

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 10 March, 1932, A.M.

New South Wales.



ANNO VICESIMO SECUNDO

GEORGII V REGIS.

Act No. , 1932.

An Act to promote closer settlement and the subdivision of large estates; to provide for the assessment and collection of a Large Estates Tax; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Large Estates Taxation Management Act, 1932."

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(2)

Short
title and
commence-
ment.

Large Estates Taxation Management.

(2) This Act shall commence on a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) This Act is divided into Parts as follows :—

- 5 PART I.—PRELIMINARY—*ss. 1-2.*
- PART II.—ADMINISTRATION—*s. 3.*
- PART III.—LARGE ESTATES TAX—*ss. 4-7.*
- PART IV.—RETURNS, ASSESSMENTS, AND LIABILITY—*ss. 8-34.*
- 10 PART V.—OBJECTIONS AND APPEALS—*ss. 35-37.*
- PART VI.—COLLECTION AND RECOVERY OF TAX—*ss. 38-47.*
- PART VII.—MISCELLANEOUS—*ss. 48-60.*

2. (1) In this Act, unless the context otherwise Definitions.
15 indicates or requires,—

“Advisory Board” means an advisory board appointed under the Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts.

20 “Agent” includes every person who in the State of New South Wales for or on behalf of any person out of the State of New South Wales (in this definition termed “the principal”) has the control or disposal of any land belonging to the principal, or the control, receipt, or disposal of any rents, issues, or proceeds derived from any such land.

25

“City, town, or village” are not restricted to the meanings given to them in the Crown Lands Consolidation Act, 1913, although including the same where applicable, and include any area or part of an area declared by the Governor to be a town or village for the purposes of the Local Government Act, 1919.

30

“Home

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5 “Home maintenance area” means an area which when used for the purpose for which it is reasonably fitted, would be sufficient for the maintenance in average seasons and circumstances of an average family. cf. Act No. 7, 1913, s. 5.

10 “Improved value” in relation to land means the capital sum which the fee-simple of the land might be expected to realise (having regard to fair average seasons and prices) if offered for sale on such reasonable terms and conditions as a bona fide seller would require.

15 “Improvements” in relation to land means improvements thereon, whether visible or invisible, and made or acquired by the owner or his predecessor in title, and includes all such destruction of suckers and seedlings as is incidental to the destruction of timber, and also includes the destruction of other vegetable growths and of animal pests on the land to the extent to which such destruction retains its utility, but does not include the destruction by any person of any such growths or pests which establish themselves on the land during his ownership, except to the extent (if at all) to which the destruction restores wholly or partly so much of the utility of a previous improvement in the nature of the destruction of such growths or pests as is, by the subsequent provisions of this definition, deemed to have been lost, and any improvement consisting of the destruction of such growths or pests, by whomsoever the same may be effected, shall be deemed to have lost its utility to the extent to which, after it has been made, like or other growths or pests, as the case may be, establish themselves on the land.

30 “Irrigation area” means an area constituted an irrigation area by or under any Act relating to the irrigation of land.

“Joint

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- 5 "Joint owners" means persons who own land jointly or in common, whether as partners or otherwise, and includes persons who have shares of the income from the land and persons who by virtue of this Act are deemed to be joint owners.
- "Large estates tax" or "tax" means the large estates tax imposed as such by any Act as assessed under this Act.
- 10 "Mortgage" includes any charge whatever upon land or interest therein, howsoever created, for the securing of money.
- "Mortgagee" includes every person entitled at law or in equity to a mortgage or any part thereof.
- 15 "Municipality" means municipality constituted or continued under the Local Government Act, 1919.
- "Owned," "owning," and similar expressions have a meaning corresponding with that of "owner."
- 20 "Owner" in relation to land includes every person who jointly or severally whether at law or in equity—
cf. Act No. 41, 1919, s. 4.
- 25 (a) is entitled to the land for any estate of freehold in possession; or
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple under the Crown Lands Consolidation Act, 1913, or any other Act relating to the alienation of lands of the Crown; or
- 30 (c) is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise,
- 35 and includes every person who by virtue of this Act is deemed to be the owner:
- Provided

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Provided that the Crown shall be deemed to be the owner of—

- (a) all lands of the Crown; or
- (b) all lands vested in a statutory body representing the Crown.

5

“Prescribed” means prescribed by this Act or by regulations made thereunder.

“Regulations” means regulations made under this Act.

10

“Statutory body representing the Crown” means any body defined by or proclaimed under the Local Government Act, 1919, as amended by subsequent Acts, as a statutory body representing the Crown.

15

“Taxpayer” means any person chargeable with large estates tax.

“The Commissioner” means the Commissioner for Taxation for the time being holding office under the Income Tax (Management) Act, 1928, as amended by subsequent Acts.

20

“Trustee” in addition to every person appointed or constituted trustee by act of parties, by order or declaration of a court, or by operation of law, includes—

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- (a) an executor or administrator, guardian, committee, receiver, or liquidator; and
- (b) every person having or taking upon himself the administration or control of land affected by any express or implied trust, or acting in any fiduciary capacity, or having the possession, control, or management of the land of a person under any legal or other disability.

30

“Unimproved value,” in relation to land, means the capital sum which the fee simple of the land might be expected to realize if offered for sale on such reasonable terms and conditions as a bona fide seller would require, assuming fair average seasons, prices, and conditions, and that, at the time as at which the value is required to be ascertained for the purposes of this Act, the improvements did not exist:

40

Provided

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5 Provided that the unimproved value shall in no case be less than the sum that would be obtained by deducting the value of improvements from the improved value at the time as at which the value is required to be ascertained for the purposes of this Act.

10 “Urban area” means that part of a shire declared to be an urban area under the Local Government Act, 1919, as amended by subsequent Acts.

15 “Value of improvements,” in relation to land, means the added value which the improvements give to the land at the time as at which the value is required to be ascertained for the purposes of this Act irrespective of the cost of the improvements:

20 Provided that the added value shall in no case exceed the amount that should reasonably be involved in effecting at the time as at which the value is required to be ascertained for the purposes of this Act, improvements of a nature and efficiency equivalent to the existing improvements.

25 (2) The penalty, pecuniary or other, set out—

- (a) at the foot of any section of this Act; or
(b) at the foot of any subsection of any section of this Act, but not at the foot of the section,

30 shall indicate that any contravention of the section or of the subsection respectively, whether by act or omission, shall be an offence against this Act, punishable upon conviction by a penalty not exceeding the penalty mentioned:

35 Provided that where the penalty is expressed to apply to a part only of the section or subsection it shall apply to that part only.

(3) All pecuniary penalties for any offence against this Act may, unless the contrary intention appears, be recovered by the Commissioner in any court of summary jurisdiction.

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PART II.

ADMINISTRATION.

3. (1) The Commissioner shall, subject to the control of the Minister, be responsible for the assessment, levy, and collection of large estates tax. Commissioner.

(2) In the event of the absence, incapacity, or suspension of the Commissioner his powers and duties may be exercised and performed during such absence, incapacity, or suspension by the Assistant Commissioner, or by an acting commissioner appointed in pursuance of the provisions of the Income Tax (Management) Act, 1928, as amended by subsequent Acts.

(3) The Commissioner may, by writing under his hand, delegate to the Assistant Commissioner of Taxation, or any other person, any powers, duties, and functions conferred or imposed on him by this Act or the regulations for the time being in force thereunder (except this power of delegation).

Every delegation under this section shall be revocable at will, but any delegation shall not prevent the exercise of any power, duty, or function, by the Commissioner.

PART III.

LARGE ESTATES TAX.

4. (1) Subject to the provisions of this Act, there shall be levied and paid to the Commissioner for the use of His Majesty and for credit of the Closer Settlement Fund at the times and in the manner directed in this Act, a large estates tax at such rates as Parliament shall from time to time declare and enact per pound sterling of the unimproved value of all lands situate in New South Wales which are owned by any person and which are not included in the exemptions specified in section five of this Act. Large estates tax.

(2) Large estates tax as assessed under the provisions of this Act shall be payable by every owner of land

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land in respect of the balance of the total sum of the unimproved value of each parcel of land owned by him after deducting the sum of eight thousand pounds and any other deduction granted in pursuance of this Act.

5 (3) For the purposes of assessments of tax for the financial year ending on the thirtieth day of June, one thousand nine hundred and thirty-three, and all succeeding years—

cf. (Commonwealth) No. 22, 1910, s. 11 (3); No. 30, 1927 s. 7.

- 10 (a) land which is separately let or leased by the owner to another person; and
- (b) subject to the last preceding paragraph, all lands owned by one person and contiguous to each other or separated only by fences, roads, public reserves, or watercourses, and used by
- 15 the owner or another person for the purpose of any one business, or treated by the owner as one area,

shall be deemed to be a separate parcel.

20 5. (1) The lands and classes of lands specified in this section are exempt from assessment for large estates tax under this Act, namely,—

Lands exempt from large estates tax.

- (a) Land within the boundaries of any city, town, village, or urban area.
- 25 (b) Land within the Western Division of New South Wales.
- (c) Lands within an irrigation area.
- (d) All land held, used, or occupied in connection with any mine or for mining purposes.
- 30 (e) All land held under an improvement lease, scrub lease, inferior lands lease, annual lease, snow lease, lease under improvement conditions granted or deemed to have been granted pursuant to section seventy-three of the Crown Lands Consolidation Act, 1913, lease granted
- 35 pursuant to section eighteen of the Crown Lands Act Amendment Act, 1903, occupation license, or permissive occupancy.
- (f) Land in respect of which an advisory board has issued a certificate that the land is being
- 40 utilised bona fide for the cultivation of grain crops or of lucerne other than for grazing purposes.

Land

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- Land shall be regarded as utilised for cultivation which is fallowed for the cultivation of a crop, or farmed or is in the opinion of an advisory board being prepared or used bona fide for the purpose of cultivation.
- 5
- (g) All land owned by the Crown or any statutory body representing the Crown, or by the council of a municipality or shire, or by any public hospital, university, or affiliated college.
- 10
- (h) All land owned by or in trust for any person or society the proceeds whereof are devoted solely to the support of the aged or infirm clergy or ministers of a religious society, or their wives or widows or children, or to religious, charitable, or educational purposes.
- 15
- (i) All land owned by or in trust for any person or society and used or occupied as a public garden, public recreation ground, or public reserve.
- 20
- (j) All land used or occupied in connection with any railway, tramway, wharf, or jetty.
- (k) All land owned by or in trust for any person or society or occupied by that person or society as a site for or in connection with a place of worship for a religious society, or a place of residence for any clergy or ministers or order of a religious society.
- 25

(2) Land which under paragraph (f) of subsection one of this section is exempt from tax shall be so

30 exempt only while owned by the person specified in the certificate, and only during such period as the said land is used for the purpose or to the extent respectively specified in the said certificate, and only during the currency of the said certificate.

35 Certificates of an advisory board may be obtained upon application in the prescribed form, and shall be issued in such manner and form as may be prescribed.

(3) An advisory board which has issued any certificate under this section may, on being satisfied that

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that such certificate was issued in error, cancel the same, and such cancellation shall take effect from such past or future date as the said board may determine :

Provided that such cancellation shall not affect 5 the owner for past years unless the exemption was obtained through misrepresentation on the part of the owner or his representative.

6. Large estates tax shall be charged on land as owned at midnight on the thirtieth day of June 10 immediately preceding the financial year for which the tax is payable :

Date of ownership for purposes of large estates tax.

Provided that the first assessment under this Act shall be of the tax payable for the financial year commencing on the first day of July, one thousand nine 15 hundred and thirty-two.

7. (1) In addition to the general deduction provided for in section four of this Act, the Commissioner, upon the recommendation of an advisory board, shall during each and every year for which large estates tax becomes 20 payable, grant a further deduction from the unimproved value in the circumstances and to the extent mentioned hereunder—

Special deductions.

(a) where land belonging to any one owner is being used bona fide for the purpose of breeding sheep which in the opinion of an advisory board are stud sheep and has been so used for a period of five years immediately prior to this Act, a further deduction of four hundred pounds shall be allowed in respect of every five hundred stud sheep carried on the land. 25 30

The deduction under this paragraph shall not exceed three thousand two hundred pounds in respect of any estate or parcel.

Such deduction may be made more than once in the case of an owner of several estates or parcels of land ; 35

(b) where land belonging to any one owner is bona fide leased upon terms and conditions approved by an advisory board upon the prescribed application to a person who, in the opinion 40

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5 opinion of such board, does not, with the land so leased, hold substantially more than a home maintenance area, a further deduction equal to the unimproved value of the land so leased shall be allowed during the currency of the lease.

10 The terms and conditions of any such lease shall not be so approved unless the lease is for a period of not less than five years, and contains an option of purchase of the land leased;
15 (c) where an advisory board certifies upon the prescribed application that an owner has upon terms and conditions deemed by such board to be reasonable, made bona fide attempts to sell any area of land, and to lease such area with a right of purchase to any person who in the opinion of an advisory board will not together with the area proposed to be sold or leased hold an area of land substantially in excess of a
20 home maintenance area and has failed in such attempts, a further deduction equal to the unimproved value of the area which he has so attempted to sell and lease shall be allowed for the financial year following the said attempts.

25 (2) The Agricultural Lessees Relief Act, 1931, shall not apply to any lease in respect of which a deduction is allowed under paragraph (b) of subsection one of this section.

30 (3) For the purpose of this section a lease shall not be deemed to be a bona fide lease unless the land comprised therein is held or used by the lessee for his own sole use and benefit and the allowing of stock not owned by the lessee to depasture on the land shall be prima facie evidence that the land is not so held or used.

35 (4) If after due inquiry an advisory board is satisfied that any lease entered into under the provisions of this section is not a bona fide lease, it may at any time cancel its approval to the terms and conditions thereof, in which case the deduction allowed in consequence of such approval shall cease to have effect from
40 such past date as the board may determine.

PART

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PART IV.

RETURNS, ASSESSMENT, AND LIABILITY.

Returns.

8. (1) For the purpose of the assessment and levy of Taxpayer to furnish returns. cf. Land Tax Assessment Act, 1910-1930 (Commonwealth), s. 15 (1).
 5 large estates tax, every owner of land of or exceeding a prescribed value shall in each financial year in the prescribed manner, and within the prescribed time, furnish returns setting forth a full and complete statement of all land owned by him at midnight on the
 10 thirtieth day of June then last past, and of the improved value and unimproved value of every parcel thereof, with such other particulars as are prescribed :

Provided that, except as otherwise required by the Commissioner, or prescribed, a person who in any
 15 financial year has furnished the full returns above mentioned may in each of the two succeeding years furnish, in lieu of such full returns as above mentioned, supplementary returns setting out a full and complete statement of all land of which he has become or ceased
 20 to be the owner since the thirtieth day of June preceding the due date for lodgment of the last full return, and of the improved and unimproved value of every parcel thereof, with such other particulars as are prescribed.

(2) In addition to the returns specified in the last
 25 preceding subsection, every person, whether liable to pay tax or not, shall as and when required by the Commissioner make such further or other returns as the Commissioner requires for the purposes of this Act.

9. Any returns purporting to be made or signed by Returns deemed to be duly made. Ibid. s. 16.
 30 or on behalf of any person shall be deemed to have been duly made and signed by him until the contrary is proved.

Assessments.

10. (1) For the purposes of this Act, valuations Valuations of land.
 35 of land shall be made by an advisory board.

Pending the making of a valuation of land by an advisory board the Commissioner may obtain and use as valuations or for the purpose of preparing valuations of

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of such land any valuations made by or for the Commissioner of Land Tax for the purposes of the Commonwealth Land Tax Assessment Act, 1910-1930, or any valuation made by the Valuer-General under 5 the Valuation of Land Act, 1916, or for any municipal or shire council for the purposes of the Local Government Act, 1919, or may prepare valuations of any such land from the returns and valuations required to be supplied under this Act, or from any other 10 information in the possession of the Commissioner or of the Minister.

(2) In preparing valuations for the purposes of this Act the Commissioner shall utilise the services of an advisory board.

15 **11.** If—

- (a) any taxpayer or person makes default in furnishing any return; or
 (b) the Commissioner is not satisfied with the return made by any taxpayer or person; or
 20 (c) the Commissioner has reason to believe that any person (though he may have not furnished a return) is a taxpayer,

Assessment in case of default or unsatisfactory return.

cf. Land Tax Assessment Act, 1910-1930 (Commonwealth), s. 19.

the Commissioner may make an assessment of the amount on which in his judgment tax ought to be 25 levied, and the taxpayer or person shall be liable to tax thereon, excepting so far as he establishes to the satisfaction of the Commissioner or on appeal that the assessment is excessive.

30 **12.** (1) Assessments of tax shall be made in respect of triennial periods.

Triennial assessments and alterations of assessments.
 cf. *Ibid.* s. 20.

(2) The first triennial period shall commence with the financial year beginning on the first day of July, one thousand nine hundred and thirty-two.

35 (3) The value at which any area of land or any interest in an area of land has been included in the assessment of any year of a triennial period shall, subject to the provisions of this Act, not be increased in respect of any subsequent year of that triennial period.

(4) Whenever there has been a change of 40 ownership of the whole or part of an area of land or of an

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an interest in an area of land, the Commissioner may, for the purpose of the assessments of the remaining years comprising the triennial period during which the change of ownership took place, cause the value of the area or interest or of the respective parts into which it has been divided to be altered.

13. (1) Where any land or interest in land has not been included in the assessment of the owner, the Commissioner may cause the assessment to be altered so as to include that land or interest as from the date when the assessment was made.

Alteration of assessments. cf. Land Tax Assessment Act, 1910-1930 (Commonwealth), s. 21.

(2) If the Commissioner is of the opinion in any case that there has been an avoidance of tax by attempted evasion, he may at any time cause to be made such alterations in or additions to any assessment affected by the attempted evasion as he considers necessary to ensure its completeness and accuracy.

(3) The Commissioner may within three years after the tax on an assessment was originally due and payable upon his own motion or upon an application received from a taxpayer reduce the assessment as he thinks necessary in order to ensure its completeness and accuracy.

(4) Where the alteration in, or addition to, an assessment has the effect of imposing any fresh liability, or increasing any existing liability,—

(a) the taxpayer shall be liable to pay the difference between any tax which he has paid and the tax which he ought to have paid if the assessment had been originally made as altered or added to; and

(b) the alteration or addition shall, unless it has been made with the consent of the taxpayer, be subject to objection and appeal.

(5) Where an alteration in an assessment has the effect of reducing the taxpayer's liability the Commissioner may refund any tax overpaid:

Provided that written application for such refund is made within three years from the date upon which such tax became due and payable.

(6)

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(6) For the purposes of this section the Commissioner may, inter alia—

- 5 (a) place on or remove from an assessment the name of any person, or the particulars or valuation of any land; or
 (b) increase or reduce the assessed value of any land.

10 **14.** The validity of any assessment shall not be affected by reason that any of the provisions of this Act have not been complied with.

Validity of Assessment.
 cf. Land Tax Assessment Act, 1910-1930 (Commonwealth), s. 22.
 Evidence.
Ibid. s. 23.

15. (1) The production of any assessment or of any document under the hand of the Commissioner purporting to be a copy of an assessment shall—

- 15 (a) be conclusive evidence of the due making of the assessment; and
 (b) be conclusive evidence that the amount and all the particulars of the assessment are correct, except in proceedings on appeal against the assessment, when it shall be prima facie
 20 evidence only.

(2) The production of any document under the hand of the Commissioner, purporting to be a copy of or extract from any return or assessment, shall for all purposes be sufficient evidence of the matter therein set
 25 forth, without producing the original.

16. (1) As soon as conveniently may be after a taxpayer's assessment is made, the Commissioner shall cause notice in writing of the assessment to be given to him.

Notice of assessment.
 cf. *Ibid.* s. 24.

30 (2) The omission to give any such notice shall not invalidate the assessment.

Liability.

17. The owner of any freehold estate less than the fee simple (other than an estate of freehold arising by
 35 virtue of a lease for life under a lease or an agreement for a lease) shall be deemed to be the owner of the fee simple to the exclusion of any person entitled in reversion or remainder.

Owner of freehold.
 cf. *Ibid.* s. 25.

18.

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18. The holder of land under a right of purchase or a lease with a right of purchase from the Crown upon conditions under any Act relating to the alienation or disposition of lands of the Crown shall be deemed to be the owner of the land in fee simple.

Conditional purchases. cf. Land Tax Assessment Act, 1910-1930 (Commonwealth), s. 26.

19. (1) The owner of a leasehold estate in possession in land under a lease made or agreed to be made after the commencement of this Act, not being a lease made in pursuance of an agreement made before the commencement of this Act, shall be deemed (though not to the exclusion of the liability of any other person) to be the owner of the fee simple.

Leases of land after commencement of Act.

(2) The owner of the land shall be deemed to be the primary taxpayer and the lessee the secondary taxpayer; and there shall be deducted from the tax payable by the lessee such amount (if any) as is necessary to prevent double taxation.

20. (1) The owner of a freehold estate in land who or whose predecessor in title has before the commencement of this Act entered into an agreement to make or granted a lease of the land shall, for the purpose of his assessment under this Act, be entitled, during the currency of the lease, to have the unimproved value (if any) of the lease deducted from the unimproved value of the land.

Lessors and lessees of land leased before the commencement of this Act. cf. *Ibid.* s. 28.

(2) The owner of a leasehold estate in land, under a lease (not being a lease from the Crown) made or agreed to be made before the commencement of this Act, shall be deemed to be, in respect of the land, the owner of land of an unimproved value equal to the unimproved value (if any) of his estate; but if he has before the commencement of this Act, entered into an agreement to make or granted a lease of the land, he shall be entitled, during the currency of that lease, to have the unimproved value (if any) of that lease deducted from the unimproved value of his estate.

(3) For the purposes of this section—

(a) the unimproved value of a lease or leasehold estate in land means the present value of the annual value of the land calculated for the unexpired period of the lease or leasehold estate at the rate of five per centum; (b)

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(b) the annual value of land means five per centum of the unimproved value of the land ;

(c) the owner of a leasehold estate includes the lessee of land for life under a lease or an agreement for a lease.

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21. A covenant or stipulation in a lease or agreement for a lease of land which has or purports to have the purpose or effect of imposing on the lessee the obligation of paying taxes on land—

Covenant by lessee to pay tax.

cf. Land Tax Assessment Act, 1910-1930 (Commonwealth), s. 30.

10 (a) if the lease or agreement was made before the commencement of this Act, shall not be valid to impose on the lessee the obligation of paying large estates tax to any greater amount than the amount (if any) which would have been payable by the lessee if he had been the owner of the land included in the lease and of

15 no other land ; and

(b) if the lease or agreement is made after the said commencement, shall be absolutely void.

20 **22.** No deduction from the unimproved value of any land shall be allowed in respect of any mortgage, security, or other charge to which the land is subject, or in respect of any unpaid purchase money ; and a mortgagor shall be assessed and liable for large estates

25 tax as if he were the owner of an unencumbered estate.

Mortgagors. cf. *Ibid.* s. 31.

23. A mortgagee or other person owning any estate or interest in land by way of security for money shall not be liable to tax in respect of that mortgage, estate, or interest :

Mortgagees. cf. *Ibid.* s. 32.

30 Provided that a mortgagee in possession of land or any other person in possession of land by way of security for money shall, so long as such possession continues (though not to the exclusion of any other person) be deemed to be the owner of the land ; and the mortgagor

35 shall be deemed to be the primary taxpayer, and the mortgagee in possession to be the secondary taxpayer ; and there shall be deducted from the tax payable by the latter in respect of the land such amount (if any) as is necessary to prevent double taxation.

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24. Any person in whom land is vested as a trustee shall be assessed and liable in respect of tax as if he were beneficially entitled to the land :

Trustees.
cf. Land Tax
Assessment
Act, 1910-
1930 (Com-
monwealth),
s. 33 (1).

Provided that where he is the owner of different lands in severalty, in trust for different beneficial owners who are not for any reason liable to be jointly assessed, the tax so payable by him shall be separately assessed in respect of each of those lands :

Provided also that when a trustee is also the beneficial owner of other land, he shall be separately assessed for that land, and for the land of which he is a trustee, unless for any reason he is liable to be jointly assessed independently of this section.

25. Subject to this Act, the owner of any equitable estate or interest in any land shall be assessed and liable in respect of tax as if he were the legal owner of the estate or interest ; and the owner of the legal estate shall be deemed to be the primary taxpayer, and the owner of the equitable estate shall be deemed to be the secondary taxpayer ; and there shall be deducted from the tax payable by the latter in respect of the land such amount (if any) as is necessary to prevent double taxation.

Equitable
owner.
cf. *Ibid.* s. 35.

26. Husband and wife (except where living apart under a decree for judicial separation made by any court of competent jurisdiction) shall for the purposes of this Act be deemed to be joint owners of all land owned by them or either of them.

Husband and
wife.

27. (1) Where, before or after the commencement of this Act, an agreement has been made for the sale of land, whether the agreement has been completed by conveyance or not,—

Buyer and
seller.
cf. *Ibid.* s. 37.

(a) the buyer shall be deemed to be the owner of the land (though not to the exclusion of the liability of any other person) so soon as he has obtained possession of the land ; and

(b) the seller shall be deemed to remain the owner of the land (though not to the exclusion of the liability of any other person) until possession

of

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of the land has been delivered to the purchaser and at least fifteen per centum of the purchase money has been paid :

5 Provided that the Commissioner may exempt the seller from the provisions of this section if he is satisfied that the agreement for sale has been made in good faith, and not for the purpose of evading the payment of tax, and that the agreement is still in force ; as to all which matters the decision of the Commissioner shall be final
10 and conclusive.

(2) In estimating the amount of purchase money which has been paid, all money—

- 15 (a) owing by the purchaser to the seller, and secured by any mortgage or charge on the land ; or
(b) lent to the purchaser by the seller ; or
(c) owing by the purchaser to any other person, and directly or indirectly guaranteed by the seller,

20 shall be deemed to be unpaid purchase money.

(3) When by virtue of this section the buyer and seller of any land are both liable for tax in respect thereof, the buyer shall be deemed to be the primary taxpayer and the seller to be the secondary taxpayer ;
25 and there shall be deducted from the tax payable by the seller in respect of the land such amount (if any) as is necessary to prevent double taxation.

30 **28.** (1) Joint owners of land shall be assessed and liable for tax in accordance with the provisions of this section.

(2) Joint owners (except those of them whose interests are exempt from taxation under section five of this Act) shall be jointly assessed and liable in respect of the land (exclusive of the interest of any joint owner
35 so exempt) as if it were owned by a single person, without regard to their respective interests therein or to any deductions to which any of them may be entitled under this Act, and without taking into account any land owned by any one of them in severalty or as joint
40 owner with any other person.

Joint owners.
cf. Land Tax
Assessment
Act, 1910-
1930 (Com-
monwealth),
s. 38.

[(3)

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(3) Each joint owner of land shall in addition be separately assessed and liable in respect of—

- 5 (a) his individual interest in the land (as if he were the owner of a part of the land in proportion to his interest), together with—
 (b) any other land owned by him in severalty; and
 (c) his individual interests in any other land.

10 (4) The joint owners in respect of their joint assessment shall be deemed to be the primary taxpayer, and each joint owner in respect of his separate assessment to be a secondary taxpayer; and from the tax payable in respect of his interest in the land by each joint owner under the last preceding subsection there shall be
 15 deducted such amount (if any) as is necessary to prevent double taxation.

(5) Where separate parcels of land are owned by different persons, and such parcels are occupied, controlled, or used by such persons in partnership, such
 20 persons shall, for the purposes of this Act, be deemed to be joint owners of such parcels.

29. (1) All land owned by a company shall be deemed (though not to the exclusion of the liability of the company or of any other persons) to be owned by
 25 the shareholders of the company as joint owners in the proportions of their interests in the paid-up capital of the company.

(2) The provisions of section twenty-eight of this Act shall apply accordingly (but so that the assess-
 30 ment and liability of the company shall be in lieu of the joint assessment and liability under subsection two of that section), and the shareholders shall be separately assessed and liable, and entitled to deductions in accordance with that section.

35 (3) The term "shareholder" in this and the next following section includes all persons on whose behalf a share in the company is held by a trustee or by any other person.

(4) Notwithstanding anything contained in
 40 this Act, any person whose individual interest in the unimproved value of land owned by any one company of

Land owned
by
companies.
cf. Land Tax
Assessment
Act, 1910-
1930 (Com-
monwealth),
s. 39.

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of which he is a shareholder did not amount to more than five hundred pounds shall not be separately assessed and liable, and shall not be entitled to deductions in respect of that interest.

5 **30.** (1) Any two or more companies which consist substantially of the same shareholders may if the Commissioner thinks fit be deemed to be a single company, and shall be jointly assessed and liable accordingly, with such rights of contribution or indemnity between themselves as is just.

Companies having substantially the same shareholders. cf. Land Tax Assessment Act, 1910-1930 (Commonwealth), s. 40.

10 (2) Two companies may be so deemed to consist substantially of the same shareholders if—

- 15 (a) shares representing not less than three-fourths of the paid-up capital of each of those companies are held by or on behalf of shareholders of the other; or
- 20 (b) shares representing not less than three-fourths of the paid-up capital of one of those companies are held by or on behalf of the other; or
- 25 (c) shares representing not less than three-fourths of the paid-up capital of one of those companies are held by or on behalf of the other (referred to as the holding company) together with shareholders of the holding company; and shares in the holding company are held by or on behalf of the other company representing a proportion of the paid-up capital of the holding company not less than the
- 30 difference between three-fourths and the proportion represented by the holding company's shares in the paid up capital of the other company.

35 **31.** Notwithstanding any conveyance, transfer, declaration of trust, settlement, or other disposition of land, whether made before or after the commencement of this Act, the person making the same shall, so long as he remains or is in possession or in receipt of the rents and profits of the land, whether on his own

40 account or on account of any other person, be deemed (though not to the exclusion of any other person) to be the owner of the land. **32.**

No disposition to be effective while possession retained. cf. *Ibid.* s. 42.

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32. (1) Where land is occupied, controlled, or used by a person who is not the owner and there is no lease or agreement for a lease for a definite term in respect of the occupancy, control, or user of the land, the person occupying, controlling, or using the land shall be deemed (though not to the exclusion of the liability of any other person) to be the owner of the land :

Occupation, control, or use of land. cf. Land Tax Assessment Act, 1910-1930 (Commonwealth), s. 42A.

Provided that the Commissioner may exempt the person occupying, controlling, or using the land from the provisions of this section, if he is satisfied that the arrangement is of a temporary nature, as to which matter the decision of the Commissioner shall be final and conclusive.

(2) The person so occupying, using, or controlling the land shall be deemed to be the primary taxpayer, and the owner of such land to be the secondary taxpayer; and from the tax payable by the latter there shall be deducted such amount (if any) as is necessary to prevent double taxation.

33. Where under this Act—

- (a) any person is deemed to be the secondary taxpayer in respect of any land or interest; and
- (b) it is provided that there shall be deducted from the tax payable by the secondary taxpayer, in respect of the land or interest, such amount (if any) as is necessary to prevent double taxation,

Deductions to prevent double taxation. cf. *Ibid.* s. 43.

the amount of the deduction (if any) shall be the lesser of the following amounts :—

- (a) the amount of tax payable in respect of the land or interest by the secondary taxpayer; or
- (b) the aggregate of the amounts of tax (if any) payable in respect of the land or interest by the primary taxpayer and by any precedent secondary taxpayer:

Provided that the secondary taxpayer shall be assessed and liable in respect of the land or interest, notwithstanding that the primary taxpayer is exempt from taxation in respect of the land or interest, or that there is no primary taxpayer in respect of the land or interest.

34.

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34. Where in this Act reference is made to the tax payable by a person in respect of any land or interest, the reference is to so much of the whole tax payable by him as bears to the whole tax payable by him the proportion which the unimproved value of the land or interest referred to bears to the unimproved value of all the land owned by him.

Meaning of tax payable in respect of certain land.
cf. Land Tax Assessment Act, 1910-1930 (Commonwealth), s. 43A.

PART V.

OBJECTIONS AND APPEALS.

- 10 **35.** (1) Any taxpayer who is dissatisfied with an assessment made by the Commissioner under this Act or with any alteration in or addition to any assessment may, within thirty days after service by post of the notice of assessment or of the alteration in or addition
15 to an assessment, post to or lodge with the Commissioner an objection in writing against the assessment, alteration, or addition, stating fully and in detail the grounds on which he relies.
- (2) The Commissioner shall consider the objection, and may either disallow it or allow it, either
20 wholly or in part.
- (3) The Commissioner shall give to the objector written notice of his decision on the objection.
- (4) A taxpayer who is dissatisfied with the
25 decision of the Commissioner may, within thirty days after the service by post of notice of that decision, in writing request the Commissioner to treat his objection as an appeal, and to forward it to the Land and Valuation Court, and the Commissioner shall forthwith
30 forward the same accordingly.
- (5) Any person who is aggrieved by any determination as to the value of his land or as to the value of any estate or interest therein may appeal therefrom to the Land and Valuation Court by giving
35 notice in the prescribed form and manner and within the prescribed time.

(6)

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(6) The fact that an appeal is pending shall not in the meantime interfere with the assessment appealed from, and the tax may be levied and recovered on the assessment as if no appeal were pending.

cf. Land Tax Assessment Act, 1910-1930 (Commonwealth), s. 45.

5 (7) If the assessment is altered on appeal a due adjustment shall be made, for which purpose any amount paid in excess shall be refunded and any amount short paid shall be recoverable as arrears: Provided that written application for such refund is made within three
10 years from the date upon which such tax became due and payable.

(8) The costs of appeal shall be in the discretion of the court.

(9) On the hearing of the appeal the court may
15 make such order as it thinks fit, and may sustain or alter any determination of the value of any land, or sustain, reduce, or increase the assessment of the Commissioner.

36. On the hearing of the appeal the court may, if
20 it thinks fit, state a case in writing for the opinion of the Supreme Court upon any question arising in the appeal which, in the opinion of the court, is a question of law.

Court may state case.

The Supreme Court shall hear and determine the
25 question and remit the case with its opinion to the court below, and may make such order as to costs as it thinks fit.

37. (1) The Judge of the Land and Valuation
30 Court may make rules of court for regulating the practice and procedure in relation to appeals against assessments.

Rules of court.

(2) All such rules shall—

- (a) be published in the Gazette ;
35 (b) take effect from the date of publication, or from a later date specified in the rules ;
(c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is in session, and if not, then within fourteen sitting days after the
40 commencement of the next session.

(3)

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(3) If either House of Parliament passes a resolution, of which notice has been given at any time within fifteen sitting days after the rules have been laid before that House, disallowing any rule or part thereof, 5 that rule or part shall thereupon cease to have effect.

PART VI.

COLLECTION AND RECOVERY OF TAX.

38. (1) Tax for each year shall be due and payable thirty days after service by post of the notice of assess-
10 ment. Date of payment of tax.

(2) Where an assessment is altered or added to in accordance with this Act and a liability to pay additional tax is thereby imposed upon the tax-
15 payer, the additional tax shall be due and payable thirty days after the service by post upon the taxpayer of the notice of the alteration or addition to the assessment. cf. Land Tax Assessment Act, 1910-1930 (Commonwealth), s. 49 (1) (2).

39. If the tax or additional tax payable on an amended assessment is not paid before the expiration of
20 the time allowed in section thirty-eight of this Act, additional tax shall be payable at the rate of ten per centum of the amount of the tax unpaid: Additional tax in case of default. cf. *Ibid.* s. 50.

Provided that the Commissioner may in any particular case, for reasons which in his discretion he thinks
25 sufficient, remit the additional tax or any part thereof, or extend the time for payment thereof.

40. (1) Any tax assessed under this Act shall be deemed, when it becomes due or is payable, to be a
30 debt due to His Majesty, and payable to the Commissioner in the manner and at the place prescribed. Recovery of tax. cf. *Ibid.* s. 51.

(2) Any such tax unpaid including any additional tax may be sued for and recovered in any court of competent jurisdiction by the Commissioner suing in his official name.

41.

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41. If in any proceedings against a taxpayer for the recovery of any tax assessed under this Act the defendant—

5 (a) is absent from the State of New South Wales and has not to the knowledge of the Commissioner after reasonable inquiry in that behalf any attorney or agent in the State of New South Wales on whom service of process can be effected ; or

10 (b) cannot after reasonable inquiry be found, service of any process in the proceedings may, without leave of the court, be effected on him by posting the same or an office copy thereof in a letter addressed to him at his last known place of business or abode in the
15 State of New South Wales, or by fixing the same on a conspicuous part of the land to which the tax relates.

42. The following provisions shall apply in any case where, whether intentionally or not, a taxpayer escapes full taxation in his lifetime by reason of not having
20 duly made full and complete returns :—

(a) The Commissioner shall have the same powers and remedies against the executors and administrators of the taxpayer in respect of the estate of the taxpayer as he would have had against the taxpayer in his lifetime.
25

(b) The executors and administrators shall make such returns as the Commissioner requires for the purpose of a full assessment.

30 (c) The assessment shall be at the rates payable in respect of the years for which the tax ought to have been paid, and the amount payable shall (where the taxpayer's default was intentional) be treble the amount of the difference between the tax so assessed and the amount actually paid by the taxpayer, and shall be a first charge on all the taxpayer's estate in the hands of the executors and
35 administrators.

(d)

Substituted service.
cf. Land Tax Assessment Act, 1910-1930 (Commonwealth), s. 52.

Provision when tax not paid during lifetime.
cf. *Ibid.* s. 53.

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5 (d) No lapse of time shall prevent the operation of this section, and the Commissioner may take all such proceedings and exercise all such powers and remedies for the purpose of giving effect to this section and recovering the treble tax as in the case of ordinary assessments and taxation.

10 **43.** No statute of limitations at any time in force shall bar or affect any action or remedy for recovery of any tax assessed under this Act.

Statutes of Limitations. cf. Land Tax Assessment Act, 1910-1930 (Commonwealth), s. 54.

15 **44.** Where a taxpayer makes a default in the payment of any tax assessed under this Act, then, without in any way releasing him from his liability, the following provisions shall apply as long as the default continues:—

Remedy against other persons where taxpayer makes default.

20 (a) If the tax is payable in respect of land subject to any lease or occupied by any person, then the lessee or occupier shall be responsible for the payment of the tax, and it may be recovered from him as if he were the defaulting taxpayer.

cf. *Ibid.* s. 55.

(b) All payments made under this section by a lessee or occupier shall be deemed to be made on behalf of the defaulting taxpayer:

25 Provided that the responsibility of the lessee or occupier under this section shall only be to the extent of any rent or payments due by him to the taxpayer at the time of demand made or action brought by the Commissioner, or from time to time accruing due thereafter.

30 **45.** Any tax assessed under this Act shall until payment be a first charge upon the interest of the taxpayer in the land taxed in priority over all other encumbrances whatever, and notwithstanding any disposition of such interest it shall continue to be liable in the hands of any purchaser or holder for the payment of the tax so long as it remains unpaid:

Tax to be first charge on land. cf. *Ibid.* s. 56 (1).

Provided that no such charge shall be of effect as against a bona fide purchaser for value who, at the time of purchase, made due inquiry but had no notice of the liability:

Provided

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Provided further that a purchaser shall be deemed to have made due inquiry who has made inquiry in the prescribed manner at the office of the Commissioner.

46. Every person who, under the provision of this Act, pays any tax for or on behalf of any other person, shall be entitled to recover the same from that other person as a debt, together with the costs of recovery, or to retain or deduct same out of any money in his hands belonging or payable to that other person.

Recovery of tax paid on behalf of another person.
cf. Land Tax Assessment Act, 1910-1930 (Commonwealth), s. 57.

47. Where two or more persons are jointly liable to tax, they shall each be liable for the whole tax on the land, but any of them who has paid the tax may recover contributions as follows:—

Contribution from taxpayers jointly liable.
cf. *Ibid.* s. 58.

15 (a) A person who has paid the tax in respect of any land may recover by way of contribution from any other owner thereof a sum which bears the same proportion to the tax as the value of the estate of such other person bears to the whole value of the land.

20 (b) Every person entitled to contribution in respect of tax under this section may sue therefor in any court of competent jurisdiction as money paid to the use of the person liable to contribute at his request; or may retain or deduct the amount of the contribution out of
25 any moneys in his hands belonging or payable to the person liable to contribute.

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PART VII.

MISCELLANEOUS.

48. (1) Every company which is a taxpayer shall at all times be represented by a person residing in New South Wales duly appointed by the company or by its duly authorised agent or attorney, and with respect to every such company and person the following provisions shall apply :—

Public officer
of company.
cf. Land Tax
Assessment
Act, 1910-
1930 (Com-
monwealth),
s. 61.

- 10 (a) The person so appointed shall for the purposes of this Act be called the public officer of the company.
- 15 (b) The company shall keep the office of public officer constantly filled, and no appointment of a public officer shall be deemed to be duly made until after notice thereof in writing, specifying the name of the officer and address for service, has been given to the Commissioner.
- 20 (c) If the company fails or neglects to duly appoint a public officer when and as often as such appointment becomes necessary, it shall be guilty of an offence.
- Penalty : Not exceeding fifty pounds for every day during which the failure or neglect continues.
- 25 (d) Service of any document at the address for service or on the public officer of a company shall be sufficient service upon the company for all the purposes of this Act or the regulations, and if at any time there is no public officer, then service upon any person acting or appearing to act in the business of the company shall be sufficient.
- 30 (e) The public officer shall be answerable for the doing of all such things as are required to be done by the company or a taxpayer under this Act or the regulations, and in case of default shall be liable to the same penalties.

(f)

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(f) Everything done by the public officer which he is required to do in his representative capacity shall be deemed to have been done by the company.

5 (2) The absence or non-appointment of a public officer shall not exonerate the company from the necessity of complying with any of the provisions of this Act or the regulations, or from the penalties consequent on the failure to comply therewith, but the company shall
10 be liable to the provisions of this Act as if there were no requirement to appoint a public officer.

49. With respect to every agent, and with respect also to every trustee, the following provisions shall apply:—

15 (a) He shall be answerable as taxpayer for the doing of all such things as are required to be done by virtue of this Act in respect of the land controlled or held by him in his representative capacity and the payment of tax thereon.

20 (b) He shall in respect of such land make the returns and be assessed thereon, but in his representative capacity only, and each return and assessment shall, except as otherwise provided by this Act, be separate and distinct from any other.

25 (c) If he is an executor or administrator, the returns shall be the same as far as practicable as the deceased person if living would have been liable to make.

30 (d) Where as agent or trustee he pays tax, he is hereby authorised to recover the amount so paid from the person in whose behalf he paid it, or to deduct it from any money in his hands belonging to that person.

35 (e) He is hereby authorised and required to retain from time to time out of any money which comes to him in his representative capacity so much as is sufficient to pay the tax which is or will become due in respect of the land.

40

(f)

Agents and trustees.
cf. Land Tax Assessment Act, 1910-1930 (Commonwealth), s. 62.

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- 5 (f) He is hereby made personally liable for the tax payable in respect of the land if while the tax remains unpaid he alienates, charges, or disposes of any real or personal property which is controlled or held by him in his representative capacity, but he shall not be otherwise personally liable for the tax.
- 10 (g) If he is a trustee he may raise whatever moneys are necessary in order to pay any tax by mortgage or charge with or without power of sale of any real or personal property controlled or held by him as such trustee, and may apply the money so raised or any other moneys in his possession as such trustee in paying the tax.
- 15 (h) He is hereby indemnified for all payments which he makes in pursuance of this Act, or by requirements of the Commissioner.
- 20 (i) For the purpose of ensuring the payment of tax, the Commissioner shall have the same remedies against all land or other property of any kind vested in or under the control or management or in the possession of any agent or trustee, as he would have against the land or other property of any other taxpayer in respect of tax, and in as full and ample a manner.
- 25

50. Every contract, agreement, or arrangement made or entered into, in writing or verbally, whether
 30 before or after the commencement of this Act, shall (except as provided by section twenty-one of this Act) so far as it has or purports to have the purpose or effect of in any way directly or indirectly—

- (a) altering the incidence of any tax; or
- 35 (b) relieving any person from liability to pay any tax or to make any return; or
- (c) defeating, evading, or avoiding any duty or liability imposed on any person by this Act;
- or

(d)

Contracts to evade tax void.
 cf. Land Tax Assessment Act, 1910-1930 (Commonwealth), s. 63.

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(d) preventing the operation of this Act in any respect,

be absolutely void, but without prejudice to its validity in any other respect or for any other purpose.

5 **51.** The Commissioner or any officer authorised by him in that behalf and any advisory board or officer authorised by such board in that behalf shall at all times have full and free access to all lands, buildings, places, books, documents, and other papers, and to all registers of deeds or documents of title, for the purpose of valuing or inspecting any land, or of ascertaining the ownership of any land, and for any of those purposes may make extracts from or copies of any such books, documents, or papers. Any officer acting in pursuance of this power shall take the oath prescribed by the Income Tax (Management) Act, 1928.

Access to lands, buildings, &c.

cf. Land Tax Assessment Act, 1910-1930 (Commonwealth), s. 64.

10 **52.** (1) The Commissioner may, by notice in writing, require any person, whether a taxpayer or not, to attend and give evidence before him, or before any officer authorised by him in that behalf concerning any land or assessment, and to produce all books, documents, and other papers whatever in his custody or under his control relating thereto.

Power to obtain evidence. cf. *Ibid.* s. 85.

20 (2) The Commissioner may require the evidence to be given on oath, and either verbally or in writing, and for such purpose he, or the officer so authorised by him, may administer an oath.

25 (3) Where an advisory board is conducting any inquiry for any of the purposes of this Act, the board and the chairman thereof shall have like powers in respect of the summoning and examination of witnesses, the issue of bench warrants, and committal which are possessed by a local land board sitting under the Crown Lands Consolidation Act, 1913.

30 (4) The regulations may prescribe scales of expenses to be allowed to persons required under this section to attend.

35 **53.** Any person who obstructs or hinders any officer acting in the discharge of his duty under this Act or the regulations shall be guilty of an offence.

Obstructing officers. cf. *Ibid.* s. 67.

Penalty: Not exceeding fifty pounds.

54.

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54. Any person who—

- 5 (a) fails or neglects to duly furnish any return or information as and when required by this Act or the regulations, or by the Commissioner; or
- 10 (b) without just cause shown by him refuses or neglects to duly attend and give evidence when required by the Commissioner, or any officer duly authorised by him, or to truly and fully answer any questions put to him, or to produce any book or papers required of him by the Commissioner or any such officer; or
- 15 (c) knowingly and wilfully makes or delivers any false return or makes any false answer, whether verbally or in writing, in relation to any matter or thing affecting his own or any other person's liability to exemption from assessment of tax,

shall be guilty of an offence.

Penalty: Not exceeding one hundred pounds.

- 20 **55.** (1) Any person who, with intent to defraud, in any return understates the unimproved value of any land, shall be guilty of an indictable offence.

Offences.
cf. Land Tax
Assessment
Act, 1910-
1930 (Com-
monwealth),
s. 63.

Under-
valuation
of land.
cf. *Ibid.* s. 69.

- 25 Penalty: Not exceeding five hundred pounds, and an amount equal to treble the amount of the tax which would have been evaded if the value stated in the return had been accepted as the unimproved value of the land.

- 30 (2) Where the value stated in the return is less by twenty per centum or more than the value as found by the jury, the value shall be presumed in the absence of evidence to the contrary to have been understated with intent to defraud.

- 35 **56.** Any person who, by any wilful act, default, or neglect, or by any fraud, art, or contrivance whatever, evades or attempts to evade assessment or taxation, shall be guilty of an indictable offence.

Evading
taxation.
cf. *Ibid.* s. 70.

Penalty: Not exceeding five hundred pounds and treble the amount of the tax payment whereof he has evaded or attempted to evade.

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- 57.** (1) For the protection of the revenue against the undervaluation of land, if the Commissioner is of opinion that the owner of any land has, in a return furnished under this Act, understated the unimproved value of the land, to the extent of twenty per centum or more, the following provisions shall apply:—
- (a) The Commissioner may apply to the Land and Valuation Court for a declaration that His Majesty is entitled to acquire the land under this Act, and the owner of the land shall be entitled to be heard.
- (b) The decision of the Land and Valuation Court shall be final and without appeal.
- (c) If the Court—
- (i) is satisfied that the owner has understated the unimproved value of the land to the extent of twenty per centum or more; and
- (ii) is satisfied that the undervaluation was made with a view to evading taxation, it shall make the declaration applied for.
- (d) Thereupon the Governor may acquire the land on behalf of His Majesty; and for that purpose may, within a reasonable time, by proclamation, declare that the land is vested in His Majesty, but subject to all leases, mortgages, and other charges affecting the land.
- (e) The effect of the proclamation shall be to vest the land in His Majesty for the same estate or interest therein as the owner was entitled to at the date of the publication of the proclamation in the Gazette, but subject to all leases, mortgages, and other charges then affecting the land, and to entitle the owner to compensation therefor upon the basis of the improved value obtained by adding the fair value of improvements to the unimproved value stated in the return, together with the amount of ten per centum upon that improved value, by way of an allowance for compulsory dispossession.

Power to acquire land unless valuation increased.
cf. Land Tax Assessment Act, 1910-1930 (Commonwealth), s. 48.

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(2) The compensation shall be payable out of the Closer Settlement Fund.

(3) Land acquired under this section shall upon discharge of any mortgage or other charge affecting the same be deemed to be Crown lands reserved from sale or lease until set apart for disposal under any Act relating to the alienation of lands of the Crown.

(4) Any moneys received from the disposal of the land shall be carried to the Closer Settlement Fund.

58. Payment of penalties under this Act shall not relieve any person from liability to assessment and payment of any tax for which he would otherwise be liable.

Penalties not to relieve from tax. cf. Land Tax Assessment Act, 1910-1930 (Commonwealth), s. 72.

59. Whoever aids, abets, counsels, or procures, or by act or omission is in any way directly or indirectly knowingly concerned in the commission of any offence under this Act, shall be deemed to have committed that offence, and shall be punishable accordingly.

Aiding or abetting offences. cf. *Ibid.* s. 73.

60. (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for giving effect to this Act.

Regulations

(2) For the purpose of enabling the Commissioner to carry out effectively the powers, authorities, duties, and functions conferred upon him by this Act, the regulations may adopt all or any of the provisions of the Income Tax (Management) Act, 1928, or of the regulations made thereunder, with such modifications and alterations as the Governor may deem fit.

(3) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If

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If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, 5 such regulation or part shall thereupon cease to have effect.

(4) The regulations may impose penalties not exceeding fifty pounds for any breach thereof.