

## Notes on Clauses

### Taxation and Related Legislation (Miscellaneous Amendments) Bill 2026

#### PART 1 - PRELIMINARY

Clause 1      **Short Title**

Cites the proposed legislation as the *Taxation and Related Legislation (Miscellaneous Amendments) Act 2026*.

Clause 2      **Commencement**

Provides that the proposed legislation commences on the day it receives Royal Assent, except for Parts 3 and 5 which commence retrospectively from 1 July 2026 to ensure these taxation measures apply from the beginning of the 2026-27 financial year.

Clause 3      **Repeal of Act**

Repeals this amendment Act on the first anniversary of the day on which it received the Royal Assent.

#### PART 2 – DUTIES ACT 2001 AMENDED

Clause 4      **Principal Act**

Provides that the Principal Act being amended in Part 2 is the *Duties Act 2001*.

Clause 5      **Section 3 amended (Interpretation)**

Amends section 3 (Interpretation) of the Principal Act to update and clarify several definitions.

Inserts the definition of 'Australian citizen' and 'permanent resident' to be consistent with the definitions in the *First Home Owner Grant Act 2000*.

Replaces references to 'Australian Stock Exchange' with 'Australian Securities Exchange' to reflect the current name of the exchange.

Extends the 'complying superannuation fund' definition to include self-managed superannuation funds established in accordance with section 42A of the *Superannuation Industry (Supervision) Act 1993* (Commonwealth).

Updates the definition of 'foreign natural person' as a consequential amendment to cross reference the inserted definitions of 'Australian citizen' and 'permanent residence'.

Updates the definition of 'recognised stock exchange' to expressly include specified overseas stock exchanges and include stock exchanges whose operators are members of the World Federation of Exchanges.

- Clause 6      **Section 13 amended (Necessity for written instrument or written statement)**  
Amends section 13(3) of the Principal Act by replacing 'lodgment' with 'lodgement' for consistency.
- Clause 7      **Section 47 amended (Deceased estates)**  
Amends section 47(1A) of the Principal Act to extend concessional duty treatment for transfers of property arising on intestacy (ie without a will). The amendment ensures equitable concessional treatment for transfers arising on intestacy and transfers arising under a will.  
Replaces reference to 'trust' with 'trusts' for clarity.
- Clause 8      **Section 56 amended (Exemptions – break-down of marriages)**  
Amends section 56 of the Principal Act to extend the duty exemption for transfers of matrimonial property consequent upon a marriage breakdown made in accordance with unregistered awards in family law arbitration under the *Family Law Act 1975* (Commonwealth), in the same manner as transfers arising from other recognised family law dispute resolution pathways. It also makes clear that the exemption applies where the award is registered.
- Clause 9      **Section 56A amended (Exemptions – break-down of de facto relationships)**  
Amends section 56A of the Principal Act to extend the duty exemption for transfers of de facto property consequent upon a de facto relationship breakdown to transfers made in accordance with unregistered awards in family law arbitration under the *Family Law Act 1975* (Commonwealth), in the same manner as transfers arising from other recognised family law dispute resolution pathways. It also makes clear that the exemption applies where the award is registered.
- Clause 10     **Section 57 amended (Exemptions – personal relationships)**  
Amends section 57 of the Principal Act to insert the word 'a' in specified provisions for clarity.
- Clause 11     **Section 57A amended (Partial exemptions)**  
Amends section 57A of the Principal Act to clarify that the duty exemption applies on property transferred to a council that is to be used as a public road. This addresses the current impracticality that, for the exemption to apply, the land must already be used as a road at the time of transfer.  
Inserts new subsection (3) to provide that if a property transferred for use as a public road is not used for that purpose within 24 months after the transfer, or a longer period approved by the Commissioner of State Revenue in exceptional circumstances, the Commissioner must reassess the duty as if the exemption did not apply.

Inserts new subsection (4) to broaden the general definition of 'public road' to include adjacent or adjoining land used for ancillary purposes, including associated structures or works. This ensures the exemption can also be applied to associated ancillary areas such as pedestrian and cycle paths, safety areas and infrastructure corridors.

Clause 12      **Section 59 amended (Interpretation of Chapter 3)**

Amends the definition of 'listed company' under section 59(1) of the Principal Act by replacing 'Australian Stock Exchange' with 'Australian Securities Exchange' to reflect the current name of the exchange.

Clause 13      **Section 78 amended (Inclusion of land holdings and goods recently transferred)**

Amends section 78(1) of the Principal Act by omitting a duplicate reference to 'unit trust' for clarity.

Amends subsection (4) to ensure that where ad valorem duty has been paid on a direct transfer of land or goods from a landholder, the duty offset against landholder duty is limited to the proportional value of the interest acquired, correcting the current position where the full duty paid may be offset even for acquisitions of less than 100 per cent.

Clause 14      **Section 198 amended (What is the dutiable value of a motor vehicle?)**

Amends section 198(1)(b) of the Principal Act by replacing 'lodgment' with 'lodgement' for consistency.

Clause 15      **Section 225 amended (Intergenerational rural transfers)**

Amends section 225(1)(c) of the Principal Act to provide the ability to remove beneficiaries from a trust without affecting eligibility for the exemption (this is in addition to the current allowance for additional beneficiaries to be added to the trust provided they are relatives of the transferor).

Inserts new subsection (1A) to permit a transferee trust deed to be amended within six months after the transfer, or within a longer period approved by the Commissioner of State Revenue, to ensure compliance with the exemption requirements.

Inserts new subsections (1B) and (1C) to provide for reassessment of duty and refunds where the Commissioner is satisfied that the exemption requirements have been met within the permitted amendment period.

These amendments address unintended ineligibility for the exemption under section 225. Currently, trusts that allow beneficiaries to be removed may be disqualified and deficiencies in trust deed drafting have resulted in genuine intergenerational transfers not qualifying for the exemption.

- Clause 16      **Section 226A amended (Interpretation of Part 1A)**  
 Amends section 226A(1) of the Principal Act by extending the definition of ‘security’ of a corporation to include a company limited by guarantee for the purpose of the corporate reconstruction and consolidation duty exemptions. Companies limited by guarantee are generally not-for-profit organisations.
- Clause 17      **Section 226B amended (Meaning of *corporate group*)**  
 Amends section 226B of the Principal Act, which defines the meaning of a corporate group, by inserting new subsection (2A) to provide that a company limited by guarantee (that has members rather than shareholders) is not required to hold at least 90 per cent of the securities of another corporation, as required by subsection 2(a), for the purposes of determining whether a corporate group exists.  
 This amendment recognises that companies limited by guarantee have ‘members’ rather than ‘shareholders’.
- Clause 18      **Section 226C amended (Meaning of *corporate reconstruction transaction*)**  
 Amends section 226C of the Principal Act by omitting subsections (2) and (3) to remove the pre-association test under which entities were required to have been members of the same corporate group for at least 12 months prior to a corporate consolidation transaction. The amendment also repeals subsection (4) that has been made redundant by clause 21.
- Clause 19      **Section 226D amended (Meaning of *corporate consolidation transaction*)**  
 Amends section 226D(2)(c) of the Principal Act, which specifies eligibility conditions that must be satisfied for an exemption on an eligible corporate consolidation transaction, to allow an exception where ownership of shares by the head corporation resulted from a necessary step in the consolidation transaction.  
 Omits sections (4) and (5) to remove the pre-association test under which entities were required to have been members of the same corporate group for at least 12 months prior to a corporate consolidation transaction. The amendment also repeals subsection (6) that has been made redundant by clause 21.
- Clause 20      **Section 226E amended (Exemptions for corporate reconstruction transaction and corporate consolidation transaction)**  
 Amends section 226E(1)(b) of the Principal Act by replacing “either or both” with “one or more” for clarity and inserts a new subparagraph (1)(b)(iaa) to provide that a transaction establishing a corporate group may qualify for a corporate reconstruction or consolidation exemption. This amendment is consequential to

circumstances where a new head corporation is established as part of a corporate consolidation transaction.

- Clause 21      **Section 226H amended (Revocation of exemption)**  
 Amends section 226H of the Principal Act by omitting subsections (1)(a), (2) and (5) to remove the post-association test requiring members involved in a corporate reconstruction or consolidation transaction to remain members of the same corporate group for at least 12 months after the transaction. The amendment also repeals consequential revocation provisions that become redundant.
- Clause 22      **Section 259F amended (Savings and transitional provisions consequent on enactment of *Duties Amendment (Landholder and Corporate Reconstruction and Consolidation) Act 2016*)**  
 Amends section 259F of the Principal Act by replacing 'Australian Stock Exchange' with 'Australian Securities Exchange' to reflect the current name of the exchange.

### **PART 3 – DUTIES ACT 2001 FURTHER AMENDED**

- Clause 23      **Principal Act**  
 Provides that the Principal Act being amended in Part 3 is the *Duties Act 2001*.
- Clause 24      **Section 30HC amended (Reassessment of duty for certain developers of property)**  
 Amends section 30HC(2)(b)(i) of the Principal Act by reducing the minimum number of 50 relevant dwellings to 10 relevant dwellings, which must be built in a financial year by a Tasmanian-based foreign developer to be eligible for Foreign Investor Duty Surcharge relief.
- Clause 25      **Section 259H inserted**  
                   **259H. Savings provision consequent on *Taxation and Related Legislation (Miscellaneous Amendments) Act 2026***  
 Inserts new section 259H into the Principal Act to provide transitional arrangements relating to the amendment to section 30HC made by clause 24.  
 Provides that a person is not entitled to reassessment or refund of the foreign investor duty surcharges in relation to a financial year before 1 July 2026 as a result of the amendment reducing the threshold number of relevant dwellings from 50 to 10 relevant dwellings. Also provides that the threshold of 50 relevant dwellings continues to apply for a financial year before 1 July 2026.

### **PART 4 – FIRST HOME OWNER GRANT ACT 2000 AMENDED**

- Clause 26      **Principal Act**  
 Provides that the Principal Act being amended in Part 4 is the *First Home Owner Grant Act 2000*.

- Clause 27      **Section 3 amended (Interpretation)**  
Amends section 3(1) of the Principal Act to update the definition of 'Australian citizen' by replacing an outdated legislative reference with the current *Australian Citizenship Act 2007* (Commonwealth).
- Clause 28      **Section 18D amended (Conditions on increase of grant)**  
Amends section 18D of the Principal Act by omitting subsection (1) to remove the redundant definition: 'contract for an off the plan purchase' that is not otherwise referred to in that section.

## **PART 5 – LAND TAX ACT 2000 AMENDED**

- Clause 29      **Principal Act**  
Provides that the Principal Act being amended in Part 5 is the *Land Tax Act 2000*.
- Clause 30      **Section 13 amended (Payment by instalments)**  
Amends section 13 of the Principal Act to provide greater flexibility for payment of land tax, by removing the current limit of three payment instalments allowing the Commissioner of State Revenue to determine the number of instalments in which land tax may be paid for the financial year.
- Clause 31      **Section 16I amended (Reassessment of land tax for certain developers of property)**  
Amends section 16I(2)(b)(i) of the Principal Act by reducing the minimum number of 50 relevant dwellings to 10 relevant dwellings, which must be built in a financial year by a Tasmanian-based foreign developer, to be eligible for Foreign Investor Land Tax Surcharge relief.
- Clause 32      **Section 37 amended (Land tax rebate)**  
Amends section 37(1) of the Principal Act to expand access to the land tax rebate in relation to jointly owned land by providing that the rebate may apply where at least one owner holding a 50 per cent or greater interest in the land uses the land as their principal residence.
- Clause 33      **Section 45A inserted**  
    **45A. Savings provision consequent on *Taxation and Related Legislation (Miscellaneous Amendments) Act 2026***  
Inserts new section 45A into the Principal Act to provide transitional arrangements relating to the amendment to section 16I made by clause 31.  
  
Provides that a person is not entitled to reassessment or refund of the foreign investor land tax surcharge in relation to a financial year before 1 July 2026 as a result of the amendment reducing the threshold number of relevant dwellings from 50 to 10 relevant dwellings. Also provides that the threshold of 50 relevant dwellings continues to apply for a financial year before 1 July 2026.

**PART 6 – TAXATION ADMINISTRATION ACT 1997 AMENDED****Clause 34      Principal Act**

Provides that the Principal Act being amended in Part 6 is the *Taxation Administration Act 1997*.

**Clause 35      Section 19 amended (Reassessment)**

Amends section 19(2)(b) of the Principal Act by replacing “additional to, or greater than” with “different from” for clarity.

**Clause 36      Section 23 amended (Withdrawal of assessment)**

Amends section 23 of the Principal Act to extend from three years to five years the period within which the Commissioner of State Revenue may withdraw a tax assessment. The amendment aligns with the existing timeframes applying to reassessments and refunds under the Principal Act.

**Clause 37      Section 28 amended (Application for refund)**

Amends section 28 of the Principal Act by omitting subsections (2) and (2A) to enable taxpayers to apply for refunds of overpaid tax in circumstances where a notice of assessment has been issued without requiring a formal objection process.