



COMMISSIONER'S PRACTICE
LT 14.0
SUPERSEDED

LAND TAX - EXEMPTION FOR LAND USED FOR RETIREMENT VILLAGES

Commissioner's Practice History

Commissioner's Practice	Issued	Dates of effect	
		From	To
LT 14.0	29 October 2003	29 October 2003	25 May 2017

This Commissioner's practice addresses the circumstances when an exemption from land tax will be granted on land used for retirement villages.

Background

Section 39 of the *Land Tax Assessment Act 2002* ("the Act") provides that land used for a retirement village within the meaning of the *Retirement Villages Act 1992* is exempt for an assessment year (to any extent that it is not exempt under any other provision) if, at midnight on 30 June in the previous financial year:

- the residential premises in the village are occupied or available for occupation, under a residence contract within the meaning of the *Retirement Villages Act 1992*; and
- all approvals necessary for the village under Part XV of the *Local Government (Miscellaneous Provisions) Act 1960* are in force at that time.

Commissioner's Practice

1. In considering an application for exemption and reassessment, the Commissioner will consider the following criteria when making his determination:

1.1 *Lodgement of a memorial*

Section 15(3) of the *Retirement Villages Act* requires the lodgement of a

memorial with the Registrar of Titles. The Commissioner will only grant an exemption where a memorial has been lodged and the title suitably endorsed.

1.2 Land usage

For an exemption to apply, residential units must be occupied or available for occupation.

1.3 Date of completion

The Commissioner will grant an exemption where construction is completed at 30 June in the relevant year. An exemption will only apply to the developed portion of a retirement village site.

In circumstances where part of the village site is not yet available for occupation, a sketch of the property will be required detailing the respective uses.

2. Applications for exemption and reassessment should be accompanied by a current copy of the Certificate of Title or the relevant strata plan, endorsed by the Registrar of Titles evidencing the lodgement of a memorial.
3. When considered necessary, the Commissioner will inspect properties and/or seek documentary evidence in order to be satisfied that an exemption from land tax is applicable.

Date of Effect

This Commissioner's practice takes effect from 29 October 2003.

Bill Sullivan
COMMISSIONER OF STATE REVENUE

29 October 2003