

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:

Land tax

Revenue Ruling LT 082v5 – The Principal Place of Residence Exemption, Schedule 1A Clauses 1-14 and Sections 9C & 9D Land Tax Management Act 1956 – The update reflects legislative amendments to the concession for unoccupied land intended to be the owner's principal place of residence.

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

Duties

DUT 010v2 – Transfers Pursuant to an Agreement for the Sale or Transfer of Dutiable Property – The revenue ruling was amended to exclude a discretionary trust from being a related person for section 18(3) purposes.

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

Payroll tax

PTA 003v2 – Fringe Benefits – The amendment removes out-dated reference to the gross-up rate due to Commonwealth amendments.

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

PTA 040 – Payroll Tax – Exempt superannuation contributions pre-1 July 1996 services – The revenue ruling describes the calculation methodology for apportioning exempt and liable super contributions for pre-1 July 1996 services.

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

What's happening at OSR

Foreign Surcharge (Duties & Land Tax) Information Sessions (2 November 2016 – 1 December 2016)

We are running a series of free information sessions throughout NSW focusing on the surcharge purchaser duty and surcharge land tax which apply to foreign persons who acquire or already own residential land in NSW. The definitions of foreign persons and residential land will be explained, as well as exemptions, calculations and more. Light refreshments will be provided.

Register online [here](#).

Did you know?

On multi-lane roads with a speed limit of more than 80km/h, motorists must not drive in the right-hand lane unless they are:

- overtaking
- turning right or making a U-turn
- avoiding an obstacle
- driving in congested traffic
- driving in a special purpose lane or if there is a Left Lane Must Turn Left sign or a left traffic arrow and the driver is not turning left.

If a Keep Left Unless Overtaking sign is displayed, the requirement applies regardless of the speed limit.



**KEEP LEFT
UNLESS
OVERTAKING**

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

Hints and tips**Help for customers affected by flood**

OSR assists eligible clients in flood-affected areas with outstanding fines to temporarily defer fines related actions or to extend their time to pay arrangements.

If you are suffering hardship as a result of the recent flooding emergencies and need assistance with your outstanding fines or changes to your current payment arrangements, please contact OSR on 1300 655 805.

Incentives for companies to nominate drivers for fines

Companies must nominate the person responsible for camera detected offences (such as speeding fines). The company penalty notice amount is five times higher than the individual amount. When a company names the driver, the penalty notice sent to the driver will reduce to the individual amount.

If you fail to nominate, you could also receive a further penalty notice of over \$1,300 for 'Fail to nominate within timeframe specified'. Repeated failure to nominate can lead to higher fines and more serious action.

Naming the responsible person is easy. You can register for Company eNominations to enable your authorised representative to view your list of penalty notices online and advise who was driving your company's vehicles.

Register [here](#).

Corporate reconstructions and consolidations

The Duties Act 1997 provides for an exemption or concession on certain dutiable transactions between members of a group of corporations. The purpose of this exemption or concession is to provide relief from duty when property is transferred within a corporate group, in approved circumstances, where there is no change in the ultimate beneficial ownership of that property.

An application for an exemption from duty for a corporate reconstruction transaction or a corporate consolidation transaction is to be made to the Chief Commissioner:

- (a) in the approved form
- (b) before the date of the transaction or no later than 5 years after the date of assessment of the transaction.

See the [Duties Act 1997](#) for more information.

Land tax – Taxation of trusts

Where a property is held in trust, an assessment should be issued to the trustee in their capacity as trustee for the trust. It is the obligation of taxpayers to advise the Office of State Revenue if a property is held on trust as this may affect their land tax liability.

A trust is not entitled to the tax-free threshold if it is a special trust. A special trust is a trust where the trustee is the only person who meets the definition of 'owner' for land tax purposes and includes most family trusts.

Read more [here](#).



Case summaries

Land Tax

Theophilus v Chief Commissioner of State Revenue [2016] NSWCATAP 111 (23 May 2016)

The taxpayer sought a review of the Chief Commissioner's decision to deny the principal place of residence exemption under schedule 1A of the Land Tax Management Act 1956 on land intended to be the owner's principal place of residence in Randwick for the 2014 tax year.

The Chief Commissioner denied the concession for the Randwick property as the taxpayer was already entitled to claim the principal place of residence exemption for their actual occupation of a property in Panania. The Appeal Panel dismissed the appeal, and confirmed the assessment.

Read the [decision](#).

Upcoming Customer Education Activities

Webinars

Payroll tax

- Lodgement and Overview for New Clients - 4 October
- Payroll tax for tax agents & professionals - The common errors - 28 October
- Jobs Action Plan Rebate - 2 November

Land tax

- Land tax overview - 5 October
- The principal place of residence exemption - 12 October
- Trusts - 19 October
- Primary production and other exemptions - 26 October

Small Business Grant

- Information session - 6 October

Seminars

Payroll Tax for New Clients

- Newcastle - 26 October
- Parramatta - 27 October
- Sydney - 9 November

Foreign Surcharge (Duties & Land Tax) Information Sessions

- Sydney - 2 November
- Bondi Junction - 9 November
- North Sydney - 14 November
- Wollongong - 15 November
- Newcastle - 17 November
- Parramatta - 21 November
- Queanbeyan - 22 November
- Wagga Wagga - 23 November
- Dubbo - 29 November
- Orange - 30 November
- Campbelltown - 1 December

Fun facts about October

- **October** comes from the Latin word 'octo' which means eight. In ancient Rome, October was the eighth month of the year.



- The **United Nations** was founded on **24 October 1945**.

- **Labour Day** in Australia commemorates the granting of the 8 hour working day. It is a public holiday which is celebrated on the **first Monday in October** in NSW, ACT and Qld and March and May in other states.



- **Halloween** or 'All Hallow's Eve', an ancient celebration combining the Christian festival of all Saints with Pagan autumn festivals celebrated **31 October**.



- **Christopher Columbus** landed in America on **12 October 1492**.

