

Australian Capital Territory

# Land Tax (Non-independent) Exemption 2019

Notifiable Instrument NI2019–30

made under the

*Land Tax Act 2004*, section 34 (1) (Exemption from land tax)

## EXPLANATORY STATEMENT

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### Background

The *Land Tax Amendment Act 2018* commenced on 1 July 2018 and, in part, amended the *Land Tax Act 2004* to implement an extension of land tax to all residential dwellings that are not an owner's principal place of residence (announced in the 2017-18 Budget).

### Exemption

This instrument provides a maximum two-year exemption from the payment of land tax for the owner of a residential property/unit to recognise circumstances beyond a person's control where they can no longer be resident in their own property due to a loss of independence. Specifically it provides for where:

- a. the property had been used by the owner as a principal place of residence immediately prior to moving into care (and not subject to land tax);
- b. the owner is no longer independent and is residing in a form of care facility (for example, hospital, nursing home, carer); and
- c. the property is vacant.

If the property is occupied at any time during the exemption period, it would cease to be exempt from land tax.

This instrument has retrospective effect beginning on 1 July 2018 to apply to parties since the 2018 reforms. Retrospective application of the exemption is non-prejudicial.

Authorised by the Treasurer  
Andrew Barr MLA