

2023

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Treasurer)

# Revenue Legislation Amendment Bill 2023

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(Treasurer)

# Revenue Legislation Amendment Bill 2023

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## A Bill for

An Act to amend legislation about revenue collection, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Revenue Legislation Amendment Act 2023*.

4 **2 Commencement**

5 This Act commences on 1 July 2024.

6 *Note* The naming and commencement provisions automatically commence on  
7 the notification day (see [Legislation Act](#), s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the following legislation:

- 10 • [Duties Act 1999](#)  
11 • [Rates Act 2004](#)  
12 • [Taxation Administration Act 1999](#).

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## Part 2 Duties Act 1999

### 4 Section 57 heading

*substitute*

### 57 Transfers back from trustee

### 5 New division 2.5.2A

*insert*

## Division 2.5.2A Alternative finance transactions

### 64 Meaning of *financial institution*—div 2.5.2A

In this division:

*financial institution* means—

- (a) an authorised deposit-taking institution; or
- (b) a co-operative under the *Co-operatives National Law (ACT)*; or
- (c) a body prescribed by regulation.

*Note* The *Co-operatives National Law (ACT) Act 2017*, s 7 applies the Co-operatives National Law set out in the *Co-operatives (Adoption of National Law) Act 2012* (NSW), appendix as if it were an ACT law called the *Co-operatives National Law (ACT)*.

### 64A Land transferred to financial institution and individual then leased and transferred to individual

- (1) This section applies if, under a scheme between an individual and a financial institution—
  - (a) a person transfers land in the ACT to the individual and the financial institution as co-owners (the *first transfer*); and
  - (b) at the time of the first transfer, the financial institution leases the land to the individual for a fixed period; and

- 1 (c) the financial institution transfers the land to the individual  
2 (the *second transfer*) at the end of—
- 3 (i) the fixed period; or
- 4 (ii) another period agreed by the financial institution and the  
5 individual.
- 6 (2) Duty under this chapter is not payable in relation to the second  
7 transfer.
- 8 **64B Land transferred to financial institution then transferred**  
9 **to individual**
- 10 (1) This section applies if, under a scheme between an individual and a  
11 financial institution—
- 12 (a) the individual, acting as an agent for the financial institution,  
13 enters into a contract of sale for land in the ACT with another  
14 person; and
- 15 (b) the other person transfers the land to the financial institution  
16 under the contract (the *first transfer*); and
- 17 (c) at the time of the first transfer, the individual enters into a  
18 contract of sale for the land with the financial institution; and
- 19 (d) the financial institution transfers the land to the individual under  
20 the contract mentioned in paragraph (c) (the *second transfer*).
- 21 (2) Duty under this chapter is not payable in relation to the second  
22 transfer.

- 1 **64C Land transferred to financial institution then leased and**  
2 **transferred to individual**
- 3 (1) This section applies if, under a scheme between an individual and a  
4 financial institution—
- 5 (a) the individual, acting as an agent for the financial institution,  
6 enters into a contract of sale for land in the ACT with another  
7 person; and
- 8 (b) the other person transfers the land to the financial institution  
9 under the contract (the *first transfer*); and
- 10 (c) at the time of the first transfer, the financial institution leases the  
11 land to the individual for a fixed period under an agreement—
- 12 (i) between the financial institution and the individual; and
- 13 (ii) that gives an option to the individual to purchase the land  
14 at the end of the fixed period or another period agreed by  
15 the parties to the agreement; and
- 16 (d) at the end of the period—
- 17 (i) the individual exercises the option to purchase the land  
18 under the agreement; and
- 19 (ii) the financial institution transfers the land to the individual  
20 for consideration agreed by the parties to the agreement  
21 (the *second transfer*).
- 22 (2) Duty under this chapter is not payable in relation to—
- 23 (a) the agreement; or
- 24 (b) the second transfer.

- 1     **64D     Land transferred to individual with beneficial interest**  
2     **transferred to financial institution**
- 3           (1) This section applies if, under a scheme between an individual and a  
4           financial institution—
- 5               (a) a person transfers land in the ACT to the individual (the *first*  
6               *transfer*); and
- 7               (b) at the time of the first transfer—
- 8                     (i) the individual declares a trust in favour of the financial  
9                     institution in relation to the individual’s beneficial interest  
10                    in the land; and
- 11                   (ii) the financial institution leases the beneficial interest to the  
12                    individual for a fixed period; and
- 13               (c) at the end of the fixed period or another period agreed by the  
14               individual and the financial institution, the beneficial interest is  
15               transferred to the individual (the *second transfer*).
- 16           (2) Duty under this chapter is not payable in relation to—
- 17               (a) the declaration of trust; or
- 18               (b) the second transfer.
- 19     **64E     Change of financial institution**
- 20           (1) This section applies if—
- 21               (a) an individual and a financial institution enter into a scheme in  
22               relation to land in the ACT under section 64A, section 64B,  
23               section 64C or section 64D; and
- 24               (b) the financial institution transfers the land to another financial  
25               institution (the *first transfer*) on the condition that the other  
26               financial institution will transfer the land to the individual in  
27               accordance with the scheme; and

1 (c) the other financial institution transfers the land to the individual  
2 in accordance with the scheme (the *second transfer*).

3 (2) Duty under this chapter is not payable in relation to the first transfer  
4 or second transfer.

5 **64F Individual dies before arrangement completed**

6 (1) This section applies if—

7 (a) an individual and a financial institution enter into a scheme in  
8 relation to land in the ACT under section 64A, section 64B,  
9 section 64C or section 64D; and

10 (b) the individual dies before a transfer could take place under—

11 (i) section 64A (1) (c); or

12 (ii) section 64B (1) (d); or

13 (iii) section 64C (1) (d) (ii); or

14 (iv) section 64D (1) (c).

15 (2) Duty under this chapter is not payable in relation to the transfer of  
16 any interest in the land under the scheme from the individual or  
17 financial institution to another individual—

18 (a) in conformity with the trusts contained in the will of the  
19 individual or arising on an intestacy; or

20 (b) because of a right of survivorship; or

21 (c) under the *Administration and Probate Act 1929*—

22 (i) section 38A (Estate to vest in public trustee and guardian  
23 until grant); or

24 (ii) section 39 (Real and personal estate to vest in executor or  
25 administrator).

- 1 **6 Section 76A**
- 2 *substitute*
- 3 **76A Definitions—ch 3**
- 4 In this chapter:
- 5 *acquisition statement*—see section 87 (1).
- 6 *chapter 3 property*, in relation to a chapter 3 transaction, means—
- 7 (a) for an acquisition of an interest in a landholder—the interest in
- 8 a landholder; or
- 9 (b) for an acquisition of a land use entitlement—the land use
- 10 entitlement; or
- 11 (c) for a voluntary transfer of business—the business.
- 12 **7 Definitions—pt 3.2**
- 13 **Section 78, new definition of *land***
- 14 *insert*
- 15 *land*—see section 80A.
- 16 **8 New section 80A**
- 17 *insert*
- 18 **80A Meaning of *land*—pt 3.2**
- 19 (1) For this part, *land* includes anything attached to the land, whether or
- 20 not the thing—
- 21 (a) is a fixture under a law in force in the ACT; or
- 22 (b) is owned separately from the land; or
- 23 (c) appears, or is considered to be, separate from the land under a
- 24 law in force in the ACT.

- 1 (2) Without limiting subsection (1), a thing is attached to the land if the  
2 thing is—
- 3 (a) attached directly to the land itself; or  
4 (b) attached to a permanent structure on the land.
- 5 (3) However, **land** does not include a thing—
- 6 (a) that is temporarily attached to the land to be used only for  
7 construction; or  
8 (b) if the thing is not a fixture under a law in force in the ACT—  
9 (i) that is held or used in relation to primary production; or  
10 (ii) that is—  
11 (A) a relocatable home attached to a site in a residential  
12 park; or  
13 (B) attached to the relocatable home or the site for the  
14 use or enjoyment of the occupier of the relocatable  
15 home; or  
16 (c) determined by the Minister.
- 17 (4) A determination under subsection (3) (c) is a disallowable instrument.
- 18 (5) In this section:
- 19 **primary production**—see section 6.
- 20 **relocatable home** means any of the following that can be parked or  
21 erected in a residential park:
- 22 (a) a manufactured home under the *Residential Tenancies Act 1997*;  
23 (b) a mobile home under the *Residential Tenancies Act 1997*;  
24 (c) any other habitable structure.

1

***residential park***—

2

(a) means a residential park under the *Residential Tenancies Act 1997*; and

3

4

(b) includes a mobile home park under the *Residential Tenancies Act 1997*.

5

6

**9 How person *acquires* an interest in a landholder—pt 3.2  
Section 84 (3) and (4)**

7

8

*substitute*

9

(3) If an acquisition arises from an agreement to purchase, allot or issue a unit or share, the acquisition is made—

10

11

(a) if, at any time after the agreement is entered into, the company or unit trust scheme whose share or unit is being purchased, allotted or issued ceases to be a landholder—on the day the agreement is entered into; or

12

13

14

15

(b) in any other case—on the earliest of the following:

16

(i) the day the necessary transfer or title documents are delivered to the person acquiring the unit or share;

17

18

(ii) the day the consideration for the purchase, allotment or issue is paid in full;

19

20

(iii) the day a benefit is received under the agreement;

21

(iv) the last day of—

22

(A) the 12-month period beginning on the day the agreement is first executed; or

23

24

(B) if the commissioner approves a longer period—the longer period;

25

26

*Note* ***First executed***, for an instrument—see s 243.

1 (v) the day, in the commissioner's opinion, the agreement is  
2 completed.

3 (4) For subsection (3), it does not matter whether or not the acquisition  
4 or interest acquired is registered.

5 **10 New section 90D**

6 *insert*

7 **90D Duty payable on relevant acquisitions—combined**  
8 **acquisitions**

9 (1) This section applies if—

10 (a) a person acquires an interest in a landholder that is a relevant  
11 acquisition (the *previous acquisition*); and

12 (b) the person or an associated person acquires an interest in at least  
13 1 other landholder that is also a relevant acquisition (the *later*  
14 *acquisition*); and

15 (c) the later acquisition is made within 12 months of the previous  
16 acquisition; and

17 (d) together, the relevant acquisitions form, provide evidence of,  
18 give effect to or arise from a single arrangement to gain effective  
19 ownership of a landholding (the *combined acquisition*).

20 (2) The amount of duty payable in relation to the combined acquisition is  
21 the amount worked out in accordance with the following steps:

22 (a) work out the amount for each of the relevant acquisitions  
23 under—

24 (i) if the relevant acquisition is an acquisition mentioned in  
25 section 86 (1) (a) (i)—section 90 (2) (a); or

26 (ii) if the relevant acquisition is an acquisition mentioned in  
27 section 86 (1) (a) (ii) or (iii)—section 90A (2) (a) to (c);

- 1 (b) add together each of the amounts worked out under  
2 paragraph (a);
- 3 (c) multiply the resulting amount worked out under paragraph (b)  
4 by the determined rate as in force on the day—
- 5 (i) the later acquisition was made; or
- 6 (ii) if there are 2 or more later acquisitions—the last of the  
7 later acquisitions was made;
- 8 (d) subtract any duty paid or payable under this division in relation  
9 to the relevant acquisitions from the amount worked out under  
10 paragraph (c).
- 11 (3) In this section:
- 12 *UVL*, for a landholder, in relation to a relevant acquisition that is part  
13 of a combined acquisition, means the unencumbered value of all  
14 landholdings in the ACT of the landholder on the day—
- 15 (a) the later acquisition is made; or
- 16 (b) if there are 2 or more later acquisitions—the last of the later  
17 acquisitions is made.

## 18 **11 New section 94A**

19 *insert*

### 20 **94A Uncompleted agreements for purchase, allotment or** 21 **issue of shares or units in landholder**

- 22 (1) This section applies if—
- 23 (a) a person makes a relevant acquisition; and
- 24 (b) at the time of the relevant acquisition—
- 25 (i) there is an uncompleted agreement for the purchase,  
26 allotment or issue of a share or unit in a landholder; and

- 1 (ii) the person is the purchaser or person to whom a share or  
2 unit was to be allotted or issued under the agreement; and
- 3 (c) the commissioner is satisfied that the agreement is subsequently  
4 rescinded or terminated within 3 years after the relevant  
5 acquisition; and
- 6 (d) the person does not receive any benefit under the agreement.
- 7 (2) The commissioner must assess or reassess the duty payable in relation  
8 to the relevant acquisition as though, at the time of the acquisition,  
9 the person did not purchase, or was not allotted or issued, the share or  
10 unit.
- 11 (3) In this section:
- 12 *landholder* includes a linked body of the landholder.
- 13 *linked body*—see section 81 (5).

14 **12 Duty concession—acquisitions securing financial**  
15 **accommodation**  
16 **Section 95**

17 *omit*

18 **13 Declaration required if business transferred**  
19 **Section 115B (1)**

20 *omit*

21 voluntary transfer of a business

22 *substitute*

23 voluntary transfer of business

1 **14** **When does liability for duty arise?**  
2 **Section 115C**

- 3 *omit*  
4 voluntary transfer of a business  
5 *substitute*  
6 voluntary transfer of business

7 **15** **Division 3.7.1**

8 *substitute*

9 **Division 3.7.1 Exemptions—ch 3 transactions**  
10 **generally**

11 **115H Exemptions—ch 3 transactions**

- 12 (1) Duty under this chapter is not payable in relation to a chapter 3  
13 transaction if—  
14 (a) a person is liable to pay duty under this chapter in relation to the  
15 transaction; and  
16 (b) the person applies to the commissioner for an exemption from  
17 duty under this division in relation to the transaction; and  
18 (c) the commissioner exempts the transaction from duty.  
19 (2) An application for exemption from duty must—  
20 (a) be in writing; and  
21 (b) be made not later than—  
22 (i) 90 days after the day the chapter 3 transaction is made; or  
23 (ii) if the commissioner approves, in writing, a longer  
24 period—the end of the longer period; and

1 (c) state the exemption under this division that is being applied for;  
2 and

3 (d) include any other information required by the commissioner.

4 *Note* A person may apply to extend the time by which an application for  
5 exemption from duty must be made (see [Taxation Administration Act,](#)  
6 s 40).

7 (3) The commissioner must exempt a chapter 3 transaction from duty if  
8 the commissioner is satisfied an exemption under this division applies  
9 to the transaction.

#### 10 **115HA Exemption—relevant acquisitions to secure finance**

11 (1) This section applies if—

12 (a) a person makes a relevant acquisition by acquiring an interest in  
13 a landholder; and

14 (b) the person is providing finance to the person from whom the  
15 interest is acquired (the *borrower*); and

16 (c) the interest is acquired solely as a security for the finance; and

17 **Example—finance**

18 a mortgage

19 (d) at the time of the acquisition, the borrower intends to reacquire  
20 the interest during the applicable period.

21 (2) Duty is not payable in relation to the relevant acquisition if the  
22 commissioner is satisfied that—

23 (a) the interest is acquired solely as a security for finance; and

24 (b) at the time of the acquisition, the borrower intended to reacquire  
25 the interest during the applicable period.

26 (3) However, duty is payable in relation to the relevant acquisition if, at  
27 the end of the applicable period, the interest is not—

28 (a) reacquired by the borrower; or

- 1 (b) for an acquisition made by way of a mortgage—transferred to  
2 another person in exercise of the mortgagee’s power of sale.
- 3 (4) Also, duty is payable in relation to the relevant acquisition if the  
4 commissioner is satisfied that, at any time within the applicable  
5 period, the borrower intends not to reacquire the interest before the  
6 end of the applicable period.
- 7 (5) The borrower must give written notice of their intention to not  
8 reacquire the interest to the commissioner as soon as possible after  
9 they form the intention.
- 10 *Note* The commissioner may require the borrower to provide information, give  
11 evidence or produce a record or other document in relation to the  
12 borrower’s intention (see [Taxation Administration Act](#), s 82).
- 13 (6) A person who reacquires an interest in a landholder under this section  
14 does not make a relevant acquisition.
- 15 (7) In this section:
- 16 *applicable period*, for a relevant acquisition, means—
- 17 (a) 5 years after the day the acquisition is made; or
- 18 (b) if the commissioner determines, in writing, a longer period—the  
19 longer period.

20 **115HB Exemption—transactions made on bankruptcy or**  
21 **winding-up**

22 The commissioner must exempt a chapter 3 transaction from duty if  
23 satisfied that the transaction is made by operation of law on the  
24 bankruptcy of a person or the winding-up of a company.

25 **115HC Exemption—transactions made due to change in trustees**

- 26 (1) This section applies if a chapter 3 transaction is made because of—
- 27 (a) the retirement of a trustee; or
- 28 (b) the appointment of a new trustee.

- 1           (2) The commissioner must exempt the transaction from duty if—
- 2                 (a) the trust is a self managed superannuation fund; or
- 3                 (b) the commissioner is satisfied that—
- 4                         (i) on the retirement or appointment, there are no trustees that
- 5                                 are, or can become, a beneficiary under the trust; and
- 6                         (ii) the transaction is not made as part of a scheme to vest, in
- 7                                 a person, an interest in a property of the trust to the
- 8                                 detriment of any other person's beneficial interest or
- 9                                 potential beneficial interest; and
- 10                        (iii) the transaction is not made as part of, or in relation to, a
- 11                                tax avoidance scheme.
- 12           (3) This section does not apply to a responsible entity of a managed
- 13                investment scheme.
- 14           (4) In this section:
- 15                *new trustee* means a trustee appointed—
- 16                       (a) in substitution for another trustee; or
- 17                       (b) in addition to another trustee.
- 18                *self managed superannuation fund*—see the *Superannuation*
- 19                *Industry (Supervision) Act 1993* (Cwlth), section 10 (1).

20 **115HD Exemption—transactions in relation to managed**

21 **investment schemes**

- 22           The commissioner must exempt a chapter 3 transaction from duty if
- 23                satisfied that—
- 24                (a) the parties to the transaction are—
- 25                       (i) the responsible entity of a managed investment scheme;
- 26                                and

- 1 (ii) a custodian or agent of the responsible entity acting as  
2 custodian or agent of the scheme; and
- 3 (b) the beneficial owner of the chapter 3 property, transferred as part  
4 of the transaction, has not changed because of the transaction.

5 **115HE Exemption—transactions in relation to registered**  
6 **schemes**

- 7 (1) The commissioner must exempt a chapter 3 transaction from duty if  
8 satisfied that a chapter 3 property is transferred as part of the  
9 transaction—
- 10 (a) from the responsible entity of a registered scheme; and  
11 (b) to a custodian or agent of the responsible entity of the scheme  
12 acting as custodian or agent of the scheme.
- 13 (2) However, subsection (1) applies only if the commissioner is satisfied  
14 that—
- 15 (a) the scheme was a prescribed interest scheme before 1 July 1998;  
16 and
- 17 (b) at the time the scheme became a registered scheme, the  
18 responsible entity held the chapter 3 property as a trustee of the  
19 scheme.

20 *Note* The term ‘prescribed interest’ was replaced with ‘managed investment’  
21 and the term ‘trustee’ was replaced with ‘responsible entity’ by the  
22 [Managed Investments Act 1998](#) (Cwlth), sch 1 (repealed), which inserted  
23 new s 1465 (References to prescribed interests etc. in existing laws and  
24 documents) into the *Corporations Law* (Cwlth) (repealed).

- 1 **115HF Exemption—ch 3 transactions made by apparent**  
2 **purchaser**
- 3 (1) The commissioner must exempt a chapter 3 transaction from duty if  
4 satisfied that—
- 5 (a) a chapter 3 property is transferred as part of the transaction from  
6 an apparent purchaser to the real purchaser; and
- 7 (b) the property is vested in the apparent purchaser on trust for the  
8 real purchaser; and
- 9 (c) the real purchaser provided the money for the purchase of the  
10 property.
- 11 (2) In this section:  
12 *purchase* includes allotment.
- 13 **115HG Exemption—transactions made to return ch 3 property**  
14 **held by trustee**
- 15 (1) This section applies if—
- 16 (a) a chapter 3 property was transferred from a person  
17 (the *transferor*) to another person to be held by the other person  
18 as trustee for the transferor; and
- 19 (b) the property is transferred back to the transferor by the trustee  
20 for no consideration (the *chapter 3 transaction*).
- 21 (2) The commissioner must exempt the chapter 3 transaction from duty  
22 if satisfied that, while the trustee was holding the property for the  
23 transferor, the transferor was the only person with a beneficial interest  
24 in the property.

- 1           (3) In this section:
- 2                 *beneficial interest* does not include a trustee's right of indemnity.
- 3                 *trustee* includes a trustee appointed—
- 4                     (a) in substitution for a trustee; and
- 5                     (b) in addition to a trustee.
- 6     **115HH Exemption—transactions between superannuation funds**
- 7           (1) This section applies to a chapter 3 transaction that transfers a
- 8                 chapter 3 property from a superannuation fund to another
- 9                 superannuation fund for no consideration.
- 10          (2) The commissioner must exempt the transaction from duty if satisfied
- 11                 that the transfer is made—
- 12                     (a) from—
- 13                         (i) a complying superannuation fund; or
- 14                         (ii) a fund that was a complying superannuation fund within
- 15                                 12 months before the day the transaction is made; and
- 16                     (b) to vest the property in—
- 17                         (i) another complying superannuation fund; or
- 18                         (ii) a fund that, in the opinion of its trustees at the time of the
- 19                                 transfer, will be a complying superannuation fund within
- 20                                 12 months after the day the transaction is made; and
- 21                     (c) because a person—
- 22                         (i) has stopped being a member of, or has otherwise stopped
- 23                                 having a beneficial interest in, the fund mentioned in
- 24                                 paragraph (a); and
- 25                         (ii) has become a member of, or has otherwise begun having a
- 26                                 beneficial interest in, the fund mentioned in paragraph (b).

- 1 **115HI Exemption—transactions between trustees and**  
2 **custodians of superannuation funds or trusts**
- 3 (1) The commissioner must exempt a chapter 3 transaction from duty  
4 if—
- 5 (a) a chapter 3 property is transferred as part of the transaction—
- 6 (i) between—
- 7 (A) a trustee of a relevant fund or trust; and  
8 (B) a custodian of the trustee of the fund or trust; or
- 9 (ii) between—
- 10 (A) a custodian of a trustee of a relevant fund or trust;  
11 and  
12 (B) another custodian of the trustee of the fund or trust;  
13 and
- 14 (b) the commissioner is satisfied that the beneficial ownership of the  
15 property has not changed because of the transaction.
- 16 (2) In this section:
- 17 ***pooled superannuation trust*** means an entity that is a pooled  
18 superannuation trust under the *Superannuation Industry*  
19 *(Supervision) Act 1993* (Cwlth), section 44.
- 20 ***relevant fund or trust***, in relation to a chapter 3 transaction, means—
- 21 (a) a complying superannuation fund; or  
22 (b) a pooled superannuation trust; or  
23 (c) a fund or trust that, in the opinion of its trustees, will be a  
24 complying superannuation fund or pooled superannuation trust  
25 within 12 months after the day the transaction is made.

1 **16 Division 3.7.2 heading**

2 *substitute*

3 **Division 3.7.2 Exemptions—‘top hatting’**  
4 **arrangements**

5 **17 Objections**  
6 **New section 252 (ga)**

7 *insert*

8 (ga) under section 115H (3) refusing to exempt a chapter 3  
9 transaction from duty, other than a determination by the  
10 commissioner under section 115HA (7), definition of  
11 *applicable period*, paragraph (b); or

12 **18 Dictionary, note 2**

13 *insert*

- 14 • authorised deposit-taking institution  
15 • instrument (see s 14)

16 **19 Dictionary, new definition of *chapter 3 property***

17 *insert*

18 *chapter 3 property*, in relation to a chapter 3 transaction, for chapter 3  
19 (Certain transactions treated as transfers)—see section 76A.

20 **20 Dictionary, definition of *exchanging members***

21 *substitute*

22 *exchanging members*, for division 3.7.2 (Exemptions—‘top hatting’  
23 arrangements)—see section 115I.

1 **21 Dictionary, new definition of *financial institution***

2 *insert*

3 *financial institution*, for division 2.5.2A (Alternative finance  
4 transactions)—see section 64.

5 **22 Dictionary, definition of *interposed trust***

6 *substitute*

7 *interposed trust*, for division 3.7.2 (Exemptions—‘top hatting’  
8 arrangements)—see section 115I.

9 **23 Dictionary, definition of *land***

10 *substitute*

11 *land*—

12 (a) for this Act generally—includes a stratum; and

13 (b) for part 3.2 (Acquisition of interests in certain landholders)—  
14 see section 80A.

1 **Part 3** **Rates Act 2004**

2 **24** **Meaning of *average unimproved value***  
3 **New section 13A (3)**

4 *insert*

- 5 (3) To remove any doubt, the period for which a parcel of land has been  
6 rateable is not affected by the grant of a further lease of the parcel of  
7 land under the *Planning Act 2023*, section 289.

8 **Example—s (3)**

9 The lease of a parcel of land (the *old lease*) for a term of 99 years expired on  
10 31 October 2023. A further lease of the land was granted under the *Planning*  
11 *Act 2023*, s 289 and began on 1 November 2023. While held under the old lease,  
12 the parcel of land became rateable in the 1950s and has been rateable since then.  
13 The average unimproved value of the parcel for 2024 is the average unimproved  
14 value of the parcel over the last 5 years immediately before 2024 (see s (1) (g)).

15 **25** **End of application of div 5.2**  
16 **Section 36 (1) (c)**

17 *substitute*

- 18 (c) if the owner of the land has not applied for the subdivision of  
19 the land under the Unit Titles Act, part 3 before the end of  
20 30 days beginning on the day a certificate of occupancy is issued  
21 under the *Building Act 2004* for the development, or before the  
22 end of any longer period that the commissioner allows—the first  
23 day after the end of the 30-day period or the longer period;

- 1 **26 New section 36 (2A)**
- 2 *insert*
- 3 (2A) The commissioner may allow a longer period under subsection (1) (c)
- 4 only if—
- 5 (a) the owner applies, in writing, within a period of 120 days
- 6 beginning on the day the certificate of occupancy is issued, to
- 7 the commissioner for a longer period to apply for subdivision of
- 8 the land; and
- 9 (b) the commissioner is satisfied that the owner of the land could
- 10 not have applied for subdivision of the land before the end of the
- 11 30-day period mentioned in subsection (1) (c) because of
- 12 exceptional circumstances.
- 13 **27 Schedule 1, section 1.1 heading**
- 14 *substitute*
- 15 **1.1 Police, fire and emergency services levy**
- 16 **28 Schedule 1, section 1.1 (1) and (2)**
- 17 *omit*
- 18 Fire and emergency services levy
- 19 *substitute*
- 20 Police, fire and emergency services levy

1	<b>29</b>	<b>Schedule 1, section 2.1A heading</b>
2		<i>substitute</i>
3	<b>2.1A</b>	<b>Application of further provisions—police, fire and</b>
4		<b>emergency services levy</b>
5	<b>30</b>	<b>Schedule 1, section 2.1A (2) (a)</b>
6		<i>omit</i>
7		fire and emergency services levy
8		<i>substitute</i>
9		police, fire and emergency services levy
10	<b>31</b>	<b>Schedule 1, section 3.1 heading</b>
11		<i>substitute</i>
12	<b>3.1</b>	<b>Certain proposed subdivisions—imposition of police, fire</b>
13		<b>and emergency services levy</b>
14	<b>32</b>	<b>Schedule 1, section 3.1 (2) and (3)</b>
15		<i>omit</i>
16		fire and emergency services levy
17		<i>substitute</i>
18		police, fire and emergency services levy

- 1 **33 Rebate of levy**  
2 **Schedule 1, section 3.2 (3)**
- 3 *omit*
- 4 FES rebate
- 5 *substitute*
- 6 PFES rebate
- 7 **34 Schedule 1, section 3.2 (5), definition of *FES rebate***
- 8 *substitute*
- 9 ***PFES rebate*** means the police, fire and emergency services rebate  
10 determined under the [Taxation Administration Act](#), section 139.

1 **Part 4** **Taxation Administration Act 1999**

2 **35 Recovery of tax from mortgagee**

3 **New section 56HA (7A)**

4 *insert*

5 (7A) To remove any doubt, a tax debt that a mortgagee of a parcel of land  
6 is required to pay for a debtor under this section is tax that is payable  
7 under section 48.

8 *Note* Under s 48, tax that is payable is payable to the commissioner, who may  
9 recover any amount unpaid in a court of competent jurisdiction as a debt  
10 to the commissioner.

11 **36 Recovery of tax from mortgagee of other land**

12 **New section 56N (7A)**

13 *insert*

14 (7A) To remove any doubt, a tax debt that a mortgagee of a parcel of land  
15 is required to pay for a debtor under this section is tax that is payable  
16 under section 48.

17 *Note* Under s 48, tax that is payable is payable to the commissioner, who may  
18 recover any amount unpaid in a court of competent jurisdiction as a debt  
19 to the commissioner.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 20 September 2023.

**2 Notification**

Notified under the [Legislation Act](#) on 2023.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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