

Valuation of Land Amendment Bill 2006

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Valuation of Land Act 1916* (**the Principal Act**) so as to make further provision with respect to valuations under that Act. The Bill makes a number of minor amendments to the Principal Act, the effect of which is set out in the Outline of provisions below.

Outline of provisions

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 a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the *Valuation of Land Act 1916* set out in Schedule 1.

Clause 4 is a formal provision for the repeal of the proposed Act after its effect is spent.

Schedule 1 Amendments

Schedule 1 [1] amends section 14A so as to enable the Valuer-General to make a new valuation of land, on his or her own initiative, at any time. At present, certain land can only be re-valued on the application of a rating or taxing authority.

Schedule 1 [2] amends section 14D (1) so as to remove a reference to certain conservation agreements under the *National Parks and Wildlife Act 1974*. Land the subject of such an agreement is not ratable, and therefore does not need to be valued.

Schedule 1 [3] amends section 14I so as to bring in to that section, and update, the definition of land that is **Crown lease restricted**. The current definition (contained in section 58F, which is to be repealed by Schedule 1 [12]) includes a number of obsolete references.

Schedule 1 [4] amends section 14K so as to ensure that, for the purpose of valuing land, assumptions that can be made about the manner in which other land may be used may also be made about the land being valued.

Schedule 1 [5] substitutes section 14M (which provides that allowances for profitable expenditure under Division 3 of Part 1B of the Principal Act are to be excluded in certain circumstances) so as to align its wording to that of section 14V (which provides that allowances for subdivision under Division 4 of Part 1B of the Principal Act are to be excluded in certain circumstances). The substituted section also precludes allowances for profitable expenditure for land where the person by whom the expenditure was incurred no longer owns the land.

Schedule 1 [6] substitutes section 14S (which defines **subdivider** for the purposes of Division 4 of Part 1B of the Principal Act) so as to ensure that where a number of allotments are together subdivided into new allotments the definition of **subdivider** will include each person who owned any one of the original allotments.

Schedule 1 [7] and [8] amend section 14V (which provides that allowances for subdivision under Division 4 of Part 1B of the Principal Act are to be excluded in certain circumstances) so as to preclude allowances for subdivision for land where the subdivider no longer owns the land.

Schedule 1 [9] substitutes sections 28 and 28A:

Proposed section 28 allows a single valuation to be made of any land or stratum that is situated in different districts, and provides for the apportionment of the value so obtained between the parts in each district. The current sections require separate valuations to be made of the different parts.

Proposed section 28A provides for the valuation of land of which part only is ratable

or taxable. The current sections do not refer to land of which part only is taxable.

Schedule 1 [10] amends section 29 (3A) so as to remove the power of the Valuer-General to fix the time within which persons may object to a valuation. That power is inconsistent with section 35, which specifies the time for lodging an objection is 60 days.

Schedule 1 [11] amends section 29 so as to ensure that each person who makes an objection to a valuation of land must notify all other persons to whom a valuation notice is required to be given in relation to that land. At present, the owner of the land does not have such an obligation, and the persons who must be notified include all persons having an estate or interest in the land.

Schedule 1 [12] omits section 58F so as to omit provisions that currently require the Valuer-General to furnish certain persons with statements of land rating factors and improved rating factors. This information is redundant given the information that the Valuer-General is required to furnish under section 14I.

Schedule 1 [13] amends section 76 so as to authorise the Valuer-General to supply New South Wales public authorities with information about land valuations. The Valuer-General is already authorised to supply such information to Commonwealth public authorities.

Schedule 1 [14] amends clause 1 of Schedule 2 so as to enable savings and transitional regulations to be made in connection with the proposed Act.

Schedule 1 [15] inserts a new Part 5 into Schedule 2 so as to enact specific savings and transitional provisions in connection with the proposed Act.