

# Duties Amendment Regulation 2025

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, the Honourable David Janetzki MP, Treasurer, Minister for Energy and Minister for Home Ownership provide this human rights certificate with respect to the *Duties Amendment Regulation 2025* made under the *Duties Act 2001*.

In my opinion, the *Duties Amendment Regulation 2025*, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

## Overview of the Subordinate Legislation

The objective of the *Duties Amendment Regulation 2025* is to amend the *Duties Regulation 2023* to:

- prescribe the New York Stock Exchange (NYSE) as a recognised stock exchange from 21 February 2014 for the purposes of determining transfer duty and landholder duty consequences under the *Duties Act 2001* of certain transactions involving entities listed on a recognised stock exchange; and
- update the list of prescribed concessions for electronic conveyancing from 1 May 2025 to reflect the changes made to the transfer duty home concession framework in the *Duties Act 2001* from that date.

### Recognised stock exchanges

Under the *Duties Act 2001*, relief from transfer duty and a concessional rate of landholder duty is available for certain transactions in entities listed on a recognised stock exchange.

For the purposes of the *Duties Act 2001*, a ‘recognised stock exchange’ is defined to mean the Australian Securities Exchange or another stock exchange prescribed under a regulation.

The following stock exchanges are currently prescribed in the *Duties Regulation 2023* as recognised stock exchanges:

- the Sydney Stock Exchange Limited;
- the National Stock Exchange of Australia Limited;
- the New Zealand Exchange Limited;
- the London Stock Exchange plc;
- Euronext N.V.;
- a stock exchange that is a member of the World Federation of Exchanges (WFE).

The NYSE was formerly a member of the WFE, however ceased its membership on 21 February 2014. Consequently, the NYSE ceased to be a recognised stock exchange from that date. As consequence of ceasing its WFE membership, from 21 February 2014, the transfer duty relief and concessional rate of landholder duty referred to above stopped applying to transactions involving entities listed on the NYSE.

The *Duties Regulation 2023* will be amended to prescribe the NYSE as a recognised stock exchange with retrospective effect from 21 February 2014, being the date it ceased to be a recognised stock exchange as a member of the WFE. This will ensure continuity of the NYSE's recognised stock exchange status and afford concessional duty treatment for certain transactions involving entities listed on the NYSE from that date.

#### Transfer duty concession for electronic conveyancing

The *Duties Act 2001* contains a framework to support certain dutiable transactions which are subject to transfer duty to be self-assessed for duty and electronically settled in an Electronic Lodgement Network.

Where a dutiable transaction is eligible for a concession, exemption or other reduction in transfer duty, it can only be lodged electronically if the relevant concession is prescribed in Schedule 2, Part 1 of the *Duties Regulation 2023*.

The existing transfer duty home concessions in sections 91 and 92 of the *Duties Act 2001* are currently prescribed concessions in Schedule 2, Part 1 of the *Duties Regulation 2023*.

The *Revenue Legislation Amendment Act 2025* amended the *Duties Act 2001* with effect from 1 May 2025 so that, for certain dutiable transactions that involve first home owners purchasing residential land that contains a new home or vacant land on which they will build a home, full transfer duty relief will be available in respect of the first home owners' interests and to the extent they use the new home as their home.

The *Duties Regulation 2023* will be amended to include new sections 92A and 92B of the *Duties Act 2001*, as inserted by the *Revenue Legislation Amendment Act 2025*, in the list of prescribed concessions in Schedule 2, Part 1. This will ensure transactions involving such concessions can be lodged electronically, following commencement of the *Revenue Legislation Amendment Act 2025*.

## **Human Rights Issues**

### **Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)**

No human rights have been identified as being engaged or limited by the *Duties Amendment Regulation 2025*.

The amendment to the *Duties Regulation 2023* relating to prescribing the NYSE as a recognised stock exchange with retrospective effect from 21 February 2014 will ensure that transactions involving entities listed on the NYSE remain eligible for the concessional duty treatment that was available when it was a member of the WFE, which will be beneficial for taxpayers.

The amendment to the *Duties Regulation 2023* relating to transfer duty concessions for electronic conveyancing is as a consequence of the changes to the transfer duty home concession framework made by the *Revenue Legislation Amendment Act 2025* from 1 May 2025. The amendment is mechanical in nature, in that it relates to the process for lodging transactions involving a transfer duty first home concession for a new home or vacant land on which to build a home, following commencement of the amendments in the *Revenue*

*Legislation Amendment Act 2025*. However, it will not impose any additional obligations on purchasers, nor change the current duty relief available or how the transfer duty home concession framework operates and duty is calculated.

**Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)**

No human rights have been identified as being limited by the *Duties Amendment Regulation 2025*.

**Conclusion**

I consider that the *Duties Amendment Regulation 2025* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

**DAVID JANETZKIMP**  
TREASURER  
MINISTER FOR ENERGY AND MINISTER FOR HOME OWNERSHIP

© The State of Queensland 2025