

Taxation Administration (Amounts payable-Land Rent) Determination 2011 (No 1)

Disallowable instrument DI2011-163

made under the

***Taxation Administration Act 1999*, section 139 (Determination of amounts payable under tax laws)**

EXPLANATORY STATEMENT

1. The *Taxation Administration Act 1999* (TAA) deals with the administration of various tax laws relating to the imposition and collection of certain taxes, duties and licence fees.
2. Section 139 of the TAA empowers the Minister to determine the amount of taxes, duties and licence fees payable under a tax law, including the *Land Rent Act 2008* (the Land Rent Act). The Land Rent Act imposes land rent on certain residential leases.
3. This instrument commences on 1 July 2011.
4. For the purposes of the provisions of the Land Rent Act specified below, the following are determined under section 139 of the TAA:

(1) **Standard Percentage**

For the purposes of sections 8, 15, 16 and 17 of the Land Rent Act, the *standard percentage* is 4%. This is the annual amount of land rent as a percentage of the unimproved value of the parcel of land under a land rent lease. For example, if the unimproved value of a parcel of land is \$200,000, then the annual land rent for that parcel of land is \$8,000.

(2) **Discount Percentage**

For the purposes of sections 8, 15 and 16 of the Land Rent Act, the *discount percentage* is 2%. This is the amount of land rent as a discounted percentage of the unimproved value of the parcel of land under a land rent lease where a lessee is eligible under section 11 of the Land Rent Act. For example, if the unimproved value of a parcel of land is \$200,000, then the annual land rent for that parcel of land is \$4,000.

(3) Relevant Percentage

For the purposes of sections 8 and 15 of the Land Rent Act, the *relevant percentage* is to be set by the annual change in Average Weekly Earnings (AWE) as reported by the Australian Bureau of Statistics. The relevant percentage caps the increase to protect households from large rental increases due to increases attributed to unimproved land values.

(4) Income Threshold Amount

For the purposes of sections 11 and 15 of the Land Rent Act, the *income threshold amount* means the income threshold amount with reference to the number of dependent children the lessees of a land rent lease have.

The *income threshold amount* is set at \$85,500 per annum (an upward rounding to the nearest \$100) indexed by the annual increase in the March 2011 quarter CPI (3 per cent).

There is an additional allowance for each dependant child of \$3,330 per annum up to a maximum of \$102,150 per annum for a lessee eligible for the discount percentage with 5 or more dependant children in accordance with the following table:

Number of dependent children	Income threshold
0	\$85,500
1	\$88,830
2	\$92,160
3	\$95,490
4	\$98,820
5 or more	\$102,150

5. Application of this instrument and changes

This instrument revokes Disallowable Instrument DI2010-196. However, DI2010-196 continues to apply to applications for Discounted Land Rent for the period 31 August 2010 to 30 June 2011.

The only change in this instrument is to the income threshold amount, indexed as described in paragraph 4 above. All other aspects of the instrument remain unchanged.

Authorised by the Treasurer
Katy Gallagher MLA