

2012

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Treasurer)

## Land Rent Amendment Bill 2012

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## Land Rent Amendment Bill 2012

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### A Bill for

An Act to amend the *Land Rent Act 2008*

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

1 **1 Name of Act**

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

3 **2 Commencement**

4 This Act commences on the day after its notification day.

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

7 **3 Legislation amended**

8 This Act amends the *Land Rent Act 2008*.

9 **4 Application of Act**  
10 **Section 5 (1)**

11 *after*

12 other than to

13 *insert*

14 the Territory or

15 **5 New division 3.1**

16 *before section 9, insert*

17 **Division 3.1 Lessees generally**

18 **8A Application—div 3.1**

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

- 
- 1 **6 Section 9 heading**
- 2 *substitute*
- 3 **9 Meaning of lessee—div 3.1**
- 4 **7 Section 9**
- 5 *omit*
- 6 In this part:
- 7 *substitute*
- 8 In this division:
- 9 **8 Discount—decision on application**
- 10 **Section 12 (1)**
- 11 *after*
- 12 section 10
- 13 *insert*
- 14 (Discount—application)
- 15 **9 Section 12 (3) and note**
- 16 *substitute*
- 17 (3) If the commissioner grants the discount, the discount applies from
- 18 the date on which the application under section 10 (Discount—
- 19 application) was received by the commissioner.
- 20 *Note 1* For the amount of land rent payable with a discount, see s 8 (1) (a)
- 21 and (2) (a).
- 22 *Note 2* Section 30 (Land rent—discount for part of year) applies if the lessee is
- 23 eligible for a discount for only part of a year.

1 **10 Discount—hardship**  
2 **Section 13**

3 *omit*

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

6 *insert*

7 (4A) The commissioner may grant an extension of time for a lessee to  
8 provide a declaration under subsection (4) if satisfied on reasonable  
9 grounds that it is appropriate to grant the extension.

10 (4B) If the lessee does not provide a declaration as required under  
11 subsection (4) before 30 September or, if an extension is granted  
12 under subsection (4A), the extended date—

13 (a) the total income of the lessee, or all of the lessees, is taken to  
14 exceed the income threshold amount; and

15 (b) the lessee becomes ineligible for the discount.

1 **12 New division 3.2**

2 *after section 16, insert*

3 **Division 3.2 Registered affordable housing**  
4 **providers**

5 **16A Meaning of *registered affordable housing provider*—pt 3**

6 In this part:

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

9 **16B Discount—registered affordable housing providers**

10 (1) The commissioner may determine that a registered affordable  
11 housing provider is entitled to pay discounted land rent for a land  
12 rent lease.

13 (2) A determination is a disallowable instrument.

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

16 **13 Section 33**

17 *substitute*

18 **33 Objections**

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

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

1 **14 New part 10**

2 *insert*

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

5 **50 Application for discount—hardship**

6 (1) This section applies if, immediately before the commencement day,  
7 the commissioner has received, but not yet decided, an application  
8 under section 13 (Discount—hardship).

9 (2) The application is, on the commencement day, taken to be an  
10 application under section 10 (Discount—application).

11 (3) In this section:

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

14 **51 Expiry—pt 10**

15 This part expires 1 year after the day it commences.

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

19 **15 Dictionary, new definition of *registered affordable***  
20 ***housing provider***

21 *insert*

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



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## Endnotes

**1 Presentation speech**

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

**2 Notification**

Notified under the Legislation Act on 2012.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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