

Revenue Ruling

Land Tax Act 1936

LT001

LAND TAX RELIEF FOR DECEASED ESTATES

Preamble

The Commissioner of State Taxation (the “Commissioner”) is responsible for the assessment and collection of land tax under the *Land Tax Act 1936* (the “Act”).

The Act provides that an owner of land is liable for land tax levied in respect of that land for the full financial year. The tax is calculated as at midnight on 30 June immediately prior to the financial year for which the tax is to be levied on the basis of circumstances then existing.

Section 5 of the Act provides an exemption from land tax where land is owned by a natural person for whom the land constitutes his or her principal place of residence.

In cases where the registered owner of land has died prior to 30 June, provided that the particular property has been bequeathed to a particular person or persons and at least one of those persons occupies the property as his or her principal place of residence as at 30 June, the property may be eligible for a principal place of residence exemption.

However, if the beneficiary or beneficiaries entitled to the property under a will or the rules of intestacy have not occupied the property as their principal place of residence as at 30 June, the property will not be eligible for a principal place of residence exemption and land tax is payable by the executors or administrators of the deceased person’s estate. There are no provisions under the Act which permit the Commissioner to waive the land tax in these circumstances.

Ruling

The Treasurer has approved, on a case-by-case basis, the provision of *ex gratia* relief from land tax for deceased estates for the first financial year following the death of the owner of the land.

The relief is available from the 2010-11 financial year onwards and is conditional upon the property having been occupied by the deceased as their principal place of residence as at the time of their death, and the property not being leased between that time and the time that the land is transferred or sold.

This relief is only available where persons apply in writing to RevenueSA. Applications will need to include a copy of the death certificate for the deceased owner of the land.

Further Information

Further information can be obtained from RevenueSA.

Location	RevenueSA State Administration Centre 200 Victoria Square East ADELAIDE SA 5000
Postal	Commissioner of State Taxation RevenueSA GPO Box 1647 ADELAIDE SA 5001
Telephone	(08) 8204 9870
Facsimile	(08) 8207 2100
Email	landtax@sa.gov.au
Website	www.revenuesa.sa.gov.au

History

This Revenue Ruling is effective from the 2010-11 financial year onwards.

This is the first Revenue Ruling issued on this topic.

Mike Walker
COMMISSIONER OF STATE TAXATION

4 August 2010