



Australian Capital Territory

Land Rent Amendment Act 2012

A2012-18

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Australian Capital Territory

Land Rent Amendment Act 2012

A2012-18

An Act to amend the *Land Rent Act 2008*

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

1 Name of Act

This Act is the *Land Rent Amendment Act 2012*.

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)).

3 Legislation amended

This Act amends the *Land Rent Act 2008*.

**4 Application of Act
Section 5 (1)**

after

other than to

insert

the Territory or

5 New division 3.1

before section 9, insert

Division 3.1 Lessees generally

8A Application—div 3.1

This division does not apply to a lessee who is a registered affordable housing provider.

6 Section 9 heading

substitute

9 Meaning of *lessee*—div 3.1

7 Section 9

omit

In this part:

substitute

In this division:

**8 Discount—decision on application
Section 12 (1)**

after

section 10

insert

(Discount—application)

9 Section 12 (3) and note

substitute

- (3) If the commissioner grants the discount, the discount applies from the date on which the application under section 10 (Discount—application) was received by the commissioner.

Note 1 For the amount of land rent payable with a discount, see s 8 (1) (a) and (2) (a).

Note 2 Section 30 (Land rent—discount for part of year) applies if the lessee is eligible for a discount for only part of a year.

**10 Discount—hardship
Section 13**

omit

**11 Discount—review of eligibility
New section 14 (4A) and (4B)**

insert

- (4A) The commissioner may grant an extension of time for a lessee to provide a declaration under subsection (4) if satisfied on reasonable grounds that it is appropriate to grant the extension.
- (4B) If the lessee does not provide a declaration as required under subsection (4) before 30 September or, if an extension is granted under subsection (4A), the extended date—
 - (a) the total income of the lessee, or all of the lessees, is taken to exceed the income threshold amount; and
 - (b) the lessee becomes ineligible for the discount.

12 New division 3.2

after section 16, insert

Division 3.2 Registered affordable housing providers

16A Meaning of *registered affordable housing provider*—pt 3

In this part:

registered affordable housing provider means a registered affordable housing provider under the *Housing Assistance Act 2007*.

16B Discount—registered affordable housing providers

- (1) The commissioner may determine that a registered affordable housing provider is entitled to pay discounted land rent for a land rent lease.
- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

13 Section 33

substitute

33 Objections

A decision under section 12 (Discount—decision on application) is prescribed for the Taxation Administration Act, section 100 (Objection).

Note Objections relating to the commissioner's determination of the unimproved value of a parcel of land are dealt with under the *Rates Act 2004*, s 71.

14 New part 10

insert

**Part 10 Transitional—Land Rent
Amendment Act 2012**

50 Application for discount—hardship

- (1) This section applies if, immediately before the commencement day, the commissioner has received, but not yet decided, an application under section 13 (Discount—hardship).
- (2) The application is, on the commencement day, taken to be an application under section 10 (Discount—application).
- (3) In this section:

commencement day means the day the *Land Rent Amendment Act 2012* commences.

51 Expiry—pt 10

This part expires 1 year after the day it commences.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see Legislation Act, s 88).

15 Dictionary, new definition of *registered affordable housing provider*

insert

registered affordable housing provider, for part 3 (Land rent—discount)—see section 16A.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 29 March 2012.

2 Notification

Notified under the Legislation Act on 17 May 2012.

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 Land Rent Amendment Bill 2012, which was passed by the Legislative Assembly on 3 May 2012.

Clerk of the Legislative Assembly

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