

South Australia



LAND TAX (HOME UNIT COMPANIES) AMENDMENT ACT 1995

No. 70 of 1995

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ELIZABETHAE II REGINAE

A.D. 1995

No. 70 of 1995

An Act to amend the Land Tax Act 1936.

[Assented to 2 November 1995]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Land Tax (Home Unit Companies) Amendment Act 1995*.
- (2) The *Land Tax Act 1936* is referred to in this Act as "the principal Act".

Commencement

2. This Act will be taken to have come into operation at midnight on 30 June 1995.

Amendment of s. 4—Interpretation

3. Section 4 of the principal Act is amended—

- (a) by inserting after the definition of "determination of site value" in subsection (1) the following definition:

"document" means book, account, paper (including a security or any instrument) or any record of information, whether in writing or accessible only through the use of a computer or other device;;

- (b) by inserting after subsection (1) the following subsection:

(2) If—

- (a) the whole of the land owned by a company consists of a group of dwellings and land appurtenant to those dwellings; and
- (b) all the issued shares of the company are owned by shareholders who acquire exclusive rights to occupy land of the company by virtue of their shareholdings in the company; and

- (c) each dwelling owned by the company is occupied (or able to be occupied) by a shareholder in the company or a person deriving rights of occupancy from a shareholder in the company; and
- (d) the scheme of company ownership and shareholder occupation of the dwellings was established before 22 February 1968,

then each dwelling will be taken to be a separate parcel of land and, despite the definition of "owner" in subsection (1), the shareholder who is entitled to occupy the dwelling (and not the company) will be taken to be the legal owner of the land on which the dwelling is situated.

Amendment of s. 10A—Exemption of certain residential land from land tax

4. Section 10A of the principal Act is amended—

- (a) by striking out subparagraph (ii) of subsection (11)(a);
- (b) by striking out subsection (12).

Amendment of s. 73—Powers of inspection and inquiry

5. Section 73 of the principal Act is amended by striking out from subsection (1)(a) "books or".

Amendment of s. 74—Commissioner may cause a person to be examined before a local court

6. Section 74 of the principal Act is amended by striking out from subsection (1)(b) "documents or other records" and substituting "any documents".

Insertion of s. 74A

7. The following section is inserted after section 74 of the principal Act:

Inspection and production of documents

74A. A power to inspect or require production of a document includes, in relation to a record of information that is accessible only through the use of a computer or other device, power to produce or require production of the information in an understandable form through the use of that computer or other device.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

B. S. HETZEL, Governor's Deputy