

South Australia

Statutes Amendment (Budget 2004) Act 2004

An Act to amend the *Debits Tax Act 1994*, the *Pay-roll Tax Act 1971* and the *Stamp Duties Act 1923*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Budget 2004) Act 2004*.

2—Commencement

- (1) Parts 1, 2 and 4 come into operation on the day on which this Act is assented to by the Governor.
- (2) Part 3 will come into operation on 1 July 2004.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Debits Tax Act 1994*

4—Amendment of section 3—Definitions

Section 3(1), definition of *taxable debit*—after "account" insert:
on or before 30 June 2005

5—Insertion of section 5A

After section 5 insert:

5A—Non-application of Act to debits after 30 June 2005

This Act does not apply to a debit made to an account after 30 June 2005.

6—Amendment of section 44—Return in relation to exempt accounts

Section 44—after subsection (2) insert:

- (3) A return is not required under this section in relation to the 2006 calendar year or a later calendar year.

7—Insertion of section 54

After section 53 insert:

54—Repeal

- (1) The Governor may, by proclamation, fix a date for the repeal of this Act.
- (2) On the date fixed under subsection (1), this Act is repealed.

Part 3—Amendment of *Pay-roll Tax Act 1971*

8—Amendment of section 9—Imposition of pay-roll tax on taxable wages

Section 9(1)(d)—delete paragraph (d) and substitute:

- (d) in relation to wages paid or payable on or after 1 July 2002 and before 1 July 2004—5.67 per cent of those wages;
- (e) in relation to wages paid or payable on or after 1 July 2004—5.5 per cent of those wages.

Part 4—Amendment of *Stamp Duties Act 1923*

9—Amendment of section 45—Duty not to be chargeable after certain date

- (1) Section 45—delete "a day to be fixed by proclamation" and substitute:
1 July 2004
- (2) Section 45—after its present contents as amended by this section (now to be designated as subsection (1)) insert:
 - (2) No refund of duty on cheque forms is to be allowed on or after 1 July 2004.
 - (3) After 1 July 2004, the Governor may, by proclamation, fix a date for the repeal of this Division and Schedule 2 clause 13.
 - (4) On the date fixed under subsection (3), this Division (including this section) and Schedule 2 clause 13 are repealed.

10—Amendment of section 71C—Concessional rates of duty in respect of purchase of first home etc

- (1) Section 71C(2)—after "The duty payable upon a conveyance or notional conveyance to which this section applies will" insert:
, if it gives effect to a relevant contract entered into before 27 May 2004,
- (2) Section 71C—after subsection (2) insert:
 - (3) The duty payable upon a conveyance or notional conveyance to which this section applies will, if it gives effect to a relevant contract entered into on or after 27 May 2004, be as follows:
 - (a) where the amount by reference to which the duty would, apart from this section, be calculated (the *property value*) does not exceed \$80 000—no duty will be payable;
 - (b) where the property value exceeds \$80 000 but does not exceed \$100 000—the duty payable is the relevant percentage of the duty that would, apart from this section, be payable;

In paragraph (b), the *relevant percentage* is a percentage in a range beginning at 2.5% for a property value of \$81 000, increasing in steps of 2.5% for each additional \$1 000 of property value, and ending at 50% for a property value of \$100 000.
 - (c) where the property value exceeds \$100 000 but does not exceed \$150 000—the duty payable will be 50% of the duty that would, apart from this section, be payable;

- (d) the maximum concession under this subsection (\$2 415) is reached at a property value of \$150 000 and where the property value exceeds \$150 000 but does not exceed \$250 000 the amount of duty payable is the amount that would, apart from this section, be payable less a concession calculated by reducing the maximum concession by \$24 for each additional \$1 000 by which the property value exceeds \$150 000;
- (e) where the property value exceeds \$250 000—no concession applies.

Note—

For the purposes of this subsection, property values are to be expressed to the nearest multiple of \$1 000 and if a property value lies exactly at the mid point between two multiples of \$1 000, the property value is to be rounded down to the lower of those multiples.

- (3) Section 71C(2a), (2b), (3) and (4)—redesignate these as subsections (4), (5), (6) and (7) respectively

11—Insertion of section 75A

After section 75 insert:

75A—Abolition of duty on leases

- (1) No liability to duty arises in relation to a lease entered into on or after 1 July 2004.
- (2) After 1 July 2004, the Governor may, by proclamation, fix a date for the repeal of this Division and Schedule 2 clause 10.
- (3) On the date fixed under subsection (2), this Division (including this section) and Schedule 2 clause 10 are repealed.
- (4) In this section—
lease includes an agreement for a lease or any other document for the tenancy or occupancy of land or a tenement.

12—Insertion of section 83

After section 82 insert:

83—Exemption from duty for first home owners

- (1) If the Commissioner is satisfied that a mortgage secures a loan taken out to finance liabilities under an eligible first home owner transaction entered into on or after 27 May 2004, the following provisions apply:
 - (a) if the mortgage secures liabilities under the eligible first home owner transaction and no other liability—no stamp duty is payable in respect of the mortgage;

- (b) if the mortgage secures liabilities under the eligible first home owner transaction and some other liability—the stamp duty otherwise payable is reduced by the amount of stamp duty that would, apart from this subsection, have been applicable if the mortgage—
 - (i) secured only liabilities under the eligible first home owner transaction; but
 - (ii) attracted no concessional rate of duty as a home mortgage.
- (2) A transaction is an eligible first home owner transaction if—
 - (a) the party or parties to the transaction who seek the benefit of this section have made an application for a first home owner grant under the *First Home Owner Grant Act 2000* in relation to the transaction and comply with the eligibility criteria under that Act; and
 - (b) the transaction—
 - (i) is an eligible transaction; and
 - (ii) has been completed,within the meaning of that Act.
- (3) The Commissioner may stamp a mortgage under this section in anticipation of the relevant conditions for an exemption or partial exemption as prescribed by this section being satisfied.
- (4) If the conditions are not in fact satisfied, the Commissioner may recover the amount of the exemption or partial exemption from any party to the mortgage as a debt.