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 1907², 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 1907², of all land chargeable with the tax, and which rate of

As at 05 Feb 2007 Version 03-d0-03 page 1 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

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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

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

	Compi	iation table	
Short title	Number and year	Assent	Commencement
Metropolitan Region Improvement Tax Act 1959	69 of 1959	10 Dec 1959	10 Dec 1959
Metropolitan Region Improvement Tax Act Amendment Act 1961	37 of 1961	6 Nov 1961	6 Nov 1961
Decimal Currency Act 1965	113 of 1965	21 Dec 1965	s. 4-9: 14 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965 (see s. 2(1))
Metropolitan Region Improvement Tax Act Amendment Act 1966	31 of 1966	27 Oct 1966	27 Oct 1966
Reprint of the <i>Metropolitan</i> (includes amendments listed		ovement Tax A	ct 1959 approved 9 Feb 1973
Metropolitan Region Improvement Tax Act Amendment Act 1976	9 of 1976	27 May 1976	1 Jul 1976 (see s. 2)
Reprint of the <i>Metropolitan</i> (includes amendments listed		ovement Tax A	ct 1959 approved 29 Apr 1980
Metropolitan Region Improvement Tax Amendment Act 1986	70 of 1986	4 Dec 1986	4 Dec 1986 (see s. 2)
Taxation Legislation Amendment Act 1993 Pt. 3	16 of 1993	29 Nov 1993	1 Jul 1993 (see s. 2)
Acts Amendment (Annual Valuations and Land Tax) Act 1993 s. 13 ⁵	17 of 1993	29 Nov 1993	29 Nov 1993 (see s. 2)
Reprint 3: The <i>Metropolita</i> (includes amendments listed		rovement Tax A	4ct 1959 as at 9 May 2003

Taxation Administration 46 of 2002 20 Mar 2003 1 Jul 2003 (see s. 2 and Gazette 27 Jun 2003 p. 2383)

(Consequential Provisions) (Taxing) Act 2002 Pt. 2 ⁶

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Short title	Number and year	Assent	Commencement
Metropolitan Region Improvement Tax Amendment Act 2005	39 of 2005	12 Dec 2005	9 Apr 2006 (see s. 2 and <i>Gazette</i> 21 Mar 2006 p. 1077)

Repealed by the *Land Tax Assessment Act 1976*.

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

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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 2007*. r. 1-4 and Pt. 4 Div. 1 of those regulations read as follows:

- 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

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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.

".

Under the *Commonwealth Places (Mirror Taxes) Act 1998* s. 8(2) of the Commonwealth, these regulations are 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 2007.* r. 1-5 and Pt. 4 Div. 1 of that notice 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 —

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- "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

- For the purposes of the Commonwealth Mirror Taxes Act (1) section 8, each applied WA law is taken to be modified to the extent necessary to give effect to subclause (2).
- If-(2)
 - (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
 - 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
 - the person has taken the action in accordance with the (c) corresponding State taxing law; and
 - the Commissioner of State Revenue has sufficient (d) 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 -

- the person is not required to take the action under the (e) 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.

Version 03-d0-03 As at 05 Feb 2007 page 9 (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.

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- (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.

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.

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.