

State Taxation Acts and Other Acts Amendment Bill 2023

How dealt with

Amendments made by the Legislative Council

AMENDMENT No. 1

Resolved

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".

(30 November 2023)

How dealt with by the Assembly

Agreed to.

(30 November 2023)

AMENDMENT No. 2

Resolved

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,".

(30 November 2023)

How dealt with by the Assembly

Agreed to.

(30 November 2023)

AMENDMENT No. 3

Resolved

3. Clause 16, line 8, after "land" insert "for a sale price less than the threshold amount".

(30 November 2023)

How dealt with by the Assembly

Agreed to.

(30 November 2023)

AMENDMENT No. 4

Resolved

4. Clause 16, line 16, after "land" insert "for a sale price less than the threshold amount".
(30 November 2023)

How dealt with by the Assembly
Agreed to.
(30 November 2023)

AMENDMENT No. 5

Resolved

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."

(30 November 2023)

How dealt with by the Assembly
Agreed to.
(30 November 2023)

AMENDMENT No. 6

Resolved

6. Clause 16, page 16, line 9, omit '1997.'" and insert "1997".
(30 November 2023)

How dealt with by the Assembly
Agreed to.
(30 November 2023)

AMENDMENT No. 7

Resolved

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).".'.

(30 November 2023)

How dealt with by the Assembly

Agreed to.

(30 November 2023)

AMENDMENT No. 8

Resolved

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.".'.

(30 November 2023)

How dealt with by the Assembly

Agreed to.

(30 November 2023)

AMENDMENT No. 9

Resolved

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

(30 November 2023)

How dealt with by the Assembly

Agreed to.

(30 November 2023)

AMENDMENT No. 10**Resolved**

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**.". '.

(30 November 2023)

How dealt with by the Assembly

Agreed to.

(30 November 2023)

AMENDMENT No. 11**Resolved**

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

(30 November 2023)

How dealt with by the Assembly

Agreed to.

(30 November 2023)

Further amendments made by the Legislative Assembly**FURTHER AMENDMENT No. 1****Resolved**

1. Insert the following New Clauses to follow Clause 27—

'27A What is the rate of land tax?

For section 35(3) of the **Land Tax Act 2005** substitute—

"(3) Subject to section 88EB, the rate of vacant residential land tax is—

- (a) if the land was not liable for vacant residential land tax in the preceding tax year—1%; or
- (b) if the land was liable for vacant residential land tax in the preceding tax year but not the tax year preceding that tax year—2%; or
- (c) if the land was liable for vacant residential land tax in the last 2 preceding tax years—3%.

Note

For the purposes of the vacant residential land tax, the taxable value of the land is the capital improved value of the land as at the relevant date—see section 19(1A).".

27B Holiday home exemption

For section 88A(1)(a) of the **Land Tax Act 2005 substitute—**

"(a) in the year preceding the tax year—

- (i) the owner of the land or a vested beneficiary of a trust to which the land is subject used and occupied other land in Australia as a principal place of residence; and
- (ii) the owner of the land or a vested beneficiary of a trust to which the land is subject, or a relative of the owner or vested beneficiary, used and occupied the land as a holiday home for a period of at least 4 weeks (whether continuous or aggregate); and".

(30 November 2023)

How dealt with by the Council

Agreed to.

(30 November 2023)

FURTHER AMENDMENT No. 2

Resolved

2. Insert the following New Clause to follow Clause 28—

'28A New sections 88EA to 88EC inserted

After section 88E of the **Land Tax Act 2005 insert—**

"88EA Land becomes residential land during third year preceding tax year and has not been used or occupied or changed ownership

- (1) Land is exempt from vacant residential land tax for a tax year if—
 - (a) at the commencement of the third year preceding the tax year the land was not residential land within the meaning of section 34B(1); and
 - (b) during the third year preceding the tax year the land becomes residential land within the meaning of section 34B(1); and
 - (c) during the second year preceding the tax year the land is exempt from vacant residential land tax under section 88D; and
 - (d) during the year immediately preceding the tax year the land is exempt from vacant residential land tax under section 88E; and
 - (e) for the period from which the land becomes residential land within the meaning of section 34B(1) up to the tax year—
 - (i) the land has not been used or occupied; and

- (ii) the land has not changed ownership; and
 - (f) the Commissioner is satisfied that during the period referred to in paragraph (e) the owner of the land made genuine attempts to sell the land at or below the price that they expected to receive when construction commenced on the land.
- (2) To obtain an exemption from vacant residential land tax under this section, the owner of the land must—
- (a) apply to the Commissioner for the exemption on or before 15 January of the tax year; and
 - (b) give the Commissioner any information the Commissioner requests for the purpose of enabling the Commissioner to determine whether the land is exempt from vacant residential land tax under this section.

88EB Residential land that has not been used or occupied or changed ownership for more than 3 years

- (1) Land is eligible for a concessional rate of vacant residential land tax of 1% for a tax year if—
- (a) in a preceding tax year, the land becomes residential land within the meaning of section 34B(1); and
 - (b) in a tax year after the tax year referred to in paragraph (a) but preceding the tax year, the land is exempt from land tax under section 88EA; and
 - (c) for the period from which the land becomes residential land within the meaning of section 34B(1) up to the tax year—
 - (i) the land has not been used or occupied; and
 - (ii) the land has not changed ownership.

88EC Publication of report on exemptions and concession

- (1) The Commissioner must publish on the Commissioner's website an annual report of the following information for the 12 month period to which the report relates—
- (a) for each postcode in Victoria, the number of—
 - (i) exemptions granted under each of sections 88D, 88E and 88EA; and
 - (ii) concessions granted under section 88EB;
 - (b) the total amount of vacant residential land tax that was not payable because of the grant of the exemptions and the concessions referred to in paragraph (a).".'

(30 November 2023)

How dealt with by the Council

Agreed to.

(30 November 2023)

FURTHER AMENDMENT No. 3

Resolved

3. Clause 30, line 15, omit "the commencement day, the land is" and insert "31 December 2023 the land was".

(30 November 2023)

How dealt with by the Council

Agreed to.

(30 November 2023)

FURTHER AMENDMENT No. 4

Resolved

4. Clause 30, line 27, omit "the commencement day, the land is" and insert "31 December 2023 the land was".

(30 November 2023)

How dealt with by the Council

Agreed to.

(30 November 2023)

FURTHER AMENDMENT No. 5

Resolved

5. Clause 30, line 33, omit "**2023**;" and insert '**2023**.'..

(30 November 2023)

How dealt with by the Council

Agreed to.

(30 November 2023)

FURTHER AMENDMENT No. 6

Resolved

6. Clause 30, page 24, lines 1 to 3, omit all words and expressions on those lines.

(30 November 2023)

How dealt with by the Council

Agreed to.

(30 November 2023)

7. Insert the following New Clause to follow Clause 34—

'34A What is the rate of land tax?

For section 35(3)(a), (b) and (c) of the **Land Tax Act 2005** substitute—

"(a) for residential land within the meaning of section 34B(2B)—1%; or

(b) for any other land—

(i) if the land was not liable for vacant residential land tax in the preceding tax year—1%; or

(ii) if the land was liable for vacant residential land tax in the preceding tax year but not the tax year preceding that tax year—2%; or

(iii) if the land was liable for vacant residential land tax in the last 2 preceding tax years—3%.".

(30 November 2023)

How dealt with by the Council

Agreed to.

(30 November 2023)