

1991—No. 232

LAND TAX MANAGEMENT ACT 1956—REGULATION

(Relating to land tax exemption for gas companies)

NEW SOUTH WALES



[Published in Gazette No. 77 of 10 May 1991]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Land Tax Management Act 1956, has been pleased to make the Regulation set forth hereunder.

B. G. BAIRD
for Premier and Treasurer.

The Land Tax Regulations are amended:

- (a) by omitting regulations 3A and 3B and by inserting instead the following regulation:

Gas companies—exemption from taxation

3A. (1) In this regulation:

“**gas activity**” means any activity carried on for or in connection with the manufacture, production, distribution or supply of gas (including the storage of gas and the drainage of methane gas from coal seams) and any activity incidental to such an activity;

“**gas company**” means any of the following companies:

The Australian Gas Light Company
AGL Sydney Limited
AGL Western Limited
The North Shore Gas Company Limited
Wollongong Gas Company Limited
The City of Goulburn Gas and Coke Company
Boral Gas (NSW) Pty. Limited
Albury Gas Company Limited
Newcastle Gas Company Limited
Bega Elgas Pty. Limited.

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(2) With respect to tax payable under the Act in respect of the year commencing on 1 January 1991 and any succeeding year, land owned by a gas company is exempt from taxation to the extent that the land is used for a gas activity (whether or not it is so used by the company that owns the land).

(3) If part only of land is used for a gas activity, the effect of clause (2) in relation to that land is to effect a reduction in the adjusted value of the land calculated as follows:

$$R = A \times B$$

where:

R = the reduction in adjusted value;

A = the adjusted value of the land before reduction;

B = the proportion that the rental value of that part of the land which is used for gas activities bears to the total rental value of the land, with "rental value" being as determined by the Chief Commissioner.

(4) If the Chief Commissioner is not satisfied in a particular case as to the fairness and reasonableness of the proportion represented by "B" in the formula:

- (a) the Chief Commissioner may redetermine that proportion by reference to the proportion that the area of that part of the land that is used for gas activities bears to the total area of the land; and
- (b) that proportion as so redetermined becomes the proportion represented by "B" in the formula.

(5) In this regulation, a reference to the area of land or of a part of land includes, where there is a building on the land, a reference to the floor area of the building.

(b) by omitting regulation 9 (3) and by inserting instead the following clause:

(3) The fee for each application is \$5.

EXPLANATORY NOTE

The object of this Regulation is to update the provision of the regulations under the Land Tax Management Act 1956 that deals with exemptions from land tax for gas supply authorities, as a result of the restructuring of the gas supply industry. The Regulation updates the names of the companies involved in gas supply and restricts the exemption so that it will apply only in respect of that part of their land that is used for manufacture, production, distribution or supply of gas and incidental activities. The Regulation also omits redundant provisions concerning the manner in which a fee payable under the Act is to be paid as those provisions now appear in the Act.

The Regulation is in substantially the same form as a previous Regulation which is considered to have no effect because only part of the Regulation was published in the Gazette. (See Gazette No. 174 of 21 December 1990 at p. 11232.) Accordingly, the Regulation has been re-made and re-published.
