

LEGISLATIVE COUNCIL

STATE TAXATION ACTS AND OTHER ACTS AMENDMENT BILL 2023

(Amendments and New Clauses to be proposed in Committee by JACLYN SYMES)

1. Clause 1, page 2, after line 6 insert—
 - "(ab) to amend the **Fire Services Property Levy Act 2012** in relation to the Australian Valuation Property Classification Code for certain land uses; and".

NEW CLAUSE

2. Insert the following New Part to follow Part 2—

'Part 2A—Amendment of Fire Services Property Levy Act 2012

12A Amendment of Schedule

- (1) In item 3 of the Table in the Schedule to the **Fire Services Property Levy Act 2012**, for "615–623, 626–637," substitute "615–620, 623, 628–637,".
 - (2) In item 5 of the Table in the Schedule to the **Fire Services Property Levy Act 2012**, for "640–642," substitute "621, 622, 626, 627, 640–642,".
3. Clause 16, line 8, after "land" insert "for a sale price less than the threshold amount".
4. Clause 16, line 16, after "land" insert "for a sale price less than the threshold amount".
5. Clause 16, after line 24 insert—
 - "(3) In this section—

sale price, in relation to a contract, means the price of the land that is specified in the contract, however expressed, less any discount or rebate that is specified in the contract, whether or not the discount or rebate is contingent;

threshold amount has the meaning given in section 10I."
6. Clause 16, page 16, line 9, omit '1997.'" and insert "1997."
7. Clause 16, page 16, after line 9 insert—

'10I CPI adjusted threshold amount

 - (1) The *threshold amount* for a calendar year is to be determined in accordance with the following formula—

- (a) for a contract entered into on or after 1 January 2024 and on or before 31 December 2024, \$10 000 000;
- (b) for each subsequent calendar year, the amount determined in accordance with the following formula—

$$TA = \frac{A \times B}{C}$$

where—

TA is the threshold amount being determined for a calendar year;

A is the amount of the threshold amount for the previous calendar year, as rounded up or down in accordance with subsection (2);

B is the sum of—

- (a) the consumer price index number for the last reference period in the calendar year preceding the previous calendar year; and
- (b) the total of the consumer price index numbers for each of the reference periods (other than the last) in the previous calendar year;

C is the sum of—

- (a) the consumer price index number for the last reference period in the calendar year one year earlier than the calendar year referred to in paragraph (a) of B; and
- (b) the total of the consumer price index numbers for each of the reference periods (other than the last) in the calendar year one year earlier than the calendar year referred to in paragraph (b) of B.

Example

In the case of a determination of the threshold amount for 2025, "A" is the threshold amount for 2024, "B" is the sum of the consumer price index numbers for December 2023, March 2024, June 2024 and September 2024 and "C" is the sum of the consumer price index numbers for December 2022, March 2023, June 2023 and September 2023.

- (2) The threshold amount determined under subsection (1)(b) is to be rounded up or down to the nearest \$100 000 and, if the amount of the CPI to be adjusted is an exact multiple of \$50 000, is to be rounded up.
- (3) The Director of Consumer Affairs must publish the threshold amount for a calendar year on an appropriate website on or before 1 December in the calendar year preceding the relevant calendar year.
- (4) A failure to comply with subsection (3) in respect of a calendar year does not affect the operation of section 10G in respect of the threshold amount for that year.
- (5) In this section—

consumer price index means the all groups consumer price index weighted average of eight capital cities in original terms published by the Australian Bureau of Statistics as at 15 November immediately preceding the date on which the Director of Consumer Affairs publishes the threshold amount under subsection (3)."'.!

NEW CLAUSE

8. Insert the following New Clause to follow clause 16—

'16A New section 58 inserted

After section 57 of the **Sale of Land Act 1962** insert—

"58 Apportionment of amounts under contracts of sale of land

- (1) Section 10G does not apply to a contract of sale of land entered into before 1 January 2024.
- (2) Section 10H does not apply to any of the following—
- (a) a contract of sale of land entered into before 1 January 2024;
 - (b) an option to enter into a contract of sale of land granted before 1 January 2024;
 - (c) a contract of sale of land entered into on or after 1 January 2024 under the exercise of an option that was granted before 1 January 2024."'.!

9. Clause 34, page 28, line 20, omit 'tax.'" and insert "tax."

10. Clause 34, page 28, after line 20 insert—

'(4D) In making a determination under subsection (4B), the Commissioner must have regard to guidelines issued by the Treasurer under this section.

(4E) The Treasurer must issue guidelines for the exercise of the Commissioner's discretion under subsection (4B) and cause those guidelines to be published in the Government Gazette.

(4F) Guidelines issued under subsection (4E) are not a legislative instrument within the meaning of the **Subordinate Legislation Act 1994**."'.!

11. Long title, after "**Duties Act 2000**," insert "the **Fire Services Property Levy Act 2012**,".