



Queensland

Revenue and Other Legislation Amendment Act 2007

Act No. 29 of 2007



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Act No. 29 of 2007

An Act to amend the *Duties Act 2001*, the *Electricity Act 1994*, the *Electricity and Other Legislation Amendment Act 2006*, the *Land Tax Act 1915* and the *Petroleum Products Subsidy Act 1965*

[Assented to 15 June 2007]

The Parliament of Queensland enacts—**Part 1 Preliminary****1 Short title**

This Act may be cited as the *Revenue and Other Legislation Amendment Act 2007*.

2 Commencement

- (1) Part 2 commences on 1 January 2008.
- (2) Parts 5 and 6 commence on 1 July 2007.

Part 2 Amendment of Duties Act 2001**3 Act amended in pt 2**

This part amends the *Duties Act 2001*.

4 Amendment of s 254 (Rate of mortgage duty)

Section 254, ‘40c’—

omit, insert—

‘20c’.

5 Amendment of s 383 (Rate of vehicle registration duty, other than for a special vehicle)

Section 383, from ‘\$2’—

omit, insert—

‘as stated in schedule 4C.’.

6 Insertion of new ch 17, pt 7

Chapter 17—

*insert—***‘Part 7 Transitional and savings provisions for Revenue and Other Legislation Amendment Act 2007****‘584 Application of amendment about rate of mortgage duty**

- ‘(1) Section 254,¹ as in force on 1 January 2008, applies to a mortgage only if the liability date for the mortgage is on or after 1 January 2008.
- ‘(2) However, section 254, as in force immediately before 1 January 2008, applies to a mortgage if an arrangement was made before 1 January 2008 the sole or main purpose of which was to defer a liability date for the mortgage until 1 January 2008 or later so the rate of mortgage duty under section 254, as in force on or after 1 January 2008, would apply in relation to the liability date.
- ‘(3) Also, a person is not entitled, under a relevant Act or otherwise, to a refund of mortgage duty paid before 1 January 2008 only because a liability date for the mortgage is on or after 1 January 2008.
- ‘(4) In this section—
relevant Act means this Act or the Administration Act.

‘585 Mortgage duty associated with debenture subscriptions in financial year ending 30 June 2008

- ‘(1) This section applies in relation to mortgage duty payable under section 266(3) on the amount subscribed for, in the financial year ending 30 June 2008, for debentures.

1 Section 254 (Rate of mortgage duty)

- ‘(2) The rate of mortgage duty is—
- (a) 40c for each \$100, or part of \$100, of the amount subscribed for in the period from 1 July 2007 to 31 December 2007; and
 - (b) 20c for each \$100, or part of \$100, of the amount subscribed for in the period from 1 January 2008 to 30 June 2008.
- ‘(3) The rate of mortgage duty under subsection (2)(a) applies to an amount subscribed for debentures if an arrangement was made before 1 January 2008 the sole or main purpose of which was to defer the subscription until 1 January 2008 or later so the rate of mortgage duty under subsection (2)(b) would apply in relation to the subscription.

‘586 Mortgage duty associated with caveats and releases of mortgage

- ‘(1) This section applies in relation to—
- (a) mortgage duty imposed under section 268 on a caveat claiming an interest under a mortgage; and
 - (b) mortgage duty imposed under section 269 on a release of mortgage.
- ‘(2) To the extent an amount of mortgage duty imposed on the relevant mortgage is calculated by reference to the rate under pre-amended section 254, the amount of mortgage duty imposed on the caveat or release is also calculated under pre-amended section 254, even if the caveat or release is effected on or after 1 January 2008.
- ‘(3) In this section—
- pre-amended section 254* means section 254 as in force before 1 January 2008.’.

7 Insertion of new sch 4C

After schedule 4B—

insert—

‘Schedule 4C Rate of vehicle registration duty other than for special vehicles

section 383

Type of vehicle	Amount of vehicle registration duty for each \$100, and each part of \$100, of the vehicle’s dutiable value
hybrid vehicle (with any number of cylinders) electric vehicle	\$2.00
vehicle with 1 to 4 cylinders vehicle with 2 rotors steam vehicle	\$3.00
vehicle with 5 or 6 cylinders vehicle with 3 rotors	\$3.50
vehicle with 7 or more cylinders	\$4.00’.

Part 3 Amendment of Electricity Act 1994

8 Act amended in pt 3

This part amends the *Electricity Act 1994*.

9 Insertion of new s 326

After section 325—

insert—

‘326 Provision for new s 23

- ‘(1) The words ‘, inserted section 23(6)’ and ‘*omit*,’ are taken never to have been included in the amending provision.
- ‘(2) This section expires at the end of the day after it commences.
- ‘(3) This section is declared to be a law to which the *Acts Interpretation Act 1954*, section 20A applies.
- ‘(4) In this section—

amending provision means the *Community Ambulance Cover and Other Acts Amendment Act 2007*, section 38(4).’.

Part 4 Amendment of Electricity and Other Legislation Amendment Act 2006

10 Act amended in pt 4

This part amends the *Electricity and Other Legislation Amendment Act 2006*.

11 Amendment of s 30 (Replacement of ch 5, pts 1A–1C of Act No. 64 of 1994)

Section 30, after inserted section 120ZK—

insert—

‘Division 7 Miscellaneous provisions**‘120ZL Relationship with Fair Trading Act 1989**

‘To remove any doubt, it is declared that, subject to section 120ZN, an industry code does not limit or otherwise affect the operation of the *Fair Trading Act 1989*.

‘120ZM Compliance with particular requirements under Fair Trading Act 1989, s 61 for door-to-door contracts

- ‘(1) This section applies if—
- (a) a retail entity enters into, or proposes to enter into, a negotiated retail contract with a small customer; and
 - (b) the contract is, or would if entered into be, a prescribed contract under the *Fair Trading Act 1989 (FTA)*, part 3, division 4; and
 - (c) an industry code applies to the contract.
- ‘(2) The contract is taken to include the statement required under FTA, section 61(1)(f) (*paragraph (f)*) if a statement included in the contract as otherwise required under paragraph (f) states the cooling-off period that the industry code requires for the contract instead of the cooling-off period mentioned in paragraph (f).

Note—

See clause 4.2.4 (Cooling-off) of the initial industry code commencing on the FRC day.

- ‘(3) The notices required to be given under FTA, section 61(1)(g) (*paragraph (g)*) are taken to have been given, and the requirements for the notices stated in FTA, section 61(1)(h) to (j) are taken to be complied with, if—
- (a) the customer is given a notice (the *substitute notice*) by or for the retail entity in relation to the entering into of the contract, as required under the industry code; and
 - (b) the substitute notice complies with—
 - (i) all requirements under the industry code about explaining the customer’s right to rescind the contract; and

Note—

See clause 7.6 (Written disclosure statement) of the initial industry code commencing on the FRC day.

- (ii) the requirements for a notice or notices, stated in FTA, section 61(1)(h)(i) and (ii), (i) and (j); and
- (c) the substitute notice gives all information that—

- (i) is required to be given under the approved forms of notice under paragraph (g); and
 - (ii) is relevant to the goods and services to be provided under the contract.
- ‘(4) The substitute notice need not comply with FTA, s 61(1)(h)(iii).’.

12 Amendment of s 44 (Insertion of new ch 11, pt 1A of Act No. 64 of 1994)

Section 44, inserted sections 244A and 244B—
renumber as inserted sections 226A and 226B.

13 Amendment of s 145 (Insertion of new ch 5A of Act No. 29 of 2003)

Section 145, after inserted section 270ZJ—
insert—

‘Part 6 Miscellaneous provisions

‘270ZJA Relationship with Fair Trading Act 1989

‘To remove any doubt, it is declared that, subject to section 270ZJB, an industry code does not limit or otherwise affect the operation of the *Fair Trading Act 1989*.

‘270ZJB Compliance with particular requirements under Fair Trading Act 1989, s 61 for door-to-door contracts

- ‘(1) This section applies if—
- (a) a retailer enters into, or proposes to enter into, a negotiated retail contract with a small customer; and
 - (b) the contract is, or would if entered into be, a prescribed contract under the *Fair Trading Act 1989 (FTA)*, part 3, division 4; and
 - (c) an industry code applies to the contract.

- ‘(2) The contract is taken to include the statement required under FTA, section 61(1)(f) (**paragraph (f)**) if a statement included in the contract as otherwise required under paragraph (f) states the cooling-off period that the industry code requires for the contract instead of the cooling-off period mentioned in paragraph (f).

Note—

See clause 4.3 (Cooling-off) of the initial industry code commencing on the FRC day.

- ‘(3) The notices required to be given under FTA, section 61(1)(g) (**paragraph (g)**) are taken to have been given, and the requirements for the notices stated in FTA, section 61(1)(h) to (j) are taken to be complied with, if—
- (a) the customer is given a notice (the **substitute notice**) by or for the retailer in relation to the entering into of the contract, as required under the industry code; and
 - (b) the substitute notice complies with—
 - (i) all requirements under the industry code about explaining the customer’s right to rescind the contract; and

Note—

See clause 5.6 (Written disclosure statement) of the initial industry code commencing on the FRC day.

- (ii) the requirements for a notice or notices, stated in FTA, section 61(1)(h)(i) and (ii), (i) and (j); and
 - (c) the substitute notice gives all information that—
 - (i) is required to be given under the approved forms of notice under paragraph (g); and
 - (ii) is relevant to the goods and services to be provided under the contract.
- ‘(4) The substitute notice need not comply with FTA, s 61(1)(h)(iii).’.

Part 5 **Amendment of Land Tax Act 1915**

14 **Act amended in pt 5**

This part amends the *Land Tax Act 1915*.

15 **Amendment of s 3 (Definitions)**

(1) Section 3, definition *relevant unimproved value*—
omit.

(2) Section 3—
insert—

‘capped value see section 3G(3).

relevant unimproved value of land, for a financial year,
means—

- (a) if section 3G applies—the capped value of the land for the financial year; or
- (b) otherwise—the lesser of the following—
- (i) the unimproved value of the land that applies for the financial year;
 - (ii) the averaged unimproved value of the land for the financial year.’.

16 **Insertion of new s 3G**

In part 1—
insert—

‘3G Capping of value for particular years

- ‘(1) This section applies in relation to the land tax levied for each of the following financial years (the *relevant years*)—
- the financial year starting 1 July 2007
 - the financial year starting 1 July 2008
 - the financial year starting 1 July 2009.

- ‘(2) This section applies to a parcel of land, for the land tax levied for a relevant year, if—
- (a) section 3CA does not apply for levying land tax on the land for the relevant year; and
 - (b) the land had an unimproved value that applied for the previous financial year; and
 - (c) the uncapped value of the land for the relevant year is more than 150% of the relevant unimproved value of the land for the previous financial year.
- ‘(3) The ***capped value*** of the land for the relevant year is 150% of the relevant unimproved value of the land for the previous financial year.
- ‘(4) In this section—
- uncapped value*** of land, for a relevant year, means the lesser of the following—
- (a) the unimproved value of the land that applies for the relevant year;
 - (b) the averaged unimproved value of the land for the relevant year.’.

17 Amendment of s 16 (Taxpayer to furnish returns)

- (1) Section 16(1), words before paragraph (a)—
- omit, insert—*
- ‘(1) For the purposes of the assessment and levy of land tax for a financial year starting on or after 1 July 2007, every owner of land, as at midnight on 30 June immediately before the financial year, of the relevant unimproved value of—’.
- (2) Section 16(1)(a), ‘\$300 000’—
- omit, insert—*
- ‘\$350 000’.
- (3) Section 16(1)(b)—
- omit, insert—*
- ‘(b) for another owner—\$600 000 or more;’.

- (4) Section 16(1), ‘each’—
omit, insert—
‘the’.
- (5) Section 16(1), ‘30 June then last past’—
omit, insert—
‘that 30 June’.

18 Amendment of s 27 (Appeal)

- (1) Section 27(1A), words after ‘excessive’—
omit, insert—
‘if the underlying value, or each underlying value, is the value of the area or interest made or caused to be made by the chief executive under the *Valuation of Land Act 1944*.’.
- (2) Section 27—
insert—
- ‘(4) In this section—
underlying value, for a relevant unimproved value, means—
- (a) if the relevant unimproved value is an unimproved value—the unimproved value; or
 - (b) if the relevant unimproved value is an averaged unimproved value—an unimproved value used to work out the averaged unimproved value; or
 - (c) if the relevant unimproved value is a capped value—an unimproved value used, directly or indirectly, to work out the capped value.

Examples of underlying value for paragraph (c)—

- an unimproved value of the land for the previous year used directly to work out the land’s capped value for the current year
- an unimproved value of the land 2 years ago which is used to work out the land’s averaged unimproved value for the previous year which in turn is used to work out the land’s capped value for the current year’.

19 Replacement of s 62 (Application of particular amendments)

Section 62—

*omit, insert—***‘62 Application of particular amendments**

‘This Act, as amended by the *Revenue and Other Legislation Amendment Act 2007*, part 5, applies to land tax levied for a financial year starting on or after 1 July 2007.’.

20 Insertion of new pt 9, div 4

Part 9—

*insert—***‘Division 4 Savings provision for Revenue and Other Legislation Amendment Act 2007****‘66 Obligation to furnish returns**

‘(1) To remove any doubt, it is declared that the amendment of section 16 by the *Revenue and Other Legislation Amendment Act 2007* does not affect a liability incurred under that section including a requirement for an owner of land to furnish a return for a financial year before 1 July 2007.

‘(2) This section does not limit the *Acts Interpretation Act 1954*, section 20.’.

21 Amendment of sch 1 (Amounts and rates of land tax—particular individuals)

(1) Schedule 1, ‘\$500 000’—

omit, insert—

‘\$600 000’.

(2) Schedule 1, ‘\$500’—

omit, insert—

‘\$1 200’.

22 Amendment of sch 2 (Amounts and rates of land tax—company, absentee or trustee)

- (1) Schedule 2, ‘\$300 000’—

omit, insert—

‘\$350 000’.

- (2) Schedule 2, ‘\$1 500’—

omit, insert—

‘\$2 250’.

Part 6 Amendment of Petroleum Products Subsidy Act 1965**23 Act amended in pt 6**

This part amends the *Petroleum Products Subsidy Act 1965*.

24 Amendment of s 2 (Meaning of terms)

- (1) Section 2(1), definitions
- authorised officer*
- ,
- Commonwealth Minister*
- and
- scheme*
-

omit.

- (2) Section 2(1)—

insert—

‘***authorised officer*** means a person who held an appointment, immediately before 1 July 2007, as an authorised officer under section 5 as it was in force at that time.

repealed, in relation to a section, means that section of this Act as in force before its repeal by the *Revenue and Other Legislation Amendment Act 2007*, part 6.

scheme means the scheme in force from time to time before 1 July 2007 in relation to Queensland under the repealed *States Grants (Petroleum Products) Act 1965* (Cwlth).’.

- (3) Section 2(1), definition *registered distributor of eligible petroleum products*, ‘who is’—
omit, insert—
‘who was, at any time before 1 July 2007.’
- (4) Section 2(2), ‘is directed’—
omit, insert—
‘was directed’.
- (5) Section 2(2), ‘are or are not’—
omit, insert—
‘were or were not’.

25 Amendment of s 3 (Calculation of subsidy)

Section 3—

insert—

- ‘(2) However, from 1 July 2007 subsection (1) does not apply and no payments may be made under this Act.’

26 Omission of ss 4–6

Sections 4 to 6—

omit.

27 Amendment of s 7 (Certificates)

- (1) Section 7(1) and (2)—
omit.
- (2) Section 7(3), after ‘advance’—
insert—
‘under repealed section 4’.

28 Omission of s 8 (Payments)

Section 8—

omit.

29 Amendment of s 10 (Preservation of accounts etc.)

(1) Section 10, ‘who receives’—

omit, insert—

‘who received’.

(2) Section 10, after ‘claim’—

insert—

‘under repealed section 6’.

30 Amendment of s 11 (Stocktaking and inspection of accounts etc.)

(1) Section 11, heading—

omit, insert—

‘11 Inspection of accounts etc.’.

(2) Section 11(1), from ‘or any vehicle’—

omit, insert—

‘and may inspect the accounts, books and documents relating to the sale, use and purchase of eligible petroleum products.’.

(3) Section 11(2), ‘or person in charge of any vehicle’—

omit.

31 Omission of s 12 (Powers of authorised officer)

Section 12—

omit.

32 Replacement of ss 15–17

Sections 15 to 17—

omit, insert—

‘15 Closure of Commonwealth Petroleum Products Subsidies Fund

- ‘(1) The fund is closed with effect from 1 July 2007.
- ‘(2) As soon as practicable after 1 July 2007—
- (a) the auditor-general must certify the receipts for and disbursements of the fund for the financial year ending on 30 June 2007; and
 - (b) the department must transfer an amount representing the closing balance for the fund to the Commonwealth department.
- ‘(3) Any amounts recovered under section 9 must be transferred to the Commonwealth department.

- ‘(4) In this section—

Commonwealth department means the Commonwealth department in which the *Petroleum (Submerged Lands) Act 1967* (Cwlth) is administered.

fund means the Commonwealth Petroleum Products Subsidies Fund continued in existence under repealed section 16.

‘16 Expiry of Act

‘This Act expires on 1 July 2009.’