




Speech By
Hon. Curtis Pitt

MEMBER FOR MULGRAVE

Record of Proceedings, 16 June 2016

REVENUE AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. CW PITT** (Mulgrave—ALP) (Treasurer, Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Sport) (2.32 pm): I present a bill for an act to amend the City of Brisbane Act 2010, the Duties Act 2001, the Land Tax Act 2010, the Local Government Act 2009, the Queensland Plan Act 2014, the Right to Information Act 2009, the Superannuation (State Public Sector) Act 1990, the Taxation Administration Act 2001, the Taxation Administration Regulation 2012, and the acts mentioned in schedule 1, for particular purposes. I table the bill and the explanatory notes. I nominate the Finance and Administration Committee to consider the bill.

Tabled paper: Revenue and Other Legislation Amendment Bill 2016 [960].

Tabled paper: Revenue and Other Legislation Amendment Bill 2016, explanatory notes [961].

I am pleased to introduce the Revenue and Other Legislation Amendment Bill 2016. The bill includes amendments to Queensland's revenue legislation to protect the state's revenue, give legislative effect to taxpayer beneficial administrative arrangements, maintain the currency of the legislation and ensure its continued proper operation and administration.

Amendments to the transfer duty home concession provisions in the Duties Act 2001—Duties Act—will reinstate the previous interpretation and practice in relation to an acquirer's disposal of a property prior to occupation. The amendments will clarify that an acquirer will dispose of the land if it is acquired subject to a lease granted before the transfer date to ensure that the intended policy of the home concessions—supporting home ownership rather than investment—is maintained. The amendment is necessary as a result of a decision by the Queensland Court of Appeal in *Commissioner of State Revenue v Di Sipio & Anor* [2015] QCA 198, where the Court held that a disposal by the acquirer does not occur merely because land is purchased subject to a pre-existing lease.

The bill also amends the Duties Act to give legislative effect to an administrative arrangement which extends the insurance duty exemption for private health insurance contracts to overseas student health cover and temporary visa holder health cover. The exemption was inadvertently removed as a result of previous consequential amendments to the Duties Act to reflect changes in the Commonwealth's health insurance legislation. The proposed amendment restores the intended exempt status of these types of insurance contracts.

Amendments to the Duties Act also give effect to another administrative arrangement which extends the corporate reconstruction exemptions from transfer duty and landholder duty to dutiable transactions which are statutory vestings. This will provide consistent treatment with court ordered vestings to which the corporate reconstruction exemptions currently apply.

The Land Tax Act 2010—Land Tax Act—will be amended to give legislative effect to an administrative arrangement which removes a condition in the land tax discount for subdividers requiring parcels of land to have been subdivided from the one larger parcel. The condition that the parcels be

subdivided from the one larger parcel was inadvertently inserted when the former Land Tax Act 1915 was repealed by the current Land Tax Act and resulted in an unintended change in policy. The proposed amendment restores the intended operation of the land tax subdivider discount. Minor amendments are also made to the land tax exemption where a person transitions from their old home to a new home to clarify that the new home must be an established home.

The Taxation Administration Act 2001—Taxation Administration Act—will be amended to clarify the operation of provisions which specify the time at which a document is taken to be given to, and when a payment is taken to be received by, the Commissioner of State Revenue—Commissioner—and to support electronic lodgements of documents and electronic payments. To support these amendments, the Taxation Administration Regulation 2012 will be amended to prescribe the time in which an electronic payment is taken to be received by the Commissioner. Further amendments to the Taxation Administration Act clarify that costs ordered by the Queensland Civil and Administrative Tribunal—QCAT—are included in a person's tax law liability to reflect the fact that QCAT may order costs against a party to a proceeding and to provide consistent treatment with court ordered costs.

The bill will also make minor amendments to the Duties Act, the Land Tax Act and Taxation Administration Act to remove redundant provisions, clarify provisions and correct drafting errors. The bill also includes amendments to allow Queensland's public sector employees, both at state and local government levels, to choose the superannuation fund into which their superannuation is paid. This is in line with the arrangements that apply in most other states and the Commonwealth. Choice of fund will apply from 30 June 2017 or an earlier date, depending on the completion of administrative changes that will be required. QSuper and LGIASuper will remain the default funds for state and local government public sector employees respectively, and the current contribution rates will remain unchanged irrespective of an employee exercising choice. The bill will also allow QSuper and LGIASuper to open their membership to the general public and makes some technical amendments to support these changes. Additionally, it is proposed to remove the QSuper Board's functions from the operation of the Right to Information Act. However, members will still be able to access their own personal records. The bill will introduce changes to protect the QSuper defined benefit scheme against salary increases that lead to windfall gains in members' benefits that have not been paid for.

The bill also includes amendments to the Queensland Plan Act 2014. The intent of the Queensland Plan Act is beneficial. In particular it requires consultation with the community, business and industry to develop a plan that can exist beyond electoral cycles. The changes simplify and streamline the act by replacing the requirement to develop and implement a government response with a requirement for the state government to consider the plan in developing its statement of government objectives for the community made under the Financial Accountability Act 2009. The bill also repeals state and local government reporting obligations to remove the additional layer of reporting created by the Queensland Plan Act.

We value the contribution of the Ambassadors Council, which was established under the Queensland Plan Act, so its role is unchanged. The requirement for the Premier to provide an annual report on implementation progress is also retained. I commend the bill to the House.

First Reading

Hon. CW PITT (Mulgrave—ALP) (Treasurer, Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Sport) (2.38 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Finance and Administration Committee

Madam DEPUTY SPEAKER (Ms Farmer): Order! In accordance with standing order 131, the bill is now referred to the Finance and Administration Committee.