

LAND TAX (AMENDMENT) ACT 1987 No. 228

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS

LAND TAX (AMENDMENT) ACT 1987 No. 228

NEW SOUTH WALES



Act No. 228, 1987

An Act to amend the Land Tax Act 1956 with respect to the levy of land tax after 31 December 1987 and reductions of land tax in certain cases; and for other purposes. [Assented to 16 December 1987]

*Land Tax (Amendment) 1987***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Land Tax (Amendment) Act 1987.

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Schedule 1 (1), (2), (3) (a), (5) (a) and (6), and section 3 in its application to those provisions, shall commence on 31 December 1987.

(3) Schedule 1 (3) (b), (4) and (5) (b), and section 3 in its application to those provisions, shall be deemed to have commenced on 31 December 1986.

Amendment of Act No. 27, 1956

3. The Land Tax Act 1956 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

- (1) Section 3AB (Levy of land tax after 31 December 1985 and before 1 January 1988)—

- (a) Section 3AB (1)—

Omit "31 December in any year (commencing with 1985)", insert instead "31 December 1985 or 31 December 1986".

- (b) Section 3AB (2)—

Omit the subsection, insert instead:

(2) In respect of the taxable value of all the land owned by a person at midnight on 31 December 1985 or 31 December 1986 where—

- (a) the owner is a company classified under section 29 of the Principal Act as a non-concessional company; or

*Land Tax (Amendment) 1987***SCHEDULE 1—AMENDMENTS—*continued***

(b) the land is subject to a special trust,
land tax for the period of 12 months commencing on 1 January in the next succeeding year shall, except as provided by section 27 (2A) of the Principal Act, be charged, levied, collected and paid as referred to in subsection (1) at the rate of 2 cents for each \$1 of the taxable value.

(2) Section 3AC—

After section 3AB, insert:

Levy of land tax after 31 December 1987

3AC. (1) Except as provided by subsection (2), in respect of the taxable value of all the land owned by any person at midnight on 31 December in any year (commencing with 1987) there shall be charged, levied, collected and paid under the provisions of the Principal Act and in the manner therein prescribed, land tax for the period of 12 months commencing on 1 January in the next succeeding year and at the rates set out in Schedule 4.

(2) In respect of the taxable value of all the land owned by a person at midnight on 31 December in any year (commencing with 1987) where—

(a) the owner is a company classified under section 29 of the Principal Act as a non-concessional company; or

(b) the land is subject to a special trust,

land tax for the period of 12 months commencing on 1 January in the next succeeding year shall, except as provided by section 27 (2A) of the Principal Act, be charged, levied, collected and paid as referred to in subsection (1) at the rate of 2 cents for each \$1 of the taxable value.

(3) Where the total amount of land tax payable pursuant to this section by any person in any year would, but for this subsection, be less than \$100, no land tax shall be payable.

(4) Where upon the assessment of land tax an amount is arrived at expressed in dollars and a number of cents which is not a multiple of 10, such number of cents shall, if less than 10, be disregarded or, if more than 10, be reduced to the multiple of 10 next below.

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SCHEDULE 1—AMENDMENTS—*continued*

(3) Section 3A (**Deduction to be made in respect of residential unit**)—

(a) Section 3A (2)—

Omit “3AA or 3AB”, insert instead “3AA, 3AB or 3AC”.

(b) Section 3A (5)—

After section 3A (4), insert:

(5) This section does not apply, in respect of land tax payable for the year commencing on 1 January 1987 or for any succeeding year, if the building on the land, or the buildings on the land together, comprise 2 residential units and the land is exempted from taxation under the Principal Act.

(4) Section 3B (**Deduction where only one residential unit in building**)—

Section 3B (2)—

After section 3B, insert:

(2) This section does not apply, in respect of land tax payable for the year commencing on 1 January 1987 or for any succeeding year, if the building on the land, or the buildings on the land together, comprise one residential unit and one other flat and the land is exempted from taxation under the Principal Act.

(5) Section 3C (**Deduction in respect of certain flats**)—

(a) Section 3C (2), (4)—

Omit “3AA or 3AB” wherever occurring, insert instead “3AA, 3AB or 3AC”.

(b) Section 3C (6)—

After section 3C (5), insert:

(6) This section does not apply, in respect of land tax payable for the year commencing 1 January 1987 or for any succeeding year, if the building on the land, or the buildings on the land together, comprise 2 flats and the land is exempted from taxation under the Principal Act.

*Land Tax (Amendment) 1987*SCHEDULE 1—AMENDMENTS—*continued*

(6) Schedule 4—

After Schedule 3, insert:

SCHEDULE 4

(Sec. 3AC)

Where the taxable value assessed under the Principal Act	Rates of Land Tax Payable
is less than \$125,000	nil
is not less than \$125,000	\$100 plus 2c for each \$1 in excess of \$125,000

LAND TAX (AMENDMENT) BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Stamp Duties (Further Amendment) Bill 1987.

The object of this Bill is to amend the Land Tax Act 1956—

- (a) to increase the threshold value of land at which land tax becomes payable, as from the 1988 land tax year; and
- (b) as a consequence of the enactment of the proposed Land Tax Management (Amendment) Act 1987, which expands the scope of exemptions from land tax in some cases of multiple occupancy of residential land.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the provisions of the proposed Act on a number of different dates. The provisions relating to the reduction of land tax in some cases of multiple occupancy of land are deemed to have commenced on 31 December 1986. The provisions relating to the levying of land tax for the 1988 land tax year and subsequent land tax years are to commence on 31 December 1987.

Clause 3 is a formal provision which gives effect to the Schedule of amendments.

Schedule 1 (1) amends section 3AB of the Land Tax Act 1956 as a consequence of the insertion of proposed section 3AC. Section 3AB is amended to apply to the levy of land tax for only the 1986 and 1987 land tax years.

Schedule 1 (2) inserts proposed section 3AC which levies land tax for the 1988 land tax year and subsequent land tax years. The tax threshold under this section will be \$125,000, compared with \$94,000 for the 1986 and 1987 land tax years.

Schedule 1 (3) (a) amends section 3A as a consequence of the insertion of proposed section 3AC.

Land Tax (Amendment) 1987

Schedule 1 (3) (b) inserts section 3A (5) which provides that, as from the 1987 land tax year, section 3A will not apply if the building, or the buildings on the land together, comprise 2 residential units and the land is exempted from land tax under the Land Tax Management Act 1956.

Schedule 1 (4) inserts section 3B (2) to provide that, as from the 1987 land tax year, section 3A will not apply to a residential unit, by virtue of section 3B, if the building on the land, or the buildings on the land together, comprise one residential unit and one other flat and the land is exempted from taxation under the Land Tax Management Act 1956.

Schedule 1 (5) (a) amends section 3C (2) and (4) as a consequence of the insertion of proposed section 3AC.

Schedule 1 (5) (b) inserts section 3C (6) which provides that, as from the 1987 land tax year, section 3C will not apply if the building on the land, or the buildings on the land together, comprise 2 flats and the land is exempted from land tax under the Land Tax Management Act 1956.

Schedule 1 (6) inserts (as a consequence of the proposed insertion of section 3AC) proposed Schedule 4 which sets out land tax rates for the 1988 land tax year and for subsequent land tax years.

LAND TAX (AMENDMENT) BILL 1987

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 27, 1956

SCHEDULE 1—AMENDMENTS



LAND TAX (AMENDMENT) BILL 1987

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the Land Tax Act 1956 with respect to the levy of land tax after 31 December 1987 and reductions of land tax in certain cases; and for other purposes.

*Land Tax (Amendment) 1987***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Land Tax (Amendment) Act 1987.

Commencement

- 5 2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.
- (2) Schedule 1 (1), (2), (3) (a), (5) (a) and (6), and section 3 in its application to those provisions, shall commence on 31 December 1987.
- 10 (3) Schedule 1 (3) (b), (4) and (5) (b), and section 3 in its application to those provisions, shall be deemed to have commenced on 31 December 1986.

Amendment of Act No. 27, 1956

3. The Land Tax Act 1956 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

15 (Sec. 3)

(1) Section 3AB (Levy of land tax after 31 December 1985 and before 1 January 1988)—**(a) Section 3AB (1)—**

20 Omit "31 December in any year (commencing with 1985)", insert instead "31 December 1985 or 31 December 1986".

(b) Section 3AB (2)—

Omit the subsection, insert instead:

25 (2) In respect of the taxable value of all the land owned by a person at midnight on 31 December 1985 or 31 December 1986 where—

(a) the owner is a company classified under section 29 of the Principal Act as a non-concessional company; or

(b) the land is subject to a special trust,

30 land tax for the period of 12 months commencing on 1 January in the next succeeding year shall, except as provided by section 27 (2A) of the Principal Act, be charged, levied, collected and paid as referred to in subsection (1) at the rate of 2 cents for each \$1 of the taxable value.

(2) Section 3AC—

35 After section 3AB, insert:

*Land Tax (Amendment) 1987*SCHEDULE 1—AMENDMENTS—*continued***Levy of land tax after 31 December 1987**

5 3AC. (1) Except as provided by subsection (2), in respect of the taxable value of all the land owned by any person at midnight on 31 December in any year (commencing with 1987) there shall be charged, levied, collected and paid under the provisions of the Principal Act and in the manner therein prescribed, land tax for the period of 12 months commencing on 1 January in the next succeeding year and at the rates set out in Schedule 4.

10 (2) In respect of the taxable value of all the land owned by a person at midnight on 31 December in any year (commencing with 1987) where—

(a) the owner is a company classified under section 29 of the Principal Act as a non-concessional company; or

15 (b) the land is subject to a special trust,
land tax for the period of 12 months commencing on 1 January in the next succeeding year shall, except as provided by section 27 (2A) of the Principal Act, be charged, levied, collected and paid as referred to in subsection (1) at the rate of 2 cents for each \$1 of the taxable value.

20 (3) Where the total amount of land tax payable pursuant to this section by any person in any year would, but for this subsection, be less than \$100, no land tax shall be payable.

25 (4) Where upon the assessment of land tax an amount is arrived at expressed in dollars and a number of cents which is not a multiple of 10, such number of cents shall, if less than 10, be disregarded or, if more than 10, be reduced to the multiple of 10 next below.

(3) Section 3A (**Deduction to be made in respect of residential unit**)—

30 (a) Section 3A (2)—

Omit “3AA or 3AB”, insert instead “3AA, 3AB or 3AC”.

(b) Section 3A (5)—

After section 3A (4), insert:

35 (5) This section does not apply, in respect of land tax payable for the year commencing on 1 January 1987 or for any succeeding year, if the building on the land, or the buildings on the land together, comprise 2 residential units and the land is exempted from taxation under the Principal Act.

(4) Section 3B (**Deduction where only one residential unit in building**)—

Section 3B (2)—

*Land Tax (Amendment) 1987*SCHEDULE 1—AMENDMENTS—*continued*

After section 3B, insert:

(2) This section does not apply, in respect of land tax payable for the year commencing on 1 January 1987 or for any succeeding year, if the building on the land, or the buildings on the land together, comprise one residential unit and one other flat and the land is exempted from taxation under the Principal Act.

(5) Section 3C (**Deduction in respect of certain flats**)—

(a) Section 3C (2), (4)—

Omit “3AA or 3AB” wherever occurring, insert instead “3AA, 3AB or 3AC”.

(b) Section 3C (6)—

After section 3C (5), insert:

(6) This section does not apply, in respect of land tax payable for the year commencing 1 January 1987 or for any succeeding year, if the building on the land, or the buildings on the land together, comprise 2 flats and the land is exempted from taxation under the Principal Act.

(6) Schedule 4—

After Schedule 3, insert:

SCHEDULE 4

(Sec. 3AC)

Where the taxable value assessed under the Principal Act	Rates of Land Tax Payable
is less than \$125,000	nil
is not less than \$125,000	\$100 plus 2c for each \$1 in excess of \$125,000