

State Taxation Further Amendment Act 2024

No. of 2024

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- (ii) exemptions and concessions from duty for friendly societies, special disability trusts and persons under a legal disability; and
 - (iii) the imposition of additional duty on foreign purchasers; and
 - (b) to amend the **First Home Owner Grant and Home Buyer Schemes Act 2000** to permit an application for a first home owner grant to be made on behalf of the principal beneficiary of a special disability trust; and
 - (c) to amend the **Land Tax Act 2005** in relation to—
 - (i) exemptions for clubs; and
 - (ii) excluding land in alpine resorts from vacant residential land tax; and
 - (iii) providing an exemption from land tax for land on which housing is provided for the relief of poverty; and
 - (iv) making further provision for the holiday home exemption from vacant residential land tax; and
 - (v) the imposition of a land tax surcharge on foreign owners of Victorian land; and
 - (d) to amend the **Payroll Tax Act 2007**—
 - (i) to provide a partial exemption from payroll tax for wages paid or payable in relation to general practice medical businesses; and
 - (ii) to extend the period in which the Commissioner may reassess an employer's payroll tax liability in certain circumstances; and
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- (e) to amend the **Sale of Land Act 1962** to clarify the meaning of sale price in relation to certain contracts; and
- (f) to amend the **State Taxation Acts and Other Acts Amendment Act 2023** in relation to amendments made by that Act to the **Land Tax Act 2005** regarding vacant residential land tax; and
- (g) to amend the **State Taxation Amendment Act 2024** in relation to amendments made by that Act to the **Land Tax Act 2005** regarding vacant residential land tax; and
- (h) to amend the **Taxation Administration Act 1997** in relation to certain tax assessments of liability for duty and land tax made under that Act; and
- (i) to amend the **Unclaimed Money Act 2008** to make a statute law revision amendment; and
- (j) to amend the **Valuation of Land Act 1960** and consequentially amend other Acts to complete the transition to centralised valuations and generally to improve the operation of that Act.

2 Commencement

- (1) This Act (except Division 2 of Part 11 and sections 31, 37, 39, 40, 41 and 43) comes into operation on the day after the day on which it receives the Royal Assent.
 - (2) Division 2 of Part 11 and sections 31, 37, 39, 40 and 41 come into operation on 1 January 2025.
 - (3) Section 43 comes into operation on 1 July 2025.
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Part 2—Amendment of Duties Act 2000

Division 1—Amendments relating to tax reform scheme land

3 Definitions

In section 3(1) of the **Duties Act 2000**—

- (a) in paragraph (a) of the definition of *economic entitlement*, after "Part 4B" insert "and Division 9 of Part 5";
- (b) insert the following definition—

"*entry date*, in relation to tax reform scheme land, has the meaning given by section 3 of the **Commercial and Industrial Property Tax Reform Act 2024**";
- (c) in the definition of *entry transaction*, for "section 3(1)" substitute "section 3";
- (d) for the definition of *tax reform scheme transaction* substitute—

"*tax reform scheme transaction* means—

 - (a) a standard transaction within the meaning of section 69AN(1); or
 - (b) a non-standard transaction within the meaning of section 69AN(2);".

4 Section 69AN amended

- (1) In the heading to section 69AN of the **Duties Act 2000**, for "transaction" substitute "transactions".
 - (2) In section 69AN of the **Duties Act 2000**—
 - (a) for "*tax reform scheme transaction*" substitute "*standard transaction*";
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(b) after paragraph (a)(i) **insert**—

"(ia) a surrender of a lease of a kind referred to in section 7(1)(b)(v) or (va); or".

(c) in paragraph (a)(ii) **omit** "within the meaning of section 32XC".

(3) At the end of section 69AN of the **Duties Act 2000 insert**—

"(2) For the purposes of this Division, a dutiable transaction is a *non-standard transaction* if—

(a) the dutiable transaction is—

(i) the granting of a lease referred to in section 7(1)(b)(v) over tax reform scheme land; or

(ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va) over tax reform scheme land; or

(iii) the surrender of a lease of a kind referred to in section 7(1)(b)(v) or (va) over tax reform scheme land; or

(iv) a dutiable transaction that relates to dutiable property referred to in section 10(1)(ad) located on tax reform scheme land; or

(v) the acquisition of an economic entitlement in relation to tax reform scheme land; and

(b) on the date of the dutiable transaction, the tax reform scheme land has a qualifying use."

5 Section 69AO substituted

For section 69AO of the **Duties Act 2000**
substitute—

**"69AO Exemption—3 years after entry
transaction**

- (1) No duty is chargeable under this Chapter on a standard transaction if a period of at least 3 years has elapsed between—
 - (a) the entry date for the tax reform scheme land to which the standard transaction relates; and
 - (b) the date on which a contract or other agreement or arrangement for the standard transaction is entered into.
- (2) No duty is chargeable under this Chapter on a non-standard transaction if—
 - (a) a period of at least 3 years has elapsed between—
 - (i) the entry date for the tax reform scheme land to which the non-standard transaction relates; and
 - (ii) the date on which a contract or other agreement or arrangement for the non-standard transaction is entered into; and
 - (b) the value of the tax reform scheme land, for the purposes of calculating the duty payable on the entry transaction and on the acquisition of any further interests in the land—
 - (i) was not reduced by a lease over the land or part of the land; and

- (ii) did not exclude the value of an interest in fixtures referred to in section 10(1)(ad) located on the land; and
 - (iii) was not reduced by an economic entitlement in relation to the land.
- (3) In this section, *further interest* has the same meaning as it has in section 69AP."

6 Section 69AP amended

- (1) In the heading to section 69AP of the **Duties Act 2000** omit "transfer of".
 - (2) In section 69AP(1) of the **Duties Act 2000**—
 - (a) for "tax reform scheme" substitute "standard";
 - (b) for "the transaction" substitute "the standard transaction".
 - (3) In section 69AP(2) of the **Duties Act 2000**—
 - (a) for "tax reform scheme" (where twice occurring) substitute "standard";
 - (b) for "the transaction" substitute "the standard transaction".
 - (4) After section 69AP(2) of the **Duties Act 2000** insert—

"(2A) No duty is chargeable under this Chapter on a non-standard transaction if—

 - (a) either—
 - (i) the entry interest for the land to which the non-standard transaction relates was a 100% interest; or
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- (ii) the entry interest for the land to which the non-standard transaction relates and any further interest obtained in the land before the non-standard transaction amount to a 100% interest; and
- (b) the value of the tax reform scheme land, for the purposes of calculating the duty payable on the entry transaction and on the acquisition of any further interests in the land—
 - (i) was not reduced by a lease over the land or part of the land; and
 - (ii) did not exclude the value of an interest in fixtures referred to in section 10(1)(ad) located on the land; and
 - (iii) was not reduced by an economic entitlement in relation to the land."

7 Section 69AQ amended

- (1) In the heading to section 69AQ of the **Duties Act 2000** omit "transfer of".
- (2) In section 69AQ(1) of the **Duties Act 2000**, for "tax reform scheme transaction" (where twice occurring) **substitute** "standard transaction".

8 New sections 69AQA and 69AQB inserted

After section 69AQ of the **Duties Act 2000** insert—

"69AQA Exemption or duty reduction—non-standard transaction

- (1) The Commissioner may reduce the duty payable on a non-standard transaction relating to tax reform scheme land that is not
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exempt from duty under section 69AO(2) or 69AP(2A) or determine that the non-standard transaction is exempt from duty if the Commissioner, having regard to the matters in subsection (2), is satisfied that it is appropriate to do so.

- (2) For the purposes of subsection (1), the Commissioner must have regard to the following matters—
- (a) the quantum of the entry interest and any further interests acquired in the tax reform scheme land; and
 - (b) the extent to which the value of the tax reform scheme land, for the purposes of calculating the duty payable on the entry transaction and on the acquisition of any further interests in the land—
 - (i) was reduced by a lease over the land or part of the land; and
 - (ii) excluded the value of an interest in fixtures referred to in section 10(1)(ad) located on the land; and
 - (iii) was reduced by an economic entitlement in relation to the land; and
 - (c) if a specified transaction occurred on or after 1 July 2024 but before the entry transaction for the land, the period of time that elapsed between the specified transaction and the entry transaction occurring; and
 - (d) if a specified transaction occurred after the entry transaction for the land but before the non-standard transaction that
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is being assessed, the duty that was paid on the specified transaction; and

- (e) any other matter that the Commissioner considers relevant.
- (3) In this section—
- further interest*** has the same meaning as it has in section 69AP;
- specified transaction***, in relation to land, means—
- (a) the granting, transfer, assignment or surrender of a lease of a kind referred to in section 7(1)(b)(v) or (va) over the land; or
 - (b) a dutiable transaction relating to dutiable property referred to in section 10(1)(ad) located on the land; or
 - (c) the acquisition of an economic entitlement in relation to the land; or
 - (d) a relevant acquisition in a landholder, the land holdings of which were comprised wholly or partly of—
 - (i) a lease of a kind referred to in section 7(1)(b)(v) or (va) over the land; or
 - (ii) an interest in dutiable property referred to in section 10(1)(ad) located on the land; or
 - (iii) an interest in the land that is taken to be beneficially owned under section 32XD.
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69AQB Exemption—dutiable goods

No duty is chargeable under this Chapter on a dutiable transaction to the extent that—

- (a) the dutiable property to which the dutiable transaction relates is goods described in section 10(1)(d); and
- (b) the goods are the subject of an arrangement that includes a tax reform scheme transaction; and
- (c) the tax reform scheme transaction is exempt from duty under this Division."

9 Liability for duty if change of land use after tax reform scheme land exemption

(1) In section 69AR(1) of the **Duties Act 2000**—

- (a) for "dutiable transaction" (wherever occurring) **substitute** "tax reform scheme transaction";
 - (b) in paragraph (a), for "69AP or 69AQ" **substitute** "69AP, 69AQ, 69AQA or 69AQB";
 - (c) for paragraph (d) **substitute**—
"(d) when the change of use occurs—
 - (i) in the case of a standard transaction, the transferee under the standard transaction continues to hold an interest in the tax reform scheme land; or
 - (ii) in the case of a non-standard transaction that is the grant of a lease referred to in section 7(1)(b)(v) or the assignment or transfer of a lease referred to in section 7(1)(b)(va), the lessee continues to lease the
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tax reform scheme land or part of
the tax reform scheme land; or

- (iii) in the case of a non-standard transaction that is the surrender of a lease of a kind referred to in section 7(1)(b)(v) or (va), the person to whom the lease is surrendered continues to hold an interest in the tax reform scheme land or part of the tax reform scheme land; or
- (iv) in the case of a non-standard transaction that relates to dutiable property referred to in section 10(1)(ad) located on tax reform scheme land, the transferee continues to hold an interest in the dutiable property; or
- (v) in the case of a non-standard transaction that is the acquisition of an economic entitlement, the arrangement under which the economic entitlement was obtained is still in effect and the person who acquired the economic entitlement continues to be a party to the arrangement."

(2) In section 69AR(2) of the **Duties Act 2000**—

- (a) for "dutiable transaction" (where twice occurring) **substitute** "tax reform scheme transaction";
 - (b) for "the assessable interest" **substitute** "the estate, interest or right described in subsection (1)(d)(i), (ii), (iii) or (iv) (as the case requires)".
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- (3) In section 69AR(3) of the **Duties Act 2000**—
- (a) for "dutiabale transaction" **substitute** "tax reform scheme transaction";
 - (b) for "69AP or 69AQ" **substitute** "69AP, 69AQ, 69AQA or 69AQB".

10 Section 89FA amended

- (1) In the heading to section 89FA of the **Duties Act 2000**, after "land" insert "**holdings**".
- (2) For section 89FA(1) of the **Duties Act 2000** **substitute**—

"(1) This section applies if—

- (a) a relevant acquisition is made in a landholder; and
 - (b) the land holdings of the landholder are comprised wholly or partly of an interest or estate in tax reform scheme land, other than a lease of a kind referred to in section 7(1)(b)(v) or (va); and
 - (c) on the date of the relevant acquisition, the tax reform scheme land has a qualifying use."
- (3) For section 89FA(2)(a) of the **Duties Act 2000** **substitute**—
- "(a) a period of at least 3 years has elapsed between the entry date for the tax reform scheme land and the date on which a contract or other agreement or arrangement for the relevant acquisition is entered into; or".

11 New section 89FAB inserted

After section 89FA of the **Duties Act 2000**
insert—

"89FAB Exclusion or partial exclusion of value of certain land holdings

- (1) This section applies if—
 - (a) a relevant acquisition is made in a landholder; and
 - (b) the land holdings of the landholder are comprised wholly or partly of—
 - (i) a lease of a kind referred to in section 7(1)(b)(v) or (va) over tax reform scheme land; or
 - (ii) an interest in dutiable property referred to in section 10(1)(ad) located on tax reform scheme land; or
 - (iii) an interest in tax reform scheme land that is taken to be beneficially owned under section 32XD; and
 - (c) on the date of the relevant acquisition, the tax reform scheme land has a qualifying use.
 - (2) The unencumbered value of a land holding referred to in subsection (1)(b) is to be excluded from the calculation under section 86 or 87 of the duty chargeable on the relevant acquisition if—
 - (a) any of the following applies—
 - (i) a period of at least 3 years has elapsed between the entry date for the tax reform scheme land and the date on which a contract or
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- other agreement or arrangement for the relevant acquisition is entered into; or
 - (ii) the entry interest for the tax reform scheme land was a 100% interest; or
 - (iii) the entry interest and any further interest acquired in the tax reform scheme land before the relevant acquisition amounts to a 100% interest; and
- (b) the value of the tax reform scheme land, for the purposes of calculating the duty payable on the entry transaction and on the acquisition of any further interest referred to in paragraph (a)(iii)—
- (i) was not reduced by a lease over the land or part of the land; and
 - (ii) did not exclude the value of an interest in dutiable property referred to in section 10(1)(ad) located on the land; and
 - (iii) was not reduced by an economic entitlement in relation to the land.
- (3) The Commissioner may exclude or partially exclude the unencumbered value of a land holding referred to in subsection (1)(b) that is not excluded under subsection (2) from the calculation under section 86 or 87 of the duty chargeable on the relevant acquisition if the Commissioner, having regard to the matters in subsection (4), is satisfied that it is appropriate to do so.
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- (4) For the purposes of subsection (3), the Commissioner must have regard to—
- (a) the quantum of the entry interest and any further interests acquired in the tax reform scheme land; and
 - (b) the extent to which the value of the tax reform scheme land, for the purposes of calculating the duty payable on the entry transaction and on the acquisition of any further interests in the land—
 - (i) was reduced by a lease over the land or part of the land; and
 - (ii) excluded the value of an interest in fixtures referred to in section 10(1)(ad) located on the land; and
 - (iii) was reduced by an economic entitlement in relation to the land; and
 - (c) if a specified transaction occurred on or after 1 July 2024 but before the entry transaction for the land, the period of time that elapsed between the specified transaction and the entry transaction occurring; and
 - (d) if a specified transaction occurred after the entry transaction for the land but before the relevant acquisition that is being assessed, the duty that was paid on the specified transaction; and
 - (e) any other matter that the Commissioner considers relevant.
- (5) Subsections (4), (5) and (6) of section 89FA apply to this section with any necessary modifications.
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- (6) In this section, *specified transaction* has the same meaning as it has in section 69AQA."

12 Liability for duty if change of land use after tax reform scheme land exemption

In section 89FB(1) of the **Duties Act 2000**—

- (a) for paragraph (a) **substitute**—

"(a) when the relevant acquisition was made, the land holdings of the landholder included—

- (i) an interest or estate in tax reform scheme land, including a lease of a kind referred to in section 7(1)(b)(v) or (va) over tax reform scheme land; or
- (ii) an interest in dutiable property referred to in section 10(1)(ad) located on tax reform scheme land; or
- (iii) an interest in tax reform scheme land that is taken to be beneficially owned under section 32XD; and";

- (b) in paragraph (b)—

- (i) after "land" **insert** "holdings referred to in paragraph (a)";
- (ii) after "section 89FA" **insert** "or 89FAB";

- (c) in paragraphs (c) and (d), for "land" **substitute** "tax reform scheme land";

- (d) in paragraph (e), for "an interest in the tax reform scheme land" **substitute** "the land holding referred to in paragraph (a)(i), (ii) or (iii) (as the case requires)".
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Division 2—Other amendments

13 Definitions

In section 3(1) of the **Duties Act 2000** insert the following definitions—

"principal beneficiary, of a special disability trust, has the meaning given by—

- (a) section 1209M(1) of the Social Security Act 1991 of the Commonwealth, in the case of a special disability trust within the meaning of section 1209L of that Act; and
- (b) section 52ZZZWA(1) of the Veterans' Entitlements Act 1986 of the Commonwealth, in the case of a special disability trust within the meaning of section 52ZZZW of that Act;

special disability trust means—

- (a) a special disability trust within the meaning of section 1209L of the Social Security Act 1991 of the Commonwealth; or
- (b) a special disability trust within the meaning of section 52ZZZW of the Veterans' Entitlements Act 1986 of the Commonwealth;".

14 Definitions—Division 1 of Part 5 of Chapter 2

In section 32XJ of the **Duties Act 2000**, the definition of *principal beneficiary* is repealed.

15 Special disability trusts

In section 38A(6) of the **Duties Act 2000**—

- (a) in the definition of *immediate family member*, in paragraph (d), for "beneficiary;" substitute "beneficiary.";
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- (b) the definitions of *Social Security Act*, *special disability trust* and *Veterans' Entitlements Act* are **repealed**.

16 Charities and friendly societies

In section 45 of the **Duties Act 2000**—

- (a) in paragraph (b), for "purpose; or" **substitute** "purpose.";
- (b) paragraph (c) is **repealed**.

17 What is a PPR transfer?

(1) In section 57I(1) of the **Duties Act 2000**—

- (a) in paragraph (a), for subparagraph (i) **substitute**—
- "(i) any of the following—
- (A) a natural person who is at least 18 years of age;
 - (B) if such a person is under a legal disability, a guardian of the person;
 - (C) if such a person is the principal beneficiary of a special disability trust, a trustee of that trust; and"

(b) for paragraph (b) **substitute**—

"(b) any of the following intends to occupy the land as their principal place of residence—

 - (i) if the transferee is a guardian, the person under the legal disability;
 - (ii) if the transferee is a trustee of a special disability trust, the principal beneficiary of that trust;

(iii) in any other case, the transferee or at least one of the transferees; and".

- (2) In section 57I(2) of the **Duties Act 2000**, for "or person under a legal disability" **substitute** ", person under a legal disability or principal beneficiary".

18 Section 57JA amended

- (1) In the heading to section 57JA of the **Duties Act 2000**, for "**Exemption or concession for certain first home buyers**" **substitute** "**First home buyer exemption or concession**".
- (2) For section 57JA(1)(a) of the **Duties Act 2000** **substitute**—
- "(a) the requirements specified in section 57JB are satisfied at the time of the transfer; and".
- (3) For section 57JA(2)(a) of the **Duties Act 2000** **substitute**—
- "(a) the requirements specified in section 57JB are satisfied at the time of the transfer; and".

19 Requirements—first home buyers

- (1) In section 57JB(1) of the **Duties Act 2000**—
- (a) **omit** "for a transferee in respect of a PPR transfer";
- (b) in paragraphs (a) and (b) **omit** "to the transferee".
- (2) For section 57JB(2) of the **Duties Act 2000** **substitute**—
- "(2) For the purposes of section 57JA, the second requirement is that—
- (a) if the transferee is acting in their personal capacity, the transferee or their partner (if any) has not received an
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exemption or concession under that section in relation to an earlier transfer; or

- (b) if the transferee is a guardian on behalf of a person under a legal disability—
 - (i) the person under a legal disability or their partner (if any) has not received an exemption or concession under that section in relation to an earlier transfer; and
 - (ii) no guardian has previously received, on behalf of the person under a legal disability, an exemption or concession under that section in relation to an earlier transfer; or
 - (c) if the transferee is a trustee of a special disability trust on behalf of the principal beneficiary of that trust—
 - (i) the principal beneficiary or their partner (if any) has not received an exemption or concession under that section in relation to an earlier transfer; and
 - (ii) no trustee has previously received, on behalf of the principal beneficiary, an exemption or concession under that section in relation to an earlier transfer."
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20 Residence requirement

For section 57K(3) of the **Duties Act 2000**
substitute—

- "(3) In this section, a reference to a transferee is—
- (a) in the case of a guardian who holds property on behalf of a person under a legal disability, a reference to the person under the legal disability; or
 - (b) in the case of a trustee of a special disability trust who holds property on behalf of the principal beneficiary of that trust, a reference to the principal beneficiary."

21 Variation of residence requirement

In section 57L(3) of the **Duties Act 2000**—

- (a) for "or person under a legal disability" **substitute** ", person under a legal disability or principal beneficiary";
- (b) for "his or her" **substitute** "their".

22 Liability for duty if residence requirement not complied with—Division 4A of Part 5 of Chapter 2

For section 57M(4) of the **Duties Act 2000**
substitute—

- "(4) If the residence requirement for a PPR transfer is not complied with—
- (a) a transferee who received, in respect of the PPR transfer, a relevant benefit in their personal capacity is not entitled to a relevant benefit in respect of any other PPR transfer until the duty imposed because of subsection (1) has been paid;

- (b) if a transferee received, in respect of the PPR transfer, a relevant benefit as a guardian on behalf of a person under a legal disability, the guardian in that capacity, any subsequent guardian in that capacity or the person themselves (whether or not they continue to be under a legal disability) is not entitled to a relevant benefit in respect of any other PPR transfer until the duty imposed because of subsection (1) has been paid;
 - (c) if a transferee received, in respect of the PPR transfer, a relevant benefit as a trustee of a special disability trust on behalf of the person who is the principal beneficiary of that trust, the trustee in that capacity, any subsequent trustee in that capacity or the person themselves (whether or not they continue to be a principal beneficiary of a special disability trust) is not entitled to a relevant benefit in respect of any other PPR transfer until the duty imposed because of subsection (1) has been paid.
- (5) For the purposes of subsection (4), a ***relevant benefit*** is—
- (a) a PPR concessional rate; or
 - (b) an exemption or concession from duty under section 57JA; or
 - (c) an adjustment of consideration under section 21(3) or (4) or 32V(3) or (4).".
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23 Liability for duty if residence requirement not complied with—Division 4B of Part 5 of Chapter 2

Section 57U(6) of the **Duties Act 2000** is repealed.

24 Heading to Division 5 of Part 5 of Chapter 2 amended

In the heading to Division 5 of Part 5 of Chapter 2 of the **Duties Act 2000** omit "duty reduction".

25 Section 58AA amended

(1) For the heading to section 58AA of the **Duties Act 2000** substitute—

"**Definitions**".

(2) In section 58AA(1) of the **Duties Act 2000** insert the following definition—

"*guardian*, of a person under a legal disability, includes—

(a) a trustee who holds property on trust for the person under an instrument of trust or direction of a court or tribunal; and

(b) an administrator for the person within the meaning of the **Guardianship and Administration Act 2019**;"

26 Land to which an eligible cardholder exemption or concession may apply

In section 59(1)(b) of the **Duties Act 2000**, for "subsection" substitute "paragraph".

27 Eligible cardholder exemption or concession

(1) For section 60(1)(a) of the **Duties Act 2000** substitute—

"(a) the requirements specified in section 60AA are satisfied at the time of the transfer; and"

(2) For section 60(2)(a) of the **Duties Act 2000** substitute—

"(a) the requirements specified in section 60AA are satisfied at the time of the transfer; and".

28 Section 60AA substituted

For section 60AA of the **Duties Act 2000** substitute—

"60AA Eligible cardholder exemption or concession requirements

- (1) For the purposes of section 60, the requirements are—
 - (a) if the dutiable property is acquired by one or more transferees acting only in their personal capacity, the requirements in subsection (2); or
 - (b) if the dutiable property is acquired by a guardian on behalf of a person under a legal disability, the requirements in subsection (3); or
 - (c) if the dutiable property is acquired by a trustee of a special disability trust on behalf of the principal beneficiary of that trust, the requirements in subsection (4).
 - (2) For the purposes of subsection (1)(a), the requirements are—
 - (a) that at least one transferee is an eligible cardholder who acquires an interest in the dutiable property of 25% or more; and
 - (b) that each transferee is a bona fide purchaser of an estate in fee simple in land for adequate consideration; and
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- (c) that each transferee has not received an exemption, refund or rebate of duty in respect of a transfer—
 - (i) under section 59 or 60 as in force before 1 July 2023; or
 - (ii) under section 71A of the **Stamps Act 1958**; and
 - (d) that each transferee and their partner (if any) has not previously received an exemption or concession from duty on a dutiable transaction under section 60 on or after 1 July 2023; and
 - (e) that an eligible cardholder referred to in paragraph (a) intends to occupy the land in accordance with the residence requirement.
- (3) For the purposes of subsection (1)(b), the requirements are—
- (a) that the person under a legal disability is an eligible cardholder; and
 - (b) that the guardian is a bona fide purchaser of an estate in fee simple for adequate consideration; and
 - (c) that the person under a legal disability has not received an exemption, refund or rebate of duty in respect of a transfer—
 - (i) under section 59 or 60 as in force before 1 July 2023; or
 - (ii) under section 71A of the **Stamps Act 1958**; and
 - (d) that the person under a legal disability and their partner (if any) has not previously received an exemption or
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- concession from duty on a dutiable transaction under section 60 on or after 1 July 2023; and
- (e) that no guardian has previously received, on behalf of the person under a legal disability, an exemption or concession from duty on a dutiable transaction under section 60 on or after the commencement of section 28 of the **State Taxation Further Amendment Act 2024**; and
- (f) that the person under a legal disability intends to occupy the land in accordance with the residence requirement.
- (4) For the purposes of subsection (1)(c), the requirements are—
- (a) that the principal beneficiary is an eligible cardholder; and
- (b) that the trustee is a bona fide purchaser of an estate in fee simple for adequate consideration; and
- (c) that the principal beneficiary has not received an exemption, refund or rebate of duty in respect of a transfer—
- (i) under section 59 or 60 as in force before 1 July 2023; or
- (ii) under section 71A of the **Stamps Act 1958**; and
- (d) that the principal beneficiary and their partner (if any) has not previously received an exemption or concession from duty on a dutiable transaction under section 60 on or after 1 July 2023; and
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- (e) that no trustee has previously received, on behalf of the principal beneficiary, an exemption or concession from duty on a dutiable transaction under section 60 on or after the commencement of section 28 of the **State Taxation Further Amendment Act 2024**; and
- (f) that the principal beneficiary intends to occupy the land in accordance with the residence requirement."

29 Variation of residence requirement

In section 60AAC(2) of the **Duties Act 2000**—

- (a) for "an eligible cardholder" **substitute** "a transferee referred to in section 60AA(1)(a), (b) or (c)";
- (b) for "the eligible cardholder" **substitute** "the transferee".

30 Liability for duty if residence requirement not complied with—Division 5 of Part 5 of Chapter 2

For section 60AAD(4) of the **Duties Act 2000** **substitute**—

- "(4) If the residence requirement for an exemption or concession under section 60 is not complied with—
 - (a) a transferee who received the exemption or concession in their personal capacity is not entitled to an exemption or concession under that section in respect of any other transfer until the duty imposed because of subsection (1) has been paid;

- (b) if a transferee received the exemption or concession as a guardian on behalf of a person under a legal disability, the guardian in that capacity, any subsequent guardian in that capacity or the person themselves (whether or not they continue to be under a legal disability) is not entitled to an exemption or concession under that section in respect of any other transfer until the duty imposed because of subsection (1) has been paid;
- (c) if a transferee received the exemption or concession as a trustee of a special disability trust on behalf of the person who is the principal beneficiary of that trust, the trustee in that capacity, any subsequent trustee in that capacity or the person themselves (whether or not they continue to be a principal beneficiary of a special disability trust) is not entitled to an exemption or concession under that section in respect of any other transfer until the duty imposed because of subsection (1) has been paid."

31 What insurance is exempt from duty?

- (1) For section 196(g) of the **Duties Act 2000** substitute—

"(g) insurance undertaken by a friendly society that meets the requirements in subsection (2);".

(2) At the end of section 196 of the **Duties Act 2000** **insert—**

"(2) For the purposes of subsection (1)(g), the requirements are—

- (a) that the society has 25 or more members who are natural persons; and
- (b) that the objects of the society, as specified in its rules, include one or more of the primary objects referred to in section 56 of the Friendly Societies (Victoria) Code as in force immediately before the repeal of the **Friendly Societies (Victoria) Act 1996**; and
- (c) that the dominant activities of the society are within the scope of the primary objects included in the rules of the society."

32 New section 282A inserted

After section 282 of the **Duties Act 2000** **insert—**

"282A Imposition of foreign purchaser additional duty

- (1) This section applies if—
 - (a) a foreign purchaser duty event occurred; and
 - (b) duty was purportedly charged on the foreign purchaser duty event at the rate set out in section 18A or 28A that applied at the relevant time; and
 - (c) the duty was purportedly payable on or after 1 January 2018 and before 8 April 2024; and
 - (d) the purported charging of duty on the foreign purchaser duty event was invalid only because the provisions of
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this Act that purportedly charged the duty were to any extent invalid or inoperative under section 109 of the Constitution of the Commonwealth because of an inconsistency with a provision of an agreement given the force of law by section 5(1) of the International Tax Agreements Act 1953 of the Commonwealth.

- (2) Duty is charged on the foreign purchaser duty event.
 - (3) The liability for duty charged under subsection (2) on a foreign purchaser duty event is taken to have arisen, and to have always arisen, at the same time as liability for the purported duty on the foreign purchaser duty event would have arisen if the purported duty had been validly charged.
 - (4) The duty charged under subsection (2) on a foreign purchaser duty event is payable by, and is taken to have always been payable by, the person who would have been liable for the purported duty on the foreign purchaser duty event if the purported duty had been validly charged.
 - (5) The amount of duty payable under subsection (2) on a foreign purchaser duty event is the same amount, and is taken to have always been the same amount, as the amount of duty that would have been payable on the foreign purchaser duty event if the purported duty had been validly charged.
 - (6) The rights and liabilities of a person in relation to duty charged under subsection (2) on a foreign purchaser duty event are taken to be, and to have always been, the same as
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if the purported duty on the foreign purchaser duty event had been validly charged.

- (7) Any act or thing done or omitted to be done by a person in relation to a foreign purchaser duty event referred to in subsection (1) or the purported duty on the foreign purchaser duty event has, and is taken to have always had, the same force and effect as if it were done or omitted to be done in relation to duty charged under subsection (2).

- (8) In this section—

foreign purchaser duty event means an event or circumstance that, if not for the inconsistency referred to in subsection (1)(d), would have resulted in—

- (a) duty being payable under section 18A at the rate set out in that section; or
- (b) duty being chargeable under Chapter 2 or 3 at the rate set out in section 28A;

purported duty, in relation to a foreign purchaser duty event, means duty referred to in subsection (1) that was purportedly charged on the foreign purchaser duty event."

33 New clause 60 of Schedule 2 inserted

At the end of Schedule 2 to the **Duties Act 2000**
insert—

**"60 State Taxation Further Amendment
Act 2024—friendly societies**

- (1) No duty is chargeable under Chapter 2 in respect of a transfer of dutiable property to a friendly society if the contract or other arrangement giving effect to the transfer is entered into before the commencement of section 16 of the **State Taxation Further Amendment Act 2024**.
- (2) No duty is chargeable under Chapter 2 in respect of a declaration of trust over dutiable property to be held on trust for a friendly society if the declaration is made before the commencement of section 16 of the **State Taxation Further Amendment Act 2024**."

Part 3—Amendment of First Home Owner Grant and Home Buyer Schemes Act 2000

34 Definitions and cross-references

In section 3(1) of the **First Home Owner Grant and Home Buyer Schemes Act 2000** insert the following definitions—

"principal beneficiary, of a special disability trust, has the meaning given by—

- (a) section 1209M(1) of the Social Security Act 1991 of the Commonwealth, in the case of a special disability trust within the meaning of section 1209L of that Act; and
- (b) section 52ZZZWA(1) of the Veterans' Entitlements Act 1986 of the Commonwealth, in the case of a special disability trust within the meaning of section 52ZZZW of that Act;

special disability trust means—

- (a) a special disability trust within the meaning of section 1209L of the Social Security Act 1991 of the Commonwealth; or
- (b) a special disability trust within the meaning of section 52ZZZW of the Veterans' Entitlements Act 1986 of the Commonwealth;".

35 Ownership of land and homes

For section 5(3)(c) of the **First Home Owner Grant and Home Buyer Schemes Act 2000** substitute—

- "(c) an equitable interest is not a relevant interest unless it is the interest of—
- (i) a person under a legal disability for whom a guardian holds the interest on trust; or
 - (ii) a principal beneficiary of a special disability trust for whom a trustee holds the interest on trust."

36 New section 16A inserted

After section 16 of the **First Home Owner Grant and Home Buyer Schemes Act 2000** insert—

"16A Application on behalf of principal beneficiary of special disability trust

- (1) An application may be made on behalf of the principal beneficiary of a special disability trust by a trustee of that trust.
- (2) For the purposes of determining eligibility, the principal beneficiary is to be regarded as the applicant."

Part 4—Amendment of Land Tax Act 2005

37 Definitions—alpine resorts

In section 3(1) of the **Land Tax Act 2005** insert the following definition—

"alpine resort has the same meaning as in the **Alpine Resorts Act 1983**;"

38 Definitions—excluded trusts

In section 3(1) of the **Land Tax Act 2005**, in the definition of *excluded trust*—

(a) after paragraph (d) **insert**—

"(da) a trust the sole beneficiary or beneficiaries of which is or are—

(i) a non-profit organisation referred to in section 72; or

(ii) the members of such an organisation;"

(b) in paragraph (e)(i), after "section 73" **insert** "or 73A".

39 Imposition of vacant residential land tax

After section 34A(1) of the **Land Tax Act 2005** **insert**—

"(1A) Despite subsection (1), vacant residential land tax is not imposed on taxable land in an alpine resort."

40 New section 78D inserted

Before section 79 of the **Land Tax Act 2005**
insert—

"78D Housing provided for the relief of poverty

- (1) Land is exempt land if the Commissioner determines that—
 - (a) it is used exclusively for accommodation—
 - (i) that is owned, controlled or managed by a charitable institution; and
 - (ii) that is provided solely for the charitable purpose of the relief of poverty; and
 - (iii) that is occupied or available for occupation by a person in need of relief from poverty; or
 - (b) it is—
 - (i) owned by a charitable institution; and
 - (ii) vacant; and
 - (iii) declared by its owner to be held for future use and occupation in accordance with paragraph (a).
 - (2) For the purposes of making a determination under subsection (1)(b), the Commissioner must be satisfied that the land will be exempt land under subsection (1)(a) within 2 years, or a longer period approved by the Commissioner, of the tax year to which the determination under subsection (1)(b) applies.
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- (3) If the Commissioner is satisfied that only a part of land is land to which subsection (1)(a) or (b) applies—
 - (a) land tax is assessable on the remaining part of the land, unless another exemption applies to that part; and
 - (b) section 22 applies, if necessary, for that purpose.
- (4) To obtain an exemption from land tax under this section, the owner of the land must—
 - (a) apply to the Commissioner for the exemption; and
 - (b) give the Commissioner any information the Commissioner requests for the purpose of enabling the Commissioner to determine whether the land is exempt under this section."

41 New section 88AB inserted

After section 88A of the **Land Tax Act 2005**
insert—

"88AB Exemption continues on death of certain persons

- (1) If land that is exempt land under section 88A(1) is owned by a natural person and the person dies, the land continues to be exempt land if, in the year preceding the tax year, a relative of the person—
 - (a) used and occupied the land as a holiday home for a period of at least 4 weeks (whether continuous or aggregate); and
 - (b) used and occupied other land in Australia as a principal place of residence.
-

- (2) Subsection (1) applies until the earlier of—
- (a) the third anniversary of the person's death or the expiry of the further period approved by the Commissioner under subsection (5); or
 - (b) the day on which the person's interest in the land vests in another person under a trust; or
 - (c) the day on which the person's interest in the land vests in a person (other than the person's personal representative) under the administration of the person's estate.
- (3) If land that is exempt land under section 88A(1A) is owned by a corporation with a sole shareholder who is a natural person and the person dies, the land continues to be exempt land if, in the year preceding the tax year, a relative of the person—
- (a) used and occupied the land as a holiday home for a period of at least 4 weeks (whether continuous or aggregate); and
 - (b) used and occupied other land in Australia as a principal place of residence.
- (4) Subsection (3) applies until the earlier of—
- (a) the third anniversary of the shareholder's death or the expiry of the further period approved by the Commissioner under subsection (5); or
 - (b) the day on which the shares in the corporation are transferred to another person (other than the person's personal
-

representative) under the administration of the person's estate.

- (5) For the purposes of subsections (2)(a) and (4)(a), the Commissioner may approve a further period in any particular case."

42 New section 106A inserted

After section 106 of the **Land Tax Act 2005** insert—

"106A Imposition of absentee owner land tax surcharge

- (1) This section applies if—
- (a) land tax was purportedly imposed in respect of a tax year on taxable land; and
 - (b) the rate of land tax purportedly imposed on the taxable land was the rate set out in Part 4 or Part 5 of Schedule 1; and
 - (c) the land tax was purportedly payable on or after 1 January 2018 and before 8 April 2024; and
 - (d) the purported imposition of land tax at the rate referred to in paragraph (b) was invalid only because the provisions of this Act that purportedly imposed the land tax were to any extent invalid or inoperative under section 109 of the Constitution of the Commonwealth because of an inconsistency with a provision of an agreement given the force of law by section 5(1) of the International Tax Agreements Act 1953 of the Commonwealth.
- (2) Land tax is imposed on the taxable land to which subsection (1) applies.
-

- (3) The liability for land tax imposed under subsection (2) is taken to have arisen, and to have always arisen, at the same time as liability for the purported land tax would have arisen if the purported land tax had been validly imposed.
 - (4) Land tax imposed under subsection (2) is payable by, and is taken to have always been payable by, the person who would have been liable for the purported land tax if the purported land tax had been validly imposed.
 - (5) The amount of land tax payable under subsection (2) is the same amount, and is taken to have always been the same amount, as the amount of land tax that would have been payable if the purported land tax had been validly imposed.
 - (6) The rights and liabilities of a person in relation to land tax imposed under subsection (2) are taken to be, and to have always been, the same as if the purported land tax had been validly imposed.
 - (7) Any act or thing done or omitted to be done by a person in relation to the purported land tax has, and is taken to have always had, the same force and effect as if it were done or omitted to be done in relation to land tax imposed under subsection (2).
 - (8) In this section—
purported land tax, in relation to taxable land, means land tax referred to in subsection (1) that was purportedly imposed on the taxable land."
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Part 5—Amendment of Payroll Tax Act 2007

43 New clause 19B of Schedule 2 inserted

After clause 19A of Schedule 2 to the **Payroll Tax Act 2007** insert—

"19B GP medical businesses

- (1) GP medical business wages paid or payable by a relevant person during a period are exempt wages to the extent that the GP medical business wages are paid or payable for or in relation to the performance of fully-funded items of GP work.
- (2) For the purposes of subsection (1), the amount of GP medical business wages paid or payable by the relevant person during a period that are exempt wages is determined by the following formula—

$$E = A \times \frac{B}{C}$$

where—

E is the amount of exempt wages for the period;

A is the total amount of GP medical business wages paid or payable by the relevant person during the period for or in relation to the performance of GP work;

B is the total amount paid to the relevant person, or to any other person associated with the GP medical business, during the period for fully-funded items of GP work (excluding amounts paid for consumable items);

C is the total amount paid to the relevant person, or to any other person associated with the GP medical business, during the period for items of GP work (excluding amounts paid for consumable items).

(3) In this clause—

bulk-billed has the same meaning as in clause 7.1.1 of Part 7 of Schedule 1 to the Health Insurance (General Medical Services Table) Regulations 2021 of the Commonwealth;

fully-funded, in relation to an item of GP work, means that the amount paid or payable for the item of GP work to a relevant person, or to any other person associated with a GP medical business, is no more than the total of—

- (a) any medicare benefit paid or payable in respect of the item of GP work; and
 - (b) any amount that has been claimed or may be claimed, in addition to a medicare benefit referred to in paragraph (a), as an incentive for a patient of the GP medical business being bulk-billed; and
 - (c) the reasonable cost of any consumable item used to administer a vaccination as part of the item of GP work; and
 - (d) any amount paid or payable in respect of the item of GP work for the purposes of, or in connection with, treatment under Part V of the Veterans' Entitlements
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Act 1986 of the Commonwealth;
and

- (e) any amount paid or payable in respect of the item of GP work as compensation under the **Transport Accident Act 1986**, the **Workplace Injury Rehabilitation and Compensation Act 2013** or the **Accident Compensation Act 1985**;

GP medical business means a business in the course of which the services of either of the following are supplied other than at a hospital—

- (a) one or more relevant GPs;
(b) one or more relevant prescribed medical practitioners;

GP medical business wages means amounts paid or payable by a person for or in relation to the performance of work relating to—

- (a) a GP medical business; or
(b) a contract under which a person carries on a GP medical business;

GP work means—

- (a) work by a relevant GP; or
(b) work by a relevant prescribed medical practitioner that is of a kind ordinarily performed by a relevant GP;
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medicare benefit has the same meaning as in section 3(1) of the Health Insurance Act 1973 of the Commonwealth;

prescribed medical practitioner has the same meaning as in clause 7.1.1 of Part 7 of Schedule 1 to the Health Insurance (General Medical Services Table) Regulations 2021 of the Commonwealth;

relevant GP means—

- (a) a medical practitioner registered under the Health Practitioner Regulation National Law in the specialty of general practice; or
- (b) a medical practitioner specified in clause 1.1.3 of the Health Insurance (General Medical Services Table) Regulations 2021 of the Commonwealth;

relevant person means a person carrying on a GP medical business;

relevant prescribed medical practitioner means a prescribed medical practitioner who predominantly performs work of a kind ordinarily performed by a relevant GP."

44 Heading to Part 4 of Schedule 2 amended

In the heading to Part 4 of Schedule 2 to the **Payroll Tax Act 2007**, after "**Returns**" insert "**, reassessments**".

45 New clause 21A of Schedule 2 inserted

After clause 21 of Schedule 2 to the **Payroll Tax Act 2007** insert—

**"21A Reassessment of payroll tax liability—
underpayment of wages**

The Commissioner may make a reassessment of an employer's payroll tax liability in respect of a financial year, being a reassessment more than 5 years after the initial assessment for that financial year, if the Commissioner is satisfied that there was an underpayment of wages by the employer in respect of that financial year.

Note

Section 9(3)(c) of the **Taxation Administration Act 1997** allows a reassessment to be made more than 5 years after the initial assessment if this is authorised by a taxation law."

Part 6—Amendment of Sale of Land Act 1962

46 Definitions

In section 2(1) of the **Sale of Land Act 1962**
insert the following definition—

"**GST** has the same meaning as in the A New Tax
System (Goods and Services Tax) Act 1999
of the Commonwealth;"

47 Prohibition on recovering land tax or commercial and industrial property tax under contract of sale of land

In section 10G(3) of the **Sale of Land Act 1962**,
in the definition of *sale price*, after "however
expressed" **insert** "and including any amount of
GST payable on the supply constituted by the sale
of the land".

48 Definitions—Subdivision 2 of Division 4 of Part I

In section 29AB of the **Sale of Land Act 1962**, in
the definition of *sale price*, after "however
expressed" **insert** "and including any amount of
GST payable on the supply constituted by the sale
of the land".

Part 7—Amendment of State Taxation Acts and Other Acts Amendment Act 2023

49 New sections 88EA to 88EC inserted

In section 28A of the **State Taxation Acts and Other Acts Amendment Act 2023**, in proposed section 88EB(1)(b) of the **Land Tax Act 2005**, after "exempt from" **insert** "vacant residential".

50 When is residential land vacant?

In section 34(1) of the **State Taxation Acts and Other Acts Amendment Act 2023**, for proposed section 34C(2B) of the **Land Tax Act 2005** **substitute—**

"(2B) For the purposes of this Division, residential land referred to in section 34B(2B) is vacant in a tax year if the land has satisfied the requirements in section 34B(2B) for a continuous period of at least 5 years immediately preceding the tax year, including any time that elapsed before the commencement of this section."

51 New sections 88F and 88G inserted

In section 35 of the **State Taxation Acts and Other Acts Amendment Act 2023**, in proposed section 88F(2) of the **Land Tax Act 2005**, for the definition of **PPR land** **substitute—**

"permitted occupant means a person (other than a tenant) who uses and occupies land with the permission of the owner;

PPR land means—

- (a) land referred to in section 54(1)(a), (ab), (b) or (c); or

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- (b) land that has been used and occupied for a period (whether continuous or aggregate) of greater than 6 months in the year preceding the tax year by any one or more of the following—
 - (i) the owner of the land as the principal place of residence of the owner;
 - (ii) the owner's permitted occupant as the principal place of residence of the occupant;
 - (iii) a natural person under a lease made in good faith and not for the purpose of avoiding the payment of vacant residential land tax."

Part 8—Amendment of State Taxation Amendment Act 2024

52 Holiday home exemption

(1) For section 13(1) of the **State Taxation Amendment Act 2024** substitute—

'(1) After section 88A(1) of the **Land Tax Act 2005** insert—

"(1A) Land is exempt from vacant residential land tax if—

- (a) the owner of the land is a corporation that either—
 - (i) owned the land on 28 November 2023; or
 - (ii) became the owner of the land on a date occurring after 28 November 2023 under a contract for the purchase of the land that was entered into on or before 28 November 2023; and
 - (b) the owner of the land has been the owner continuously since the relevant date referred to in paragraph (a)(i) or (ii); and
 - (c) since the relevant date referred to in paragraph (a)(i) or (ii), any transfer of shares in the corporation has been between persons who are relatives of one another; and
 - (d) the PPR requirement is satisfied; and
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- (e) in the year preceding the tax year, the land has been used and occupied as a holiday home for a period of at least 4 weeks (whether continuous or aggregate) by a specified person; and
 - (f) the Commissioner is satisfied that the land was used and occupied as a holiday home in the year preceding the tax year.
- (1B) Land is exempt from vacant residential land tax if—
- (a) the owner of the land is a trustee of a trust (other than a trust with a vested beneficiary); and
 - (b) the land became subject to that trust—
 - (i) on or before 28 November 2023; or
 - (ii) on a date occurring after 28 November 2023 under a contract for the purchase of the land that was entered into on or before 28 November 2023; and
 - (c) the land has been subject to that trust continuously since the relevant date referred to in paragraph (b)(i) or (ii); and
 - (d) since the relevant date referred to in paragraph (b)(i) or (ii)—
 - (i) for a unit trust scheme, any transfer of units in the scheme has been between
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persons who are relatives of one another; or

(ii) for a fixed trust, any transfer of a beneficial interest in the trust property has been between persons who are relatives of one another; or

(iii) for a discretionary trust, any change to the specified beneficiaries has been a change to add or remove a person who is a relative of another specified beneficiary; and

(e) the PPR requirement is satisfied; and

(f) in the year preceding the tax year, the land has been used and occupied as a holiday home for a period of at least 4 weeks (whether continuous or aggregate) by a specified person; and

(g) the Commissioner is satisfied that the land was used and occupied as a holiday home in the year preceding the tax year.".'. .

(2) For section 13(2)(a) of the **State Taxation Amendment Act 2024** substitute—

'(a) after "subsection (1)(b)" insert "or (1A)(f) or (1B)(g)";'.

(3) In section 13(3) of the **State Taxation Amendment Act 2024**, in proposed section 88A(5) of the **Land Tax Act 2005**—

- (a) in paragraph (a) of the definition of **PPR requirement**, after "corporation are" **insert** "directly or indirectly";
 - (b) in paragraph (b) of the definition of **PPR requirement**, after "scheme are" **insert** "directly or indirectly";
 - (c) in paragraph (c) of the definition of **PPR requirement**, after "is held" **insert** "directly or indirectly";
 - (d) in paragraph (d) of the definition of **specified person**, for "person" **substitute** "person, including a relative,".
- (4) At the end of section 13 of the **State Taxation Amendment Act 2024 insert—**
- (4) At the end of section 88A of the **Land Tax Act 2005 insert—**
- "(6) For the purposes of the definition of **PPR requirement**, any shares or units owned or beneficial interest held by the trustee of a discretionary trust are taken to be owned or held by a natural person who is a specified beneficiary of the discretionary trust.".

53 Holiday home exemption—contiguous land

In section 14(2) of the **State Taxation Amendment Act 2024**, in proposed section 88A(3A) of the **Land Tax Act 2005**, for "subsection (1) or (1A)" **substitute** "subsection (1), (1A) or (1B)".

Part 9—Amendment of Taxation Administration Act 1997

54 New section 135A inserted

After section 135 of the **Taxation
Administration Act 1997** insert—

**"135A Assessments related to section 282A of the
Duties Act 2000 and section 106A of the
Land Tax Act 2005**

- (1) This section applies if—
 - (a) either of the following applies—
 - (i) section 282A of the **Duties Act 2000**;
 - (ii) section 106A of the **Land Tax Act 2005**; and
 - (b) an assessment of a tax liability was made or purportedly made under this Act in respect of purported duty or purported land tax.
 - (2) The assessment referred to in subsection (1)(b) has, and is taken to have always had, the same force and effect as if it were made in respect of (as the case requires)—
 - (a) duty charged under section 282A(2) of the **Duties Act 2000**; or
 - (b) land tax imposed under section 106A(2) of the **Land Tax Act 2005**.
 - (3) The rights and liabilities of a person in relation to the assessment referred to in subsection (1)(b) are taken to be, and to have always been, the same as if the assessment
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had been made in respect of (as the case requires)—

- (a) duty charged under section 282A(2) of the **Duties Act 2000**; or
 - (b) land tax imposed under section 106A(2) of the **Land Tax Act 2005**.
- (4) Any act or thing done or omitted to be done by a person in respect of the assessment referred to in subsection (1)(b) has, and is taken to have always had, the same force and effect as if it were done or omitted to be done in respect of (as the case requires)—
- (a) duty charged under section 282A(2) of the **Duties Act 2000**; or
 - (b) land tax imposed under section 106A(2) of the **Land Tax Act 2005**.
- (5) Any amount paid by any person in respect of the assessment referred to in subsection (1)(b) is taken to be, and to always have been, paid in respect of—
- (a) either (as the case requires)—
 - (i) duty charged under section 282A(2) of the **Duties Act 2000**; or
 - (ii) land tax imposed under section 106A(2) of the **Land Tax Act 2005**; and
 - (b) any interest and penalty tax payable under Part 5 in respect of a liability referred to in paragraph (a); and
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- (c) any other amount paid or payable by a taxpayer to the Commissioner in respect of a liability referred to in paragraph (a).
- (6) In this section—
- purported duty* has the same meaning as in section 282A of the **Duties Act 2000**;
- purported land tax* has the same meaning as in section 106A of the **Land Tax Act 2005**."

Part 10—Amendment of Unclaimed Money Act 2008

55 Definitions

In section 3(1) of the **Unclaimed Money Act 2008**, in the definition of *reasonable expenses of a business in holding unclaimed money and locating the owner*, in paragraph (a), for "stationary" substitute "stationery".

Part 11—Amendment of Valuation of Land Act 1960 and consequential amendment of other Acts

Division 1—General amendments

56 Definitions

In section 2(1) of the **Valuation of Land Act 1960**—

- (a) in the definition of *AVPCC*, after "Code" **insert** "based on the Valuation Best Practice Specifications Guidelines";
- (b) in the definition of *general valuation*, for "a valuation authority" **substitute** "the valuer-general";
- (c) for the definition of *notice of valuation* **substitute**—
"*notice of valuation* means a notice served under section 15(3)(a), 15AA(1) or 15A;";
- (d) in the definition of *residential use land*, in paragraph (c), for "responsible for making valuations within the municipal district concerned" **substitute** "appointed by the valuer-general to carry out the general or supplementary valuation";
- (e) in the definition of *return*, for "giving to the valuation authority" **substitute** "who carried out the valuation giving to the valuer-general";
- (f) in the definition of *urban farm land*, for "valuation authority to make" **substitute** "valuer-general to carry out";

- (g) the definitions of *Part* and *prescribed* are **repealed**;
- (h) the definitions of *valuation authority*, in relation to rateable land in a municipal district, and *valuation authority*, in relation to non-rateable leviable land are **repealed**.

57 Determination of estimated annual value

Section 2A(2) and (3) of the **Valuation of Land Act 1960** are **repealed**.

58 Valuer-general and other employees

In section 3 of the **Valuation of Land Act 1960**—

- (a) in subsection (1), for "a deputy valuer-general" **substitute** "one or more deputy valuers-general";
- (b) in subsection (5), for "the deputy valuer-general" **substitute** ", a deputy valuer-general".

59 Access to lands, buildings, etc.

In section 3A(1) and (3)(b) of the **Valuation of Land Act 1960**, for "the deputy valuer-general" **substitute** ", a deputy valuer-general".

60 Power of delegation

In section 4(1) of the **Valuation of Land Act 1960**, for "the deputy valuer-general" **substitute** "a deputy valuer-general".

61 Participation in general valuations

- (1) For section 6(1) of the **Valuation of Land Act 1960 substitute**—

"(1) The valuer-general must give notice of a general valuation to each rating authority interested in the valuation of land in the area for which the general valuation is being made."

- (2) In section 6 of the **Valuation of Land Act 1960**—
- (a) in subsection (1A)(a), for "valuation authority begins the valuation" **substitute** "valuation begins";
 - (b) in subsection (2), for "notice, require the general valuation prepared by the valuation authority" **substitute** "notice given to the valuer-general, require the general valuation";
 - (c) subsections (3) and (4) are **repealed**.
- (3) For section 6(5) of the **Valuation of Land Act 1960 substitute**—
- "(5) The additional cost incurred by the valuer-general in complying with a requirement under subsection (2) must be met by the rating authority that gave the notice under that subsection and, if more than one rating authority gave the notice, by those authorities in the proportions determined by the valuer-general."

62 Section 7AD amended

- (1) In the heading to section 7AD of the **Valuation of Land Act 1960 omit** "caused by valuer-general".
- (2) In section 7AD of the **Valuation of Land Act 1960**—
- (a) in subsection (1) **omit** "that the valuer-general has caused to be made";
 - (b) in subsection (3)—
 - (i) **omit** "under this section";
 - (ii) for "may" **substitute** "must".

63 Use of valuation by another rating authority other than a council

In section 7AG(1) of the **Valuation of Land Act 1960** omit "by or for a valuation authority".

64 Fees for copy of valuation

In section 8AA of the **Valuation of Land Act 1960**—

- (a) in subsection (1), for "valuation authority" **substitute** "valuer-general";
- (b) in subsection (3), after "this section" **insert** "in relation to a general valuation".

65 General valuation to be made each year

In section 11 of the **Valuation of Land Act 1960**—

- (a) for "a valuation authority" **substitute** "the valuer-general";
- (b) in paragraph (b)(i), for "it" **substitute** "the valuer-general".

66 Section 12 amended

- (1) In the heading to section 12 of the **Valuation of Land Act 1960**, for "direct a general valuation of land" **substitute** "vary dates for general valuation in municipal district".
- (2) In section 12 of the **Valuation of Land Act 1960**, for "a council that is a valuation authority to cause a valuation of rateable land within the relevant municipal district" **substitute** "the valuer-general to cause a valuation of rateable land within a municipal district".

**67 Valuations for the purposes of the Local
Government Act 1989**

In section 13DA of the **Valuation of Land
Act 1960**—

- (a) in subsections (1) and (2), for "A valuation authority" **substitute** "The valuer-general";
- (b) subsection (3) is **repealed**.

68 Supplementary valuation

In section 13DF of the **Valuation of Land
Act 1960**—

- (a) in subsection (3), **omit** "returned and";
- (b) in subsection (3A), for "the council that caused or requested the supplementary valuation to be made" **substitute** "if the supplementary valuation was requested by a council, that council";
- (c) in subsection (6), for "making" **substitute** "carrying out".

69 Section 13DFA substituted

For section 13DFA of the **Valuation of Land
Act 1960** **substitute**—

"13DFA Certification of supplementary valuation

- (1) If, after considering a supplementary valuation carried out under section 13DF, the valuer-general is satisfied that the valuation is correct, the valuer-general must so certify.
 - (2) If, after considering a supplementary valuation carried out under section 13DF, the valuer-general is not satisfied that the valuation is correct, the valuer-general must inform the valuer who carried out the valuation, who must carry out a further
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- supplementary valuation in accordance with section 13DF.
- (3) The valuer-general may at any time require the valuer to give further information concerning the supplementary valuation to the valuer-general.
 - (4) If, within 2 months after receiving a supplementary valuation under section 13DF, the valuer-general has not certified the valuation or informed the valuer under subsection (2), the valuer-general is taken to have certified the valuation at the end of that period.
 - (5) In calculating the period referred to in subsection (4), any time between the time when the valuer-general requires the valuer to give the valuer-general further information under subsection (3) and the time when that requirement is complied with is not to be counted."

70 Section 13DFB amended

- (1) In the heading to section 13DFB of the **Valuation of Land Act 1960**, for "**Valuation authority**" substitute "**Valuer-general**".
- (2) In section 13DFB(3) of the **Valuation of Land Act 1960**, for "returned to the valuer-general" substitute "completed by, or returned to, the valuer-general (as the case requires)".

71 General valuation to be made each year

In section 13H of the **Valuation of Land Act 1960**—

- (a) for "a valuation authority" substitute "the valuer-general";

- (b) in paragraph (b)(i), for "it" **substitute** "the valuer-general".

72 Section 13I substituted

For section 13I of the **Valuation of Land Act 1960 substitute—**

"13I Minister may vary dates for general valuation of non-rateable leviable land

The Minister, after consultation with the valuer-general, may direct the valuer-general to cause a valuation of non-rateable leviable land to be made as at, and returned before, dates other than those specified in section 13H."

73 Valuations for the purposes of the Fire Services Property Levy Act 2012

In section 13J of the **Valuation of Land Act 1960—**

- (a) in subsections (1) and (2), for "A valuation authority" **substitute** "The valuer-general";
(b) subsection (3) is **repealed**.

74 Supplementary valuation

In section 13L of the **Valuation of Land Act 1960—**

- (a) in subsection (3) **omit** "returned and";
(b) in subsection (4), for "the collection agency that caused or requested the supplementary valuation to be made" **substitute** "if the supplementary valuation was requested by a collection agency, that collection agency";
(c) in subsection (7), for "making" **substitute** "carrying out".
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75 Section 13M substituted

For section 13M of the **Valuation of Land Act 1960 substitute—**

"13M Certification of supplementary valuation

- (1) If, after considering a supplementary valuation carried out under section 13L, the valuer-general is satisfied that the valuation is correct, the valuer-general must so certify in writing.
- (2) If, after considering a supplementary valuation carried out under section 13L, the valuer-general is not satisfied that the valuation is correct, the valuer-general must inform the valuer who carried out the valuation, who must carry out a further supplementary valuation in accordance with section 13L.
- (3) The valuer-general may at any time require the valuer to give further information concerning the supplementary valuation to the valuer-general.
- (4) If, within 2 months after receiving a supplementary valuation under section 13L, the valuer-general has not certified the valuation or informed the valuer under subsection (2), the valuer-general is taken to have certified the valuation at the end of that period.
- (5) In calculating the period referred to in subsection (4), any time between the time when the valuer-general requires the valuer to give the valuer-general further information under subsection (3) and the time when that requirement is complied with is not to be counted."

76 Section 13N amended

- (1) In the heading to section 13N of the **Valuation of Land Act 1960**, for "**Valuation authority**" substitute "**Valuer-general**".
- (2) In section 13N(3) of the **Valuation of Land Act 1960**, for "returned to the valuer-general" substitute "completed by, or returned to, the valuer-general (as the case requires)".

77 Supplementary valuation of rateable land or non-rateable leviable land for windfall gains tax

In section 13Q of the **Valuation of Land Act 1960**—

- (a) in subsection (1), for "valuation authority" substitute "valuer-general";
- (b) in subsection (2), for "making" substitute "carrying out".

78 Certification of supplementary valuation under this Part

In section 13R of the **Valuation of Land Act 1960**—

- (a) in subsection (1), for "made" substitute "carried out";
- (b) in subsection (2)—
 - (i) for "made" substitute "carried out";
 - (ii) for "make" substitute "carry out".

79 Notice of valuation

- (1) For section 15(1) of the **Valuation of Land Act 1960** substitute—

"(1) The valuer-general must give sufficient information about a general valuation to the relevant rating authority to enable the rating

authority to serve notice in accordance with this section."

(2) In section 15 of the **Valuation of Land Act 1960**—

- (a) in subsection (3), for "a valuation authority under subsection (1)(b) as to a general valuation must give" **substitute** "the valuer-general under subsection (1) about a general valuation must serve";
- (b) in subsection (4), for "given" **substitute** "served";
- (c) in subsection (5), for "given to" **substitute** "served on";
- (d) in subsection (7), for "giving a notice of valuation must also give such a notice to" **substitute** "serving a notice of valuation must also serve a notice of valuation on";
- (e) in subsection (8), for "(1)(a)(ii) or (3)(b) must be given" **substitute** "(3)(b) must be served".

80 Section 15AA amended

- (1) In the heading to section 15AA of the **Valuation of Land Act 1960**, for "give" **substitute** "serve".
- (2) In section 15AA(1) of the **Valuation of Land Act 1960**, for "give" **substitute** "serve on".

81 Section 15A amended

- (1) In the heading to section 15A of the **Valuation of Land Act 1960**, for "give" **substitute** "serve".
- (2) In section 15A of the **Valuation of Land Act 1960**, for "give" **substitute** "serve on".

82 New section 15B inserted

After section 15A of the **Valuation of Land Act 1960 insert—**

"15B Service of notice of valuation

- (1) A notice of valuation may be served on a person—
- (a) personally; or
 - (b) by leaving it at the last known address of the person (including, in the case of a body corporate, the registered office or a business address of the body corporate); or
 - (c) by post addressed to the person at the last known address of the person (including, in the case of a body corporate, the registered office or a business address of the body corporate); or
 - (d) if the person has given an electronic address as an available means of service, by electronic communication to that electronic address; or

Examples

The following are examples of an electronic address—

- an email address;
 - a secure Internet site that the person can access to obtain a notice of valuation;
 - a facsimile number;
 - a mobile phone number.
- (e) by a prescribed means.

- (2) For the purposes of this Act, a notice of valuation must be taken, unless the contrary is proved, to have been served on a person—
- (a) in the case of delivery in person—at the time the notice is delivered; or
 - (b) in the case of posting—7 business days after the day on which the notice was posted; or
 - (c) in the case where the rating authority or the Commissioner makes the notice available for access or retrieval by the person from or through an Internet site—at the time the rating authority or the Commissioner notifies the person by electronic communication that the notice is available to be accessed or retrieved; or
 - (d) in the case of any other form of electronic communication—at the time that communication is received; or

Examples

An email or facsimile is taken to be served on a person at the time the email or facsimile is received by the person—see section 13A of the **Electronic Transactions (Victoria) Act 2000** in relation to the time of receipt of an electronic communication.

- (e) in the case of a prescribed means of service—at the prescribed time.
- (3) For the purposes of subsection (2)(c), notification is taken to have been given to a person by a rating authority or the Commissioner at the time the electronic communication of the notification is received by the person."
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83 Who may object?

(1) In section 16 of the **Valuation of Land Act 1960**—

(a) in subsection (1)—

- (i) for "a valuation authority" **substitute** "the valuer-general";
- (ii) for "gave" **substitute** "served";

(b) in subsection (4)—

- (i) for "given" **substitute** "served with";
- (ii) for "gave the notice" **substitute** "served the notice, if the person is aggrieved by the valuation on any one or more of the grounds set out in section 17";

(c) in subsection (5)(b), for "given a notice of valuation." **substitute** "served with a notice of valuation; and";

(d) after subsection (5)(b) **insert**—

"(c) the person is aggrieved by the valuation on any one or more of the grounds set out in section 17."

(2) For section 16(6) of the **Valuation of Land Act 1960 substitute**—

"(6) Despite subsection (1), a person referred to in subsection (5) must lodge the objection with the rating authority that issued the assessment of the rate or tax."

(3) In section 16 of the **Valuation of Land Act 1960**—

(a) in subsection (6A)—

- (i) for "given" **substitute** "served with";

- (ii) after "assessment" **insert** ", if the person is aggrieved by the base or bases of valuation that were used to assess the relevant tax on any one or more of the grounds set out in section 17";
 - (b) in subsection (6AB)(b), for "Act." **substitute** "Act—";
 - (c) after subsection (6AB)(b) **insert**—
"if the person is aggrieved by the valuation on any one or more of the grounds set out in section 17.".
- (4) For section 16(6AC) of the **Valuation of Land Act 1960 substitute**—
- "(6AC) A person referred to in subsection (6AB) who lodges a written objection to a valuation referred to in that subsection is taken to have objected in relation to the capital improved value in each of the valuations referred to in that subsection even if the objection only addresses one of those valuations.".
- (5) In section 16 of the **Valuation of Land Act 1960**—
- (a) in subsection (6B), for "valuation authority that caused the valuation to be made" **substitute** "valuer-general";
 - (b) in subsection (6C), for "valuation authority" **substitute** "valuer-general".

84 Time for lodging objection

In section 18(a) of the **Valuation of Land Act 1960**, for "given" **substitute** "served".

85 Exchange of information on certain objections

(1) For section 20(2) of the **Valuation of Land Act 1960 substitute—**

"(2) The valuer to whom the objection is referred under section 21(2) must, within one month after the referral, give the objector the prescribed information concerning the valuation that is the subject of the objection."

(2) In section 20(3) of the **Valuation of Land Act 1960**, for "valuation authority" substitute "valuer".

86 Determination of objection

(1) For section 21(2), (2A) and (2B) of the **Valuation of Land Act 1960 substitute—**

"(2) A rating authority must refer a valid objection lodged with the rating authority to the valuer-general.

(2A) The valuer-general must refer a valid objection referred to the valuer-general under subsection (2), or forwarded to the valuer-general under section 16(6B), to—

- (a) the valuer who made the valuation; or
- (b) another valuer appointed by the valuer-general.

(2AB) For subsections (2) and (2A), an objection is valid if it—

- (a) is lodged within the time required by section 18; and
 - (b) meets the requirements of sections 16 and 17, or 17A, as the case requires.
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- (2B) The valuer to whom the objection is referred must provide the objector with a reasonable opportunity to discuss the objection with the valuer."
- (2) In section 21(3)(b)(ii) of the **Valuation of Land Act 1960** omit "and the valuation authority".
- (3) After section 21(5) of the **Valuation of Land Act 1960** insert—
- "(5A) Subsection (5) does not require the valuer-general to give written notice of a decision to the Commissioner if the valuer-general has notified the Commissioner of the decision under section 21A(2)."
- (4) In section 21(6A) of the **Valuation of Land Act 1960**, after "authority" insert "other than the Commissioner".

87 Commissioner to be notified of certain objections

In section 21A(2) of the **Valuation of Land Act 1960**, for "give a copy of that notice to" substitute "notify".

88 Application to VCAT for review

In section 22 of the **Valuation of Land Act 1960**—

- (a) in subsection (2)—
- (i) for "for a valuation authority has not given an objector" substitute "has not given an objector";
- (ii) for "lodged with the valuation authority" substitute "referred to the valuer-general under section 21(2) or forwarded to the valuer-general under section 16(6B)";

- (b) in subsection (4)(a) **omit** "with the valuation authority";
- (c) in subsections (5) and (6), for "valuation authority" **substitute** "valuer-general";
- (d) in subsection (8)—
 - (i) for "for a valuation authority may give an objector" **substitute** "may give the objector";
 - (ii) **omit** "with the valuation authority".

89 Grounds of review or appeal

- (1) For section 24(1) of the **Valuation of Land Act 1960 substitute**—

"(1) On a review or appeal the objector's case is limited to the grounds of the objection unless VCAT or the Court (as the case requires) otherwise orders."

- (2) In section 24(2) of the **Valuation of Land Act 1960 omit** "or application".

90 Costs

In section 26(2)(g) of the **Valuation of Land Act 1960**, for "valuation authority" **substitute** "valuer-general".

91 New section 39 inserted

After section 38 of the **Valuation of Land Act 1960 insert**—

"39 Transitional provision—State Taxation Further Amendment Act 2024

- (1) Section 24, as amended by section 89 of the amending Act, applies in relation to a review or appeal instituted on or after the commencement day whether the objection to which the review or appeal relates was lodged before, on or after that day.
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- (2) This Act as amended by Division 2 of Part 11 of the amending Act applies in relation to an objection lodged on or after 1 January 2025 whether the valuation to which the objection relates was made before, on or after that day.
- (3) In this section—
- amending Act*** means the **State Taxation Further Amendment Act 2024**;
- commencement day*** means the day after the day on which the amending Act receives the Royal Assent."

92 New section 51 inserted

After the heading to Part IV of the **Valuation of Land Act 1960** insert—

"51 Validity of general valuations

- (1) A general valuation under section 11 is not invalid only because the requirements of section 11(b) have not been met by the date specified in that section or as varied under section 12.
- (2) A general valuation under section 13H is not invalid only because the requirements of section 13H(b) have not been met by the date specified in that section or as varied under section 13I."

93 Repeal of redundant provisions

Sections 7, 7AA, 7AB, 7AC, 7AE, 7A, 7B, 9, 10, 13DG, 13F and 13G of the **Valuation of Land Act 1960** are **repealed**.

Division 2—Amendments in relation to grounds for objection

94 Change of ground for objection

In sections 16(3A)(a), 17(a), 17A(2)(a), 20(1)(a) and 24(2) of the **Valuation of Land Act 1960**, for "too high or too low" **substitute** "incorrect".

Division 3—Consequential amendment of other Acts

95 Fire Services Property Levy Act 2012

In the **Fire Services Property Levy Act 2012**—

- (a) in section 3, the definition of *valuation authority* is **repealed**;
- (b) in section 15(3), for "valuation authority" **substitute** "valuer-general";
- (c) in section 16, for "a valuation authority" **substitute** "the valuer-general";
- (d) in section 24(1)(b), for "valuation authority" **substitute** "valuer-general".

96 Land Tax Act 2005

In the **Land Tax Act 2005**—

- (a) in section 3(1)—
 - (i) in the definition of *general valuation*, for "**1968**" **substitute** "**1960**";
 - (ii) in the definitions of *return date* and *supplementary valuation*, for "valuation authority" **substitute** "Valuer-General";
 - (iii) the definition of *valuation authority* is **repealed**;
 - (b) in section 19(2)(a)(i), for "valuation authority" **substitute** "Valuer-General";
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(c) in section 21(1)(a), for "a valuation authority" **substitute** "the Valuer-General under the **Valuation of Land Act 1960**";

(d) for section 21(1)(b) **substitute**—

"(b) other valuations made for and on behalf of the Commissioner by the Valuer-General or a valuer nominated by the Valuer-General."

97 Local Government Act 1989

In section 157(3) of the **Local Government Act 1989**, for "a valuation authority" **substitute** "the Valuer-General".

98 Taxation Administration Act 1997

In the **Taxation Administration Act 1997**—

(a) in section 3(1)—

(i) **insert** the following definition—

"Valuer-General means the valuer-general appointed under section 3(1) of the **Valuation of Land Act 1960**.";

(ii) the definition of *valuation authority* is **repealed**;

(b) in section 97(3)(a) and (3A)(a), for "a valuation authority" **substitute** "the Valuer-General".

99 Windfall Gains Tax Act 2021

In section 3(1) of the **Windfall Gains Tax Act 2021**, the definition of *valuation authority* is **repealed**.

Part 12—Repeal of this Act

100 Repeal of this Act

This Act is **repealed** on 1 July 2026.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

[†] *Minister's second reading speech—*

Legislative Assembly:

Legislative Council:

The long title for the Bill for this Act was "A Bill for an Act to amend the **Duties Act 2000**, the **First Home Owner Grant and Home Buyer Schemes Act 2000**, the **Land Tax Act 2005**, the **Payroll Tax Act 2007**, the **Sale of Land Act 1962**, the **State Taxation Acts and Other Acts Amendment Act 2023**, the **State Taxation Amendment Act 2024**, the **Taxation Administration Act 1997**, the **Unclaimed Money Act 2008** and the **Valuation of Land Act 1960**, to make consequential amendments to other Acts and for other purposes."