

Queensland



ANNO TRICESIMO SECUNDO

ELIZABETHAE SECUNDAE REGINAE

No. 6 of 1984

A Bill to amend the Land Tax Act 1915–1982 in certain particulars and to amend the Building Units and Group Titles Act 1980 in a certain particular

[PASSED THIRD READING 21ST DECEMBER, 1983; ASSENTED TO 6TH JANUARY, 1984]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. **Short title.** This Act may be cited as the *Land Tax Act and Another Act Amendment Act 1984*.

2. **Commencement.** This Act shall be deemed to have commenced on the 29th June, 1983 and shall have retrospective effect accordingly.

3. **Arrangement.** This Act is arranged as follows:—

PART I—PRELIMINARY;

PART II—AMENDMENTS OF LAND TAX ACT;

PART III—AMENDMENT OF BUILDING UNITS AND GROUP TITLES ACT.

PART II—AMENDMENTS OF LAND TAX ACT

4. **Citation.** (1) In this Part the *Land Tax Act 1915–1982* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Land Tax Act 1915–1984*.

5. **Amendment of s. 11. Taxable value.** Section 11 of the Principal Act is amended in subsection (4) by omitting the expression “\$50 000” wherever it occurs and substituting in each case the expression “\$60 000”.

6. **New s. 11A.** The Principal Act is amended by inserting after section 11 the following section:—

“11A. **Deduction—exempt proprietary companies.** (1) In calculating the taxable value of all land owned by an exempt proprietary company there shall—

(a) where all of the land is used by the company for a prescribed activity, be deducted an amount equal to the unimproved value, or the aggregate of the unimproved values of the parcels respectively, of the land or \$30 000, whichever is the less;

(b) where a parcel of that land is used by the company for a prescribed activity, be deducted an amount equal to the unimproved value of the parcel or \$30 000, whichever is the less.

(2) Subsection (1) does not apply in respect of land owned by an exempt proprietary company—

(a) where at midnight on the 30th June immediately preceding the financial year in and for which the land tax is levied—

(i) the unimproved value of all land in which a person who was then a member of the company had any

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- interest (other than land to which section 13 (1) (viii) applied) after allowing for the deduction (if applicable) under section 11 (6A) or (6B), exceeded \$20 000; or
- (ii) a person who was then a member of the company was also a member of another exempt proprietary company that has obtained the benefit of the deduction under that subsection;
- (b) except where the Commissioner in his absolute discretion determines otherwise, unless that company lodges with the Commissioner, in the prescribed manner and within the prescribed time, a return—
- (i) setting forth the names and addresses of each person who was a member of the company at midnight on the 30th June immediately preceding the financial year in and for which the land tax is levied; and
 - (ii) containing or accompanied by a statement by each of the persons referred to in subparagraph (i)—
 - (A) setting forth full and complete details of all lands in the State in which he had any interest at the time referred to in that subparagraph; and
 - (B) showing the full name of each other exempt proprietary company of which he was a member at the time referred to in that subparagraph; and
 - (iii) containing such other information as is prescribed.
- (3) For the purpose of subsection (2) (a) (i) a member of an exempt proprietary company shall be deemed—
- (a) not to have any interest in the land owned by the company; but
 - (b) to have an interest in all land owned by any other exempt proprietary company of which he is a member.
- (4) In respect of any year in respect of which land tax is leviable or payable, land is not used for a prescribed activity by an exempt proprietary company—
- (a) unless that land has—
 - (i) where the company has owned the land for the period of 12 months immediately preceding the time when the ownership of its land for the purposes of this Act is determined, for that period; or
 - (ii) where the company acquired the land during that period of 12 months, for the period commencing at the time at which it acquired the land and ending immediately preceding the time when the ownership of its land for the purposes of this Act is determined, been continuously used by that company for the purpose of a prescribed activity and for no other purpose;

- (b) unless neither all or part of that land nor all or part of any building situated on that land has—
 - (i) where the company has owned the land for the period of 12 months immediately preceding the time when the ownership of its land for the purposes of this Act is determined, at any time during that period; or
 - (ii) where the company acquired the land during that period of 12 months, at any time during the period commencing at the time at which it acquired the land and ending immediately preceding the time when the ownership of its land for the purposes of this Act is determined,
been rented, leased or let to some other person; or
- (c) unless in any other case, the Commissioner is satisfied that the land is used by the company for a prescribed activity and for no other purpose.
- (5) In subsection (2) (b)—
 - “prescribed”—
 - (a) in respect of a return that relates to land owned by an exempt proprietary company at midnight on the 30th June, 1983, means prescribed by Order in Council;
 - (b) in respect of a return that relates to land owned by an exempt proprietary company at midnight on any subsequent 30th June, means prescribed by the regulations.
- (6) In this section—
 - “prescribed activity” means any profession, trade or business but does not include any profession, trade or business that is declared by Order in Council not to be a prescribed activity for the purposes of this section.”.

7. **New s. 11B.** The Principal Act is amended by inserting after section 11A as inserted by this Part the following section:—

“**11B. Provisions relating to land comprised in a building units plan etc.** (1) For all purposes in relation to the imposition, assessment or recovery of land tax in relation to land comprised in a parcel, the following provisions shall have effect:—

- (a) the unimproved value of the land comprised in a parcel shall be apportioned by the Commissioner between the lots comprised in the parcel in proportion to the lot entitlements of the respective lots as shown on the registered plan;
- (b) the body corporate shall not be liable in respect of the parcel for land tax;

- (c) subject to any concessions or exemptions which may be applicable, each lot shall be deemed to be a separate parcel of land with an unimproved value equal to that apportioned to it under paragraph (a);
- (d) in the case of a building units plan, subsections (2) and (3) apply to a lot deemed to be a separate parcel of land under paragraph (c) in lieu of sections 11 (6A), 11 (6B) and 13 (1) (viii);
- (e) in the case of a group titles plan, sections 11 (6A), 11 (6B), 13 (1) (viii) and 13 (3) apply to the parcel and for the purpose of such application each lot together with the portion of the common property appurtenant thereto that bears to the whole of the common property the same proportion as the undivided share of the owner of the lot bears to the whole estate in the common property shall be taken to be one parcel owned by that owner.

(2) In addition to any deduction allowable under section 11 (4) where an owner owns a lot, deemed to be a separate parcel of land under subsection (1) (c) and shown on a building units plan, that is used exclusively as his principal place of residence and the area of land comprised in that plan does not exceed—

- (a) where the area calculated by multiplying 400 square metres by the number of lots shown on the plan is 1.05 hectares or less, 1.05 hectares; or
- (b) where the area calculated by multiplying 400 square metres by the number of lots shown on the plan is greater than 1.05 hectares, 4 hectares or such other area, being an area that is greater than 4 hectares, as is prescribed by the regulations,

but that lot is not exempt under subsection (3), in calculating the taxable value of all land owned by him there shall be deducted an amount equivalent to the unimproved value of that lot or, where that owner is a joint owner of such lot, such part of that amount as bears to that amount the same proportion as his individual interest in such lot in respect of which he is, under section 25, to be separately assessed and liable bears to the whole of the owners' interests in such lot.

(3) A lot, deemed to be a separate parcel of land under subsection (1) (c) and shown on a building units plan is exempt from taxation under this Act where the area of the land comprised in the plan does not exceed—

- (a) where the area calculated by multiplying 400 square metres by the number of lots shown on the plan is 1.05 hectares or less, 1.05 hectares; or
- (b) where the area calculated by multiplying 400 square metres by the number of lots shown on the plan is

greater than 1.05 hectares, 4 hectares or such other area, being an area that is greater than 4 hectares, as is prescribed by the regulations,

and the lot is owned and used exclusively by a person as his principal place of residence.

(4) In this section, unless the contrary intention appears, the following have the meanings assigned to them by the *Building Units and Group Titles Act 1980-1984*:—

“body corporate”, “building units plan”, “common property”, “group titles plan”, “lot”, “lot entitlements”, “parcel” and “registered plan”.

8. New s. 11C. The Principal Act is amended by inserting after section 11B as inserted by this Part the following section—

“**11C. Deduction—home unit companies.** (1) In calculating the taxable value of all land owned by a company in which all the issued shares are owned by persons each of whom, by virtue of his shares, has an exclusive right to occupy a part of a building situated on land owned by the company there shall be deducted in respect of the home units forming part of the building an amount calculated as follows—

a x t

Where—

a is the proportion of the unimproved value of the land on which the building is situated that is, pursuant to the regulations, notionally occupied by home units;

t is the amount of land tax which but for this section would be payable by the company in respect of that land.

(2) Subsection (1) does not apply in respect of home units that form part of a building—

(a) unless the area of land on which the building is situated does not exceed—

(i) where the area calculated by multiplying 400 square metres by the number of units forming part of the building is 1.05 hectares or less, 1.05 hectares; or

(ii) where the area calculated by multiplying 400 square metres by the number of units forming part of the building is greater than 1.05 hectares, 4 hectares or such other area, being an area that is greater than 4 hectares, as is prescribed by the regulations;

(b) except where the Commissioner in his absolute discretion determines otherwise, unless the company lodges with the Commissioner, in the prescribed manner and in

the prescribed time, a return setting forth such information as is prescribed.

(3) Regulations may be made under section 60 with respect to the following—

- (a) providing, for the purposes of subsection (1), for the method of determining the proportion of the unimproved value of the land on which the building is situated that is to be taken as being notionally occupied by the home units;
- (b) providing for proof (to the satisfaction of the Commissioner), to be supplied as to the floor area of each home unit;
- (c) providing for a return referred to in subsection (2) (b) to contain or to be accompanied by a statement containing the prescribed information completed by each person who, by virtue of his shares in the company, had an exclusive right to occupy a home unit at midnight on the 30th June immediately preceding the financial year in and for which the land tax is levied.

(4) In this section—

“home unit” means a unit that—

- (a) forms part of a building comprising 2 or more units; and
- (b) is used exclusively as his principal place of residence by a natural person entitled so to do by reason of his being the holder of shares in a company that owns the parcel of land on which the building is situated;

“unit” means a room or suite of rooms constructed, designed or adapted for use as a dwelling.”

9. Amendment of s. 13. Section 13 of the Principal Act is amended in subsection (1) by adding after the word “company” where it last occurs in paragraph (ix) the following words:—

- “;
- (x) Where the taxable value of all land owned by a company is less than \$10 000, that land”.

10. Amendment of s. 16. Section 16 of the Principal Act is amended in subsection (1) by—

(a) in paragraph (a), omitting the words “or a company”;

(b) inserting after paragraph (a) the following paragraph:—

“(aa) in the case of an owner that is a company, \$10 000 or upwards;”;

(c) in paragraph (b), omitting the expression “of this subsection applies, \$55 334” and substituting the expression “or (aa) of this subsection applies, \$65 334”.

PART III—AMENDMENT OF BUILDING UNITS AND GROUP TITLES ACT

11. Citation. (1) In this Part the *Building Units and Group Titles Act 1980* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Building Units and Group Titles Act 1980–1984*.

12. Repeal of s. 65. Land Tax. The Principal Act is amended by repealing section 65.