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Update Summary

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UPDATE 81

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STAMP DUTIES SOUTH AUSTRALIA

Michael Quinlan

Deloitte & Touche, United Kingdom

J Schultz

**Updating author, Partner, Finlaysons, South
Australia**

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UPDATED COMMENTARY

New Case Law

Chief Commissioner of State Revenue v Shell Energy Operations No 2 Pty Ltd [2023] NSWCA 113 – the NSW Court of Appeal has partially upheld the Commissioner’s appeal that items constituting three power stations which ceased to be affixed to the land returned to being goods for the purposes of landholder duty: see [1.1111];

Leppington Pastoral Co Pty Ltd v Chief Commissioner of State Revenue [2023] NSWSC 463 - Court ordered that notice of assessment of \$15.5m issued by the Chief Commissioner of State Revenue in respect of an alleged declaration of trust over land in New South Wales contained within a “Development Rights Agreement” be revoked: see [1.1112]; and

Oliver Hume Property Funds (Broad Gully Rd) Diamond Creek Pty Ltd v Commissioner of State Revenue (Review and Regulation) [2023] VCAT 634 – VCAT found that subscription in shares in a landholding company by 18 independent investors constituted a dutiable transaction: see [1.1113].

New Information Circulars

The following Information Circular has been updated:

Information Circular No: 103 – Stamp Duties Act 1923 – Stamp Duty on Conveyance or Transfers of Non-residential, Non-primary Production Real Property (Qualifying Land): see [1.1547].

State Budget

The following State Budget has been added:

2023-24 State Budget: see [1.2513].

Stamp Duties Act 1923

The following annotations have been updated:

Part 1: Terms defined elsewhere in the Act: see [2.30];

Section 68: Importance of pleadings: see [68.10];

Section 71A: Transfer of property from legal representative to beneficiary of estate: see [71A.20]; and

Section 72: *South Wharf Towers Pty Ltd v Commissioner of State Revenue (Vic)* [2019] VCAT 64: see [72.20].

The commentary on Pts 2 and 3 has been revised.

Information Circulars

The following Information Circular has been updated:

Information Circular No: 103 – Stamp Duties Act 1923 – Stamp Duty on Conveyance or Transfers of Non-residential, Non-primary Production Real Property (Qualifying Land): see [802.0065].

