

1989

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

**RATES AND LAND TAX (AMENDMENT) BILL (NO 2) 1989**

**EXPLANATORY MEMORANDUM**

**Circulated by the Authority of the Treasurer  
Ms Rosemary Follett, MLA**

## RATES AND LAND TAX (AMENDMENT) BILL (NO 2) 1989

### OUTLINE OF AMENDMENTS

The Rates and Land Tax Act 1926 provides for the imposition of municipal rates and land tax in the Australian Capital Territory. The Act is currently administered by the Commissioner for ACT Revenue under delegated authority from the Minister.

Earlier this year, as part of the reorganisation of the ACT Treasury an ACT Revenue Office was established to facilitate the integration of administrative areas responsible for state-type taxation and municipal rating laws. The Bill gives effect to the integration by bringing the general administration of the Rates and Land Tax Act 1926 within the statutory responsibilities of the Commissioner.

Administrative matters to be transferred from the Minister to the Commissioner by the Bill include:

- . the determination and redetermination of unimproved values of land, and the recording and notification to owners of the values;
- . the assessment of rates and land tax;
- . the enforcement of rates and land tax payment provisions; and
- . the remission of interest on unpaid rates and land tax in certain circumstances.

The Bill does not affect the Minister's power to:

- . exempt an owner from rates or land tax liability;
- . refund or remit amounts of rates or land tax;
- . determine the rate of discount for rates paid in full; or
- . determine the rate of interest on unpaid rates and land tax.

### FINANCIAL IMPLICATIONS

The amendments have no financial implications.

Details of the proposed Bill are attached.

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**DETAILS OF THE  
RATES AND LAND TAX (AMENDMENT) BILL (NO 2) 1989**

**Short title**

**Clause 1** - provides the Short title for this amendment.

**Principal Act**

**Clause 2** - refers to the Act being amended, the Rates and Land Tax Act 1926.

**Interpretation**

**Clause 3** - amends Subsection 4(1) of the Principal Act. Subsection 4(1) provides the meanings of particular words used throughout the Act. The amendment includes in those meanings, a meaning for the word "Commissioner".

**Repeal**

**Clause 4** - amends the Principal Act by repealing Section 25. The section provides that the service of notices by the Minister may be made by post. A consequence of The Bill will be that the Minister will not be required to serve notices and therefore Section 25 will serve no purpose. The service of notices by the Commissioner is adequately provided for by paragraph 26(1)(c).

**Objections to determinations**

**Clause 5** - amends section 29 of the Principal Act. Subsection 29(1) is amended by subclause (a) which omits unnecessary words "on him", and subclause (b) substitutes "Commissioner" for "administrative head". The effect of the amendment is to make the provision concise and to make the Commissioner the addressee of an application to vary a land value.

Subclause (c) replaces "Minister" with "Commissioner" in subsections 29(2) and 29(3). The effect of the amendment is to make it the Commissioner's responsibility to consider an application to vary a land value, to vary or confirm the value, and to notify the owner of the decision.

Subclause (d) also amends subsection 29(3) by inserting the words "or her", thereby providing gender equity to the provision.

### **Substitution**

**Clause 6 -** repeals the existing section 35 and substitutes a new section 35. Section 35 deals with the certification of documents and matters to be used in evidence in proceedings. The effect of the amendment is to make the "Commissioner" responsible for this function in lieu of the "administrative head". The section has been redrafted also to eliminate the cumbersome structure.

### **References to the Minister**

**Clause 7 -** amends various sections of the Principal Act by substituting "Commissioner" for "Minister". The amendment completes the transfer of the general administration of the Act to the Commissioner.

The sections to be amended by Clause 7 make provisions involving the Commissioner in respect of the following activities:

- . the determination, redetermination, recording and notification of land values;
- . appeals to the Administrative Appeals Tribunal to vary land values, and consequential action to appeal proceedings;
- . the assessment of rates or land tax and notification to owners of their liability;
- . payment enforcement; and
- . the requirement for a land owner to advise of the transfer of a lease to a new owner.

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