An authorised RBI policy, as defined in section 54CB of the *Building Act*, issued on or after 1 July 2015 in accordance with Part 5A of the *Building Act*.
- 22C      A fidelity certificate, as defined in section 54D of the *Building Act*, issued on or after 1 July 2015 in accordance with Part 5A of the *Building Act*.

## **Part 6              Amendment of Taxation Administration Act**

### **44      Act amended**

This Part amends the *Taxation Administration Act*.

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**45 Section 25 amended**

## (1) Section 25(1) to (4)

*omit, insert*

(1) For the purpose of determining whether a person is liable to pay tax or a person's tax liability, the Commissioner may do one or more of the following:

(a) require the person to provide to the Commissioner:

(i) a valuer's valuation of property; or

(ii) other evidence of the value of property satisfactory to the Commissioner;

(b) obtain a valuer's valuation of property;

(c) adopt any available valuation of property prepared for any purpose (whether or not relating to the determination of tax liability) by a valuer or other person whom the Commissioner considers suitably qualified to value the property.

(2) The Commissioner may recover valuation costs from the taxpayer if:

(a) the taxpayer is required to provide a valuation or other evidence under subsection (1)(a) and fails to do so; or

(b) a valuation obtained or adopted by the Commissioner under subsection (1)(b) or (c) exceeds the valuation provided by the taxpayer by 15% or more.

## (2) Section 25(5)

*omit*

all words from "the Commissioner was" to "obtained"

*insert*

the valuation obtained or adopted

(3)            Section 25(5)

*omit*

only recover the costs of the valuation

*insert*

recover valuation costs only

(4)            After section 25(6)

*insert*

(7) In this section:

**valuation cost** includes the cost of, or incidental to, obtaining or adopting a valuation or otherwise related to the use by the Commissioner of the valuation.

## Part 7            Expiry of Act

### 46            Expiry of Act

This Act expires on the day after it commences.