

1975

VICTORIA.



ANNO VICESIMO QUARTO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 8770.

An Act to amend the *Land Tax Act 1958*, to declare the Rates of Land Tax for the Year ending on the 31st December, 1976 and for other purposes.

[25th November, 1975.]

**BE** it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. (1) This Act may be cited as the *Land Tax Act 1975*.

(2) In this Act the *Land Tax Act 1958* is called the Principal Act.

(3) Section 2 shall come into operation on the 1st day of January, 1976 and the other provisions of this Act shall come into operation on the day or the respective days to be fixed by proclamation or successive proclamations of the Governor in Council published in the *Government Gazette*.

Short title.

Principal Act  
No. 6289.Reprinted to  
No. 7466.Subsequently  
amended by  
Nos. 7698, 7773,  
7876, 8044, 8055,  
8274, 8527, 8538.Commence-  
ment.

2. (1) Subject

Rate of land  
tax for 1976.

2. (1) Subject to the Principal Act there shall in the case of each owner of land be charged levied and collected by the Commissioner and paid for the use of Her Majesty in aid of the Consolidated Revenue for the year commencing on the 1st day of January, 1976, and ending on the 31st day of December, 1976, a duty of land tax upon the land as provided in the following Table :

Provided that the minimum amount of tax payable for the said year by any taxpayer assessed under the Principal Act shall be \$1.00.

TABLE.

Where the Amount of the Taxable Value of Land or Lands as Assessed under the <i>Land Tax Act 1958</i> :—	The Duty or Land Tax shall be :—
Does not exceed \$17,500 .. .. .	0.42 cents for each \$1 of the taxable value
Exceeds \$17,500 but does not exceed \$20,000	\$73.50 plus 0.62 cents for each \$1 of the taxable value in excess of \$17,500
Exceeds \$20,000 but does not exceed \$25,000	\$89.00 plus 0.83 cents for each \$1 of the taxable value in excess of \$20,000
Exceeds \$25,000 but does not exceed \$30,000	\$130.50 plus 1.05 cents for each \$1 of the taxable value in excess of \$25,000
Exceeds \$30,000 but does not exceed \$40,000	\$183.00 plus 1.10 cents for each \$1 of the taxable value in excess of \$30,000
Exceeds \$40,000 but does not exceed \$50,000	\$293.00 plus 1.14 cents for each \$1 of the taxable value in excess of \$40,000
Exceeds \$50,000 but does not exceed \$60,000	\$407.00 plus 1.38 cents for each \$1 of the taxable value in excess of \$50,000
Exceeds \$60,000 but does not exceed \$70,000	\$545.00 plus 1.60 cents for each \$1 of the taxable value in excess of \$60,000
Exceeds \$70,000 but does not exceed \$80,000	\$705.00 plus 1.72 cents for each \$1 of the taxable value in excess of \$70,000
Exceeds \$80,000 but does not exceed \$90,000	\$877.00 plus 1.83 cents for each \$1 of the taxable value in excess of \$80,000
Exceeds \$90,000 but does not exceed \$100,000	\$1,060.00 plus 2.06 cents for each \$1 of the taxable value in excess of \$90,000
Exceeds \$100,000 but does not exceed \$110,000	\$1,266.00 plus 2.18 cents for each \$1 of the taxable value in excess of \$100,000
Exceeds \$110,000 but does not exceed \$120,000	\$1,484.00 plus 2.29 cents for each \$1 of the taxable value in excess of \$110,000
Exceeds \$120,000 but does not exceed \$130,000	\$1,713.00 plus 2.52 cents for each \$1 of the taxable value in excess of \$120,000
Exceeds \$130,000 but does not exceed \$140,000	\$1,965.00 plus 2.75 cents for each \$1 of the taxable value in excess of \$130,000
Exceeds \$140,000 but does not exceed \$150,000	\$2,240.00 plus 2.86 cents for each \$1 of the taxable value in excess of \$140,000
Exceeds \$150,000 but does not exceed \$160,000	\$2,526.00 plus 2.98 cents for each \$1 of the taxable value in excess of \$150,000
Exceeds \$160,000 but does not exceed \$170,000	\$2,824.00 plus 3.09 cents for each \$1 of the taxable value in excess of \$160,000
Exceeds \$170,000 but does not exceed \$180,000	\$3,133.00 plus 3.21 cents for each \$1 of the taxable value in excess of \$170,000
Exceeds \$180,000 but does not exceed \$200,000	\$3,454.00 plus 3.34 cents for each \$1 of the taxable value in excess of \$180,000
Exceeds \$200,000 but does not exceed \$400,000	\$4,122.00 plus 3.47 cents for each \$1 of the taxable value in excess of \$200,000
Exceeds \$400,000 but does not exceed \$600,000	\$11,062.00 plus 3.60 cents for each \$1 of the taxable value in excess of \$400,000
Exceeds \$600,000 but does not exceed \$800,000	\$18,262.00 plus 3.73 cents for each \$1 of the taxable value in excess of \$600,000
Exceeds \$800,000 but does not exceed \$1,000,000	\$25,722.00 plus 3.86 cents for each \$1 of the taxable value in excess of \$800,000
Exceeds \$1,000,000 .. .. .	\$33,442.00 plus 4.00 cents for each \$1 of the taxable value in excess of \$1,000,000

Where

Where the owner of land not being land used for industrial purposes is an absentee the duty of land tax provided in the foregoing provisions of this Table shall be increased by twenty per centum and for purposes of this Table—

“Absentee” means—

“Absentee.”

- (a) a natural person who does not reside in Australia and includes a person who has been absent from Australia for at least twelve months immediately prior to the time when the ownership of his land for the purposes of the Principal Act is determined unless he satisfies the Commissioner that he resides in Australia, but does not include a public officer of the Commonwealth or the State who is absent in the performance of his duties ;
- (b) in the case of a corporation—
- (i) a corporation incorporated or formed outside Australia ;
  - (ii) a corporation which resides outside Australia whether or not that corporation also resides in Australia ;
  - (iii) a corporation which would for the purposes of the *Companies Act* 1961 be a subsidiary of a corporation referred to in sub-paragraph (i) or sub-paragraph (ii) ; or
  - (iv) a corporation in which shares representing more than one-half of the issued ordinary share capital (within the meaning of section 44 of the Principal Act) are held by or held on behalf of or deemed to be held by persons or corporations referred to in paragraph (a) or in sub-paragraphs (i), (ii) or (iii).

Where shares representing issued ordinary share capital (within the meaning of section 44 of the Principal Act) in a corporation are held by or on behalf of an absentee and shares representing issued ordinary share capital are held by that corporation in another corporation the absentee shall be deemed to hold shares representing issued ordinary share capital in that other corporation (in addition to any other such shares he has in that other corporation) of an amount that bears to the amount of the capital represented by the issued ordinary shares held by the first mentioned corporation in that other corporation the same proportion as the amount of the capital represented by the issued ordinary shares of the absentee in the first mentioned corporation bears to the total issued ordinary share capital of the first mentioned corporation.

In ascertaining for the purposes of the preceding sub-paragraph the amount of the issued ordinary share capital represented by shares held by a corporation in another corporation there shall be taken into account any shares which that first mentioned corporation is deemed to hold in that other corporation by any other application of that sub-paragraph.

If three-fifths or more of the entire beneficial interest in any land is owned by absentees that land shall be deemed to be wholly owned by absentees.

(2) This section shall be read and construed as one with the *Land Tax Act* 1958.

3. (1) For sub-section (2) of section 3 of the Principal Act there shall be substituted the following sub-section :—

Amendment of  
No 6289 s. 3.

“(2) For the purposes of this Act the unimproved value of land shall be an amount equal to the amount of the site value of that land calculated in accordance with Part XI. of the *Local Government Act* 1958.”

(2) Notwithstanding sub-section (1) of this section and the Order of the Governor in Council of the 7th day of May, 1974 made under section 315A of the *Local Government Act* 1958—

- (a) the interpretations of “improvements” and of “unimproved capital value” in section 254 of the *Local Government Act* 1958 shall continue to have force and effect ;

(b) any

- (b) any reference to unimproved capital value in that Act shall continue to be read and construed as a reference to unimproved capital value ; and
- (c) sub-section (2) of section 3 of the Principal Act as in force immediately prior to the commencement of this section shall be deemed to continue in force—

for the purpose of making valuations in respect of assessments of land tax under the Principal Act for any year prior to the year commencing on the 1st January, 1976.

Amendment of  
No. 6289 s. 9.

4. (1) For paragraph (h) of sub-section (1) of section 9 of the Principal Act there shall be substituted the following paragraphs :—

- “(ga) land outside the metropolitan area (within the meaning of the *Town and Country Planning Act 1961*) which is land used for primary production ;
- (h) land comprising one parcel which is wholly or partly within the metropolitan area (within the meaning of the *Town and Country Planning Act 1961*) none of which is within an urban zone and which is land used for primary production ;”.

(2) After sub-section (1c) of section 9 of the Principal Act there shall be inserted the following sub-section :—

“(1D) Where a portion of any land outside the metropolitan area is used for primary production that portion shall be exempt from land tax notwithstanding that a business other than the business of primary production is carried on on any other portion of the land.”

(3) This section shall be deemed to have come into operation on the 31st day of December, 1973.