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Update Summary

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STAMP DUTIES SOUTH AUSTRALIA

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UPDATED COMMENTARY

New Developments:

New Case Law

The following Cases notes have been added:

Oliver Hume Property Funds (Broad Gully Rd) Diamond Creek Pty Ltd v Commissioner of State Revenue [2024] VSCA 175 – VSCA affirmed VCAT’s decision that subscriptions in shares of a landholding company by 18 separate investors were classified as ‘associated transactions’ for landholder duty purposes: see [1.1114]; and

Conexa Sydney Holdings Pty Ltd v Chief Commissioner of State Revenue [2024] NSWSC 628 – the NSW Supreme Court has upheld the Chief Commissioner’s valuation of Conexa’s landholder duty liability, classifying an underground pipeline as being legally severed from the land holding, but treating it as a “good” for landholder duty purposes: see [1.1115].

New Information Circulars

The following Information Circulars have 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]; and

Information Circular No: 108 – Stamp Duties Act 1923 – Stamp Duty on Motor Vehicles: Registrations of Motor Vehicles – Dutiable Value and Dealer Exemptions: see [1.1548].

State Budget

The following State Budget has been added:

2024-25 State Budget: see [1.2514].

Stamp Duties Act 1923

The following annotations have been updated:

Section 2 – Commentary has been revised.

Section 31 – Subject matter of the contract: see [31.35];

Section 31 – Units in a unit trust: see [31.60];

Section 60 – Scheme: see [60.20];

Section 60 – Conveyance on sale: see [60.50];

Section 60 – Introduction: see [60.70];

Section 60 – Company reconstructions: see [60.120];

Section 60 – Declaration of trust: see [60.140];

Section 60 – Partnerships: see [60.310];

Section 60 – Share transfers: see [60.370];
Section 60 – Technical information and know-how: see [60.630];
Section 71 – Exemptions: see [71.50];
Section 91 – Introduction of landholder model: see [91.05];
Section 92 – Land assets: see [92.10];
Section 98 – Land holding entity: see [98.10];
Section 99 – Market value of relevant asset: see [99.10];
Section 100 – Transactions dutiable: see [100.10]; and
Section 105A – No duty on commercial property: see [105A.10].

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].

Information Circular No: 108 – Stamp Duties Act 1923 – Stamp Duty on Motor Vehicles: Registrations of Motor Vehicles – Dutiable Value and Dealer Exemptions: see [802.0066].

Taxation Administration Act 1996

The following annotations have been updated:

Section 60 – Assessors: see [TAA.60.20]; and

Section 60 – Advice upon the administration of the taxation laws of the State: Circulars: see [TAA.60.30].

Taxation Administration Regulations 2017

Section 2 – Commencement has been repealed.

Table of Cases and Statutes has been updated.

