

LEGISLATIVE ASSEMBLY

DUTIES AMENDMENT BILL 2008

(Amendments and New Clauses to be moved by Mr Holding)

1. Clause 4, page 4, after line 23 insert—
'() After section 7(3) of the **Duties Act 2000** insert—
"(3AA) Despite subsection (1), the granting, transfer, assignment or surrender of a lease creating or giving rise to a residency right in a retirement village within the meaning of the **Retirement Villages Act 1986** is not a dutiable transaction.".'
2. Clause 13, line 8, omit "9" and insert "15".
3. Clause 13, line 13, omit "9" and insert "15".
4. Clause 13, line 18, omit "10" and insert "16".
5. Clause 13, line 24, omit "10" and insert "16".
6. Clause 13, line 28, omit "10" and insert "16".
7. Clause 13, line 34, omit "10" and insert "16".
8. Clause 13, page 11, line 5, omit "10" and insert "16".
9. Clause 13, page 11, line 10, omit "10" and insert "16".
10. Clause 13, page 11, line 16, omit "10" and insert "16".
11. Clause 13, page 11, line 20, omit "10" and insert "16".
12. Clause 13, page 11, line 27, omit "10" and insert "16".
13. Clause 13, page 11, line 32, omit "10" and insert "16".
14. Clause 13, page 12, line 5, omit "11" and insert "17".
15. Clause 13, page 12, line 12, omit "11" and insert "17".
16. Clause 13, page 12, line 16, omit "12" and insert "18".
17. Clause 13, page 12, line 25, omit "12" and insert "18".

NEW CLAUSES

18. Insert the following New Clauses to follow clause 7—

'AA References to dutiable property—Division 1

After the heading to Division 1 of Part 5 of the **Duties Act 2000** insert—

"32Y References to dutiable property

For the purposes of this Division, a reference to—

- (a) a declaration of trust over dutiable property includes a declaration of trust over a lease referred to in section 7(1)(b)(v) or 7(1)(b)(va);
- (b) a transfer of dutiable property includes—
 - (i) the granting of a lease referred to in section 7(1)(b)(v);
 - (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va)."

BB References to dutiable property—Division 2

After the heading to Division 2 of Part 5 of the **Duties Act 2000** insert—

"38B References to dutiable property

For the purposes of this Division, a reference to a transfer of dutiable property includes—

- (a) the granting of a lease referred to in section 7(1)(b)(v);
- (b) the transfer or assignment of a lease referred to in section 7(1)(b)(va)."

CC References to dutiable property—Division 3

After the heading to Division 3 of Part 5 of the **Duties Act 2000** insert—

"41B References to dutiable property

For the purposes of this Division, a reference to—

- (a) a transfer of dutiable property or a vesting of dutiable property includes—
 - (i) the granting of a lease referred to in section 7(1)(b)(v);
 - (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va);
- (b) a declaration of trust over dutiable property includes a declaration of trust over a lease referred to in section 7(1)(b)(v) or 7(1)(b)(va)."

DD References to dutiable property—Division 4

After the heading to Division 4 of Part 5 of the **Duties Act 2000** insert—

"50B References to dutiable property

For the purposes of this Division, a reference to—

- (a) a transfer of dutiable property includes—
 - (i) the granting of a lease referred to in section 7(1)(b)(v);
 - (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va);
- (b) a transfer of an estate in fee simple includes—
 - (i) the granting of a lease referred to in section 7(1)(b)(v);
 - (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va).".'

19. Insert the following New Clauses to follow clause 8—

'EE Definitions

At the end of section 57G of the **Duties Act 2000** insert—

"(2) For the purposes of this Division, a reference to—

- (a) a bona fide purchaser of the land for adequate consideration includes a reference to—
 - (i) a person to whom a lease referred to in section 7(1)(b)(v) has been granted;
 - (ii) a person to whom a lease referred to in section 7(1)(b)(va) has been transferred or assigned;
- (b) a contract for the purchase of the land includes a reference to—
 - (i) the granting of a lease referred to in section 7(1)(b)(v);
 - (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va);
- (c) a transfer of dutiable property, being an estate in fee simple includes a reference to—
 - (i) the granting of a lease referred to in section 7(1)(b)(v);
 - (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va);
- (d) a transferee includes a person to whom a lease referred to in section 7(1)(b)(v) or 7(1)(b)(va) is granted, transferred or assigned."

FF Who is an eligible pensioner?

After section 58(2) of the **Duties Act 2000** insert—

"(3) For the purposes of sections 58, 59, 60, 61, 62 and 63, a reference to—

(a) a bona fide purchaser of an estate in fee simple in land includes a reference to—

(i) a person to whom a lease referred to in section 7(1)(b)(v) has been granted;

(ii) a person to whom a lease referred to in section 7(1)(b)(va) has been transferred or assigned;

(b) a transfer of dutiable property, being a estate in fee simple in land includes a reference to—

(i) the granting of a lease referred to in section 7(1)(b)(v);

(ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va).

(4) For the avoidance of doubt, nothing in subsection (3) affects the operation of this Act other than sections 58, 59, 60, 61, 62 and 63 relating to the transfer of dutiable property.".