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Update Summary

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DUTIES LEGISLATION QUEENSLAND

Dr JG Mann, AM

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UPDATED COMMENTARY

Duties Act 2001 (Qld)

Dr JG Mann AM has revised annotations to the Duties Act.

Concepts – current Queensland principles – s 30

Section 30 ensures that dutiable transactions are treated as one where they form, evidence, give effect to or arise from what is substantially the one arrangement for the purpose of assessing transfer duty. While a unity of purpose may be of some relevance, the focus should be on the objective characterisation of a dealing: *Oliver Hume Property Funds (Broad Gully Rd) Diamond Creek Pty Ltd v Commr of State Revenue (Vic)* [2024] VSCA 175. See [2.30.60].

Public Rulings

The Queensland Revenue Office issued revised Public Rulings:

- Concession for homes and first homes – occupancy requirements: see [DA085.1.7]
- Private rulings on unexecuted instruments or proposed transactions: see [DA000.1.4]
- Landholder duty – Commissioner's satisfaction in relation to related person's interest being used and acquired independently: see [DA164.2.3]
- Reassessment of transfer duty – home concessions – where not all taxpayers comply with the conditions: see [DA000.11.4]
- Form 1 Transfer signed under a power of attorney: see [DA016.2.2]
- Nominee agreements-under an agency relationship: see [DA022.1.2]
- Registration of charitable institutions – notice of ceased entitlement: see [TAA149H.1.2]
- Public ruling system: Explanation and status: see [GEN001.7].

Practice Directions

The Queensland Revenue Office advised that a “new system of practice directions has been established.” See [PD.010].

The first Practice Directions issued were:

- Duties Act – Reassessment of transfer duty – home concessions – where not all taxpayers comply with the conditions: see [PD-DA000.1.1]
- Duties Act – Lodgement requirements for partnership acquisitions for professional partnerships: see [PD-DA000.2.1]
- Duties Act – Form 1 Transfer signed under a power of attorney: see [PD-DA016.1.1]
- Duties Act – Nominee agreements-under an agency relationship: see [PD-DA022.1.1]

- Duties Act – Landholder duty – Related person – Commissioner’s satisfaction regarding interests: see [PD-DA164.1.1]
- Taxation Administration Act: Registration of charitable institutions – notice of ceased entitlement: see [PD-TAA149H.1.1]
- General: Practice direction system: Explanation and status: see [PD-GEN001.1].

