

# **Land Tax (Further Amendment) Bill**

**No.**

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# LEGISLATIVE ASSEMBLY

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Read 1° 6 October 1993

*(Brought in by Mr Stockdale and Mr McGrath (Wimmera))*

## A BILL

to amend the **Land Tax Act 1958** and for other purposes.

### **Land Tax (Further Amendment) Act 1993**

**The Parliament of Victoria enacts as follows:**

#### ***1. Purposes***

The main purposes of this Act are to amend the scale of land tax rates and alter certain exemptions.

#### ***2. Commencement***

(1) Section 1, this section and sections 3 and 9 come into operation on the day on which this Act receives the Royal Assent.

(2) Section 5 is deemed to have come into operation on 1 January 1993.

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Section headings appear in bold italics and are not part of the Act.  
(See **Interpretation of Legislation Act 1984**.)

- (3) The remaining provisions of this Act come into operation on 1 January 1994.

No. 6289.  
Reprinted to  
No. 76/1992  
and  
subsequently  
amended by  
No. 30/1993.

3. *Principal Act*

In this Act, the **Land Tax Act 1958** is called the Principal Act.

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4. *Exemptions*

- (1) In section 3 (1) of the **Principal Act**, in paragraph (b) of the definition of “public statutory authority”, after “1983” **insert** “, other than the Rural Water Corporation or an Authority within the meaning of the **Water Act 1989** that is prescribed as a public authority for the purposes of that Act”.
- (2) In section 9 (1) (f) of the **Principal Act**, **omit** “or trade union”.
- (3) In section 9 (1AB) of the **Principal Act**, after “authority” **insert** “or land vested in or held in trust for, or for the purposes of, or for purposes which include the purposes of, a trade union, trades hall or council of trade unions”.
- (4) In section 9 (1AD) of the **Principal Act**, after “1983” **insert** “, other than the Rural Water Corporation or an Authority within the meaning of the **Water Act 1989** that is prescribed as a public authority for the purposes of that Act”.

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5. *Exemption of Rural Water Corporation*

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For the purposes of sections 8 (2A) and 9 (1AD) of the **Principal Act**, the Rural Water Corporation is deemed never to have been a public statutory authority or a public authority within the meaning of the **Public Authorities (Dividends) Act 1983**.

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6. *Clubs*

After section 13 (1B) of the **Principal Act** **insert**—

5       ‘(1c) If land or a portion of land is owned or solely  
occupied by a club as at 31 December 1993, the  
duty of land tax for 1994 assessed in accordance  
with this section must not exceed 0.357 cents for  
every dollar of—

      (a) the unimproved value of that land or portion  
for the purposes of determining land tax for  
1994 (“the paragraph (a) amount”); or

10       (b) if the paragraph (a) amount differs by more  
than 20 per centum from the unimproved  
value of that land or portion for the purposes  
of determining land tax for 1993 (“the  
paragraph (b) amount”)—

15           (i) where the paragraph (a) amount is less  
than the paragraph (b) amount, 80 per  
centum of the paragraph (b) amount; or

          (ii) where the paragraph (a) amount is more  
than the paragraph (b) amount, 120 per  
centum of the paragraph (b) amount.’.

20       **7. New section 50A inserted**

After section 50 of the Principal Act insert—

**“50A. Sale of principal residence**

          (1) If—

25           (a) the person, or at least one of the  
persons who is, or is deemed by this  
Act to be, the owner or owners of  
land as at 31 December in any year  
is a natural person and the land is, or  
30           has been at any time during the  
period of 12 months preceding that  
date, the principal residence of that  
person; and

          (b) during that period, the person  
became the owner, or one of the  
owners, of other land which is, or, in  
35           the opinion of the Commissioner, is

likely within the 12 months following that date to be, the principal residence of the person—

the Commissioner must exempt the land referred to in paragraph (a) from land tax for the year beginning on the next 1 January. 5

(2) If—

(a) a person is the owner, or one of the owners, of land that is exempt under sub-section (1) in respect of a year; and 10

(b) at the end of that year the owner or owners of that land is, or include, that person— 15

the exemption is revoked.

(3) If—

(a) land is exempt under sub-section (1) in respect of a year; and

(b) a person who was the owner, or one of the owners of that land as at 31 December immediately preceding that year is the owner, or one of the owners of that land as at 31 December in that or a subsequent year— 20 25

the Commissioner must not exempt that land under this section in respect of that year or other year.”.

**8. New scale of rates** 30

(1) In clause 1 of the Second Schedule to the Principal Act, after “as assessed under this Act” insert “for a year before 1994”.

(2) In the Second Schedule to the Principal Act, after Table A insert— 35

‘1A. Subject to clause 1B, if the total unimproved value of land or lands of an owner as assessed under this Act for a year after 1993 is not less than the amount shown in column 1 of an item in Table B and, if an amount is shown in column 2 of that item, less than the amount shown in column 2 of that item, the duty of land tax payable on the land or lands is the amount determined in accordance with column 3 of that item.

TABLE B

Item	Column 1	Column 2	Column 3
	\$	\$	
1.	0	200 000	Nil
2.	200 000	540 000	\$60 and 0·2 cents for each \$1 of the value that exceeds \$200 000.
3.	540 000	2 700 000	\$740 and 3 cents for each \$1 of the value that exceeds \$540 000.
4.	2 700 000		\$65 540 and 5 cents for each \$1 of the value that exceeds \$2 700 000.

1B. (1) The duty of land tax for the year 1994 payable on the land or lands of an owner is—

(a) the amount determined in accordance with clause 1A; or

(b) if that amount differs by more than 20 per centum from the amount that would have been payable in accordance with clause 1 for the year 1993 if the total unimproved value of the land or lands of the owner as at 31 December 1993 had been assessed under this Act for the purposes of land tax for 1993 (in this Schedule called “the clause 1 amount”)—

(i) where the amount determined in accordance with clause 1A is less than the clause 1

amount—80 per centum of the  
clause 1 amount; or

- (ii) where the amount determined  
in accordance with clause 1A is  
more than the clause 1 amount—120 per centum of  
the clause 1 amount. 5

(2) For the purposes of sub-clause (1)—

- (a) if land of an owner as at 31  
December 1993 is or includes land  
that, during 1993, was subdivided  
or consolidated or became, or  
ceased to be, separately rateable  
land for the purposes of the  
**Valuation of Land Act 1960**, the  
unimproved value of that land for  
the purposes of determining the  
clause 1 amount is the amount  
determined in accordance with  
clause 1A; 10 15 20
- (b) if the clause 1 amount is zero, the  
duty of land tax is the amount  
determined in accordance with  
clause 1A;
- (c) if the amount determined in  
accordance with clause 1A is zero,  
no duty of land tax is payable.’. 25

## 9. *Land tax for 1993*

Land tax for 1993 shall be assessed, charged and levied  
in accordance with the provisions of the Principal Act  
as in force before the commencement of this section. 30