



Australian Capital Territory

Revenue Legislation Amendment Act 2003 (No 2)

A2003-59

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2003 176B

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Australian Capital Territory

Revenue Legislation Amendment Act 2003 (No 2)

A2003-59

*An Act to amend the *Rates and Land Tax Act 1926* and the *Taxation Administration Act 1999**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

2003 176B

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 1 Preliminary

1 Name of Act

This Act is the *Revenue Legislation Amendment Act 2003 (No 2)*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Part 2 Rates and Land Tax Act 1926

3 Legislation amended

This part amends the *Rates and Land Tax Act 1926*.

4 Section 24A

substitute

24A Unit subdivisions

- (1) For this Act, if a parcel of land is subdivided by the registration of a units plan (a *unit subdivision*), the land making up the parcel is taken to continue to be a single parcel of land.
- (2) Without limiting subsection (1), a determination of the unimproved value of a parcel of land that is a unit subdivision is a determination of the unimproved value of the parcel.
- (3) However, in the application of this Act to a unit subdivision—
 - (a) a reference to a parcel of land in relation to the assessment or payment of rates or land tax is a reference to a unit; and
 - (b) a reference to the owner is—
 - (i) in relation to the assessment or payment of rates or land tax—a reference to the unit owner; and
 - (ii) in relation to a notice of transfer—a reference to the unit owner; and
 - (iii) in relation to any other notice—a reference to the owners corporation.
- (4) If rates and land tax (if any) imposed for the parcel for the year, or the quarter, when the units plan is registered are not paid before the registration of the units plan, they are payable by the person who

was the owner of the parcel on the day before the day when the units plan was registered.

- (5) On and after 1 July after the day when the units plan is registered or, if it is registered on 1 July, on and after that 1 July—
- (a) the rates imposed for the parcel are payable by the unit owners; and
 - (b) the amount payable by each unit owner is an amount worked out under subsection (6); and
 - (c) no rates for the parcel are payable by the owners corporation.
- (6) Section 13 (Imposition) applies to impose rates on a unit that is part of a unit subdivision as if a reference to the average unimproved value for the unit were a reference to the amount worked out in accordance with the following formula:

$$\frac{UE}{TUE} \times AUV$$

- (7) On and after the 1st day of the next quarter after the day when the units plan is registered or, if it is registered on the 1st day of a quarter, on and after that day—
- (a) any land tax imposed under this Act for the parcel of land is payable by the unit owners whose units are subject to land tax; and
 - (b) the amount payable by each owner whose unit is subject to land tax is worked out under subsection (8); and
 - (c) no land tax for the parcel is payable by the owners corporation.

- (8) In working out the land tax payable for the parcel of land under section 22A (Imposition of land tax), the average unimproved value of the unit is the amount worked out in accordance with the following formula:

$$\frac{UE}{TUE} \times AUV$$

- (9) In this section:

AUV means the average unimproved value of the parcel of land.

TUE means the unit entitlement of all the units in the units plan.

UE means the unit entitlement of the particular unit.

- (10) If an amount worked out under this section contains a fraction of a cent, the amount must be rounded to the nearest cent, with $\frac{1}{2}$ a cent being disregarded.
- (11) Expressions used in this section have the same meanings as in the *Unit Titles Act 2001*.

5 New section 25

insert

25 Application of amendments of s 24A

- (1) Section 24A as amended by the *Revenue Legislation Amendment Act 2003 (No 3)* applies, and is taken to have applied on and from 1 August 1991, in relation to a parcel of land subdivided by the registration of a units plan whether before, on or after that date.
- (2) However, section 24A as so amended is taken to have applied—
- (a) in relation to the period from 1 August 1991 to 1 July 1995—
as if—
- (i) the reference in subsection (4) to a *quarter* were omitted;
and

- (ii) any other reference to a *quarter* were a reference to a year; and
 - (b) in relation to the period from 1 August 1991 to 5 October 2001—as if—
 - (i) a reference in that section to an *owners corporation* were a reference to a corporation; and
 - (ii) a reference in that section to a *unit owner* were a reference to a member of a corporation; and
 - (iii) a reference to the *Unit Titles Act 2001* were a reference to the *Unit Titles Act 1970*.
- (3) This section expires 1 year after the day it commences.

Part 3 Taxation Administration Act 1999

6 Legislation amended

This part amends the *Taxation Administration Act 1999*.

7 Meaning of *tax laws* New section 4 (ha)

insert

(ha) the *Taxation (Administration) Act 1987*;

8 Section 4

*renumber paragraphs when Act next republished under the
Legislation Act*

9 New section 143A

insert

143A Application of secrecy provisions to former Act

On and after the commencement of this section, division 9.4 (Secrecy) applies in relation to a confidential document or confidential information acquired under, or as a result of exercising functions under or in relation to, the *Taxation (Administration) Act 1987*.

**10 Expiry of pt 12
Section 144 (2)**

omit

141 to 143

substitute

141 to 143A

11 Section 144 (2), note

omit

142-144

substitute

142-143

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 20 November 2003.

2 Notification

Notified under the Legislation Act on 18 December 2003.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Revenue Legislation Amendment Bill 2003 (No 2), which originated in the Assembly as the Revenue Legislation Amendment Bill 2003 (No 3) and was passed by the Legislative Assembly on 9 December 2003.

Clerk of the Legislative Assembly

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