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**MINUTES OF THE
SA STATE TAXES LIAISON GROUP MEETING
HELD ON WEDNESDAY 11 MARCH (9:30AM)
TRAINING ROOM, LEVEL 1, STATE ADMINISTRATION CENTRE**

1. ATTENDANCE / APOLOGIES

1.1. PRESENT FOR REVENUESA

Julie Holmes (Chair), Lisa Smith, Kelly Tattersall, Paul Maxwell, Tom Colmer, Mark Christmas, Kristy Ferguson and Lee Bartlett (minutes).

1.2. PRESENT FOR INDUSTRY GROUPS

Rebecca Hayes (Australian Institute of Conveyancers (SA Division) Inc), Paul Ingram (The Tax Institute) via telephone, Daniel Marateo (Business SA in lieu of Peter Slegers), Paul Tanti (Chartered Accountants Australia and New Zealand), Jeff Stevens (Australian Institute of Conveyancers (SA Division) Inc.), Will Fennell (Law Society of South Australia) and Bernie Walrut (Law Council of Australia).

1.3. APOLOGIES

Paul Maxwell (RevenueSA), Julie Van der Velde (CPA Australia), Peter Slegers (Business SA), Kate Southcott (Real Estate Institute of South Australia), and Marc Romaldi (Property Council of Australia).

2. BUSINESS ARISING

Julie Holmes introduced Kelly Tattersall (Deputy Commissioner of State Taxation) to the group.

Due to Paul Ingram dialing in, the question was raised as to whether this might be considered an option in the future. The benefits and merits of face to face meetings were noted. Julie Holmes advised that in extenuating circumstances a dial in option could be considered on case by case basis.

2.1. UPDATE ON ACTION REGISTER (ATTACHMENT A OF THE AGENDA)

Completed Actions and Actions currently on hold were noted. This included Action Item 11, with Lisa Smith noting that previous historical minutes have been reviewed and any open or outstanding actions are include in the current Action list.

Action Item 6 – Lisa Smith noted an update/addition to be added to previously circulated draft was still to be actioned. Given the passage of time, it was agreed that the publication / content for the website would be recirculated.

Action Item 21 – There was discussion regarding taxpayers' right to object under the Land Use Codes and it was also noted the general valuation awareness sessions that the Valuer-General's office were planning to present. Julie Holmes noted the matter had been discussed with the Valuer-General and that there was no appetite to legislate an objection right and it was felt that the current review mechanisms were sufficient.

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The group expressed ongoing issues with the current arrangements and discussed that a standalone meeting with the Valuer-General to discuss issues relating to Land Use Codes would be of value and would be preferable to reinviting the Valuer-General to another STLG meeting.

Action: Julies Holmes to advise the Valuer-General, Kate Bartolo, that the STLG members would like a separate meeting to discuss issues relating to Land Use Codes. (Refer Action Item 2020 – 1).

Item 23 – Noted that following the meeting on 4/12/2019, the original paragraph in the draft Terms of Reference in relation to confidentiality was reinstated and the document was published on the website as a draft.

In the absence of any further comments, it was agreed that the draft state would be removed and the Terms of Reference would be published on the website.

Action: RevenueSA to publish the Terms of Reference onto the website as final and to circulate a link to group members. (Refer Action Item 2020 – 2).

Item 30 – Regarding the possibility of drafting a new Revenue Ruling in regard to Exemption 33. Issue to be taken offline and the status of clarifying the exemption as part of the Stamp Duty Rewrite to be considered and the need for interim guidance to be considered.

Action: RevenueSA to review the status of clarifying existing Exemption 33 as part of the Stamp Duty Rewrite and the need for interim guidance to be published. (Refer Action item 30).

2.2. UPDATE ON REVENUESA PUBLICATIONS AND RULINGS SUB-COMMITTEE (ATTACHMENT B OF THE AGENDA)

Lisa Smith advised the following:

- In regard to Items 1.1 – 1.7 are on hold pending the Stamp Duty Rewrite.
- Item 4.1 has not progressed.

2.3. UPDATE ON STATE TAX APPEALS

L Smith advised that:

- The decision in Business SA's application for special leave to appeal to the High Court of Australia is to be handed down today (11/3/2020).
- There have been three new appeals lodged, two in relation to Payroll Tax and one in relation to Land Holder.

2.4. UPDATE ON STAMP DUTY REWRITE

Lisa Smith advised that the second consultation period has closed and four submissions were received. The feedback is currently being considered. An external consultant has also been engaged to review the draft Bill. Everyone who provided feedback during the second round of

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consultation will be invited to meet with the Stamp Duty Rewrite team to provide feedback on their submissions. The next draft is several weeks away.

2.5 UPDATE ON NEW LAND TAX AGGREGATION AND TRUST SURCHARGE PROVISIONS

Julie Holmes reported that letters will be sent to all relevant land owners late March / early April in relation to the *Land Tax (Miscellaneous) Amendment Bill 2019*.

Julie Holmes also note she and Greg Raymond had been presenting at information sessions for various industry groups. Further information and guidance is currently being prepared for publication on RevenueSA's website.

2.6 LAND USE CODES 4100

Dealt with in item 2.1 above (specifically in relation to Action item 22).

3 NEW BUSINESS

3.1 LAND TAX RULING REQUEST

There was discussion in relation to the paper Bernie Walrut submitted regarding Land Tax – Request for Public Ruling and confusion around the trusts for Land Tax.

Julie Holmes noted guidance is currently being prepared for publication on RevenueSA's website.

3.2 STATUS AND INTERRELATIONSHIP OF THE COMMISSIONER'S VARIOUS PUBLICATIONS

There was discussion in relation to the paper Bernie Walrut submitted regarding the status of interrelationship of the Commissioner's various publications. In particular, given the change in and variety of means in which information can be shared / published by RevenueSA, Bernie Walrut raised whether the content of Information Circular No:1 'RevenueSA Publication Process' needed to be reviewed and updated. Julie Holmes advised that she is happy to consider a review of the Circular and to consider what other Revenue offices do.

Action: Information Circular No:1 'RevenueSA Publication Process' to be added to the list of publications under review and RevenueSA to consider what other Revenue offices do in this regard. (Refer Action item 2020-3).

4 ANY OTHER BUSINESS

4.1 Ex Gratia Schemes

Question was raised in relation to the operation of the Land Tax *ex gratia* transitional fund and the proposed administrative arrangements of the scheme. Julie Holmes advised that information regarding the details of the arrangements will be provided after the initial letters are sent to land owners late March / early April. Julie Holmes indicated that she would share further information with the group out of session when it is known.

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Action: RevenueSA to share further information regarding the administrative arrangements relating to the Land Tax *ex gratia* schemes with the group out of session when it is available. (Refer Action item 2020-4).

5 NEXT MEETING

24 June 2020

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ATTACHMENT A – ACTION REGISTER

Item	Date of Meeting	Action	Who	Status	Due Date
2.	05/09/2018	“Section 71(6) of the <i>Stamp Duties Act 1923</i> ” – content of the draft publication to be instead added to website (and also addressed in the rewrite of the <i>Stamp Duties Act 1923</i>)	B Walrut	Pending – Bernie Walrut to provide further comments on the content of the draft publication. On hold	To be incorporated as part of the Stamp Duties rewrite
4.	06/03/2019 04/09/2019	RevenueSA to update the draft Terms of Reference and re-circulate to the State Taxes Liaison Group for consideration and indications of interest in discussing at a meeting of a sub-group	P Maxwell	Closed Replaced by Action Item 23	1/12/2019
6.	06/03/2019 04/09/2019 11/3/2020	RevenueSA to update the draft Early Engagement and Dispute Resolution publication and re-circulate to the State Taxes Liaison Group for consideration and indications of interest in discussing at a meeting of a sub-group. Given the passage of time it was agreed that the publication / content for the website would be recirculated	P Maxwell	Pending	04/12/2019
9.	27/06/2019 04/09/2019	Katherine Bartolo to forward a link to the Valuer-General's Office Strategic Direction to RevenueSA. 04/09/2019: Julies Holmes to follow up.	K Bartolo / Julie Holmes	Completed It was noted the VG advised the document was not public and would not be made available	04/12/2019
10.	27/06/2019	RevenueSA to update the Land Holder Guide to Legislation to address concerns about the stamp duty consequences for issues and redemptions in unit trusts.	P Maxwell	Completed Updated Landholder Guide to Legislation published 2/1/2020	04/09/2019
11.	27/06/2019 04/09/2019	RevenueSA to review the list of items from past Minutes that appear to have outstanding aspects and provide a response back to STLG representatives describing the status of the matters in RevenueSA's view.	L Smith	Completed Replaced by Action Item 31	4/12/2019
13.	04/09/2019	Julie Holmes to share STLG feedback regarding the Land Use Code objection/review process with the Valuer General.	J Holmes	Closed Replaced by Action Item 21	04/12/2019
16.	04/09/2019	RevenueSA to advise on the approach for Exemption 33 pending the implementation of the Stamp Duties Rewrite	P Maxwell	Closed Replaced by Action Item 30	04/12/2019
17.	04/09/2019	RevenueSA to consider the publication of a circular concerning Exemption 33 once final position established.	P Maxwell	Closed Replaced by Action Item 30	11/03/2020
18.	04/09/2019	Payroll Tax groups – updating	P Maxwell	Closed	04/12/2019

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		Revenue Ruling PTA031 and Information Circular No 4. Paul Maxwell to raise this issue with the State and Territories Interjurisdictional Tax Law Committee (TLC).		[Matter raised with the TLC - no immediate action to be taken by the TLC at this stage]	
19.	04/09/2019 11/3/2020	Payroll Tax – excluded contractors – publication of information circular. Bernie Walrut to discuss with Paul Maxwell out of session. Noted action remains outstanding	B Walrut / P Maxwell	Pending discussion with B Walrut	11/03/2020
21.	04/12/2019 11/3/2020	J Holmes will invite the Valuer-General, Kate Bartolo to a meeting next year to share any updates and enable STLG members to share their feedback in regard to Land Use Code objections and review process.	J Holmes	Closed Replaced by Action Item 2020-1	24/06/2020
22.	04/12/2019	RevenueSA agreed to further investigate the possibility of self-assessing conveyances of qualifying vacant land.	RevenueSA	Closed Following a review it has been determined that current assessing arrangements to remain unchanged. Matter can be reconsidered following completion of the completion of the rewrite of the Stamp Duty Act	11/03/2020
23	04/12/2019	RevenueSA to update both Terms of Reference documents and re-circulate as final drafts in parallel with being placed on the RevenueSA website for general comment.	RevenueSA	Closed Updated action refer 2020-2	24/06/2020
24	04/12/2019 [Historical Action Item]	Publication: Stamp Duty – Residential land used for long term accommodation and discretionary trusts that are foreign trusts. To include consideration of the scope of the meaning of “a person who takes capital of the trust property in default”	RevenueSA	On hold	To be incorporated as part of the Stamp Duties rewrite
25	04/12/2019 [Historical Action Item]	Publication: Circular 61 – Section 71E of the <i>Stamp Duties Act 1923</i> . Obligation of a person to lodge a statement with the Commissioner	RevenueSA	On hold	To be incorporated as part of the Stamp Duties rewrite
26	04/12/2019 [Historical Action Item]	Publication: Circular 109 – Stamp Duties (Concessions) Amendment Act 1994 – Family Farm Transfers	RevenueSA	On hold	To be incorporated as part of the Stamp Duties rewrite
27	04/12/2019 [Historical Action Item]	Publication: Circular 265 – Stamp Duty – Sale of Retirement Villages	RevenueSA	On hold	To be incorporated as part of the Stamp Duties rewrite
28	04/12/2019	Publication: Circular 282 – Domestic	RevenueSA	On hold	To be incorporated

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	[Historical Action Item]	Partners			as part of the Stamp Duties rewrite
29	04/12/2019 [Historical Action Item]	Publication under consideration by RevenueSA: Circular 156 – Access to documents held by solicitors and legal professional privilege – Guidelines.	RevenueSA	On hold	To be prioritised
30	4/12/2019 11/3/2020	RevenueSA to draft a new Revenue Ruling in regard to Exemption 33 for consideration by the Rulings Sub-Committee.	RevenueSA	Pending RevenueSA to review the status of clarifying existing Exemption 33 as part of the Stamp Duty Rewrite and the need for interim guidance to be to be published.	24/6//2020
31	4/12/2019	RevenueSA to update action list for outstanding items that remain open and to ensure publications being considered or on hold are also noted as Action Items for completeness.	RevenueSA	Completed	31/12/2019
32	4/12/2019	RevenueSA to discuss with Bernie Walrut whether his list of outstanding actions can be released to the whole group together with current status.	RevenueSA	Pending List of potential outstanding actions and RevenueSA position to be circulated with the minutes of the STLG meeting 11/03/2020	24/06/2020
33	04/12/2019 [Historical Action Item]	Guidance to be provided in respect of Part 4 of the <i>Stamp Duties Act 1923</i> regarding: <ul style="list-style-type: none"> • the manner of calculation of stamp duty, principally the order in which duty is calculated; and • grouping. 	RevenueSA	On hold	To be incorporated as part of the Stamp Duties rewrite
34	04/12/2019 [Historical Action Item]	Consideration of expanding objection/appeal rights under the <i>First Home and Housing Construction Grants Act 2000</i> to reflect those of the <i>Taxation Administration Act 1996</i> . [Noted requires legislative change. Approval had been given by the Government to explore legislative change]	RevenueSA	Complete	24/6/2020
35	04/12/2019 [Historical Action Item]	Clarification regarding section 60(2) of the <i>Stamp Duties Act 1923</i> as raised by Bernie Walrut.	RevenueSA	On hold	To be incorporated as part of the Stamp Duties rewrite

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36	04/12/2019 [Historical Action Item]	Section 71E of the <i>Stamp Duties Act 1923</i> – to consider whether a threshold amount could be introduced which would need to be exceeded before a Statement is required.	RevenueSA	On hold	To be incorporated as part of the Stamp Duties rewrite
2020-1	11/03/2020	Julies Holmes to advise the Valuer-General, Kate Bartolo, that the STLG members would like a separate meeting to discuss issues relating to Land Use Codes	Julie Holmes	Pending	24/6/2020
2020-2	11/3/2020	RevenueSA to publish the Terms of Reference as final onto the website and to circulate a link to group members	RevenueSA	Pending	24/6/2020
2020-3	11/03/2020	Information Circular No:1 'RevenueSA Publication Process' to be added to the list of publications under review and RevenueSA to consider what other Revenue offices do in this regard.	RevenueSA	Pending	24/06/2020
2020-4	11/03/2020	RevenueSA to share further information regarding the administrative arrangements relating to the Land Tax ex gratia schemes with the group out of session when it is available	RevenueSA	Pending	24/06/2020

ATTACHMENT B – REVENUESA PUBLICATIONS

1. Publications to form part of the Stamp Duties Rewrite
 - 1.1. Stamp Duty – Residential land used for long term accommodation and discretionary trusts that are foreign trusts
 - 1.2. Section 71(6) of the *Stamp Duties Act 1923*
 - 1.3. Stamp Duty – Unit Trust: Issues And Redemptions
 - 1.4. Circular 61 – Section 71E of the *Stamp Duties Act 1923*. Obligation of a person to lodge a statement with the Commissioner
 - 1.5. Circular 109 – Stamp Duties (Concessions) Amendment Act 1994 – Family Farm Transfers
 - 1.6. Circular 265 – Stamp Duty – Sale of Retirement Villages
 - 1.7. Circular 282 – Domestic Partners
2. New potential publications for consideration
3. Draft publications on hold
4. Other existing publications under consideration by RevenueSA
 - 4.1. Circular 156 – Access to documents held by solicitors and legal professional privilege – Guidelines