

Revenews is our monthly newsletter keeping you up to date with current activities, issues and recent cases.

This issue

- Revenue Rulings
- What's happening at OSR
- Hints and tips
- Case summaries
- Upcoming customer education activities

Revenue rulings

We have issued the following revenue rulings:

Duties

DUT 045 - Market Value and GST – The revenue ruling clarifies whether it is possible to determine a GST-exclusive market value.

Read more about this [revenue ruling](#).

DUT 036v2 - Aggregation of Dutiable Transactions – Updated the example of associated persons.

Read more about this [revenue ruling](#).

What's happening at OSR

Low income earners safeguarded from the impact of Garnishee Orders in relation to fines

We have introduced a measure that ensures a protected amount of money remains in an individual's bank account that cannot be drawn upon for payment through a Garnishee Order issued in relation to fines. The protected sum is \$480.50. Discussions have been held with financial institutions to ensure this balance is maintained in the event a Garnishee Order is issued by us.

Whilst accepting the importance of settling outstanding fines, the Government recognises that some vulnerable members of the community may struggle if a lump sum is drawn from their account.

We have a number of initiatives to assist low income earners with their outstanding fine or ambulance fee debt and we are pleased to provide a level of protection to those people who need assistance in managing their fine or fee repayment.

We have also reviewed the additional fees associated with applying bank Garnishee Orders, currently \$65. We have decided that Garnishee Order costs will not be applied in some circumstances and reduced in others, alleviating further debt for those in financial hardship.

Obviously the best prevention to a Garnishee Order is for fine recipients to contact us as soon as they realise they are unable to pay a fine or fee by its due date. Individual situations are taken into account and we will work with customers to ensure that debt is settled in a way that will not cause financial hardship to those members of our community who require circumstantial consideration.

For more information, contact us on 1300 655 805 Monday to Friday 7.30am to 8.00pm.



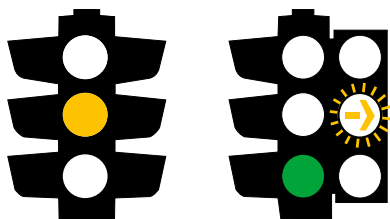
Online subscription service:

- Receive email updates on news at OSR by registering [here](#).
- What would you like to see here? Email your suggestions or feedback to: Client.Education@osr.nsw.gov.au

Did you know?

- A yellow (amber) traffic light or arrow means stop. A driver approaching traffic lights showing a yellow traffic light must stop if the driver can stop safely before reaching the stop line or traffic lights.

Penalties apply for drivers who fail to stop at a yellow light, unless it is unsafe to do so.



Hints and tips

Building relationships with Insolvency Practitioners

Requests for information

Under the right to information legislation, you must be given access to government information when you request it, unless there is an overriding public interest against disclosure.

As an insolvency practitioner, rather than making a formal request under the Government Information (Public Access) Act 2009 (GIPA Act) you can make an informal request to our mailbox at taxdebt.gipa@osr.nsw.gov.au.

We will provide you all the information that we possibly can without the added level of administrative red tape. We will advise you as soon as practicable if a formal request is required.

Read more about [requests for information](#).

Notices of appointment

Our preferred method for receiving appointment correspondence or other requests is by email to insolvencies@osr.nsw.gov.au. There is no requirement for hard copies.

This correspondence goes to one central location so only one advice is required regardless of the tax type.

Land tax clearance certificates

When purchasing property, it is very important that purchasers obtain a clear section 47 clearance certificate. The clearance certificate protects them from any outstanding land tax liability of a previous owner. It does not provide any protection to the owner (vendor) of the land.

A clear land tax certificate means either the owner has paid the land tax or the property is not subject to land tax. If the land tax has been paid, the contract for sale may still require a land tax adjustment between the vendor and purchaser.

Read more about [clearance certificates](#).

LAFHA and fringe benefits

A Living Away From Home Allowance (LAFHA) is a fringe benefit. Where there is a taxable value for fringe benefits tax, that value should be included as wages for payroll tax. However some businesses are also declaring these allowances as a liable allowance for payroll tax therefore making a double payment, one for fringe benefits and another as an allowance.

Please declare these allowances *ONLY as a fringe benefit when there is a taxable value component*.

Case summaries

Payroll Tax

Eastside Veterinary Emergency & Specialists Pty Ltd v Chief Commissioner of State Revenue [2016] NSWCATAD 104 (26 May 2016)

The taxpayer's business (a specialist and 24 hour emergency veterinary hospital) was grouped with both a general veterinary practice and a property unit trust due to majority controlling and beneficial interests.

Fun facts about September

- The name September comes from the old Roman word 'septem', which means seven, because in the Roman calendar it was the seventh month. The Anglo-Saxons called it Gerst monath (Barley month), because it was their time when they harvested barley to be made into their favourite drink - barley brew.



- The band aid was invented in September 1920.



- Brainteaser - September starts on the same day of the week as December each year, but does not end on the same day of the week as any other month in the year.



- Brainteaser- September is the ninth month and the only month with the same number of letters in its name in English as the number of the month.

- **13 September** International Chocolate Day! (Who doesn't love chocolate?).



- Alexander Fleming discovered the drug Penicillin on **15 September 1928**.



- The planet Neptune was discovered on 23 September 1846.



The tribunal found that the practice of the taxpayer was closely associated with and complementary to the business carried on by the general veterinary practice and affirmed the Chief Commissioner's decision not to de-group the applicant under section 79 of the Payroll Tax Act 2007.

Read the [decision](#).

Land Tax

Houston v Chief Commissioner of State Revenue [2016] NSWCATAD 126 (22 June 2016)

The taxpayer sought a review of the Chief Commissioner's decision to deny the primary production land exemption under section 10AA of the Land Tax Management Act 1956 on non-rural land used for cattle operations.

The Tribunal affirmed the assessments as there was insufficient evidence of the intensity of cattle grazing at the property, and the cattle operations had little prospect of profit in the foreseeable future.

Read the [decision](#).

Upcoming customer education activities

Webinars

Payroll tax

Lodgement and Overview for New Clients - 6 September

Payroll tax for tax agents & professionals - The common errors - 27 September

Jobs Action Plan Rebate - 28 September

Continuation of the five part series of payroll tax webinars:

- Allowances & FBT - 2 September
- The Contractor Provisions - 9 September
- The Grouping Provisions - 16 September

Duties

Surcharge purchaser duty - 15 September

This webinar focuses on the surcharge purchaser duty that applies to acquisitions of residential property in New South Wales by foreign persons. The definitions of foreign person, residential land and more will be discussed, as well as exemptions and calculations.

NSW New Home Schemes - 20 September

NSW New Home Schemes - 29 September

This webinar will outline the current schemes available to first home buyers and investors who purchase or build new homes in NSW, including First Home-New Home, First Home Owner Grant (New Homes), and New Home Grant. The eligibility criteria for these schemes will be discussed, as well as information about how to apply.

Read more and [register online](#).

Seminars

Payroll Tax for New Clients

- Sydney - 22 September

Read more and [register online](#).