



LAND AND INCOME TAXATION AMENDMENT ACT 1989

No. 54 of 1989

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AN ACT to amend the *Land and Income Taxation Act 1910*

[Royal Assent 21 December 1989]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Land and Income Taxation Amendment Act 1989*.

Commencement

2—This Act is deemed to have commenced on 1st July 1989.

Principal Act

3—In this Act, the *Land and Income Taxation Act 1910** is referred to as the Principal Act.

Section 2 amended (Interpretation)

4—Section 2 (1) of the Principal Act is amended as follows:—

(a) by inserting after the definition of “assessable income” the following definition:—

“**assessed land value**”, in relation to land, means a sum calculated in respect of that land as provided by section 11;

(b) by inserting after the definition of “land tax” the following definition:—

“**land value**”, in relation to land, means a sum assessed in respect of that land as provided by section 12 (5) of the *Land Valuation Act 1971*;

Section 11 substituted and sections 11A and 11B inserted

5—Section 11 of the Principal Act is repealed and the following sections are substituted:—

Taxable value of land

11—For the purposes of this Act—

(a) the assessed land value, in relation to land, is the product obtained by multiplying the land value of that land by an adjustment factor determined under section 11A with respect to land of the appropriate class or description in the municipal district in which the land is situated; and

(b) the taxable value of land is the assessed land value of that land.

* 1 Geo. V No. 47. For this Act, as amended to 1959, see the Reprint of Statutes (1826-1959), Vol. 3, p. 225. Subsequently amended by No. 39 of 1960, No. 41 of 1961, No. 55 of 1965, No. 80 of 1971, No. 75 of 1973, No. 74 of 1976, No. 85 of 1977, No. 72 of 1978, No. 55 of 1979, Nos. 9 and 78 of 1982, No. 60 of 1983, Nos. 29 and 55 of 1984 and No. 108 of 1987.

Determination of adjustment factors by Valuer-General

11A—(1) For the purposes of this section, the Valuer-General shall—

- (a) as soon as practicable after the day on which the *Land and Income Taxation Amendment Act 1989* receives the Royal Assent, determine in accordance with this section adjustment factors with respect to the financial year commenced on 1st July 1989; and
- (b) during the month of April in the year 1990 and in each subsequent year, determine in accordance with this section adjustment factors with respect to the following financial year.

(2) The adjustment factors shall be applicable to all land in respect of which the Valuer-General is required to make a valuation under section 12 (1) of the *Land Valuation Act 1971*.

(3) For the purposes of this section, the Valuer-General shall in respect of each municipal district—

- (a) determine an adjustment factor applicable to such class or description of land in that municipal district as the Valuer-General may determine; and
- (b) furnish the Commissioner with a certified copy of the determination—

and shall, within 14 days after making the determination, cause a copy of the determination to be published in the *Gazette*.

(4) For the purposes of this section, an adjustment factor applicable to land of a particular class or description is a factor by which, in the opinion of the Valuer-General, the land value of land of that class or description is to be multiplied if the value of that land is to accord with levels of value generally prevailing on 31st March last preceding the determination in respect of land of that class or description in the relevant municipal district.

Review of determinations by Valuer-General

11B—(1) If a municipality is dissatisfied with the determination of an adjustment factor under section 11A relating to its municipal district, the municipality may, within 30 days after a copy of that determination is published in the *Gazette*, apply to the Valuer-General in accordance with this section for a review of that determination.

(2) An application for a review of a determination under subsection (1) shall be in writing and supported by a statement of the grounds on which the application is made and by one or more valuations of land in the relevant municipality.

(3) The Valuer-General shall, within 14 days after receipt of an application for review under subsection (1), consider the application and either affirm or vary the determination to which it relates.

(4) On varying or affirming a determination under subsection (3), the Valuer-General shall—

(a) give notice in writing of the variation or affirmation to the municipality which applied for the review; and

(b) if the determination is varied, cause a copy of the determination as so varied to be published in the *Gazette*.

(5) Where a determination is varied under this section, the determination as so varied shall, on publication under subsection (4) (b), have the same effect as if it had been made under section 11A.

Section 12 amended (Liability of owners for land tax)

6—Section 12 (1) of the Principal Act is amended by inserting “assessed” before “land”, last occurring in paragraph (a) and last occurring in paragraph (b).

Section 18A amended (Partial exemption from land tax of land owned by certain clubs, &c.)

7—Section 18A (1) of the Principal Act is amended by inserting “assessed” before “land value”.