

Western Australia

**Metropolitan Region Improvement Tax Act
1959**

As at 09 Apr 2006

Version 03-c0-02

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Western Australia

Metropolitan Region Improvement Tax Act 1959

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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*¹.

**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*, is one halfpenny for every pound of the unimproved value as assessed by or under that Act and the *Land Tax Assessment Act 1907*², 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 Planning Scheme Act 1959* and the *Land Tax Assessment Act 1907*², of all land chargeable with the tax, and which rate of

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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 by No. 37 of 1961 s. 2; amended by 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* and the *Land Tax Assessment Act 1907*², of all land chargeable with the tax.

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

5. Rate of tax imposed after 1 July 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* and the *Land Tax Assessment Act 1976*, of all land chargeable with the tax.

[Section 5 inserted by No. 9 of 1976 s. 4; amended by 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*, of all land chargeable with the tax.

[Section 6 inserted by No. 70 of 1986 s. 5; amended by 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*, of all land chargeable with the tax.

[Section 7 inserted by No. 16 of 1993 s. 9; amended by 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 by No. 46 of 2002 s. 7; amended by 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, and for each subsequent year of

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assessment, 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 by No. 39 of 2005 s. 4(2).]

Notes

¹ This is a compilation of the *Metropolitan Region Improvement Tax Act 1959* and includes the amendments made by the other written laws referred to in the following table^{3, 4, 5, 6}. 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	10 Dec 1959	10 Dec 1959
<i>Metropolitan Region Improvement Tax Act Amendment Act 1961</i>	37 of 1961	6 Nov 1961	6 Nov 1961
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	s. 4-9: 14 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965 (see s. 2(1))
<i>Metropolitan Region Improvement Tax Act Amendment Act 1966</i>	31 of 1966	27 Oct 1966	27 Oct 1966
Reprint of the <i>Metropolitan Region Improvement Tax Act 1959</i> approved 9 Feb 1973 (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)
Reprint of the <i>Metropolitan Region Improvement Tax Act 1959</i> approved 29 Apr 1980 (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. 13⁵</i>	17 of 1993	29 Nov 1993	29 Nov 1993 (see s. 2)
Reprint 3: The <i>Metropolitan Region Improvement Tax Act 1959</i> as at 9 May 2003 (includes amendments listed above)			
<i>Taxation Administration (Consequential Provisions) (Taxing) Act 2002 Pt. 2⁶</i>	46 of 2002	20 Mar 2003	1 Jul 2003 (see s. 2 and <i>Gazette</i> 27 Jun 2003 p. 2383)

Short title	Number and year	Assent	Commencement
<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)

² Repealed by the *Land Tax Assessment Act 1976*.

³ Under the *Commonwealth Places (Mirror Taxes Administration) Act 1999* s. 7 this Act is to be read and construed with any modifications referred to in subsection (1) of that section and, in particular, with the modifications set out in the *Commonwealth Places (Mirror Taxes Administration) Regulations 2002*. Pt. 1 and Pt. 5 Div. 1 of those regulations read as follows:

“

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Commonwealth Places (Mirror Taxes Administration) Regulations 2002*.

2. Commencement

- (1) These regulations do not have effect unless an arrangement is in operation under section 5 of the Act.
- (2) When such an arrangement is in operation, these regulations and the modifications they prescribe are deemed to have taken effect on 6 October 1997.
- (3) If a State taxing law was repealed before these regulations take effect then, despite the repeal, when these regulations are deemed under subsection (2) to have taken effect, the repealed law is deemed to have been modified, in accordance with these regulations, on 6 October 1997.

3. Modification of State taxing laws

- (1) In its operation as an applied WA law, the Act is modified by omitting section 7.
- (2) 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 (3).
- (3) 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;

- (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;
- (c) the person has taken the action in accordance with the corresponding applied law; and
- (d) the Commissioner has enough 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.
- (4) 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 5 — Metropolitan region improvement and planning

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

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

This Division sets out modifications of the *Metropolitan Region Improvement Tax Act 1959*.

43. Section 1A inserted

After section 1 the following section is inserted —

“

1A. Application of Act in non-Commonwealth places

- (1) 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;
 - (b) a reference to the *Land Tax Assessment Act 1976* is to be read as a reference to that Act in its application as a law of Western Australia; and
 - (c) a reference to the *Metropolitan Region Town Planning Scheme Act 1959* is to be read as a reference to that Act in its application as a law of Western Australia.
- (2) This Act is to be read with the applied Metropolitan Region Improvement Tax Act as a single body of law.
- (3) In this section, unless the contrary intention appears —
- “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 Mirror Taxes Act;
- “Commonwealth Mirror Taxes Act”** means the *Commonwealth Places (Mirror Taxes) Act 1998* of the Commonwealth;
- “Commonwealth place”** means a Commonwealth place in or in relation to which the applied Metropolitan Region Improvement Tax Act applies, or is taken to have applied, under the Commonwealth Mirror Taxes Act.

⁴ Under the *Commonwealth Places (Mirror Taxes) Act 1998* s. 8(2) of the Commonwealth, this Act is to be read and construed with any modifications referred to in subsection (1) of that section and, in particular, with the modifications set out in the *Commonwealth Places (Mirror Taxes) (Modification of Applied Laws (WA)) Notice 2002*. Pt. 1 and Pt. 5 Div. 1 of that notice read as follows:

Part 1 — Preliminary

1. Citation

This notice may be cited as the *Commonwealth Places (Mirror Taxes) (Modification of Applied Laws (WA)) Notice 2002*.

2. Commencement

- (1) This notice does not have effect unless an arrangement is in operation under section 9 of the Commonwealth Places Mirror Taxes Act in relation to Western Australia.
- (2) When such an arrangement is in operation, this notice and the modifications it prescribes are deemed to have taken effect on 6 October 1997.
- (3) If an applied WA law was repealed before this notice takes effect then, despite the repeal, when this notice is deemed under subsection (2) to have taken effect, the repealed law is deemed to have been modified on 6 October 1997 as set out in this notice.

3. 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;

“**Commonwealth Mirror Taxes Act**” means the *Commonwealth Places (Mirror Taxes) Act 1998* of the Commonwealth;

“**WA taxing law**” means a State taxing law of Western Australia.

4. Modification of applied WA laws

- (1) For the purposes of section 8 of the Commonwealth Mirror Taxes Act, each applied WA law is taken to be modified to the extent necessary to give effect to subregulation (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;
 - (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;
 - (c) the person has taken the action in accordance with the corresponding State taxing law; and
 - (d) the Commissioner has enough 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 section 8 of the Commonwealth Mirror Taxes Act.

Part 5 — Metropolitan region improvement and planning

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

60. Modification of the applied Act

This Division sets out modifications of the *Metropolitan Region Improvement Tax Act 1959* of Western Australia.

61. Section 1A inserted

After section 1 the following section is inserted —

“

1A. Application of Act in Commonwealth places

- (1) 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;
 - (b) a reference to the *Land Tax Assessment Act 1976* of Western Australia is to be read as a reference to the applied Land Tax Assessment Act; and
 - (c) a reference to the *Metropolitan Region Town Planning Scheme Act 1959* of Western Australia is to be read as a reference to the applied Metropolitan Region Town Planning Scheme Act.
- (2) This Act is to be read with the corresponding Metropolitan Region Improvement Tax Act as a single body of law.

- (3) In addition to being modified as prescribed by the *Commonwealth Places (Mirror Taxes) (Modification of Applied Laws (WA)) Notice 2002*, 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.
- (4) In this Act, unless the contrary intention appears —
- “applied Land Tax Assessment Act”** means the *Land Tax Assessment Act 1976* 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;
- “applied Metropolitan Region Town Planning Scheme Act”** means the *Metropolitan Region Town Planning Scheme Act 1959* 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;
- “Commonwealth Mirror Taxes Act”** means the *Commonwealth Places (Mirror Taxes) Act 1998* of the Commonwealth;
- “Commonwealth place”** means a Commonwealth place in or in relation to which this Act applies or is taken to have applied under section 6 of the Commonwealth Mirror Taxes Act;
- “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.

”
”

⁵ The *Acts Amendment (Annual Valuations and Land Tax) Act 1993* s. 3 reads as follows:

“

3. Application

The amendments made by this Part have effect in relation to a rate or tax for any period commencing on or after 1 July 1993 but do not have any effect in relation to a rate or tax for any period commencing before that date.

”

⁶ 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.

”