



New South Wales

State Revenue Legislation Amendment Bill 1999

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

This Bill is cognate with the *Pay-roll Tax Amendment (Apprentices Concession and Rate Reduction) Bill 1999*.

Overview of Bill

The object of this Bill is to make miscellaneous amendments to the following State revenue Acts:

- *Debits Tax Act 1990*
- *Duties Act 1997*
- *Land Tax Act 1956*
- *Land Tax Management Act 1956*
- *Premium Property Tax Act 1998*
- *Taxation Administration Act 1996*
- *Unclaimed Money Act 1995*

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 is a formal provision giving effect to the amendments to the *Debits Tax Act 1990* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendments to the *Duties Act 1997* set out in Schedule 2.

Clause 5 is a formal provision giving effect to the amendments to the *Land Tax Act 1956* set out in Schedule 3.

Clause 6 is a formal provision giving effect to the amendments to the *Land Tax Management Act 1956* set out in Schedule 4.

Clause 7 is a formal provision giving effect to the amendments to the *Premium Property Tax Act 1998* set out in Schedule 5.

Clause 8 is a formal provision giving effect to the amendments to the *Taxation Administration Act 1996* set out in Schedule 6.

Clause 9 is a formal provision giving effect to the amendments to the *Unclaimed Money Act 1995* set out in Schedule 7.

Schedule 1 Amendment of Debits Tax Act 1990

Schedule 1 makes amendments to the *Debits Tax Act 1990* to impose a direct liability to debits tax on non-bank financial institutions as a result of amendments made in 1998 to the Commonwealth *Cheques Act 1986*. The effect of the Commonwealth amendments is to abolish payment orders, and extend cheque issuing rights to certain non-bank financial institutions, thereby removing the need to distinguish between banks and non-bank financial institutions. Consequently, building societies, credit unions and other special services providers that directly issue cheques, and their customers, are made directly liable to tax on taxable debits.

Schedule 2 Amendment of Duties Act 1997

Schedule 2 [1], [2], [3], [4], [6], [20], [21] and [23] seek to clarify the concessions of duty applicable to managed investment schemes following the making of amendments to the *Corporations Law* by the Commonwealth *Managed Investments Act 1998*. The amendments made by the proposed Act will provide for the payment of nominal duty on a transfer of dutiable property:

- (a) from a prescribed interest scheme to a custodian, and
- (b) from a non-registered prescribed interest scheme to a responsible entity, and
- (c) to a replacement responsible entity, and
- (d) to a responsible entity from a custodian.

Provision is also made for the payment of nominal duty where it is necessary to enter into new arrangements as a consequence of the retirement of the trustee.

Schedule 2 [5] extends the concession for transfers of dutiable property from a trust to a beneficiary of a trust where the trust was established with non-dutiable property.

Schedule 2 [7] provides a duty concession for the amalgamation of certain leases under the *Western Lands Act 1901*.

Schedule 2 [8] adds two additional exemptions to the list of transactions that are not liable to duty under Chapter 2 of the *Duties Act 1997*. The first comprises the transfer of a poker machine permit that occurs as a consequence of the transfer of a licence under the *Liquor Act 1982* or as a consequence of the making of certain decisions or orders by the Liquor Administration Board or the Licensing Court. The second comprises the transfer of a manufactured home that is situated on land that is not owned by the transferor.

Schedule 2 [9] extends the exemption for a transfer of marketable securities from a beneficial owner to a trustee or nominee to hold for the beneficial owner, or from a trustee or nominee to the person from whom the securities were transferred, where there has been no change of beneficial ownership. The extension will include transfers that occur in the nomineeing and custodian industries where the transaction does not directly involve the beneficial owner, but involves a nominee, trustee or custodian.

Schedule 2 [10], [11] and [12] provide that the purchase price paid by the participants in a self help scheme under the First Home Purchase Scheme is to be taken, for the purposes of the Scheme, to be the full market value under the relevant agreement of transfer.

Schedule 2 [13] and [14] extend the circumstances in which a dutiable acquisition may occur in relation to a land-rich corporation by including the variation of rights of shareholders in addition to the variation of rights attaching to shares.

Schedule 2 [15] clarifies the liability to duty, and the responsibility for record-keeping, for on-market share transfers involving third party clearing of trading in equities where the trading and settlement functions may be separated.

Schedule 2 [16] extends the credit given on a collateral mortgage in New South Wales following an interstate refinancing that is exempt from duty in the other State. The credit comprises the amount of duty exempted in the other State.

Schedule 2 [17] extends the exemption for the refinancing of a loan to a refinancing resulting from the break-up of a de facto relationship.

Schedule 2 [18] and [19] make savings and transitional provisions as a consequence of the enactment of the proposed Act.

Schedule 2 [22] clarifies the exemption in relation to mortgage-backed securities by providing that a mortgage includes a charge.

Schedule 3 Amendment of Land Tax Act 1956

Schedule 3 makes amendments to the *Land Tax Act 1956*. The amendments remove provisions for the rounding off of assessments because a general provision to this effect applying to all State revenue laws is now contained in the *Taxation Administration Act 1996*.

Schedule 4 Amendment of Land Tax Management Act 1956

Schedule 4 [1] inserts proposed section 40 into the *Land Tax Management Act 1956* which entitles a taxpayer to a discount for early payment of land tax in certain circumstances.

Schedule 4 [2] enables the Chief Commissioner of State Revenue to issue a land tax certificate in relation to any land to any applicant, and to include in the certificate the land value of the land in relation to a specified tax year.

Schedule 4 [3] enables the Chief Commissioner to determine the means by which a land tax certificate may be issued, including electronically, and the form of the certificate.

Schedule 4 [4] extends the circumstances in which the Chief Commissioner may release land from the charge created by the imposition of unpaid land tax.

Schedule 4 [5] makes a minor amendment to the *Land Tax Management Act 1956* to create consistency with the *Taxation Administration Act 1996* in relation to the payment of interest or penalty tax on unpaid land tax.

Schedule 4 [7] inserts proposed section 62VA into the *Land Tax Management Act 1956* which enables the Chief Commissioner to issue a certificate to any person certifying details of an entry in the Register of Land Values. **Schedule 4 [6]** makes a consequential amendment.

Schedule 5 Amendment of Premium Property Tax Act 1998

Schedule 5 amends the *Premium Property Tax Act 1998*. The amendment removes a provision for the rounding off of assessments because a general provision to this effect applying to all State revenue laws is now contained in the *Taxation Administration Act 1996*.

Schedule 6 Amendment of Taxation Administration Act 1996

Schedule 6 [1] adds an additional circumstance in which the Chief Commissioner may make a reassessment more than 5 years after the initial assessment, namely, where the application by the taxpayer is made within 5 years after the initial assessment and the reassessment results in a reduction of the tax liability.

Schedule 6 [2] and **[3]** make provision for the calculation of the *market rate component* of interest necessitated by the proposed repeal of section 214A (8) of the Commonwealth *Income Tax Assessment Act 1936*.

Schedule 6 [4] enables the Chief Commissioner to remit the payment of interest imposed as a condition of an arrangement for the payment of tax.

Schedule 6 [5] enables the disclosure of information by the Chief Commissioner or another tax officer in accordance with an authorisation conferred by or under any Act.

Schedule 6 [6] facilitates the provision by the Chief Commissioner of information concerning land for the purposes of the land data warehouse under the Spacial Information Partnering Project.

Schedule 6 [7] provides specific authority for the Chief Commissioner to receive and use information obtained from notices of sale of land lodged with the Land Titles Office.

Schedule 7 Amendment of Unclaimed Money Act 1995

Schedule 7 amends the *Unclaimed Money Act 1995* to apply the provisions of that Act to unclaimed amounts in retirement savings accounts held under the *Retirement Savings Accounts Act 1997* of the Commonwealth (the ***Commonwealth RSA Act***). Under Part 8 of the Commonwealth RSA Act, an RSA provider, that is, a person who accepts contributions to a retirement savings account, must pay unclaimed benefits in retirement savings accounts (***unclaimed RSA benefits***) to a State authority if required to do so under State legislation that complies with that Part's requirements. The object of Schedule 7 is to enact legislation that so complies so as to enable payment of the unclaimed RSA benefits in this State to the Chief Commissioner of State Revenue. The legislation reflects provisions already enacted relating to unclaimed superannuation benefits.

Schedule 7 [12] inserts proposed section 13BA. The proposed section requires an RSA provider to lodge returns relating to unclaimed RSA benefits for each half year with the Chief Commissioner. A return must contain particulars of payments of unclaimed benefits made after the end of the half year concerned and must be lodged with payment of the amounts of outstanding unclaimed RSA benefits. The Chief Commissioner must pay the money received into the Consolidated Fund. The form of the return is to be approved by the Chief Commissioner and may be on a specified kind of data processing device in accordance with specified software requirements.

Schedule 7 [13] requires an RSA provider to keep a copy of the return at the provider's registered office or principal place of operation in the State and makes it an offence (with a maximum penalty of 2 penalty units) not to do so.

Schedule 7 [14] requires an RSA provider to make the copies of returns reasonably available for inspection and makes it an offence (with a maximum penalty of 2 penalty units) not to do so. The RSA provider may also charge an inspection fee of not more than \$10 or such other greater amount as may be prescribed by the regulations.

Schedule 7 [15] requires the Chief Commissioner to publish in the Government Gazette notice of the amount of any unclaimed RSA benefits exceeding \$50 (or such other amount as may be prescribed by the regulations) and of the identity of the beneficiary concerned.

Schedule 7 [17] requires the Chief Commissioner to pay an unclaimed RSA benefit to a beneficiary if satisfied that the amount would have been payable by the RSA provider concerned, if the money concerned had not been payable to the Chief Commissioner as unclaimed RSA benefits.

Schedule 7 [18] requires the Chief Commissioner to refund excess amounts paid to the Chief Commissioner by RSA providers.

Schedule 7 [19] inserts proposed section 13HA. The proposed section requires the Chief Commissioner to keep a register of unclaimed RSA benefits paid to the Chief Commissioner. The register must include particulars of the unclaimed RSA benefits and the holder of each retirement savings account in respect of whom any such benefit was payable.

Schedule 7 [20] discharges an RSA provider from liability in the capacity of such a provider in respect of amounts paid to the Chief Commissioner.

Schedule 7 [22] applies the provisions relating to unclaimed RSA benefits to a retirement savings account and an RSA provider, if the provider has its registered office in this State.

Schedule 7 [23] sets out the extraterritorial operation of the provisions in relation to RSA providers.

Schedule 7 [24]–[26] apply certain provisions of the *Taxation Administration Act 1996* to RSA providers and unclaimed RSA benefits. These provisions relate to penalty taxes, interest and other matters relating to the recovery of money owed to the Chief Commissioner under the *Unclaimed Money Act 1995* as well as other administrative matters.

Schedule 7 [27], [28] and [29] prevent an RSA provider from deducting any penalty tax or interest payable because of the application of the provisions of the *Taxation Administration Act 1996* from the amount of an RSA benefit.

Schedule 7 [30]–[33] enable the Chief Commissioner to make an assessment of the liability of an RSA provider to pay unclaimed RSA benefits, if the provider fails to lodge a return by the due date or lodges an incorrect return.

Schedule 7 [34] and [35] enable things required under the *Unclaimed Money Act 1995* to be done by a natural person to be done on behalf of an RSA provider that is not a natural person.

State Revenue Legislation Amendment Bill 1999

Explanatory note

Schedule 7 [36] and [37] enable savings and transitional regulations to be made as a consequence of the proposed amendments.

Schedule 7 [1]–[11], [16] and [21] make consequential amendments.

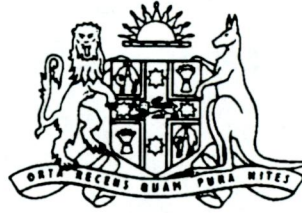


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New South Wales

State Revenue Legislation Amendment Bill 1999

No. , 1999

A Bill for

An Act to make miscellaneous amendments to certain State revenue legislation,
and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>State Revenue Legislation Amendment Act 1999</i> .	3
2 Commencement	4
(1) This Act commences on the date of assent, except as provided by this section.	5 6
(2) The following provisions commence or are taken to have commenced on the dates indicated:	7 8
Schedule 2 [1], [2], [3], [4], [6], [20], [21], [22] and [23] on 1 July 1998	9 10
Schedule 2 [5], [9], [13], [14], [16] and [17] on 1 June 1999	11
Schedule 2 [7] on 2 February 1999	12
Schedule 2 [8], in so far as it inserts section 65 (7) into the <i>Duties Act 1997</i> , on 23 October 1998	13 14
Schedule 2 [8], in so far as it inserts section 65 (8) into the <i>Duties Act 1997</i> , on 1 January 1999	15 16
Schedule 2 [10], [11] and [12] on 1 October 1998	17
Schedule 2 [15] on 26 April 1999	18
Schedule 6 [1], [2] and [3] on 1 July 1999	19
(3) The following provisions commence on a day or days to be appointed by proclamation:	20 21
Schedule 3	22
Schedule 4 [1]	23
Schedule 5	24
3 Amendment of Debits Tax Act 1990 No 112	25
The <i>Debits Tax Act 1990</i> is amended as set out in Schedule 1.	26
4 Amendment of Duties Act 1997 No 123	27
The <i>Duties Act 1997</i> is amended as set out in Schedule 2.	28

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| 5 | Amendment of Land Tax Act 1956 No 27 | 1 |
| | The <i>Land Tax Act 1956</i> is amended as set out in Schedule 3. | 2 |
| 6 | Amendment of Land Tax Management Act 1956 No 26 | 3 |
| | The <i>Land Tax Management Act 1956</i> is amended as set out in Schedule 4. | 4
5 |
| 7 | Amendment of Premium Property Tax Act 1998 No 79 | 6 |
| | The <i>Premium Property Tax Act 1998</i> is amended as set out in Schedule 5. | 7
8 |
| 8 | Amendment of Taxation Administration Act 1996 No 97 | 9 |
| | The <i>Taxation Administration Act 1996</i> is amended as set out in Schedule 6. | 10
11 |
| 9 | Amendment of Unclaimed Money Act 1995 No 75 | 12 |
| | The <i>Unclaimed Money Act 1995</i> is amended as set out in Schedule 7. | 13
14 |

Schedule 1 Amendment of Debits Tax Act 1990

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	2
	(Section 3)
	3
[1] Section 3 Definitions	4
Omit the definitions of <i>account</i> , <i>account transaction</i> , <i>bank</i> , <i>financial institution</i> , <i>non-bank financial institution</i> and <i>payment order</i> from section 3 (1).	5 6 7 8
Insert in alphabetical order:	9
<i>account</i> means an account, kept with a financial institution, to which payments by the institution in respect of cheques drawn on the institution by the account holder, or by any one or more of the account holders, may be debited.	10 11 12 13
<i>account transaction</i> means the payment of a cheque, or the doing of any other thing, that will result in the making of a debit to an account.	14 15 16
<i>financial institution</i> means an institution that is a financial institution for the purposes of the <i>Cheques Act 1986</i> of the Commonwealth.	17 18 19
[2] Section 3 (1), definition of "cheque"	20
Omit "bank" where firstly occurring. Insert instead "financial institution".	21 22
[3] Section 3 (1), definition of "cheque"	23
Omit "bank" where secondly occurring. Insert instead "institution".	24 25
[4] Section 3 (1), definition of "excluded debit"	26
Omit "or payment order" wherever occurring in paragraph (b) (ii).	27 28
[5] Section 3 (1), definition of "incomplete"	29
Omit "or payment order" wherever occurring.	30 31
[6] Section 3 (9)	32
Omit "non-bank financial institution includes".	33 34
Insert instead "financial institution includes, where the institution is not a bank,".	35 36

[7] Section 3 (11)	1
Insert after section 3 (10):	2
(11) A reference in this Act to banking business includes a reference to business carried on by a financial institution in the course of which the institution keeps accounts for its customers.	3
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[8] Section 4 Notional separation of debits	7
Omit section 4 (2). Insert instead:	8
(2) In this section, <i>third party cheque arrangement</i> means an arrangement under which a person, other than the account holder, is entitled to draw cheques on an account and the account holder is entitled to recover the amount of any cheque so drawn from the drawer.	9
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[9] Section 8 Imposition of tax	15
Omit section 8 (2). Insert instead:	16
(2) A reference in this section to a debit made to an account kept outside New South Wales includes a reference to a debit made to an account (in this section called the <i>customer's account</i>) kept outside New South Wales with a building society, credit union or similar body (including an account kept by way of withdrawable share capital in, or money deposited with, the body) where:	17
(a) another account is kept with a financial institution in the name of the body, and	18
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(b) the customer's account has characteristics such that a cheque may be drawn on the financial institution by the body and, at a time when it is incomplete, be delivered by the body to a customer under an agreement under which:	25
(i) the customer is authorised to fill up the cheque, and	26
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(ii) the body is authorised, for the purpose of making a payment to the financial institution to enable the financial institution to honour the cheque, to debit the customer's account.	31
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Schedule 2 Amendment of Duties Act 1997

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	(Section 4)
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[1] Section 54 Change in trustees	4
Insert "except in the case of a responsible entity of a managed investment scheme," before "none" in section 54 (3) (a) and (b) wherever occurring.	5
	6
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[2] Section 54 (3) (c)	8
Insert "except in the case of a responsible entity of a managed investment scheme that acquires a beneficial interest in the managed investment scheme solely as a consequence of its appointment as the responsible entity," before "the transfer".	9
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[3] Section 54 (4)	14
Omit the subsection. Insert instead:	15
	16
(4) Duty of \$10 is chargeable in respect of a transfer of dutiable property to a responsible entity if the Chief Commissioner is satisfied that the transfer is necessary to enable an undertaking that existed before the commencement of Chapter 5C of the <i>Corporations Law</i> to become a registered scheme within the meaning of Division 11 of Part 11.2 of the <i>Corporations Law</i> .	17
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[4] Section 54A	23
Omit the section. Insert instead:	24
	25
54A Transfers in relation to managed investment schemes	26
(1) Duty of \$10 is chargeable in respect of a transfer of dutiable property from:	27
	28
(a) a responsible entity of a managed investment scheme, or	29
(b) a person who held the dutiable property as a trustee of a prescribed interest scheme within the meaning of the <i>Corporations Law</i> as in force immediately before 1 July 1998 when the scheme became a registered scheme within the meaning of Division 11 of Part 11.2 of the <i>Corporations Law</i> ,	30
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to a custodian or agent of the responsible entity as custodian or agent of the scheme in which the transferor held the dutiable property.	1
(2) Duty of \$10 is chargeable in respect of a transfer of dutiable property from the custodian of the responsible entity of a managed investment scheme to the responsible entity.	2 3 4 5 6
[5] Section 57 Property passing to beneficiaries	7
Omit "dutiable" from section 57 (2) (a).	8 9
[6] Section 59 Instrument relating to managed investment scheme	10
Omit "responsible entity of a managed investment scheme" from section 59 (2) (a).	11 12 13
Insert instead "prescribed interest scheme within the meaning of the <i>Corporations Law</i> as in force immediately before 1 July 1998".	14 15
[7] Section 64A	16
Insert after section 64:	17 18
64A Amalgamation of Western Lands leases	19
(1) This section applies to the transfer of, or an agreement to transfer, a lease under the <i>Western Lands Act 1901</i> , being a lease for a purpose specified in an order of the Governor made for the purposes of this section and published in the Gazette.	20 21 22 23
(2) The duty chargeable on a dutiable transaction, being the transfer of, or an agreement to transfer, a lease to which this section applies is to be reduced if:	24 25 26
(a) the transferee has transferred another lease under the <i>Western Lands Act 1901</i> within 3 years before the dutiable transaction, and	27 28 29
(b) the land subject to the dutiable transaction adjoins land held by the transferee under a lease under the <i>Western Lands Act 1901</i> .	30 31 32
(3) The duty chargeable on the dutiable transaction is to be reduced by the amount of duty paid on the transfer of, or the agreement to transfer, the other lease within 3 years before the dutiable transaction.	33 34 35 36

[8] Section 65 Exemptions from duty

Insert after section 65 (6):

(7) **Poker machine permits**

No duty is chargeable under this Chapter:

- (a) on the transfer of a permit for a poker machine under the *Liquor Act 1982* that occurs as a consequence of the transfer of a licence under that Act that is not chargeable with duty under this Chapter, or
- (b) on the vesting of a permit for a poker machine under the *Liquor Act 1982* that occurs by or as a consequence of a decision of the Liquor Administration Board or order of the Licensing Court if the Chief Commissioner is satisfied that:
 - (i) there is no change, or contemplated change, in the beneficial ownership of the permit as a consequence of the vesting, or
 - (ii) the vesting occurs as a consequence of an agreement for the sale or transfer of dutiable property on which the duty chargeable in respect of the agreement has been paid.

(8) **Manufactured homes**

No duty is chargeable under this Chapter on the transfer of, or an agreement to transfer, a manufactured home in a caravan park or manufactured home estate if the manufactured home, but not the land on which the manufactured home is located, is owned by the transferor.

In this subsection:

manufactured home means a manufactured home as defined in the *Local Government Act 1993* where the home is designed to allow its transportation.

manufactured home estate has the same meaning as in the *Local Government Act 1993*.

[9] Section 66 Exemptions—marketable securities	1
Omit section 66 (4) (a) and (b). Insert instead:	2
	3
(a) a transfer of marketable securities made by the legal and beneficial owner to a trustee or nominee to be held solely as trustee or nominee for:	4
(i) the beneficial owner, or	5
(ii) a trustee or nominee of the beneficial owner,	6
without any change in beneficial ownership and without contemplation of any such change, or	7
	8
(b) a transfer of marketable securities to a beneficial owner from a trustee or nominee if:	9
(i) the marketable securities were held solely for the beneficial owner, or by a trustee or nominee for a trustee or nominee of the beneficial owner, and	10
(ii) no person other than the beneficial owner has had a beneficial interest in the marketable securities (other than the trustee's or nominee's right of indemnity) between any transfer of the marketable securities to a trustee or nominee and their transfer back to the beneficial owner,	11
without any change in beneficial ownership and without contemplation of any such change, or	12
	13
(b1) a transfer of marketable securities:	14
(i) from a trustee or nominee of the beneficial owner to a custodian of the trustee or nominee, or	15
(ii) from a custodian of a trustee or nominee to the trustee or nominee of the beneficial owner,	16
without any change in beneficial ownership and without contemplation of any such change, or	17
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[10] Section 74 Eligible agreements or transfers	31
Insert “, except in the case of a group self help scheme” after “value” in section 74 (4).	32
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[11] Section 74 (4)	1
Insert “In the case of a group self help scheme, the purchase price paid by the participants in the scheme is taken, for the purposes of this section, to be the full market value.” at the end of the subsection.	2 3 4 5
[12] Section 85 Definitions	6
Insert in alphabetical order:	7 8
<i>group self help scheme</i> means a scheme under which the participants contribute labour to a housing project instead of a cash deposit in order to obtain finance to purchase a house and land at a price that is lower than the current full market value.	9 10 11 12
[13] Section 112 How may an interest be “acquired”?	13
Insert at the end of section 112 (c):	14 15
, or	16
(d) the variation or alteration of a right of a holder of any such share or unit, including on payment of a call on partially paid-up shares,	17 18 19
[14] Section 112	20
Omit “and (c)”. Insert instead “, (c) and (d)”.	21 22
[15] Section 157 Records of sales, purchases and transactions—generally	23
Insert “(pursuant to an order received by the broker or effected by the broker on the broker’s own account)” after “broker” where secondly occurring in section 157 (1).	24 25 26 27

[16] Section 218 Collateral securities	1
Insert after section 218 (1):	2
(1A) If the same money is secured, or partly secured, by two or more mortgages, at least one of which is a mortgage that is exempt from duty under a corresponding Act because it effects a refinancing (an <i>exempt mortgage</i>) and at least one of which is a mortgage that is chargeable with duty under this Act (a <i>collateral mortgage</i>), the duty chargeable on a collateral mortgage is to be reduced by the amount of duty from which the exempt mortgage is exempt under the corresponding Act.	3
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[17] Section 220 Refinancing of loans	12
Insert “or is a partner in a de facto relationship that has, in the opinion of the Chief Commissioner, been terminated” after “divorced” in section 220 (9).	13
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	16
[18] Schedule 1 Savings, transitional and other provisions	17
Insert at the end of clause 1 (1):	18
<i>State Revenue Legislation Amendment Act 1999</i>	19
	20
[19] Schedule 1, clause 15	21
Insert after clause 14:	22
	23
15 Exemptions from duty under the Stamp Duties Act 1920	24
If, by a provision of an Act other than the <i>Stamp Duties Act 1920</i> , a transaction or instrument was not chargeable with stamp duty under the <i>Stamp Duties Act 1920</i> immediately before 1 July 1998, the transaction or instrument is not chargeable with duty under this Act, unless the contrary intention appears.	25
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[20] Schedule 1, Part 3	1
Insert after Part 2:	2 3
Part 3 Provisions consequent on enactment of State Revenue Legislation Amendment Act 1999	4 5
16 Managed investment schemes—novation of contracts	6
(1) This clause applies to a transaction entered into or an instrument executed by a responsible entity to replace a transaction entered into or an instrument executed by a body holding the office of trustee or representative and management company who has retired from that office to enable an undertaking to become a managed investment scheme.	7 8 9 10 11 12
(2) This clause applies only to transactions that occur and instruments that are executed in relation to a managed investment scheme after the commencement of Chapter 5C of the <i>Corporations Law</i> and:	13 14 15 16
(a) within the period of 2 years starting on that commencement, or	17 18
(b) before the date on which the scheme became a registered scheme within the meaning of Division 11 of Chapter 5C of the <i>Corporations Law</i> ,	19 20 21
whichever first occurs.	22
(3) Despite the other provisions of this Act, a transaction or instrument to which this clause applies is chargeable with duty in accordance with this clause.	23 24 25
(4) The amount of duty chargeable in respect of the transaction or instrument is:	26 27
(a) the amount of duty that would be chargeable in respect of the transaction or instrument but for this clause, less the amount of duty paid (under this Act or the <i>Stamp Duties Act 1920</i>) in relation to the transaction or instrument that is being replaced, or	28 29 30 31 32
(b) \$10,	33
whichever is the greater.	34

-
- [21] **Dictionary, definition of “managed investment scheme”** 1
Omit the definition. Insert instead: 2
3
managed investment scheme means a managed investment 4
scheme within the meaning of Chapter 5C of the *Corporations* 5
Law, and includes a public unit trust scheme. 6
- [22] **Dictionary, definition of “mortgage”** 7
Insert “, and includes a charge over any such land” after “elsewhere”. 8
9
- [23] **Dictionary, definition of “public unit trust scheme”** 10
Omit “the *Corporations Law* that complies with Chapter 5C of that Law” 11
from paragraph (b1). 12
Insert instead “Chapter 5C of the *Corporations Law*”. 13
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Schedule 3	Amendment of Land Tax Act 1956	1
		2
	(Section 5)	3
[1] Section 3 Levy of land tax		4
Omit subsection (3).		5
		6
[2] Section 3AA Levy of land tax after 31 December 1984		7
Omit subsection (4).		8
		9
[3] Section 3AB Levy of land tax after 31 December 1985 and before 1 January 1988		10
		11
Omit subsection (4).		12
		13
[4] Section 3AC Levy of land tax after 31 December 1987		14
Omit subsection (4).		15
		16
[5] Section 3AD Levy of land tax after 31 December 1988		17
Omit subsection (4).		18
		19
[6] Section 3AE Levy of land tax after 31 December 1989		20
Omit subsection (4).		21
		22
[7] Section 3AF Levy of land tax after 31 December 1996		23
Omit subsection (4).		24
		25
[8] Section 3AG Levy of land tax after 31 December 1997 and 31 December 1998		26
		27
Omit subsection (4).		28
		29
[9] Section 3AH Levy of land tax after 31 December 1999		30
Omit subsection (4).		31
		32

Schedule 4	Amendment of Land Tax Management Act 1956	1
		2
		3
	(Section 6)	4
[1] Section 40		5
Insert after section 39:		6
		7
40 Discount for early payment		8
(1)	A person who pays land tax within 30 days after service of the notice of assessment of the land tax is entitled to a discount of the amount of land tax specified in the assessment excluding overdue land tax if:	9
		10
		11
		12
(a)	the whole of the amount specified in the assessment is paid, and	13
		14
(b)	no other liability in relation to land tax, interest or penalty tax is, at the time of payment, payable by the person to the Chief Commissioner (including a liability subject to objection, appeal or other dispute) or any such liability is paid in full when making the payment.	15
		16
		17
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		19
(2)	The discount is to be at the rate determined by order of the Treasurer published in the Gazette. A rate may be determined in respect of assessments generally or in relation to assessments issued in a specified land tax year.	20
		21
		22
		23
(3)	This section has effect despite any other provision of this Act or the <i>Land Tax Act 1956</i> .	24
		25

[2] Section 47 Land tax to be first charge on land	1
Omit section 47 (1A). Insert instead:	2
(1A) The Chief Commissioner:	3
(a) on the application of any person, and	4
(b) on payment of a fee of \$15 (or the making of arrangements satisfactory to the Chief Commissioner for its payment),	5
is to issue a certificate showing if there is any land tax charged on land the subject of the application.	6
The Chief Commissioner may include in the certificate the land value of the land in relation to a specified land tax year.	7
	8
	9
	10
	11
	12
[3] Section 47 (1BA)	13
Insert after section 47 (1B):	14
(1BA) The Chief Commissioner may determine:	15
(a) the means by which a certificate may be issued, including electronically, and	16
(b) the form of a certificate, including as a document or in an electronic form or a form that may be produced from an electronic message.	17
	18
	19
	20
	21
[4] Section 47 (2)	22
Omit the subsection. Insert instead:	23
(2) The Chief Commissioner may release the land taxed, or any part of the land, from the charge imposed by subsection (1):	24
(a) on payment of an amount the Chief Commissioner estimates to be not less than the proportion of land tax referable to the land or part, or	25
(b) without payment of land tax if:	26
(i) the Chief Commissioner is satisfied that there is no significant risk that the land tax for which the charge is imposed will not be paid, and	27
(ii) a person who is or may become liable to pay the land tax is not in arrears in payment of any land tax.	28
	29
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	36

[5] Section 53 Definition of land tax for certain purposes of this Part	1
Omit "additional land tax whether by way of penalty or otherwise" from section 53 (b).	2
Insert instead "interest and penalty tax imposed under section 72, or under section 47 or Part 5 of the <i>Taxation Administration Act 1996</i> ".	3
	4
	5
	6
[6] Section 62U Register of Land Values	7
Omit subsection (3).	8
	9
[7] Section 62VA	10
Insert after section 62V:	11
	12
62VA Certificates of land value	13
(1) The Chief Commissioner may issue a certificate to any person certifying details of an entry in the Register of Land Values kept under section 62U.	14
	15
	16
(2) The Chief Commissioner may determine:	17
(a) the means by which a certificate may be issued, including electronically, and	18
	19
(b) the form of a certificate, including as a document or in an electronic form or a form that may be produced from an electronic message.	20
	21
	22
(3) A certificate is conclusive evidence, as at the date specified in the certificate, of the matter certified.	23
	24
(4) The Chief Commissioner may determine:	25
(a) the means by which an application for a certificate may be made, and	26
	27
(b) the form of an application, and	28
(c) the fee to be paid for a certificate, and	29
(d) the means by which the fee may be paid.	30

State Revenue Legislation Amendment Bill 1999

Schedule 5 Amendment of Premium Property Tax Act 1998

Schedule 5	Amendment of Premium Property Tax Act 1998	1
		2
		3
	(Section 7)	4
Section 9 Rounding off of assessments		5
Omit the section.		6
		7

Schedule 6	Amendment of Taxation Administration Act 1996	1
		2
		3
	(Section 8)	4
[1] Section 9 Reassessment		5
Insert at the end of section 9 (3) (c):		6
, or		7
(d) the reassessment is made as a consequence of an		8
application by a taxpayer, being an application made		9
within 5 years after the initial assessment of the liability,		10
and the reassessment reduces the tax liability.		11
		12
[2] Section 22 Interest rate		13
Omit section 22 (2) (a). Insert instead:		14
(a) unless an order is in force under paragraph (b), the		15
Treasury Note yield rate rounded to the second decimal		16
place (rounding 0.005 upwards), or		17
		18
[3] Section 22 (4)		19
Insert after section 22 (3):		20
(4) In this section, the <i>Treasury Note yield rate</i> in respect of any		21
day is the weighted average yield set at the last weekly tender		22
for the 13 week Treasury Note before the end of May in the		23
financial year preceding the financial year in which the day		24
occurs.		25
		26
[4] Section 47 Arrangements for payment of tax		27
Insert after section 47 (2):		28
(3) The Chief Commissioner may, in such circumstances as the		29
Chief Commissioner considers appropriate, remit the payment		30
of interest required to be paid by a condition imposed under		31
subsection (2) by any amount.		32
		33

State Revenue Legislation Amendment Bill 1999

Schedule 6 Amendment of Taxation Administration Act 1996

[5] Section 82 Permitted disclosures—to particular persons	1
Omit paragraph (d). Insert instead:	2
	3
(d) in accordance with a requirement imposed, or	4
authorisation conferred, by or under an Act, or	5
[6] Section 82 (e) (viii b)	6
Insert after section 82 (e) (viii a):	7
	8
(viii b) the Head of a Department of the Public	9
Service, the chief executive officer of a	10
declared authority (within the meaning of	11
the <i>Public Sector Management Act 1988</i>)	12
or the holder of a statutory office if the	13
information relates to land, including its	14
description, ownership and value, or	15
[7] Section 113A	16
Insert after section 113:	17
	18
113A Use of certain information—notice of sale or transfer of land	19
The Chief Commissioner is entitled to receive, and to use in	20
relation to the administration of a taxation law, information	21
contained in a notice lodged with the Registrar-General as	22
referred to in section 604 (4) of the <i>Local Government Act 1993</i> .	23

Schedule 7	Amendment of Unclaimed Money Act 1995	1
		2
		3
	(Section 9)	4
[1] Section 3 Definitions		5
	Omit " <i>Commonwealth Act</i> ".	6
		7
	Insert instead " <i>Commonwealth Superannuation Act</i> ".	8
[2] Section 3		9
	Insert in alphabetical order:	10
		11
	<i>Commonwealth RSA Act</i> means the <i>Retirement Savings Accounts Act 1997</i> of the Commonwealth.	12
		13
	<i>retirement savings account</i> has the same meaning as it has in the Commonwealth RSA Act.	14
		15
	<i>RSA provider</i> has the same meaning as it has in the Commonwealth RSA Act.	16
		17
	<i>unclaimed RSA benefit</i> means an amount that, under Part 8 of the Commonwealth RSA Act, is taken to be unclaimed money.	18
		19
[3] Section 3, definition of "enterprise"		20
		21
	Insert "or a building society, credit union or friendly society" after "Commonwealth)".	22
		23
[4] Section 3, definition of "officer"		24
		25
	Omit "or trustee" wherever occurring.	26
	Insert instead ", trustee or RSA provider".	27
[5] Section 3, definition of "return"		28
		29
	Omit "or 13B". Insert instead ", 13B or 13BA".	30
[6] Section 3, definition of "unclaimed superannuation benefit"		31
		32
	Omit "Commonwealth Act".	33
	Insert instead "Commonwealth Superannuation Act".	34

[7] Part 3A, heading	1
Insert “and RSA benefits” after “benefits”.	2 3
[8] Section 13A Definitions	4
Omit “Commonwealth Act” wherever occurring in the definitions of <i>approved deposit fund, beneficiary, exempt public sector superannuation scheme, regulated superannuation fund</i> and <i>trustee</i> .	5 6 7 8
Insert instead “Commonwealth Superannuation Act”.	9
[9] Section 13A	10
Insert in alphabetical order:	11 12
<i>data processing device</i> means any article or material (for example a disc) from which information is capable of being reproduced with or without the aid of any other article or device.	13 14 15
<i>holder</i> of an RSA has the same meaning as it has in the Commonwealth RSA Act.	16 17
[10] Part 3A, Division 2, heading	18
Insert “and RSA benefits” after “benefits”.	19 20
[11] Section 13B Return and payment of unclaimed superannuation benefits to Chief Commissioner	21
Omit section 13B (7).	22 23 24
[12] Section 13BA	25
Insert after section 13B:	26 27
13BA Return and payment of unclaimed RSA benefits to Chief Commissioner	28 29
(1) An RSA provider must lodge with the Chief Commissioner a return, in a form approved by the Chief Commissioner, of all unclaimed RSA benefits held by the RSA provider as at the end of each half-year.	30 31 32 33

(2)	The RSA provider must lodge the return:	1
(a)	in relation to a half-year ending on 30 June, on or before the following 31 October, and	2 3
(b)	in relation to a half-year ending on 31 December, on or before the following 30 April,	4 5
	or on or before such later date as the Chief Commissioner may in a particular case allow by notice in writing to the RSA provider whether before or after 31 October or 30 April, as the case requires.	6 7 8 9
(3)	If, after the end of a half-year and before the RSA provider lodges the return with the Chief Commissioner, the RSA provider pays any unclaimed RSA benefit to a person who is entitled to it, the return must contain such particulars relating to the amounts so paid as are required by the form.	10 11 12 13 14
(4)	An RSA provider, when lodging the return, must pay to the Chief Commissioner an amount equal to the sum of the unclaimed RSA benefits specified in the statement less the sum of amounts paid by the provider and specified in accordance with subsection (3).	15 16 17 18 19
(5)	The Chief Commissioner is to pay money received under this section into the Consolidated Fund.	20 21
(6)	An approval by the Chief Commissioner of a form of return for the purposes of this section may require or permit the return to be given on a specified kind of data processing device in accordance with specified software requirements.	22 23 24 25
[13]	Section 13C Copies and inspection of returns	26
	Insert after section 13C (1):	27 28
(1A)	An RSA provider that lodges a return must retain a copy of the return at the provider's registered office or principal place of operation in the State.	29 30 31
	Maximum penalty: 2 penalty units.	32
[14]	Section 13C (3) and (4)	33
	Insert "or RSA provider" after "trustee" wherever occurring.	34 35

[15] Section 13D Publication of information relating to unclaimed money	1
Insert "or unclaimed RSA benefits" after "benefits" in section 13D (a).	2 3
[16] Section 13E Payment of unclaimed benefits where money later claimed	4
Omit "Commonwealth Act" from section 13E (b).	5 6
Insert instead "Commonwealth Superannuation Act".	7 8
[17] Section 13E (2)	9
Insert at the end of section 13E:	10 11
(2) If:	12
(a) any unclaimed RSA benefits have been paid to the Chief Commissioner under this Part, and	13 14
(b) the Chief Commissioner is satisfied on application made by a person in a form approved by the Chief Commissioner that, if this Part and Part 8 of the Commonwealth RSA Act had not been enacted, the person would have been paid that unclaimed RSA benefit by the RSA provider by whom it was paid to the Chief Commissioner,	15 16 17 18 19 20 21
the Chief Commissioner must pay that unclaimed RSA benefit to that person.	22 23
[18] Section 13F Chief Commissioner must repay excess payments	24
Insert at the end of section 13F:	25 26
(2) If an RSA provider, after paying an amount to the Chief Commissioner under this Part, satisfies the Chief Commissioner that the amount so paid exceeds the amount that would have been paid to the person concerned, or is not unclaimed RSA benefits that are required to be paid to the Chief Commissioner under this Act, the Chief Commissioner must refund to the RSA provider the amount of the excess.	27 28 29 30 31 32 33

[19] Section 13HA	1
Insert after section 13H:	2
	3
13HA Register of unclaimed RSA benefits	4
(1) The Chief Commissioner must keep a register of unclaimed RSA benefits paid to the Chief Commissioner under this Part.	5
	6
(2) The register may be in such form, and kept in such manner, as the Chief Commissioner determines but must include particulars of:	7
	8
(a) the unclaimed RSA benefits paid to the Chief Commissioner by an RSA provider, and	9
	10
	11
(b) the holder of the RSA in respect of whom the benefit was payable.	12
	13
[20] Section 13I Discharge of liability	14
Insert "or RSA provider" after "fund".	15
	16
[21] Section 13I	17
Insert "or provider" after "trustee" where secondly occurring.	18
	19
[22] Section 13K Application of Part	20
Insert after section 13K (2):	21
	22
(3) This Part applies to a retirement savings account and an RSA provider if the provider has its registered office within New South Wales.	23
	24
	25
[23] Section 13L Extra-territorial operation	26
Insert after section 13L (c):	27
	28
(d) RSA providers and holders of RSAs situated or residing outside New South Wales, whether in or outside Australia.	29
	30
	31

State Revenue Legislation Amendment Bill 1999

Schedule 7 Amendment of Unclaimed Money Act 1995

[24] Section 27 Application of certain provisions of Taxation Administration Act 1996	1
	2
Omit "or the trustee of a superannuation fund" from section 27 (1) (b).	3
Insert instead ", the trustee of a superannuation fund or an RSA provider".	4
	5
[25] Section 27 (1) (e)	6
	7
Omit "or a trustee". Insert instead ", a trustee or an RSA provider".	8
[26] Section 27 (1) (e)	9
	10
Omit "or unclaimed superannuation benefits".	11
Insert instead ", unclaimed superannuation benefits or unclaimed RSA benefits".	12
	13
[27] Section 27 (2)	14
	15
Insert "or an RSA provider" after "fund" where firstly occurring.	16
[28] Section 27 (2)	17
	18
Insert "or RSA benefit" after "benefit".	19
[29] Section 27 (2)	20
	21
Insert "or a retirement savings account" after "fund" where lastly occurring.	22
	23
[30] Section 28 General power to make assessment	24
	25
Omit ", or a trustee of a superannuation fund to pay unclaimed superannuation benefits" wherever occurring in section 28 (1) and (2).	26
Insert instead ", a trustee of a superannuation fund to pay unclaimed superannuation benefits, or an RSA provider to pay unclaimed RSA benefits".	27
	28
	29
	30
[31] Section 28 (3) and (5)	31
	32
Omit "or trustee" wherever occurring.	33
Insert instead ", trustee or RSA provider".	34

[32] Section 28 (4)	1
Omit "or unclaimed superannuation benefits".	2
Insert instead ", unclaimed superannuation benefits or unclaimed RSA benefits".	3
[33] Section 28 (6)	4
Omit "or 13B (1)". Insert instead ", 13B (1) or 13BA (1)".	5
[34] Section 29 Enterprises, trustees and RSA providers that are not natural persons	6
Omit "or the trustee of a superannuation fund".	7
Insert instead ", the trustee of a superannuation fund or an RSA provider".	8
[35] Section 29	9
Omit "or trustee" wherever occurring.	10
Insert instead ", trustee or provider".	11
[36] Schedule 2 Savings, transitional and other provisions	12
Insert at the end of clause 1 (1):	13
<i>State Revenue Legislation Amendment Act 1999</i>	14
[37] Schedule 2, clause 1 (2)	15
Omit "this Act". Insert instead "the Act concerned".	16
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