



AUSTRALIAN CAPITAL TERRITORY

## **Rates and Land Tax (Amendment) Act 1997**

**No. 33 of 1997**

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### **An Act to amend the *Rates and Land Tax Act 1926***

*[Notified in ACT Gazette S180: 30 June 1997]*

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

#### **Short title**

**1.** This Act may be cited as the *Rates and Land Tax (Amendment) Act 1997*.

#### **Commencement**

**2. (1)** Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

**(2)** The remaining provisions commence, or shall be taken to have commenced, on 1 July 1997.

#### **Principal Act**

**3.** In this Act, “Principal Act” means the *Rates and Land Tax Act 1926*.<sup>1</sup>

### **Interpretation**

4. Section 4 of the Principal Act is amended by inserting in subsection (1) the following definition:

“ ‘average unimproved value’, in relation to a parcel of land for a particular year, means—

- (a) where the parcel has not been rateable previously—the unimproved value of the parcel;
- (b) where the parcel has been rateable for less than 3 years—the average unimproved value of the parcel over those years; or
- (c) in any other case—the average unimproved value of the parcel over the 3 years immediately preceding the particular year;

disregarding any fraction of a dollar;”.

### **Insertion**

5. After section 8 of the Principal Act the following section is inserted:

#### **Determinations for 1995 and 1996**

“9. (1) The Commissioner shall, as soon as practicable after the commencement of this section, determine the unimproved value as at 1 January 1995 and 1 January 1996 of all parcels of land in the Territory that were rateable on the relevant date.

“(2) Nothing in subsection (1) affects the imposition of rates in a year commencing before the commencement of this section.”.

#### **Unimproved values—1995 and 1996**

6. Section 11A of the Principal Act is amended by inserting in subsection (1) “(other than the definition of ‘average unimproved value’ and section 9)” after “purposes of this Act”.

### **Substitution**

7. Section 13 of the Principal Act is repealed and the following section substituted:

### **Imposition**

“13. (1) This section is subject to the operation of section 24A.

“(2) Rates of \$220 are imposed in respect of each parcel of rateable land in the City Area that has an average unimproved value of \$19,000 or less.

“(3) Rates are imposed in respect of each parcel of rateable land in the City Area that has an average unimproved value greater than \$19,000 in accordance with the following formula:

$$\$220 + ((\text{AUV} - \$19,000) \times \text{P})$$

where—

**AUV** is the average unimproved value of the parcel of land;

**P** is—

- (a) in relation to a parcel of land—
  - (i) leased for residential purposes; or
  - (ii) leased for residential and other purposes but used solely for residential purposes;  
1.0734%; or
- (b) in any other case—1.1110%.

“(4) Rates are imposed in respect of each parcel of rateable land outside the City Area that has an average unimproved value greater than \$19,000 in accordance with the following formula:

$$(\text{AUV} - \$19,000) \times \text{P}$$

where—

**AUV** is the average unimproved value of the parcel of land;

**P** is 0.5367%.”.

### **Imposition**

**8.** Section 22A of the Principal Act is amended—

- (a) by inserting in paragraph (2) (a) “average” after “portion of the”;  
and
- (b) by omitting from the heading to the table in paragraph (2) (a) “Unimproved” and substituting “Average unimproved”.

### **Unit subdivisions**

**9.** Section 24A of the Principal Act is amended—

(a) by omitting from paragraph (3) (a) all the words after “being an amount” and substituting “determined in accordance with subsection (3A)”;

(b) by inserting after subsection (3) the following subsection:

“(3A) Subsections 13 (2), (3) and (4) apply to impose rates on a unit that is part of a parcel of land subdivided into units and common property as if—

(a) a reference to a parcel of land were a reference to such a unit; and

(b) a reference to the average unimproved value in relation to that unit were a reference to the value determined in accordance with the following formula:

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

where—

**UE** is the unit entitlement of the particular unit;

**TUE** is the unit entitlement of all the units in the units plan;

**AUV** is the average unimproved value of the parcel of land.”;

and

(c) by omitting from paragraph (4) (a) “, 13”.

### **NOTE**

### **Principal Act**

1. Reprinted as at 30 November 1996.

*[Presentation speech made in Assembly on 17 June 1997]*