

[Act 1997 No 32]



New South Wales

## Accommodation Levy Bill 1997

### Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.\*  
This Bill is cognate with the *Appropriation Bill 1997*.

### Overview of Bill

The object of this Bill is to impose a levy of 10% on charges for the provision of residential accommodation on or after 1 September 1997 at a place of accommodation situated within the area to which the proposed Act applies.

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\* Amended in committee—see table at end of volume.

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## Outline of provisions

### **Part 1 Preliminary**

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on 1 September 1997.

**Clause 3** specifies the object of the proposed Act as stated above.

**Clause 4** defines certain words and expressions used in the proposed Act and, in particular, *residential accommodation* and *place of accommodation*.

**Clause 5** provides that the proposed Act is to be read together with the *Taxation Administration Act 1996* which makes provision for the administration and enforcement of taxation laws.

### **Part 2 Accommodation levy**

**Clause 6** imposes an accommodation levy on the total amount, determined in accordance with Part 3 of the proposed Act, paid or payable for residential accommodation provided, or agreed to be provided, in a place of accommodation to which the proposed Act applies.

**Clause 7** defines the places that are places of accommodation for the purposes of the proposed Act.

**Clause 8** limits the application of the proposed Act to places of accommodation that are situated within the area defined in Schedule 1.

**Clause 9** specifies that the amount of the accommodation levy is 10% of the total amount paid or payable for the residential accommodation.

### **Part 3 Calculation of total amount paid or payable for residential accommodation**

**Clause 10** provides that the total amount paid or payable for residential accommodation is the total of the actual amounts paid to or charged for the residential accommodation by the provider of the accommodation, subject to the proposed Part.

**Clause 11** excludes from amounts paid or payable for residential accommodation certain amounts paid or payable for goods and services provided by the provider of the accommodation.

**Clause 12** avoids the payment of a levy on the levy where the amount of the accommodation charge includes the accommodation levy.

**Clause 13** enables the Chief Commissioner of State Revenue to determine the amount of an accommodation charge on which the levy is to be imposed if the Chief Commissioner is satisfied that the amount paid or payable has been determined principally to reduce the incidence of the accommodation levy charged under the proposed Act.

#### **Part 4      Miscellaneous**

**Clause 14** requires the manager of a place of accommodation to lodge a monthly return with the Chief Commissioner and to pay the accommodation levy when lodging the return. Failure to do so is an offence liable to a maximum penalty of 100 penalty units (currently \$10,000).

**Clause 15** enables the manager of a place of accommodation to recover the amount of the accommodation levy attributable to an occupant's occupancy as a debt if the manager has specified the amount of the levy as a separate amount in a document given to the occupant.

**Clause 16** amends the *Taxation Administration Act 1996* to apply the provisions of that Act to the proposed Act.

**Clause 17** provides for proceedings for an offence against the proposed Act and any regulations made under it to be prosecuted summarily in a Local court.

**Clause 18** enables the making of regulations for the purposes of the proposed Act.

**Clause 19** enables the Minister to grant exemptions from the operation of the proposed Act or from specified provisions of it.

**Clause 20** requires the Minister to review the proposed Act as soon as possible after 5 years have elapsed from the date of its assent and to report on the review to each House of Parliament.

#### **Schedule 1      Area to which this Act applies**

**Schedule 1** specifies the area to which the proposed Act applies.