

**MINUTES**  
**SA STATE TAXES LIAISON GROUP**  
**WEDNESDAY 19 JUNE 2024 (9.30AM)**  
**FAHEY MEETING ROOMS, LEVEL 4, STATE ADMINISTRATION**  
**CENTRE**

**1. ATTENDANCE/APOLOGIES**

**PRESENT FOR REVENUESA**

Julie Holmes (Chair), Ben Tuffnell, Paul Maxwell and Kristy Ferguson

**PRESENT FOR DEPARTMENT OF TREASURY AND FINANCE**

Danny Huynh (Budget and Performance Branch)

**PRESENT FOR INDUSTRY GROUPS**

Lee Jurga (Property Council of Australia), Marissa Mackie (Law Society of South Australia), Peter Slegers (Business SA), Jeff Stevens (Australian Institute of Conveyances (SA Division)), Julie Van der Velde (CPA Australia), Bernie Walrut (Law Council of Australia), Adrian Cartland (The Tax Institute), Andrew Shields (Real Estate Institute of South Australia) and Fiona Stapleton (Chartered Accountants Australia and New Zealand)

**APOLOGIES**

Kelly Tattersall (RevenueSA), Mark Christmas (RevenueSA), Andrea Heading (Real Estate Institute of South Australia), Paul Ingram (The Tax Institute) and Paul Tanti (Chartered Accountants Australia and New Zealand)

**2. BUSINESS ARISING**

**2.1. Update on Action Register (see Attachment A)**

- **Action Item 27**

Paul Maxwell reported that a meeting took place on 27 March 2024 to discuss the further submissions.

RevenueSA will now finalise the revised Circular No: 265 – Stamp Duty – Sale of Retirement Villages.

- **Action Item 29**

No further update. The review of Circular No: 156 remains on hold pending the outcome of a current High Court matter.

Bernie Walrut advised that he was yet to review the latest developments on this issue but once he has he will report back to RevenueSA.

- **Action Item 30**

Refer to Action Item 27 above – a meeting took place on 27 March 2024 to discuss the further submissions.

Paul Maxwell reported that, based on the submissions received from Bernie Walrut and The Tax Institute, RevenueSA will raise the potential to make legislative amendments to Exemption 33 of the *Stamp Duties Act 1923* with the Treasurer. It was noted that minor legislative amendments, should they be progressed by the Government, can be a lengthy process, and therefore relevant members were asked to consider and advise whether a Revenue Ruling was still required to provide guidance on Exemption 33.

- **Action Item 2022-4**

Paul Maxwell reported that Mark Christmas had contacted Paul Ingram directly to discuss this issue further and a mutually agreed position had been reached.

- **Action Item 2023-6**

No further update. Bernie Walrut advised that he was yet to prepare submissions for the Treasurer seeking a review into this issue.

- **Action Item 2023-7**

No further update. Bernie Walrut advised that he was yet to write to the South Australian Civil and Administrative Tribunal or the relevant Minister on this issue.

- **Action Item 2024-1**

No further update. Bernie Walrut advised that had yet to prepare a list of policy and administrative issues raised as part of the stakeholder engagement from the Land Tax Review.

## 2.2. 2024-25 State Budget

Julie Holmes reported that the 2024-25 State Budget, handed down on 6 June 2024, announced the following taxation and grant measures:

- Removal of the property value cap for stamp duty relief for eligible first home buyers and the First Home Owner Grant who enter into an eligible contract on or after 6 June 2024.
- Tightening of previous ownership criteria for both the stamp duty relief for eligible first home buyers and the First Home Owner Grant who enter into an eligible contract on or after the date of assent of the *Statutes Amendment (Budget Measures) Bill 2024*.
- Removal of relief from the foreign ownership surcharge for transfers eligible for stamp duty relief for eligible first home buyers who enter into a contract to purchase a new home or vacant land on or after the date of assent of the *Statutes Amendment (Budget Measures) Bill 2024*.
- Introduction of an exemption from payroll tax on the wages of general practitioners related to bulk billed services from 1 July 2024.

Legislative amendments to implement the above measures are contained in the *Statutes Amendment (Budget Measures) Bill 2024* which was introduced into Parliament on Thursday, 6 June 2024. Removal of the property value cap will come into effect from 6 June 2024, whilst the operation of the other stamp duty and First Home Owner Grant legislative measures is subject to the *Statutes Amendment (Budget Measures) Bill 2024* coming into force as an Act.

Additionally, the *Statutes Amendment (Budget Measures) Bill 2024* makes amendments to allow for an existing amnesty on certain wages paid to general practitioners and other approved health service providers, which expires on 30 June 2024, to be included in regulations.

### **2.3. Payroll Tax and Medical Centres**

Julie Holmes summarised the Government's commitments in regard to payroll tax and contractor arrangements involving general practitioners, medical specialists and dentists.

Ben Tuffnell presented a slideshow which summarised all commitments in the recent State Budget, recapped the general practitioner amnesty and provided detail around the way forward on this matter.

A lengthy discussion took place on this topic with a particular focus on equity between the various recipients of relief, the timing of the Government's commitments and the need to ensure effective communication to all impacted parties.

### **2.4. Update on State Tax Appeals**

This Agenda Item was not discussed due to time constraints however the following has occurred since the last meeting:

- On 6 June 2024, the High Court of Australia granted special leave for SkyCity Adelaide Pty Ltd to appeal part of the judgement of the South Australian Court of Appeal of the Supreme Court, namely the answer given by the Court of Appeal on the Converted Credits Issue. The appeal will be heard by the High Court on 12 September 2024 in Hobart.
- A HomeBuilder Grant matter was heard by the South Australian Civil and Administrative Tribunal on 16 May 2024 and we are awaiting the decision. This dispute is centred on whether the Appellant entered into a building contract within the prescribed time period;
- Another HomeBuilder Grant matter was partly heard by the South Australian Civil and Administrative Tribunal on 11 June 2024. Both parties are to provide their written submissions with final oral submissions to be delivered on 12 July 2024. There are various issues being disputed in this matter;
- There has been one new appeal lodged with the Supreme Court (a stamp duty qualifying land matter);

- There has been one new matter lodged with the South Australian Civil and Administrative Tribunal (a First Home Owner Grant matter with the dispute about whether there was an eligible transaction entered into by the Appellant); and
- An appeal previously lodged with the South Australian Civil and Administrative Tribunal in regard to a land use code dispute for Emergency Services Levy purposes has been withdrawn by the Appellant.

## 2.5. Update on Land Tax

Carried over to the next meeting

## 3. New Business

### 3.1. RevenueSA Website Review [RevenueSA]

Carried over to the next meeting

### 3.2. RevenueSA Online – Issues with Section 102B Returns and Requests for Opinion [Paul Tanti]

Carried over to the next meeting

### 3.3. Payroll Tax – NSW Supreme Court decision in *Loan Market Group Pty Ltd v Chief Commissioner of State Revenue; Loan Market Pty Ltd v Chief Commissioner of State Revenue* [2024] NSWSC 390 [Julie Van der Velde]

Julie Van der Velde asked what the views of RevenueSA were in respect of the decision in *Loan Market Group Pty Ltd v Chief Commissioner of State Revenue; Loan Market Pty Ltd v Chief Commissioner of State Revenue* [2024] NSWSC 390 (12 April 2024) and whether they would be publishing those views like Revenue NSW has in their Commissioner's Practice Note.

Paul Maxwell advised that, broadly, RevenueSA agrees with the position taken by Revenue NSW (supported by the Supreme Court in the first instance) that these types of arrangements between businesses providing Australian Financial Services Licences and Australian Credit Licences are generally subject to payroll tax under the contractor provisions. Further, that RevenueSA would consider publishing its views although this would need to be considered in the context that the Appellant in the above-mentioned matter has indicated that it is their intention to further appeal the matter.

**New Action: RevenueSA to consider publishing guidance like Revenue NSW's Commissioner's Practice Note.**

## 4. Any Other Business

No other business was raised.

## 5. Next Meeting

11 September 2024

## ATTACHMENT A – ACTION REGISTER

Item	Date of Meeting	Action	Who	Status as at 24 June 2024	Due Date
27	04/12/2019 [Historical Action Item]	Publication: Circular 265 – Stamp Duty – Sale of Retirement Villages	RevenueSA	Bernie Walrut provided his further submissions on 29 May 2023.  Meeting held on 27 March 2024 to discuss the further submissions.  <b>NEW ACTION: RevenueSA will now finalise the revised Circular No: 265 – Stamp Duty – Sale of Retirement Villages.</b>	On-going  Completed
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/ Bernie Walrut	On hold. To be considered once the outcome of a current High Court matter is known and considered by the Federal Government.  Bernie Walrut to review the latest developments on the issue and report back to RevenueSA.	On-going
30		RevenueSA to draft a new Revenue Ruling in regard to Exemption 33 for consideration by the Rulings Sub-Committee.	RevenueSA	Paul Maxwell circulated the revised draft Revenue Ruling.  Meeting held on 27 March 2024 to discuss the further submissions.  <b>NEW ACTION: RevenueSA to prepare a briefing minute to the Treasurer seeking his approval to make legislative amendments to Exemption 33.</b>	On-going  Completed
2022-4	7/9/2022	RevenueSA to review and consider the appropriateness of self-determining mining tenement acquisitions and the associated necessary system changes	RevenueSA	Mark Christmas contacted Paul Ingram directly to discuss this issue further and discussions are ongoing.  <b>NEW ACTION: RevenueSA to articulate their position and provide a contact number on their website.</b>	On-going
2023-1	19/4/2023	RevenueSA to review Action Items 2, 24-26, 28, 33 and 35-36 and provide a status update for each matter and circulate to the Group to allow consideration of the priority that should be given to each, including section 71A of the SDA.	RevenueSA	Paul Maxwell re-circulated the email allowing STLG members one final opportunity for comments and also the opportunity to include any new stamp duty issues that they consider require clarification by 15 December 2023.	Completed
2023-6	12/7/2023	RevenueSA to review why the Emergency Services Levy is not administered under the TAA.	RevenueSA	Bernie Walrut to prepare submissions for the Treasurer seeking a review into this issue.	Pending

2023-7	6/12/2023	RevenueSA to seek advice from the Crown Solicitor's Office in regard to whether Tribunal Orders can be released even when not published.	RevenueSA	Bernie Walrut to write to either SACAT directly or the relevant Minister to express the importance to all parties of publishing all Orders in a timelier manner.	Pending
2024-1	13/3/2024	Land Tax Review Outcome	RevenueSA	Bernie Walrut to prepare a list of those policy and administrative issues raised as part of the stakeholder engagement to facilitate further discussion.	Pending
2024-2	19/6/2024	Payroll tax contractor provisions - Arrangements between businesses providing Australian Financial Services Licences and Australian Credit Licences.	RevenueSA	<b>New Action: RevenueSA to consider publishing guidance like Revenue NSW's Commissioner's Practice Note.</b>	11 September 2024

## **ATTACHMENT B – REVENUESA PUBLICATIONS AND UPDATES**

1. Publications to reviewed now that the stamp duty rewrite is not progressing
  - 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 SDA
  - 1.3. Stamp Duty – Unit Trust: Issues And Redemptions
  - 1.4. Circular 61 – Section 71E of the SDA. 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 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 265 – Stamp Duty – Sale of Retirement Villages
  - 4.2. Circular 156 – Access to documents held by solicitors and legal professional privilege – Guidelines
  - 4.3. Review of Information Circular 1 – RSA Publication Process
  - 4.4. DRAFT Revenue Ruling – Exemption from Duty – Charitable and Religious Bodies
5. Recent Updates
  - 5.1. 2024-25 Certificate Fees released
  - 5.2. 2023-24 Payroll Tax Annual Reconciliation
  - 5.3. 2024-25 State Budget
  - 5.4. 2024-25 Land tax rates and thresholds
  - 5.5. Extended RevenueSA Online outage for annual housekeeping