

AUSTRALIAN CAPITAL TERRITORY
TAXATION (ADMINISTRATION) ACT 1987
DETERMINATION
NO.80 OF 1990

Under section 99 of the Taxation (Administration) Act 1987 I REVOKE the determination dated 26 September 1989 and published in the Australian Capital Territory Gazette No. S27, Wednesday 4 October 1989;

And I DETERMINE that notwithstanding the determination dated 21 September 1987 and published in the Commonwealth Gazette on that day, Gazette No. S244, the determined amount of stamp duty that is payable by a first home owner for the purposes of

- (a) section 17(a) of the Stamp Duties and Taxes Act 1987 for a transfer, or an agreement for a transfer, of an estate in fee simple; and
- (b) section 17(b) of the Stamp Duties and Taxes Act 1987 for a Crown lease, a transfer or an agreement for a transfer of a Crown lease

where the value of the interest in land granted transferred or agreed to be transferred does not exceed \$97,000.00 shall be nil; and where that value exceeds \$97,000.00 but does not exceed \$117,000.00 shall be \$13.05 for each \$100.00 or part thereof by which the value exceeds \$97,000.00.

In this determination "first home owner" means a person who:

- (a) (1) provides the Commissioner for Australian Capital Territory Revenue with a copy of advice from the Commonwealth Department of Community Services and Health to the person that the person has received, or is eligible to receive, assistance from the Commonwealth under the First Home Ownership Act of 1983 of the Commonwealth; or

(2) provides the Commissioner for the Australian Capital Territory Revenue advice from the Commissioner for Housing to the person that the person's taxable income is for a period of time specified by the Commissioner less than 110 percent of the Australian Capital Territory average weekly ordinary time earnings as published quarterly by the Australian Bureau of Statistics;
- (b) intends to reside on the land; and
- (c) has never, either alone or jointly with another person or persons, held a legal or equitable interest in land on which a dwelling stood.

Where a person who is the grantee, intending transferee or transferee of an interest in land jointly with another person or persons and that other person, or any one of persons, is not a first home owner then the first mentioned person is not a first home owner.

This determination applies to:

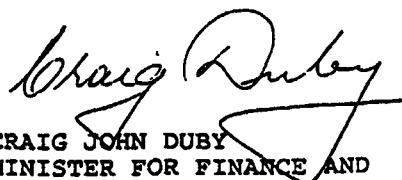
- (a) a grant where the right to the grant arose on or after 22 August 1990;
- (b) a transfer, or if the transfer is preceded by an agreement to transfer - that agreement, executed or entered into on or after 22 August 1990; and
- (c) an agreement for a transfer entered into on or after 22 August 1990;

And it does not:

- (a) affect the rights of a person (other than the Territory or a Territory authority) existing at the date of notification in a manner prejudicial to that person; or
- (b) impose liabilities on a person (other than the Territory or a Territory authority) in respect of any act or omission before the date of notification.

DATE

14th December, 1990.


CRAIG JOHN DUBY
MINISTER FOR FINANCE AND
URBAN SERVICES