

Information Notice

Act Title	Land Tax Act 2005
Information Title:	Retrospective Commencement
Version:	026

The amendment made to Schedule 3 of the **Land Tax Act 2005** by section 14 of the **State Taxation Acts Amendment Act 2009**, No. 37/2009 is deemed to have come into operation on 1 January 2006.

Section 14 reads as follows:

14 Transitional provisions

In Schedule 3 to the **Land Tax Act 2005**, after clause 12 **insert—**

"13 Enactments applying to old Act

Despite anything to the contrary, the following enactments, as in force immediately before the commencement day, continue to apply on and after that day in respect of any matter to which the old Act continues to apply on and after that day and are taken always to have so applied—

- (a) **Taxation Administration Act 1997** and regulations made under that Act;
- (b) **Taxation (Reciprocal Powers) Act 1987**;
- (c) **Victorian Civil and Administrative Tribunal Act 1998** and regulations and rules made under that Act."

The amendments made to section 3(1) and Part 3 of the **Land Tax Act 2005** by sections 4 and 5 of the **State Taxation Acts Further Amendment Act 2009**, No. 83/2009 are deemed to have come into operation on 1 January 2006.

Sections 4 and 5 read as follows:

4 Definitions

In section 3(1) of the **Land Tax Act 2005**, for paragraph (b) of the definition of *trust substitute*—

- "(b) does not include an implied or constructive trust, except where expressly provided by this Act;"

5 New Division 2B inserted

After Division 2A of Part 3 of the **Land Tax Act 2005** insert—

"Division 2B—Land held on implied or constructive trust

46L Land held on implied or constructive trust

- (1) A person who is the owner of land as trustee of an implied or constructive trust is liable for land tax on the land at the general rate set out in Part 1 of Schedule 1.
- (2) The trustee is to be assessed for land tax on the whole of the land subject to the implied or constructive trust as if the land were the only land owned by the trustee.
- (3) Despite subsection (2), if the trustee holds land as trustee of more than one implied or constructive trust for the same beneficiary or beneficiaries, the trustee is to be assessed for land tax on the whole of the land subject to those implied or constructive trusts as if that land were the only land owned by the trustee.

46M Trustee's right to reimbursement under implied trust or constructive trust

A trustee of an implied or constructive trust who pays any land tax assessed on land subject to the trust is entitled to recoup the amount of the tax from any trust property that is subject to the trust."