



REVENUE RULING

DA 2.1

DUTIES ADVICE ON PROPOSED TRANSACTIONS

This revenue ruling only applies to transactions entered into on or after 1 July 2008. Revenue Ruling SD 8 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 concern 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 assessed and dutiable transactions are endorsed as required. The OSR's role does not include providing 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.
3. Section 261 of the Duties Act provides that a person proposing to enter into a transaction may request the Commissioner of State Revenue ('Commissioner') to decide whether, if the transaction were entered into, it would be an exempt relevant reconstruction or consolidation transaction. It also provides for a person proposing to enter into a transaction to request the Commissioner to decide whether, if the transaction were entered into, the Commissioner would revoke the exemption granted for a relevant reconstruction or consolidation transaction.
4. Under section 269 of the Duties Act, a person that is proposing to enter into or carry out a tax avoidance scheme may request the Commissioner to decide whether the general anti-avoidance provision would be applied to the scheme under section 270 of the Duties Act if it were carried out.
5. This revenue ruling outlines the circumstances where the Commissioner will provide advice on the duty implications of a proposed transaction. This revenue ruling deals with matters of administration and has no legislative standing.

RULING

6. Requests for predeterminations under the exemption for connected entities provisions (Chapter 6 of the Duties Act) will be considered in accordance with section 261 of the Duties Act.
7. Requests for predeterminations in relation to the application of the general anti-avoidance provision (Chapter 7 of the Duties Act) will be considered in accordance with section 269 of the Duties Act.
8. As a general rule, advice regarding the duty implications of other proposed transactions will not be provided unless the transaction is of a kind for which the duty position is well established and generally well known.

RULING HISTORY

Revenue Ruling	Issued	Date of Effect	
		From	To
DA 2.0	July 2008	July 2008	28 July 2015
DA 2.1	29 July 2015	29 July 2015	Current