

Australian Capital Territory

Rates, Land Tax and Land Rent (Certificate and Statement Fees) Determination 2017 (No 1)

Disallowable Instrument DI2017–145

made under the

Rates Act 2004, s 78 (determination of fees)

Land Tax Act 2004, s 43 (determination of fees)

Land Rent Act 2008, s 32 (determination of fees)

EXPLANATORY STATEMENT

Commencement

This instrument commences on 1 July 2017.

Background

A Certificate of Rates, Land Tax and Other Charges (Certificate) details current assessed and payable general rates, land tax, land rent, interest and other amounts with respect to a parcel of land in the ACT. The Certificate may also include costs and expenses reasonably incurred by the Commissioner for ACT Revenue (the Commissioner) in attempting to recover any outstanding amounts.

The certificate may include amounts payable under the *Rates Act 2004* (Rates Act), the *Land Tax Act 2004* (Land Tax Act) or *Land Rent Act 2008* (Land Rent Act) in relation to the parcel of land.

The Certificate enables the applicant to calculate the amount of general rates, land tax, land rent or other charges to be allowed for at settlement of a property transfer. The Certificate is for conveyancing purposes only.

The purpose of this instrument is to revoke instrument DI2016-141, that determined the fee amount for 2016-17. This instrument determines the fee for the provision of:

- a certificate of rates, land tax and other charges; and
- a statement of amounts payable and payments made.

Under the following provisions, the Minister has authority to determine fees by disallowable instrument for the respective Acts:

- section 78 of the Rates Act;
- section 43 of the Land Tax Act; and
- section 32 of the Land Rent Act.

The fee is determined to accompany an application for a Certificate under the following provisions:

- section 76 (1) of the Rates Act;
- section 41 (1) of the Land Tax Act; and
- section 31 (1) of the Land Rent Act.

The fee must also accompany an application for a statement of amounts payable and payments made under the following provisions:

- section 77 (1) of the Rates Act; and
- section 42 (1) of the Land Tax Act.

Determination

This instrument determines the fee payable to the Commissioner to apply for a Certificate (incorporating a statement of amounts payable and payments made) under the above mentioned provisions. The fee is only payable once per property as a single application for a Certificate may be made under all of the relevant provisions. The fee is set at \$112 for 2017-18.

As part of the 2014-15 Budget, a 4 per cent indexation was introduced for regulatory service fees. This indexation was fixed for 4 years and due to expire on 30 June 2018. Accordingly, for 2017-18 the fee has been increased from \$107 to \$112 (rounded up to the nearest dollar).

The fee amount reflects the fact that the Certificate provides information on all ACT Revenue Office charges concerning a parcel of land, including outstanding rates, land tax, land rent and any deferred amounts.

Revocation

This instrument revokes DI2016-141. The previous instrument DI2016-141 continues to apply to applications for a Certificate received in the period 1 July 2016 and 30 June 2017, inclusive.

Authorised by the Treasurer
Andrew Barr MLA

20 June 2017