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Update Summary

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DUTIES LEGISLATION QUEENSLAND

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UPDATED COMMENTARY

Duties Act 2001 (Qld)

Commentary – s 153

Section 153 applies if a transferee takes up occupation of the residential land purchased within one year, but then transfers, leases or otherwise grants exclusive possession of part or all of the land, within the next year. The annotations to the section have been substantially revised and restructured:

- Public Ruling DA000.18.1 – 10 September 2024 to 30 June 2025: see [2.153.15];
- Concept: “Intervening event”: see [2.153.20];
- Concept: “Because of”: see [2.153.22];
- Concept: “Natural disaster”: see [2.153.24];
- Concept: “Incapacity”: see [2.153.25];
- Concept: “Intervenes”: see [2.153.27];
- Concept: “Because of” – Objective and subjective considerations – determining a reason or cause: see [2.153.28];
- Multiple transferees: see [2.153.30];
- Leaving a property vacant: see [2.153.40];
- Other interpretation provisions: see [2.153.50];
- Practice Direction PD-DA000.1.1: see [2.153.60].

Public Ruling DA000.18.1 – 10 September 2024 to 30 June 2025

Section 246I enables the recovery of additional foreign acquirer duty from forging acquirers. Public Ruling DA000.18.1 Duties Act: Concessions for Homes and AFAD Exemption for Specified Foreign Retirees – Disposal and Partial Renting sets out the terms of an administrative arrangement that allows for a concession or exemption to be retained although the recipient does not meet one of the general requirements. See [246I.15].

Taxation Administration Act 2001 (Qld)

Interpretation – s 69

Section 69 provides taxpayers with the right to appeal to the Supreme Court where dissatisfied with the Commissioner's decision on objection, contingent on them first having paid the full amount of tax and late payment interest payable under the assessment. The hearing by the Supreme Court is a fresh hearing in its original jurisdiction on the materials before the Commissioner, subject to the Court's power to admit new evidence: *Century Mining Pty Ltd v Commr of State Revenue* [2024] QSC 143. See [TAA.69.20].

Forms

Many of the forms for use in applications and providing information to the Queensland Revenue Office have been reissued. See [40.0100] ff.

Public Rulings

The Queensland Revenue Office issued the following new and revised Public Rulings:

- Concessions for homes and AFAD exemption for specified foreign retirees – disposal and partial renting: see [DA000.18.1];
- Concession for homes and first homes – occupancy requirements: see [DA085.1.8].

Practice Directions

The Queensland Revenue Office has issued the following revised Practice Direction:

- Duties Act – Reassessment of transfer duty – home concessions – where not all taxpayers comply with the conditions: see [PD-DA000.1.2].

