This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

> R. E. WARD, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 20 November, 1975, A.M.





ANNO VICESIMO QUARTO ELIZABETHÆ II REGINÆ

Act No. , 1975.

An Act to amend the Land Tax Act, 1956, to authorise certain rebates of land tax.

BE

522-2278

B^E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Land Tax (Amendment) short title. Act, 1975".

2. (1) This section and section 1 commence on the date Commenceof assent to this Act.

(2) Section 3. commences on 31st December, 1975.

3. The Land Tax Act, 1956, is amended as specified in Amendment of Act No. 27, 1956.

SCHEDULE.

Sec. 3.

Amendments of the Land Tax Act, 1956

15 (1) Section 3 (2)-

10

Omit "one dollar", insert instead "ten dollars".

(2)

(2) Sections 3B, 3c-

After section 3A, insert :---

3B. Where the Commissioner is satisfied-

Deduction where only building.

3

- (a) that a particular residential unit is the only one residential unit in the building of which it residential forms part;
- (b) that at least one other flat in that building is used and occupied for residential purposes, and for no other purpose, by a person other than a joint owner, or a shareholder, referred to in paragraph (b) of the definition of "Residential unit" in section 3 (1) of the Principal Act; and
- (c) that there is such a joint owner or shareholder who, if the flat were vacant, would be entitled to occupy it by virtue of being such a joint owner or shareholder,

section 3A (subsection 3 (a) excepted) applies in respect of the residential unit referred to in paragraph (a).

3c. (1) In this section—

Deduction in respect of certain flats.

"flat" does not include a residential unit;

"prescribed proportion" means, in relation to a flat-

- (a) the proportion specified in respect of that flat in an application made under subsection (3); or
- (b) where the Commissioner is not satisfied that the proportion referred to in paragraph (a) is a fair and

reasonable

25

30

10

5

15

reasonable proportion for that flat —the proportion that the floor area of the flat bears to the total floor area (including the floor area of the flat) of all the buildings on the parcel of land on which the flat is situated.

(2) Subject to this section, but notwithstanding any other provisions of this Act or the provisions of any other Act, the amount of land tax payable in respect of the year commencing on 1st January, 1976, or any succeeding year, in respect of land on which is situated a flat or a building of which a flat forms part is the amount that, but for this section, would be payable under section 3, less an amount that bears the prescribed proportion for the flat to the amount that, but for this section, would be the tax payable in respect of that land.

(3) A reduction under subsection (2) does not apply in respect of a flat—

(a) unless the flat is used and occupied by the owner of the land as his principal place of residence in accordance with section 3 (3) of the Principal Act and for no other purpose;

(b) unless the occupier of the flat is the owner, or one of the owners, of the land on which is situated the flat or, as the case may be, the building of which the flat forms part;

(c) unless all the owners of that land apply, in a form approved by the Commissioner, for a reduction under this section specifying the proportion that, in their opinion, is a fair

and

5

15

10

25

20

30

and reasonable proportion of the unimproved value of the land to be attributed to that flat;

(d) unless the area of the parcel of land on which is erected the flat or, as the case may be, the building of which the flat forms part is not more than 2,100 square metres; or

(e) if the owner of that land is—

(i) a company; or

10

5

(ii) a company jointly with another person or other persons,

not being a trustee company acting in its representative capacity.

15

20

25

(4) Notwithstanding any other provisions of this Act or the provisions of any other Act, where a reduction of land tax in respect of a flat is not authorised by subsection (2) by reason only that the area of the parcel of land on which is erected the flat or, as the case may be, the building of which the flat forms part exceeds 2,100 square metres the amount of land tax payable in respect of the year commencing on 1st January, 1976, or any succeeding year is the amount that, but for this subsection, would be payable under section 3 less an amount equal to the prescribed proportion for the flat of an amount that bears to the land tax that, but for this subsection, would be payable in respect of that land the same proportion as 2,100 square metres bears to the area of the land.

(5)

(5) For the purposes of subsection (3) (a), a flat does not cease to be used and occupied by a person as his principal place of residence, and for no other purpose, by reason of the occupation under lease or license for residential purposes of not more than one room in the flat.

(3) Section 5-

After section 4, insert :---

- 5. (1) This section applies to—
- 10

5

- (a) the State Superannuation Board;
- (b) the Local Government Superannuation Board;
- (c) the Transport Retirement Board;
- (d) the New South Wales Retirement Board;
- (e) the Sydney Cove Redevelopment Authority;
- (f) the Albury-Wodonga (New South Wales) Corporation;
- (g) a corporation constituted under section 4 of the Growth Centres (Development Corporations) Act, 1974;
- (h) The Housing Commission of New South Wales;
- (i) the New South Wales Planning and Environment Commission;

25

(j) the Builders Licensing Board; and

Land tax liability of certain corporations. 6

IU

20

(k) any public corporation declared by the Governor by order published in the Gazette to be a corporation to which this section applies.

(2) Notwithstanding any other provisions of this Act or the provisions of any other Act, the amount of land tax payable by a corporation to which this section applies is the total of the amounts of land tax that would be payable by the corporation if those amounts were—

- (a) calculated separately in respect of each parcel of land that is not exempt from taxation; and
- (b) so calculated in the case of each such parcel as if it were the only land owned by the corporation.

- BY AUTHORITY
- D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES-1975 [8c]

10

5

15



No. , 1975.

A BILL

To amend the Land Tax Act, 1956, to authorise certain rebates of land tax.

[MR COLEMAN—18 November, 1975.]

BE

2278 522-

B^E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Land Tax (Amendment) short title. Act, 1975".

2. (1) This section and section 1 commence on the date Commenceof assent to this Act.

10

(2) Section 3 commences on 31st December, 1975.

3. The Land Tax Act, 1956, is amended as specified in Amendment of Act No. 27, 1956.

SCHEDULE.

Sec. 3.

(2)

AMENDMENTS OF THE LAND TAX ACT, 1956

15 (1) Section 3 (2)-

Omit "one dollar", insert instead "ten dollars".

2

t

(2) Sections 3B, 3C-

After section 3A, insert :---

3B. Where the Commissioner is satisfied—

Deduction where only

- (a) that a particular residential unit is the only one residential unit in the building of which it residential forms part;
- (b) that at least one other flat in that building is used and occupied for residential purposes, and for no other purpose, by a person other than a joint owner, or a shareholder, referred to in paragraph (b) of the definition of "Residential unit" in section 3 (1) of the Principal Act; and
- (c) that there is such a joint owner or shareholder who, if the flat were vacant, would be entitled to occupy it by virtue of being such a joint owner or shareholder,

section 3A (subsection 3 (a) excepted) applies in respect of the residential unit referred to in paragraph (a).

3c. (1) In this section—

Deduction in respect of certain flats.

"flat" does not include a residential unit;

"prescribed proportion" means, in relation to a flat—

- (a) the proportion specified in respect of that flat in an application made under subsection (3); or
- (b) where the Commissioner is not satisfied that the proportion referred to in paragraph (a) is a fair and

reasonable

10

5

15

20

25

30

reasonable proportion for that flat -the proportion that the floor area of the flat bears to the total floor area (including the floor area of the flat) of all the buildings on the parcel of land on which the flat is situated.

(2) Subject to this section, but notwithstanding any other provisions of this Act or the provisions of any other Act, the amount of land tax payable in respect of the year commencing on 1st January, 1976, or any succeeding year, in respect of land on which is situated a flat or a building of which a flat forms part is the amount that, but for this section, would be payable under section 3, less an amount that bears the prescribed proportion for the flat to the amount that, but for this section, would be the tax payable in respect of that land.

(3) A reduction under subsection (2) does not apply in respect of a flat-

- (a) unless the flat is used and occupied by the owner of the land as his principal place of residence in accordance with section 3 (3) of the Principal Act and for no other purpose;
- (b) unless the occupier of the flat is the owner, or one of the owners, of the land on which is situated the flat or, as the case may be, the building of which the flat forms part;
- (c) unless all the owners of that land apply, in a form approved by the Commissioner, for a reduction under this section specifying the proportion that, in their opinion, is a fair

and

20

25

30

5

10

15

4

1

and reasonable proportion of the unimproved value of the land to be attributed to that flat;

(d) unless the area of the parcel of land on which is erected the flat or, as the case may be, the building of which the flat forms part is not more than 2,100 square metres; or

(e) if the owner of that land is—

(i) a company; or

10

5

(ii) a company jointly with another person or other persons,

not being a trustee company acting in its representative capacity.

20

25

15

(4) Notwithstanding any other provisions of this Act or the provisions of any other Act, where a reduction of land tax in respect of a flat is not authorised by subsection (2) by reason only that the area of the parcel of land on which is erected the flat or, as the case may be, the building of which the flat forms part exceeds 2,100 square metres the amount of land tax payable in respect of the year commencing on 1st January, 1976, or any succeeding year is the amount that, but for this subsection, would be payable under section 3 less an amount equal to the prescribed proportion for the flat of an amount that bears to the land tax that, but for this subsection, would be payable in respect of that land the same proportion as 2,100 square metres bears to the area of the land.

(5)

(5) For the purposes of subsection (3) (a), a flat does not cease to be used and occupied by a person as his principal place of residence, and for no other purpose, by reason of the occupation under lease or license for residential purposes of not more than one room in the flat.

(3) Section 5-

After section 4, insert :--

- 5. (1) This section applies to—
- (a) the State Superannuation Board;
- Land tax liability of certain corporations.

6

R

- (b) the Local Government Superannuation Board;
- (c) the Transport Retirement Board;
- (d) the New South Wales Retirement Board;
- (e) the Sydney Cove Redevelopment Authority;
- (f) the Albury-Wodonga (New South Wales) Corporation;
- (g) a corporation constituted under section 4 of the Growth Centres (Development Corporations) Act, 1974;
- (h) The Housing Commission of New South Wales;
- (i) the New South Wales Planning and Environment Commission;

25

(2)

(i) the Builders Licensing Board; and

(k)

10

15

20

(k) any public corporation declared by the Governor by order published in the Gazette to be a corporation to which this section applies. 7

(2) Notwithstanding any other provisions of this Act or the provisions of any other Act, the amount of land tax payable by a corporation to which this section applies is the total of the amounts of land tax that would be payable by the corporation if those amounts were—

- (a) calculated separately in respect of each parcel of land that is not exempt from taxation; and
- (b) so calculated in the case of each such parcel as if it were the only land owned by the corporation.

BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES-1975

15

5

10

[8c]

LAKE AND AND AND A

a Land Tay (Amendment).

(k) any public companying dediated by the second participation in the function to be a participation which this section applies.

(2) Provide the matter and other providence of this and or the proof cost of any diangent. A subord of hard the papetic area component or which the section inpress is information or an impact of is diangent of the reaction of the cost of an if those matching work -

(a) calculated segmately in concrete of epcin parcel of hard that is dot on her from estation of and

(b) see the during the case of endroller particles (b) and the case of the cas

PROOF

LAND TAX (AMENDMENT) BILL, 1975

EXPLANATORY NOTE

THE objects of this Bill are-

- (a) to increase from one dollar to ten dollars the amount of land tax below which an assessment is not issued;
- (b) to provide for a rebate of land tax where the owner of land (not being a company) occupies a flat on the land as his principal place of residence but other parts of the building or land are used for non-residential purposes;
- (c) to provide, in certain circumstances, for a rebate of land tax where only one residential unit in a building is occupied, as his principal place of residence by a person who derives his right of occupation from an agreement with other joint owners of the land or from the rights attached to shares in a company;
- (d) to provide that where certain statutory bodies are liable to pay land tax in respect of land owned by them they are to be assessed as if each parcel of that land were in separate ownership.



PROOF

No. , 1975.

A BILL

To amend the Land Tax Act, 1956, to authorise certain rebates of land tax.

[MR COLEMAN—18 November, 1975.]

BE

2278 522-

2

B^E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Land Tax (Amendment) short title. Act, 1975".

2. (1) This section and section 1 commence on the date Commenceof assent to this Act.

10

(2) Section 3 commences on 31st December, 1975.

3. The Land Tax Act, 1956, is amended as specified in Amendment the Schedule. Of Act No. 27, 1956.

SCHEDULE.

Sec. 3.

Amendments of the Land Tax Act, 1956

15 (1) Section 3 (2)—

Omit "one dollar", insert instead "ten dollars".

(2)

.

17"

(2) Sections 3B, 3C-

After section 3A, insert :---

- 3B. Where the Commissioner is satisfied—
- (a) that a particular residential unit is the only one residential unit in the building of which it residential forms part;
- (b) that at least one other flat in that building is used and occupied for residential purposes, and for no other purpose, by a person other than a joint owner, or a shareholder, referred to in paragraph (b) of the definition of "Residential unit" in section 3 (1) of the Principal Act; and
- (c) that there is such a joint owner or shareholder who, if the flat were vacant, would be entitled to occupy it by virtue of being such a joint owner or shareholder,

section 3A (subsection 3 (a) excepted) applies in respect of the residential unit referred to in paragraph (a).

3c. (1) In this section—

Deduction in respect of certain flats.

"prescribed proportion" means, in relation to a flat—

"flat" does not include a residential unit;

- (a) the proportion specified in respect of that flat in an application made under subsection (3); or
- (b) where the Commissioner is not satisfied that the proportion referred to in paragraph (a) is a fair and

reasonable

30

25

5

10

15

20

3

Deduction

reasonable proportion for that flat —the proportion that the floor area of the flat bears to the total floor area (including the floor area of the flat) of all the buildings on the parcel of land on which the flat is situated. 4

7

(2) Subject to this section, but notwithstanding any other provisions of this Act or the provisions of any other Act, the amount of land tax payable in respect of the year commencing on 1st January, 1976, or any succeeding year, in respect of land on which is situated a flat or a building of which a flat forms part is the amount that, but for this section, would be payable under section 3, less an amount that bears the prescribed proportion for the flat to the amount that, but for this section, would be the tax payable in respect of that land.

(3) A reduction under subsection (2) does not apply in respect of a flat—

(a) unless the flat is used and occupied by the owner of the land as his principal place of residence in accordance with section 3 (3) of the Principal Act and for no other purpose;

(b) unless the occupier of the flat is the owner, or one of the owners, of the land on which is situated the flat or, as the case may be, the building of which the flat forms part;

(c) unless all the owners of that land apply, in a form approved by the Commissioner, for a reduction under this section specifying the proportion that, in their opinion, is a fair

and

15

20

10

5

25

and reasonable proportion of the unimproved value of the land to be attributed to that flat;

- (d) unless the area of the parcel of land on which is erected the flat or, as the case may be, the building of which the flat forms part is not more than 2,100 square metres; or
- (e) if the owner of that land is-
 - (i) a company; or

10

5

(ii) a company jointly with another person or other persons,

not being a trustee company acting in its representative capacity.

15

(4) Notwithstanding any other provisions of this Act or the provisions of any other Act, where a reduction of land tax in respect of a flat is not authorised by subsection (2) by reason only that the area of the parcel of land on which is erected the flat or, as the case may be, the building of which the flat forms part exceeds 2,100 square metres the amount of land tax payable in respect of the year commencing on 1st January, 1976, or any succeeding year is the amount that, but for this subsection, would be payable under section 3 less an amount equal to the prescribed proportion for the flat of an amount that bears to the land tax that, but for this subsection, would be payable in respect of that land the same proportion as 2,100 square metres bears to the area of the land.

(5)

20

25

(5) For the purposes of subsection (3) (a), a flat does not cease to be used and occupied by a person as his principal place of residence, and for no other purpose, by reason of the occupation under lease or license for residential purposes of not more than one room in the flat.

(3) Section 5-

After section 4, insert :---

- 5. (1) This section applies to—(a) the State Superannuation Board;
 - (b) the Local Government Superannuation Board;
 - (c) the Transport Retirement Board;
 - (d) the New South Wales Retirement Board;
 - (e) the Sydney Cove Redevelopment Authority;
 - (f) the Albury-Wodonga (New South Wales) Corporation;
 - (g) a corporation constituted under section 4 of the Growth Centres (Development Corporations) Act, 1974;
 - (h) The Housing Commission of New South Wales;
 - (i) the New South Wales Planning and Environment Commission;
- 25
- (j) the Builders Licensing Board; and

Land tax liability of certain corporations. 6

*

7

(k)

10

15

20

(k) any public corporation declared by the Governor by order published in the Gazette to be a corporation to which this section applies.

(2) Notwithstanding any other provisions of this Act or the provisions of any other Act, the amount of land tax payable by a corporation to which this section applies is the total of the amounts of land tax that would be payable by the corporation if those amounts were—

- (a) calculated separately in respect of each parcel of land that is not exempt from taxation; and
- (b) so calculated in the case of each such parcel as if it were the only land owned by the corporation.
- 15

5

10

BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

(memory), (conconner),

(f) any public set of an above definition (i). Since on 25 ender this less in decidential in the processing states of this less in the set of the set of the set of posterior.

(4) is migred a pair, sign is report of order around of head in and examples from the text don; and

(b) whe multiplina the outs of ends their processing to the second se



ANNO VICESIMO QUARTO ELIZABETHÆ II REGINÆ

Act No. 83, 1975.

An Act to amend the Land Tax Act, 1956, to authorise certain rebates of land tax. [Assented to, 10th December, 1975.]

BE

р 4143

Act No. 83, 1975.

Land Tax (Amendment).

B it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Land Tax (Amendment) Act, 1975".

Commence **2.** (1) This section and section 1 commence on the date of assent to this Act.

(2) Section 3 commences on 31st December, 1975.

Amendment **3.** The Land Tax Act, 1956, is amended as specified in of Act No. 27, 1956. the Schedule.

Sec. 3.

SCHEDULE.

Amendments of the Land Tax Act, 1956

(1) Section 3 (2)—

Omit "one dollar", insert instead "ten dollars"

(2) Sections 3B, 3C—

After section 3A, insert :---

3B. Where the Commissioner is satisfied—

Deduction where only building.

- (a) that a particular residential unit is the only one residential unit in the building of which it unit in forms part;
- (b) that at least one other flat in that building is used and occupied for residential purposes, and for no other purpose, by a person other than a joint owner, or a shareholder, referred to in paragraph (b) of the definition of "Residential unit" in section 3 (1) of the Principal Act; and
- (c) that there is such a joint owner or shareholder who, if the flat were vacant, would be entitled to occupy it by virtue of being such a joint owner or shareholder,

section 3A (subsection 3 (a) excepted) applies in respect of the residential unit referred to in paragraph (a).

3c. (1) In this section—

Deduction in respect of certain flats.

"flat" does not include a residential unit;

"prescribed proportion" means, in relation to a flat-

- (a) the proportion specified in respect of that flat in an application made under subsection (3); or
- (b) where the Commissioner is not satisfied that the proportion referred to in paragraph (a) is a fair and

reasonable

reasonable proportion for that flat —the proportion that the floor area of the flat bears to the total floor area (including the floor area of the flat) of all the buildings on the parcel of land on which the flat is situated.

(2) Subject to this section, but notwithstanding any other provisions of this Act or the provisions of any other Act, the amount of land tax payable in respect of the year commencing on 1st January, 1976, or any succeeding year, in respect of land on which is situated a flat or a building of which a flat forms part is the amount that, but for this section, would be payable under section 3, less an amount that bears the prescribed proportion for the flat to the amount that, but for this section, would be the tax payable in respect of that land.

(3) A reduction under subsection (2) does not apply in respect of a flat—

- (a) unless the flat is used and occupied by the owner of the land as his principal place of residence in accordance with section 3 (3) of the Principal Act and for no other purpose;
- (b) unless the occupier of the flat is the owner, or one of the owners, of the land on which is situated the flat or, as the case may be, the building of which the flat forms part;
- (c) unless all the owners of that land apply, in a form approved by the Commissioner, for a reduction under this section specifying the proportion that, in their opinion, is a fair

and reasonable proportion of the unimproved value of the land to be attributed to that flat;

- (d) unless the area of the parcel of land on which is erected the flat or, as the case may be, the building of which the flat forms part is not more than 2,100 square metres; or
- (e) if the owner of that land is—
 - (i) a company; or
 - (ii) a company jointly with another person or other persons,

not being a trustee company acting in its representative capacity.

(4) Notwithstanding any other provisions of this Act or the provisions of any other Act, where a reduction of land tax in respect of a flat is not authorised by subsection (2) by reason only that the area of the parcel of land on which is erected the flat or, as the case may be, the building of which the flat forms part exceeds 2,100 square metres the amount of land tax payable in respect of the year commencing on 1st January, 1976, or any succeeding year is the amount that, but for this subsection, would be payable under section 3 less an amount equal to the prescribed proportion for the flat of an amount that bears to the land tax that, but for this subsection, would be payable in respect of that land the same proportion as 2,100 square metres bears to the area of the land.

(5) For the purposes of subsection (3) (a), a flat does not cease to be used and occupied by a person as his principal place of residence, and for no other purpose, by reason of the occupation under lease or license for residential purposes of not more than one room in the flat.

(3) Section 5-

After section 4, insert :---

5. (1) This section applies to-

- (a) the State Superannuation Board;
- (b) the Local Government Superannuation Board;
- (c) the Transport Retirement Board;
- (d) the New South Wales Retirement Board;
- (e) the Sydney Cove Redevelopment Authority;
- (f) the Albury-Wodonga (New South Wales) Corporation;
- (g) a corporation constituted under section 4 of the Growth Centres (Development Corporations) Act, 1974;
- (h) The Housing Commission of New South Wales;
 - (i) the New South Wales Planning and Environment Commission;
- (i) the Builders Licensing Board; and

Land tax liability of certain corporations.

(**k**)

(k) any public corporation declared by the Governor by order published in the Gazette to be a corporation to which this section applies.

(2) Notwithstanding any other provisions of this Act or the provisions of any other Act, the amount of land tax payable by a corporation to which this section applies is the total of the amounts of land tax that would be payable by the corporation if those amounts were—

- (a) calculated separately in respect of each parcel of land that is not exempt from taxation; and
- (b) so calculated in the case of each such parcel as if it were the only land owned by the corporation.

BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES-1976



I certify that this PUBLIC BILL, which originated in the LEGISLA-TIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

> R. E. WARD, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 27 November, 1975.





ANNO VICESIMO QUARTO ELIZABETHÆ II REGINÆ

Act No. 83, 1975.

An Act to amend the Land Tax Act, 1956, to authorise certain rebates of land tax. [Assented to, 10th December, 1975.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

> J. H. BROWN, Chairman of Committees of the Legislative Assembly.

B^E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Land Tax (Amendment) Act, 1975".

Commencement. (1) This section and section 1 commence on the date of assent to this Act.

(2) Section 3 commences on 31st December, 1975.

Amendment **3.** The Land Tax Act, 1956, is amended as specified in of Act No. 27, 1956. the Schedule.

Sec. 3.

SCHEDULE.

AMENDMENTS OF THE LAND TAX ACT, 1956

(1) Section 3 (2)—

Omit "one dollar", insert instead "ten dollars".

(2)

*

Act No. 83, 1975.

Land Tax (Amendment).

(2) Sections 3B, 3C-

After section 3A, insert :---

- 3B. Where the Commissioner is satisfied—
- (a) that a particular residential unit is the only one residential unit in the building of which it residential forms part;
- (b) that at least one other flat in that building is used and occupied for residential purposes, and for no other purpose, by a person other than a joint owner, or a shareholder, referred to in paragraph (b) of the definition of "Residential unit" in section 3 (1) of the Principal Act; and
- (c) that there is such a joint owner or shareholder who, if the flat were vacant, would be entitled to occupy it by virtue of being such a joint owner or shareholder,

section 3A (subsection 3 (a) excepted) applies in respect of the residential unit referred to in paragraph (a).

3c. (1) In this section—

Deduction in respect of certain flats.

"flat" does not include a residential unit;

"prescribed proportion" means, in relation to a flat—

- (a) the proportion specified in respect of that flat in an application made under subsection (3); or
- (b) where the Commissioner is not satisfied that the proportion referred to in paragraph (a) is a fair and

reasonable

Deduction

reasonable proportion for that flat —the proportion that the floor area of the flat bears to the total floor area (including the floor area of the flat) of all the buildings on the parcel of land on which the flat is situated.

(2) Subject to this section, but notwithstanding any other provisions of this Act or the provisions of any other Act, the amount of land tax payable in respect of the year commencing on 1st January, 1976, or any succeeding year, in respect of land on which is situated a flat or a building of which a flat forms part is the amount that, but for this section, would be payable under section 3, less an amount that bears the prescribed proportion for the flat to the amount that, but for this section, would be the tax payable in respect of that land.

(3) A reduction under subsection (2) does not apply in respect of a flat—

- (a) unless the flat is used and occupied by the owner of the land as his principal place of residence in accordance with section 3 (3) of the Principal Act and for no other purpose;
- (b) unless the occupier of the flat is the owner, or one of the owners, of the land on which is situated the flat or, as the case may be, the building of which the flat forms part;
- (c) unless all the owners of that land apply, in a form approved by the Commissioner, for a reduction under this section specifying the proportion that, in their opinion, is a fair

and reasonable proportion of the unimproved value of the land to be attributed to that flat;

- (d) unless the area of the parcel of land on which is erected the flat or, as the case may be, the building of which the flat forms part is not more than 2,100 square metres; or
- (e) if the owner of that land is-
 - (i) a company; or
 - (ii) a company jointly with another person or other persons,

not being a trustee company acting in its representative capacity.

(4) Notwithstanding any other provisions of this Act or the provisions of any other Act, where a reduction of land tax in respect of a flat is not authorised by subsection (2) by reason only that the area of the parcel of land on which is erected the flat or, as the case may be, the building of which the flat forms part exceeds 2,100 square metres the amount of land tax payable in respect of the year commencing on 1st January, 1976, or any succeeding year is the amount that, but for this subsection, would be payable under section 3 less an amount equal to the prescribed proportion for the flat of an amount that bears to the land tax that, but for this subsection, would be payable in respect of that land the same proportion as 2,100 square metres bears to the area of the land.

Act No. 83, 1975.

Land Tax (Amendment).

(5) For the purposes of subsection (3) (a), a flat does not cease to be used and occupied by a person as his principal place of residence, and for no other purpose, by reason of the occupation under lease or license for residential purposes of not more than one room in the flat.

(3) Section 5-

After section 4, insert :---

Land tax liability of certain corporations.

- 5. (1) This section applies to—
- (a) the State Superannuation Board;
- (b) the Local Government Superannuation Board;
- (c) the Transport Retirement Board;
- (d) the New South Wales Retirement Board;
- (e) the Sydney Cove Redevelopment Authority;
- (f) the Albury-Wodonga (New South Wales) Corporation;
- (g) a corporation constituted under section 4 of the Growth Centres (Development Corporations) Act, 1974;
- (h) The Housing Commission of New South Wales;
- (i) the New South Wales Planning and Environment Commission;
- (j) the Builders Licensing Board; and

(k)

Act No. 83, 1975.

Land Tax (Amendment).

(k) any public corporation declared by the Governor by order published in the Gazette to be a corporation to which this section applies.

(2) Notwithstanding any other provisions of this Act or the provisions of any other Act, the amount of land tax payable by a corporation to which this section applies is the total of the amounts of land tax that would be payable by the corporation if those amounts were—

- (a) calculated separately in respect of each parcel of land that is not exempt from taxation; and
- (b) so calculated in the case of each such parcel as if it were the only land owned by the corporation.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER, Governor.

Government House, Sydney, 10th December, 1975.

