



REVENUE RULING

DA 2.0

DUTIES

ADVICE ON PROPOSED TRANSACTIONS

RULING HISTORY

Revenue Ruling	Issued	Effective Dates	
		From	To
DA 2.0	July 2008	July 2008	28 July 2015

This revenue ruling only applies to transactions entered into on or after 1 July 2008. Revenue Ruling SD 8.2 applies to instruments executed and transactions entered into on or before 30 June 2008.

INTRODUCTION

1. The Office of State Revenue (“OSR”) is occasionally requested to provide advice about the duty liability of proposed transactions. In many cases, it is apparent that the enquiries are concerned with attempts to avoid or minimise duty.
2. The OSR’s principal function in relation to duties is to ensure that the correct amount of duty is paid and dutiable transactions are endorsed as required.
3. OSR’s role does not include the provision of advice to individuals to enable them to arrange their affairs in such a way as to use the provisions of the *Duties Act 2008* (“Duties Act”) to their best advantage.
4. An exception to this exists under section 261 of the Duties Act. This section allows for a party to a proposed transaction that may be a relevant reconstruction or consolidation transaction when carried out, to request the Commissioner of State Revenue to determine the exempt status of the transaction prior to it being carried out. It also allows a party to a proposed transaction to request the Commissioner of State Revenue to determine whether that transaction would, if carried out, result in the revocation of an exemption granted for a relevant reconstruction or consolidation transaction.
5. Further, section 269 of the Duties Act allows a person that is proposing to enter into or carry out a scheme to request the Commissioner of State Revenue to determine whether the general anti-avoidance provision would be applied to the scheme under section 270 of the Duties Act if it

were carried out.

6. This revenue ruling outlines the circumstances where the Commissioner will provide advice on the duty implications of a proposed transaction.

RULING

7. Requests for predeterminations under the exemption for connected entities provisions (Chapter 6 of the Duties Act) will be dealt with in accordance with section 261 of the Duties Act.
8. Requests for predeterminations in relation to the application of the general anti-avoidance provision (Chapter 7 of the Duties Act) will be dealt with in accordance with section 269 of the Duties Act.
9. As a general rule, advice on all other matters will not be given about the duty implications of a proposed transaction, unless the transaction is of a kind for which the duty position is well established and generally well known.
10. This revenue ruling deals with matters of administration and has no legislative standing.