



Western Australia

# **Metropolitan Region Improvement Tax Act 1959**

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Western Australia

# Metropolitan Region Improvement Tax Act 1959

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Western Australia

Reprinted under the  
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at 19 February 2010

## Metropolitan Region Improvement Tax Act 1959

### An Act to impose a Metropolitan Region Improvement Tax.

**1. Short title**

This Act may be cited as the *Metropolitan Region Improvement Tax Act 1959*<sup>1</sup>.

**2. Metropolitan Region Improvement Tax prior to  
30 June 1962**

For the year of assessment ending 30 June 1960, and for each year of assessment thereafter up to the year of assessment ending on 30 June 1962, the rate of Metropolitan Region Improvement Tax imposed by this Act and payable under the *Metropolitan Region Town Planning Scheme Act 1959*<sup>2</sup>, is one halfpenny for every pound of the unimproved value as assessed by or under that Act and the *Land Tax Assessment Act 1907*<sup>3</sup>, of all land chargeable with the tax.

**3. Rate of tax imposed after 30 June 1962, and prior to  
30 June 1967**

For the year of assessment ending 30 June 1963, and for each year of assessment thereafter up to the year of assessment ending 30 June 1967, the rate of the tax referred to in section 2 and imposed and payable as provided in that section shall be three-eighths of one penny for every pound of the unimproved value as assessed by or under the *Metropolitan Region Town*

**s. 4**

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*Planning Scheme Act 1959*<sup>2</sup> and the *Land Tax Assessment Act 1907*<sup>3</sup>, of all land chargeable with the tax, and which rate of tax shall on and after 14 February 1966, be read and construed as five thirty-seconds of one cent for every dollar of the unimproved value as so assessed.

*[Section 3 inserted: No. 37 of 1961 s. 2; amended: No. 113 of 1965 s. 4(1); No. 31 of 1966 s. 2.]*

**4. Rate of tax imposed after 30 June 1967**

For the year of assessment ending 30 June 1968, and for each year of assessment thereafter up to the year of assessment ending 30 June 1976, the rate of the tax referred to in section 2 and imposed and payable as provided in that section shall be one-quarter of one cent for every dollar of the unimproved value, as assessed by or under the *Metropolitan Region Town Planning Scheme Act 1959*<sup>2</sup> and the *Land Tax Assessment Act 1907*<sup>3</sup>, of all land chargeable with the tax.

*[Section 4 inserted: No. 31 of 1966 s. 3; amended: No. 9 of 1976 s. 3.]*

**5. Rate of tax imposed after 30 June 1976**

For the year of assessment commencing on 1 July 1976, and for each year of assessment thereafter up to the year of assessment ending on 30 June 1987, the rate of tax referred to in section 2 and imposed and payable as provided in that section shall be one-quarter of one cent for every dollar of the unimproved value, as assessed by or under the *Metropolitan Region Town Planning Scheme Act 1959*<sup>2</sup> and the *Land Tax Assessment Act 1976*<sup>4</sup>, of all land chargeable with the tax.

*[Section 5 inserted: No. 9 of 1976 s. 4; amended: No. 70 of 1986 s. 4.]*

**6. Rate of tax imposed after 30 June 1987**

For the year of assessment commencing on 1 July 1987 and for each year of assessment thereafter up to and including the year

of assessment ending on 30 June 1993, the rate of tax referred to in section 2 and imposed and payable as provided in that section shall be 0.225 cent for every dollar of the unimproved value, within the meaning of the *Land Tax Assessment Act 1976*<sup>4</sup>, of all land chargeable with the tax.

*[Section 6 inserted: No. 70 of 1986 s. 5; amended: No. 16 of 1993 s. 8; No. 17 of 1993 s. 13.]*

**7. Rate of tax imposed after 30 June 1993**

For the year of assessment commencing on 1 July 1993, and for each year of assessment thereafter up to and including the year of assessment ending on 30 June 2001, the rate of tax referred to in section 2 and imposed and payable as provided in that section shall be 0.15 cent for every dollar of the unimproved value, within the meaning of the *Land Tax Assessment Act 1976*<sup>4</sup>, of all land chargeable with the tax.

*[Section 7 inserted: No. 16 of 1993 s. 9; amended: No. 46 of 2002 s. 6.]*

**8. Rate of tax imposed after 30 June 2002**

For the year of assessment commencing on 1 July 2002, and for each subsequent year of assessment up to and including the year of assessment ending on 30 June immediately following the day on which the *Planning and Development Act 2005* comes into operation, the rate of tax referred to in section 2 and imposed and payable as provided in that section is 0.15 cent for every dollar of the unimproved value of the land according to the valuation in force under the *Valuation of Land Act 1978* at midnight on 30 June in the previous financial year.

*[Section 8 inserted: No. 46 of 2002 s. 7; amended: No. 39 of 2005 s. 4(1).]*

**9. Rate of tax imposed after 30 June following commencement of *Planning and Development Act 2005***

For the year of assessment commencing on 1 July immediately following the day on which the *Planning and Development Act 2005* comes into operation<sup>5</sup>, and for each subsequent year of assessment up to and including the year of assessment ending on 30 June 2007, the rate of Metropolitan Region Improvement Tax imposed by this Act and payable under the *Planning and Development Act 2005*, is 0.15 cent for every dollar of the unimproved value of the land according to the valuation in force under the *Valuation of Land Act 1978* at midnight on 30 June in the previous financial year.

[Section 9 inserted: No. 39 of 2005 s. 4(2); amended: No. 12 of 2007 s. 8.]

**10. Rate of tax imposed after 30 June 2007**

The rates of Metropolitan Region Improvement Tax imposed by this Act and payable under the *Planning and Development Act 2005* are set out in the Table to this section for the relevant year of assessment according to the value of the land referred to in the Table.

**Table 1: Metropolitan Region Improvement Tax rates for 2007/08**

Unimproved value of the land		Rate of Metropolitan Region Improvement Tax
Exceeding (\$)	Not exceeding (\$)	
0	250 000	Nil
250 000		0.18 cent for each \$1 in excess of \$250 000



**Table 2: Metropolitan Region Improvement Tax rates for 2008/09**

Unimproved value of the land		Rate of Metropolitan Region Improvement Tax
Exceeding (\$)	Not exceeding (\$)	
0	300 000	Nil
300 000		0.14 cent for each \$1 in excess of \$300 000

**Table 3: Metropolitan Region Improvement Tax rates for 2009/10 and subsequent years of assessment**

Taxable value of the land		Rate of Metropolitan Region Improvement Tax
Exceeding (\$)	Not exceeding (\$)	
0	300 000	Nil
300 000		0.14 cent for each \$1 in excess of \$300 000

*[Section 10 inserted: No. 12 of 2007 s. 9; amended: No. 30 of 2008 s. 20; No. 3 of 2009 s. 6; No. 19 of 2009 s. 17.]*



### Notes

- <sup>1</sup> This reprint is a compilation as at 19 February 2010 of the *Metropolitan Region Improvement Tax Act 1959* and includes the amendments made by the other written laws referred to in the following table<sup>6,7</sup>. The table also contains information about any reprint.

#### Compilation table

Short title	Number and year	Assent	Commencement
<i>Metropolitan Region Improvement Tax Act 1959</i>	69 of 1959 (8 Eliz. II No. 69)	10 Dec 1959	10 Dec 1959
<i>Metropolitan Region Improvement Tax Act Amendment Act 1961</i>	37 of 1961 (10 Eliz. II No. 37)	6 Nov 1961	6 Nov 1961
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	Act other than s. 4-9: 21 Dec 1965 (see s. 2(1)); s. 4-9: 14 Feb 1966 (see s. 2(2))
<i>Metropolitan Region Improvement Tax Act Amendment Act 1966</i>	31 of 1966	27 Oct 1966	27 Oct 1966
<b>Reprint of the <i>Metropolitan Region Improvement Tax Act 1959</i> approved 9 Feb 1973</b> (includes amendments listed above)			
<i>Metropolitan Region Improvement Tax Act Amendment Act 1976</i>	9 of 1976	27 May 1976	1 Jul 1976 (see s. 2)
<b>Reprint of the <i>Metropolitan Region Improvement Tax Act 1959</i> approved 29 Apr 1980</b> (includes amendments listed above)			
<i>Metropolitan Region Improvement Tax Amendment Act 1986</i>	70 of 1986	4 Dec 1986	4 Dec 1986 (see s. 2)
<i>Taxation Legislation Amendment Act 1993 Pt. 3</i>	16 of 1993	29 Nov 1993	1 Jul 1993 (see s. 2)
<i>Acts Amendment (Annual Valuations and Land Tax) Act 1993 s. 13</i> <sup>8</sup>	17 of 1993	29 Nov 1993	29 Nov 1993 (see s. 2)
<i>Taxation Administration (Consequential Provisions) (Taxing) Act 2002 Pt. 2</i> <sup>9</sup>	46 of 2002	20 Mar 2003	1 Jul 2003 (see s. 2 and <i>Gazette</i> 27 Jun 2003 p. 2383)

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<b>Reprint 3: The Metropolitan Region Improvement Tax Act 1959 as at 9 May 2003</b> (includes amendments listed above except those in the <i>Taxation Administration (Consequential Provisions) (Taxing) Act 2002</i> )			
<i>Metropolitan Region Improvement Tax Amendment Act 2005</i>	39 of 2005	12 Dec 2005	9 Apr 2006 (see s. 2 and <i>Gazette</i> 21 Mar 2006 p. 1077)
<i>Revenue Laws Amendment (Taxation) Act 2007 Pt. 4</i>	12 of 2007	29 Jun 2007	30 Jun 2007 (see s. 2(b))
<i>Revenue Laws Amendment Act 2008 Pt. 5</i>	30 of 2008	27 Jun 2008	1 Jul 2008 (see s. 2(1)(c)(i))
<i>Revenue Laws Amendment Act 2009 Pt. 3</i>	3 of 2009	14 May 2009	1 Jul 2008 (see s. 2(b))
<i>Revenue Laws Amendment (Taxation) Act 2009 Pt. 4</i>	19 of 2009	16 Sep 2009	1 Jul 2009 (see s. 2(b)(ii))
<b>Reprint 4: The Metropolitan Region Improvement Tax Act 1959 as at 19 Feb 2010</b> (includes amendments listed above)			

<sup>2</sup> Repealed by the *Planning and Development (Consequential and Transitional Provisions) Act 2005*.

<sup>3</sup> Repealed by the *Land Tax Assessment Act 1976*, which was repealed by the *Taxation Administration (Consequential Provisions) Act 2002*.

<sup>4</sup> Repealed by the *Taxation Administration (Consequential Provisions) Act 2002*.

<sup>5</sup> The *Planning and Development Act 2005* s. 1 and 2 came into operation on 12 Dec 2005; the Act other than s. 1, 2, 149, 150 and Pt. 13 Div. 3 on 9 April 2006; s. 150 and Pt. 13 Div. 2 on 1 Jul 2009; and s. 149 has not yet been proclaimed.

<sup>6</sup> Under the *Commonwealth Places (Mirror Taxes Administration) Act 1999* (W.A.) s. 7, this Act is to be read and construed with certain modifications. The *Commonwealth Places (Mirror Taxes Administration) Regulations 2007* (W.A.) r. 1-4 and Pt. 4 Div. 1 prescribe particular modifications as follows:

**1. Citation**

These regulations are the *Commonwealth Places (Mirror Taxes Administration) Regulations 2007*.

**2. Commencement**

These regulations come into operation on the day on which the *Commonwealth Places (Mirror Taxes) (Modification of Applied Laws (WA)) Notice 2007* comes into operation.

**3. When certain modifications have effect**

- (1) The modifications prescribed in Part 2, Part 3, Part 5, Part 6 Division 2 and Part 7 have effect on and from 1 July 2003.
- (2) The modifications prescribed in Part 4 have effect on and from 9 April 2006 and prevail over the modifications in the *Commonwealth Places (Mirror Taxes Administration) Regulations 2002* Part 5 to the extent of any inconsistency.

Note:

Modifications prescribed for the purposes of section 7(2) of the Act may be expressed to take effect from a date that is earlier than the date on which the modifications are published in the *Gazette*, see section 7(3) of the Act.

**4. Modification of State taxing laws**

- (1) For the purposes of section 7(2) of the Act, each State taxing law is taken to be modified to the extent necessary to give effect to subregulation (2).
- (2) If—
  - (a) a State taxing law applies, or could apply, to any extent, to or in relation to an event, state of affairs or transaction, and the corresponding applied law also applies, or could apply, to any extent, to or in relation to the same event, state of affairs or transaction; and
  - (b) a person is required or permitted, or could be required or permitted, to take an action under both the State taxing law and the corresponding applied law in relation to the event, state of affairs or transaction; and
  - (c) the person has taken the action in accordance with the corresponding applied law; and
  - (d) the Commissioner of State Revenue has sufficient information about the event, state of affairs or transaction to carry out his or her functions in relation to it under the State taxing law or the corresponding applied law or both, as the case requires,

then —

- (e) the person is not required to take the action under the State taxing law; and
- (f) the Commissioner may carry out his or her functions in relation to the event, state of affairs or transaction as if the person had taken whatever action is required or permitted under the State taxing law in relation to the event, state of affairs or transaction.

- (3) The particular modifications set out in these regulations of certain State taxing laws have effect for the purposes of section 7(2) of the Act.

## **Part 4 — Metropolitan region improvement and planning**

### **Division 1 — The *Metropolitan Region Improvement Tax Act 1959***

**21. Modification of the *Metropolitan Region Improvement Tax Act 1959***

This Division sets out modifications of the *Metropolitan Region Improvement Tax Act 1959* in its application as a law of Western Australia.

**22. Section 1A inserted**

After section 1 the following section is inserted —

“

**1A. Application of Act in non-Commonwealth places**

- (1) In this section —

*applied Metropolitan Region Improvement Tax Act* means the *Metropolitan Region Improvement Tax Act 1959* of Western Australia in its application in or in relation to Commonwealth places in Western Australia in accordance with the *Commonwealth Places (Mirror Taxes) Act 1998* of the Commonwealth.

- (2) In this Act, unless the contrary intention appears —

- (a) a reference to this Act is to be read as a reference to this Act in its application as a law of Western Australia; and  
(b) a reference to the *Planning and Development Act 2005* is to be read as a reference to that Act in its application as a law of Western Australia.

- (3) This Act is to be read with the applied Metropolitan Region Improvement Tax Act as a single body of law.

”.

<sup>7</sup> Under the *Commonwealth Places (Mirror Taxes) Act 1998* (Commonwealth) s. 6(4), this Act has effect subject to any modifications under s. 8. Under s. 8(2) of that Act the *Commonwealth Places (Mirror Taxes) (Modification of Applied Laws (WA)) Notice 2007* (Commonwealth) has been made and cl. 1-5 and Pt. 4 Div. 1 read as follows:

**1. Citation**

This notice is the *Commonwealth Places (Mirror Taxes) (Modification of Applied Laws (WA)) Notice 2007*.

**2. Commencement**

This notice comes into operation on the day after the day on which it is registered under the *Legislative Instruments Act 2003* of the Commonwealth.

**3. When certain modifications have effect**

- (1) The modifications prescribed in Part 2, Part 3, Part 5, Part 6 Division 2 and Part 7 have effect on and from 1 July 2003.
- (2) The modifications prescribed in Part 4 have effect on and from 9 April 2006 and prevail over the modifications in the *Commonwealth Places (Mirror Taxes) (Modification of Applied Laws (WA)) Notice 2002* Part 5 to the extent of any inconsistency.

Note:

Modifications prescribed in a notice under section 8 of the Act may be expressed to take effect from a date that is earlier than the date on which the modifications are published in the *Commonwealth of Australia Gazette*, see section 8(5) of the Act.

**4. Definitions**

In this notice —

***applied WA law*** means the provisions of a State taxing law of Western Australia that apply or are taken to have applied in relation to Commonwealth places in Western Australia in accordance with the Commonwealth Mirror Taxes Act;

***Commissioner of State Revenue*** means the Commissioner of State Revenue of Western Australia appointed in accordance with the *Taxation Administration Act 2003* section 6 of Western Australia;

***Commonwealth Mirror Taxes Act*** means the *Commonwealth Places (Mirror Taxes) Act 1998* of the Commonwealth.

**5. Modification of applied WA laws**

- (1) For the purposes of the Commonwealth Mirror Taxes Act section 8, each applied WA law is taken to be modified to the extent necessary to give effect to subclause (2).
- (2) If —
  - (a) an applied WA law applies, or could apply, to any extent, to or in relation to an event, state of affairs or transaction, and the corresponding State taxing law also applies, or could apply, to any extent, to or in relation to the same event, state of affairs or transaction; and

- (b) a person is required or permitted, or could be required or permitted, to take an action under both the applied WA law and the corresponding State taxing law in relation to the event, state of affairs or transaction; and
- (c) the person has taken the action in accordance with the corresponding State taxing law; and
- (d) the Commissioner of State Revenue has sufficient information about the event, state of affairs or transaction to carry out his or her functions in relation to it under the applied WA law or the corresponding State taxing law or both, as the case requires,

then —

- (e) the person is not required to take the action under the applied WA law; and
  - (f) the Commissioner may carry out his or her functions in relation to the event, state of affairs or transaction as if the person had taken whatever action is required or permitted under the applied WA law in relation to the event, state of affairs or transaction.
- (3) The particular modifications set out in this notice of certain applied WA laws have effect for the purposes of the Commonwealth Mirror Taxes Act section 8.

## **Part 4 — Metropolitan region improvement and planning**

### **Division 1 — The applied *Metropolitan Region Improvement Tax Act 1959***

#### **22. Modification of the applied *Metropolitan Region Improvement Tax Act 1959***

This Division sets out modifications of the *Metropolitan Region Improvement Tax Act 1959* of Western Australia in its application as a law of the Commonwealth in or in relation to Commonwealth places in Western Australia.

#### **23. Section 1A inserted**

After section 1 the following section is inserted —

“

#### **1A. Application of Act in Commonwealth places**

- (1) In this section —

**Commonwealth Mirror Taxes Act** means the *Commonwealth Places (Mirror Taxes) Act 1998* of the Commonwealth;  
**corresponding Metropolitan Region Improvement Tax Act** means the *Metropolitan Region Improvement Tax Act 1959* of Western Australia in its application as a law of Western Australia.

- (2) In this Act, unless the contrary intention appears —
- (a) a reference to this Act is to be read as a reference to this Act in its application as a law of the Commonwealth in or in relation to Commonwealth places in Western Australia in accordance with the Commonwealth Mirror Taxes Act; and
  - (b) a reference to the *Planning and Development Act 2005* of Western Australia is to be read as a reference to the *Planning and Development Act 2005* of Western Australia in its application as a law of the Commonwealth in or in relation to Commonwealth places in Western Australia in accordance with the Commonwealth Mirror Taxes Act.
- (3) This Act is to be read with the corresponding Metropolitan Region Improvement Tax Act as a single body of law.
- (4) In addition to being modified as prescribed by the *Commonwealth Places (Mirror Taxes) (Modification of Applied Laws (WA)) Notice 2007*, this Act is deemed to be further modified to any extent that is necessary or convenient —
- (a) to enable this Act to operate effectively as a law of the Commonwealth; and
  - (b) to ensure that the combined liability of a taxpayer under this Act and the corresponding Metropolitan Region Improvement Tax Act is as nearly as possible the same as the taxpayer's liability would be under the corresponding Metropolitan Region Improvement Tax Act alone if the Commonwealth places in Western Australia were not Commonwealth places.

”.

<sup>8</sup> The *Acts Amendment (Annual Valuations and Land Tax) Act 1993* s. 3 is an application provision that is of no further effect.

<sup>9</sup> The *Taxation Administration (Consequential Provisions) (Taxing) Act 2002* s. 3 and 4 read as follows:



**3. Relationship with other Acts**

The *Taxation Administration Act 2003* is to be read with this Act as if they formed a single Act.

**4. Meaning of terms used in this Act**

The Glossary at the end of the *Taxation Administration Act 2003* defines or affects the meaning of some of the words and expressions used in this Act and also affects the operation of other provisions.