

2000

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

DUTIES (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) ACT 1999

DUTIES (TRANSITIONAL PROVISIONS) REGULATIONS 2000

Subordinate Law No. 15 of 2000

EXPLANATORY STATEMENT

The *Duties (Consequential and Transitional Provisions) Act 1999* (the DC & TP Act) contains transitional provisions, the purpose of which are to ensure the smooth transition from the former *Stamp Duties and Taxes Act 1987* to its replacement, the *Duties Act 1999* (the Duties Act).

Section 34 of the DC & TP Act provides for the making of regulations to amend the provisions of the Duties Act in relation to any matter arising from or connected with the enactment of the Duties Act. Its purpose is to overcome any possible unintentional effect of the Duties Act. As permitted by section 34 the regulations amend the Duties Act as indicated below.

Clause 1 provides for the name of the regulations to be the *Duties (Transitional Provisions) Regulations 2000*.

Clause 2 provides for the commencement date of the regulations to be the date the regulations are notified in the Gazette.

Clause 3 indicates that the purpose of the regulations is to amend the Duties Act for transitional purposes.

Clause 4 repeals section 68 of the Duties Act and substitutes new sections 68 and 68A. Section 68 provides for nominal duty of \$20 to be charged on the surrender and regrant of Crown leases that:

- ◆ change the purpose for which the land in the lease may be used;
- ◆ grant the lessee a longer term over the lease;
- ◆ reduce rent to no more than 5 cents per annum;
- ◆ correct errors or omissions;
- ◆ alter the boundaries, by way of subdivision or consolidation, on an existing Crown lease or leases, but only to the extent that any new Crown lease or leases, is land that was land comprised in the previous Crown lease or leases.

Section 68A provides that where a surrender and regrant of a Crown lease occurs and additional land is obtained in the new Crown lease, duty is only chargeable on the transfer of the additional land and not on the whole new Crown lease.

Clause 5 inserts a new section 208A which provides definitions for demonstrator, licensed vehicle dealer and trading stock, under Part 2 of Chapter 9 of the Duties Act. These definitions apply to Part 2 unless a contrary intention appears in a provision.

Clause 6 inserts a new section 209A. This section provides for duty not to be chargeable on the registering of a motor vehicle in the name of a foreign country based in the ACT, where the vehicle is used officially for the diplomatic mission purposes of the foreign country.

Clause 7 repeals section 214 and substitutes new sections 214 and 214A. Section 214 provides an "exemption" from duty on an application by a licensed vehicle dealer to register a motor vehicle in the dealer's name, which is a demonstrator or trading stock, and is not registered in the name of the dealer at the time of the registration.

If the dealer does not dispose of the vehicle within twelve months after its registration, or does not renew the registration of the vehicle pursuant to new section 214A, the dealer is liable to pay the duty payable at the time of the vehicles first registration pursuant to section 214, as if the exemption from duty had not existed.

Section 214A provides that the Commissioner for ACT Revenue may, in accordance with guidelines determined by the Minister, which may include the payment of an administrative fee, authorise a licensed motor vehicle dealer to maintain the registration of a motor vehicle on which an exemption from duty was held under section 214, for longer than 12 months, without payment of duty. The Commissioner may issue the authorisation subject to conditions, and revoke the authorisation if the dealer does not comply with those conditions.

If the dealer does not dispose of the vehicle before the period expires in which its registration may be renewed under the authorisation, or the authorisation is revoked, the dealer is liable to pay the duty that would have been payable on the registration of the vehicle at the time of obtaining an exemption from duty under section 214.

The instrument containing the guidelines determined by the Minister under section 214A, is a disallowable instrument for the purposes of the *Subordinate Laws Act 1989*. The guidelines may include an administrative fee for obtaining an authorisation under section 214A.

Clause 8 repeals section 222 and substitutes a new section 222 which includes a reference to the *International Organisations (Privileges and Immunities) Act 1963* (Commonwealth). This reference broadens the application of the previous provision to give certain officers of international organisations privileges and immunities similar to those given to diplomatic agents under the *Diplomatic Privileges and Immunities Act 1969*. The provision allows the Commissioner to issue a certificate of exempt status for such officers in connection with the registration of a motor vehicle.

Clause 9 provides licensed motor vehicle dealers with objection and review provisions in respect of the Commissioner refusing to issue, imposing conditions on, and revoking, an authorisation.

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