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Update Summary

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DUTIES LEGISLATION QUEENSLAND

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Duties Act 2001 (Qld)

Dr JG Mann has updated annotations to the *Duties Act 2001*(Qld). Highlights include:

Property: sui generis – examples – s 10

Section 10 of the Duties Act defines the types of dutiable property. Part 1A of Chapter 10 provides exemption from duty regarding transfers of small business property. Section 413G provides an exemption for some partnerships. Where s 413A applies, part 7 of chapter 2 does not apply. The difficulties in the Duties Act come about because of the nature of partnerships, particularly where partnership property is held by a partner for the partnership. See [2.10.240].

Market value – s 14

Section 14 defines the unencumbered value of property. In its ordinary and natural sense, the expression “market value” meant value on the general market and some particular market, for instance the market represented by persons entitled to buy motor vehicles without being liable to pay sales tax on them: *Brisbane Water County Council v Commissioner of Stamp Duties (NSW)* [1979] 1 NSWLR 320; (1979) 9 ATR 576. See [2.3040].

Interpretation – s 70

Section 70 defines “widely held unit trust”. A drafting error in s 70(1)(c), dating back to the former Stamp Act 1894 (Qld), presents ambiguity about the interpretation of the section. See [2.70.20].

Duties Act 2001 (Qld)

Dr JG Mann has updated annotations to the *Taxation Administration Act 2001* (Qld). Highlights include:

Queensland legislative framework – s 8

Section 8 provides that the Commissioner is responsible for the administration and enforcement of the tax laws. Estoppel cannot operate to prevent the exercise of a statutory duty on the part of the Commissioner to apply the law. The courts are not at liberty to admit an estoppel which would have the effect of repealing a statute: *Re Jauncey*[1980] Qd R 335. See [TAA.8.30].