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LEGISLATIVE ASSEMBLY OF THE  
NORTHERN TERRITORY

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**REVENUE AND OTHER LEGISLATION AMENDMENT BILL 2017  
SERIAL NO.**

**EXPLANATORY STATEMENT**

**GENERAL OUTLINE**

The Bill amends the *Gaming Control Act*, *Payroll Tax Act*, *Stamp Duty Act*, *Taxation Administration Act*, *Gaming Machine Regulations* and the *Motor Vehicles (Fees and Charges) Regulations*. The changes made by this Bill form part of the 2017-18 Budget.

The *Gaming Control Act* is amended to align legislative references in relation to the payment of taxes and levies by casinos to ensure that administrative provisions operate as intended.

The *Payroll Tax Act* is amended to update provisions in relation to motor vehicle allowances to reflect recent Commonwealth legislative amendments.

The *Stamp Duty Act* is amended to:

- apply a stamp duty rate of 5.75 per cent to conveyances where the dutiable value is \$3 million or more but less than \$5 million, and 5.95 per cent where the dutiable value is \$5 million or more;
- provide that the senior, pensioner and carer concession is available where a purchaser is eligible for an NT Pensioner and Carer Concession Card, but has not been granted a card at the time of purchasing their home; and
- exempt the transfer of renewable energy certificates created under the *Renewable Energy (Electricity) Act 2000* (Cth).

The *Taxation Administration Act* is amended to ensure the Commissioner of Territory Revenue can comply with Commonwealth third party reporting requirements.

The *Gaming Machine Regulations* are amended to reduce gaming machine tax thresholds for clubs to pre-1 January 2009 levels and to impose tax increases for hotels over two years.

From 1 July 2017 to 30 June 2018, the hotel gaming machine tax regime will remain aligned with clubs. From 1 July 2018, tax thresholds for hotels will change again and rates will also increase.

The *Motor Vehicles (Fees and Charges) Regulations* are amended from 1 July 2017 to increase light vehicle registration fees.

## **NOTES ON CLAUSES**

### **PART 1 – PRELIMINARY MATTERS**

#### **Clause 1. Short title**

This is a formal clause which provides for the citation of the Act. When passed, the Act may be referred to as the *Revenue and Other Legislation Amendment Act 2017*.

#### **Clause 2. Commencement**

This clause provides for the *Revenue and Other Legislation Amendment Act 2017* to commence on 1 July 2017.

### **PART 2 – AMENDMENT OF GAMING CONTROL ACT**

#### **Clause 3. Act amended**

The Act being amended by this Part is the *Gaming Control Act*.

#### **Clause 4. Section 68D amended**

Clause 4 makes a minor referencing amendment to section 68D(2) of the *Gaming Control Act* to ensure that the provisions of the *Taxation Administration Act* as set out in section 68D(1) continue to apply to taxes and levies payable under a casino agreement.

#### **Clause 5. Section 84 amended**

Clause 5 makes a minor referencing amendment to section 84(1)(a) of the *Gaming Control Act*, to ensure that the transitional provisions at section 84 continue to apply to taxes and levies payable under a casino agreement.

#### **Clause 6. Part 7, Division 5 inserted**

Clause 6 inserts a transitional provision into the *Gaming Control Act* to deem that amendments made to that Act by the *Revenue and Other Legislation Amendment Act 2017* operate from 1 July 2015. This aligns the referencing amendments made in this Bill with the other related amendments made in the *Revenue and Other Legislation Amendment Act 2015*.

## **PART 3 – AMENDMENT OF PAYROLL TAX ACT**

### **Clause 7. Act amended**

The Act being amended by this Part is the *Payroll Tax Act*.

### **Clause 8. Section 29 amended**

Clause 8 consequentially amends section 29(7) of the *Payroll Tax Act* to reflect changes made by the Commonwealth to motor vehicle allowance provisions in section 28-25(4) of the *Income Tax Assessment Act 1997 (Cth)*.

Minor drafting amendments are also made in line with drafting styles adopted in other states.

## **PART 4 – AMENDMENT OF STAMP DUTY ACT**

### **Clause 9. Act amended**

The Act being amended by this Part is the *Stamp Duty Act*.

### **Clause 10. Section 89A amended**

Clause 10 replaces section 89A(1)(b) with new section 89A(1)(b). New section 89A(1)(b) expands the eligibility criteria for the senior, pensioner and carer concession to allow the concession to be provided where a conveyee was entitled to, but did not hold, a NT Pensioner and Carer Concession Card at the relevant time (being when an instrument for the conveyance of property is executed).

However, the conveyee must have received the NT Pensioner and Carer Concession Card by the time they apply for the senior, pensioner and carer concession.

### **Clause 11. Schedule 1 amended**

Clause 11 replaces item 1(2)(c) of Schedule 1 to the *Stamp Duty Act* with new item 1(2)(c) to increase the stamp duty rate to 5.75 per cent where the dutiable value of a conveyance of dutiable property is \$3 million or more, but less than \$5 million.

New item 1(2)(d) of Schedule 1 to the *Stamp Duty Act* is also inserted to increase the stamp duty rate to 5.95 per cent for conveyances of dutiable property where the dutiable value is \$5 million or more.

**Clause 12. Schedule 2 amended**

Clause 12 inserts new item 12A into Schedule 2 to the *Stamp Duty Act* to exempt the transfer of renewable energy certificates purchased under the *Renewable Energy (Electricity) Act 2000* (Cth) from duty.

New item 12A also falls within the exception from the requirement to lodge an instrument at section 9(3)(c)(i) of the *Stamp Duty Act*.

**PART 5 – AMENDMENT OF TAXATION ADMINISTRATION ACT**

**Clause 13. Act amended**

The Act being amended by this Part is the *Taxation Administration Act*.

**Clause 14. Part 10, Division 1 heading inserted**

This clause inserts new Division 1 into Part 10 of the *Taxation Administration Act*. This is a minor consequential amendment to contain the existing definitions in section 101 of the *Taxation Administration Act*, relating to the disclosure of confidential information, within new Division 1 “Preliminary Matters”.

**Clause 15. Part 10, Division 2 heading inserted**

This clause inserts new Division 2 into Part 10 of the *Taxation Administration Act*. This is a minor consequential amendment to contain the existing provisions in sections 102 to 106 of the *Taxation Administration Act*, within new Division 2 “Disclosure of confidential information”.

**Clause 16. Part 10, Division 3 inserted**

Clause 16 inserts new Division 3 into Part 10 of the *Taxation Administration Act*. New Division 3, through new section 106A, enables the Commissioner of Territory Revenue to collect and disclose information to the Commonwealth as required by Commonwealth taxation legislation.

New section 106A(1) provides an express power to allow the Commissioner to collect reportable information. As new section 106A is contained in the *Taxation Administration Act*, the provision forms part of a “taxation law” as defined in section 3 of that Act. As such, information collected under section 106A is collected under (and for the purposes of) a taxation law and the usual provisions in the *Taxation Administration Act* relating to the collection and use etc., of this information applies.

New section 106A(2) clarifies that the Commissioner of Territory Revenue may collect information under section 106A by way of request, or by requiring the information to be provided in connection with the lodgement of an instrument or application (for example, documents lodged for stamp duty purposes). Section 106A(2) does not limit the way in which information may be collected under section 106A(1).

New section 106A(3) clarifies that the Commissioner of Territory Revenue may disclose reportable information to the Commonwealth.

New section 106A(4) defines “reportable information” by reference to the relevant Commonwealth provisions which impose the information collection and disclosure requirements on the Territory.

## **PART 6 – AMENDMENT OF GAMING MACHINE REGULATIONS**

### **Clause 17. Regulations amended**

The Regulations being amended by this Part are the *Gaming Machine Regulations*.

### **Clause 18. Regulation 33 replaced**

Clause 18 replaces existing regulation 33 of the *Gaming Machine Regulations* with new regulation 33 which prescribes the gaming machine tax regimes for Category 1 and Category 2 licensed premises.

New regulation 33(a) provides that gross monthly profit from gaming machines in Category 1 licensed premises, i.e. those with a hotel liquor licence, will be liable to the revised tax thresholds set out in Table A for 2017-18, and from 1 July 2018, the revised rates and thresholds set out in Table B.

New regulation 33(b) provides that gross monthly profit from gaming machines in Category 2 licensed premises, i.e. those with a club liquor licence, will be subject to the revised tax thresholds set out in Table A.

For new regulation 33, the gross monthly profit of a licensed premises is defined in section 3 of the *Gaming Machine Act*. The changes will apply to the monetary amount of all bets made on gaming machines by persons during the assessment period less the monetary amount of all payments made to those persons in respect of their playing of those machines during that period.

## **PART 7 – AMENDMENT OF MOTOR VEHICLES (FEES AND CHARGES) REGULATIONS**

### **Clause 19. Regulations amended**

The Regulations being amended by this Part are the *Motor Vehicles (Fees and Charges) Regulations*.

### **Clause 20. Schedule 1 amended**

Clause 20 replaces Schedule 1, Part 2, item 2 of the *Motor Vehicles (Fees and Charges) Regulations* with a new item 2 that provides for an increase in the light motor vehicle registration fee component of total registration costs.

Light vehicle registration fees are expressed in revenue units. Where the increase in motor vehicle registration fees, as prescribed as a number of revenue units, would result in a new registration fee that is not a multiple of one revenue unit, the new motor vehicle registration fee is rounded up to the nearest whole revenue unit.

## **PART 8 – EXPIRY OF ACT**

### **Clause 21. Expiry of Act**

Clause 21 provides for the expiry of the *Revenue and Other Legislation Amendment Act 2017* on the day after it commences.