

1998

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

RATES AND LAND TAX (AMENDMENT) BILL (No 2) 1998

SUPPLEMENTARY EXPLANATORY MEMORANDA

**Amendment moved by the Chief Minister and Treasurer
Kate Carnell MLA**

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

Details of the Amendment to the Rates and Land Tax (Amendment) Bill (No 2) 1998 moved by the Chief Minister and Treasurer, Kate Carnell MLA

Restriction on power of entry to partly residential premises

Subsection 22EGA.(1) states that an authorised officer cannot enter business premises which are also used for residential purposes, or exercise that or any other power of section 22EG, unless the occupier of the premises gives consent or in accordance with a warrant issued under subsection (2).

Subsection 22EGA.(1) states that a magistrate may, in response to an application by an authorised officer which is supported by an affidavit or sworn evidence, issue the authorised officer with a warrant authorising the officer, with reasonable assistance, to enter specified premises and exercise any or all of the powers specified in section 22EG. The premises would be business premises used partly for residential purposes.

Subsection 22EGA.(3) allows a magistrate to attach conditions or limitations to a warrant. In such cases a warrant shall set out those conditions or limitations and apply accordingly.

Subsection 22EGA.(4) states that a magistrate shall only issue a warrant if satisfied that it is just and proper to do so and that the warrant is reasonably required for the enforcement of this Act.

Subsection 22EGA.(5) states that where a warrant is used the provisions of section 22EG will apply unless the warrant provides otherwise.

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