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.*

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 19 *November,* 1969.

New South Wales

ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. , 1969.

An Act to alleviate the incidence of land tax in certain respects; and to provide for the use of values other than unimproved values in the assessment of land tax in certain circumstances; for these purposes to amend the Land Tax Management Act, 1956, and the Land Tax Act, 1956; and for purposes connected therewith.

BE

96443 124—A

Land Tax (Amendment).

BE it enacted by the Queen'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:—

1. (1) This Act may be cited as the "Land Tax (Amendment) Act, 1969". Short title and commencement.

(2) (a) The amendment made by paragraph (d) of section two of this Act shall be deemed to have commenced on the first day of November, one thousand nine hundred and sixty-eight.

(b) The amendments made by paragraphs (a), (b), (c) and (e) of section two of this Act and by section three of this Act shall be deemed to have commenced on the first day of November, one thousand nine hundred and sixty-nine.

2. The Land Tax Management Act, 1956, is amended— Amendment of Act No. 26, 1956.

(a) by inserting at the end of section three the following new definition:— Sec. 3. (Definitions.)

"Trustee company" means a trustee company within the meaning of the Trustee Companies Act, 1964, or the Public Trustee.

(b) (i) by inserting at the end of paragraph (b) of subsection three of section nine the following new paragraph:— Sec. 9. (Taxable value.)

This paragraph does not apply so as to require a deduction to be made in respect of land in respect of which a deduction is required to be made under paragraph (e) of this subsection.

(ii) by inserting in paragraph (b) of subparagraph (ii) of paragraph (c) of the same subsection after the word "applicable" the words "under paragraph (b) of this subsection";

(iii)

(iii) by inserting next after paragraph (d) of subsection three of section nine the following new paragraph :—

(e) Where, as at midnight on the thirty-first day of October, one thousand nine hundred and sixty-nine or any succeeding year, land owned by a person is used and occupied by that person solely as the site of a single dwelling-house as defined in subsection nine of section 160c of the Local Government Act, 1919, or is held in trust by that person for another person and is used and occupied by that other person solely as such a site, the deduction shall be—

(i) where the unimproved value of the land does not exceed twenty-four thousand dollars, an amount equal to such unimproved value;

(ii) where the unimproved value of the land exceeds twenty-four thousand dollars but is less than thirty-two thousand dollars, an amount equal to twenty-four thousand dollars less three dollars for every one dollar by which such unimproved value exceeds twenty-four thousand dollars.

This paragraph does not apply to land owned by a person who owns other land or, notwithstanding the provisions of section twenty-seven of this Act, to land owned by more than one person where any one of such persons owns other land or to land owned by a company, not being a trustee company acting in its representative capacity.

(c) by inserting next after paragraph (o) of subsection one of section ten the following new paragraphs : — **Sec. 10. (Land exempted from tax.)**

(p) with respect to taxation leviable or payable in respect of the year commencing on the

first

first day of November, one thousand nine hundred and seventy-one or any succeeding year, land used for primary production, not being—

5 (a) land owned by a company;

(b) land owned by or on behalf of a company of which a mortgagee or person by way of security for money is in possession;

10 (c) land held by a trustee for or on behalf of a company; or

(d) land in respect of which a company is jointly assessed with any other person.

15 In paragraph (p) of this subsection "company" means a company not being—

(i) a trustee company acting in its representative capacity; or

(ii) an exempt proprietary company as defined 20 in the Companies Act, 1961.

(d) by omitting from subsection two of section twenty-seven the word "merino"; **Sec. 27. (Joint owners.)**

(e) (i) by inserting next after subsection (1A) of section fifty-four the following new subsections:— **Sec. 54. (Unimproved value.)**

25 (1B) Where a valuation is made pursuant to paragraph (d) of subsection one, or pursuant to subsection (1A), of this section there shall be separately noted on the valuation—

30 (a) where the land is land to which section 160E of the Local Government Act, 1919, applies, a statement of the unimproved rating factor, determined in accordance with that section, in 35 respect of the land;

(b)

(b) where the valuation is made by the Valuer-General—

(i) an amount designated as a rating and taxing basis determined in accordance with subsection two of section 61A of the Valuation of Land Act, 1916; and

(ii) any allowance that would have been noted on the valuation roll pursuant to section fifty-eight or 58A of the Valuation of Land Act, 1916, had the unimproved value specified in the valuation been entered on the valuation roll in accordance with either such section; and

(c) where the valuation is made by a valuer appointed by the council of an area, any deduction that would have been noted in the valuation book pursuant to section two or 2A of Schedule Three to the Local Government Act, 1919, had the unimproved value specified in the valuation been entered in the valuation book in accordance with either such section.

(1C) Notwithstanding any other provision of this Act, where in relation to any land referred to in paragraph (a), (b) or (d) of subsection one, or in subsection (1A), of this section—

(a) a statement of the unimproved rating factor, determined in accordance with section 160E of the Local Government Act, 1919, in respect of the land has been furnished with the valuation of

the

the unimproved value that would, but for this paragraph or subsection (1D) of this section, have been the unimproved value of the land for the purposes of this Act, that unimproved rating factor shall, subject to subsection (1D) of this section, be deemed, for the purposes of this Act, to be the unimproved value of the land; or

(b) such a statement has not been so furnished but a rating and taxing basis, referred to in section 61A of the Valuation of Land Act, 1916, has been included in a supplementary list in which is included a valuation of the unimproved value that would, but for this paragraph or subsection (1D) of this section, have been the unimproved value of the land for the purposes of this Act, or has, in accordance with subsection (1B) of this section, been separately noted on a valuation of that unimproved value, that rating and taxing basis shall, subject to subsection (1D) of this section, be deemed, for the purposes of this Act, to be the unimproved value of the land.

(1D) Where, in relation to any land referred to in paragraph (a), (b) or (d) of subsection one, or in subsection (1A), of this section, there is a deductible allowance relating to the unimproved value of the land that would, but for this subsection or subsection (1C) of this section, have been the unimproved value on which any land tax would have been levied, and that deductible allowance has not been taken into account for the purpose of determining the unimproved

value

value of the land under subsection one, (1A) or (1C) of this section, that deductible allowance shall be deducted from the unimproved value of the land ascertained under subsection one, (1A) or (1C) of this section and the land tax shall be levied accordingly.

In this subsection "deductible allowance" means—

(a) any allowance referred to in section fifty-eight or 58A of the Valuation of Land Act, 1916;

(b) any deduction referred to in section two or 2A of Schedule Three to the Local Government Act, 1919; and

(c) any allowance or deduction noted on a valuation pursuant to subparagraph (ii) of paragraph (b), or paragraph (c), of subsection (1B) of this section.

(ii) by inserting next after subsection four of the same section the following new subsection :—

(4A) A determination—

(a) of an unimproved rating factor pursuant to paragraph (a) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section 160E of the Local Government Act, 1919;

(b) of a rating and taxing basis under subparagraph (i) of paragraph (b) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section 61A of the Valuation of Land Act, 1916;

(c)

(c) of an allowance under subparagraph (ii) of paragraph (b) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section fifty-eight or 58A of the Valuation of Land Act, 1916, as the case may be; and

(d) of a deduction under paragraph (c) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section two or 2A of Schedule Three to the Local Government Act, 1919.

3. The Land Tax Act, 1956, is amended—

Amendment of Act No. 27, 1956.

Sec. 3. (Levy of land tax.)

(a) by omitting from subsection (1B) of section three the words "in respect of the period of twelve months commencing on the first day of November in the year one thousand nine hundred and sixty-eight or any succeeding year";

(b) by omitting paragraph (a) of the same subsection and by inserting in lieu thereof the following paragraph:—

(a) where all land owned by the owner is land used for primary production—

(i) in respect of the period of twelve months commencing on the first day of November in the year one thousand nine hundred and sixty-nine, a deduction equal to three-fifths of such amount;

(ii) in respect of the period of twelve months commencing on the first day of November in the year one

thousand

thousand nine hundred and seventy, a deduction equal to four-fifths of such amount.

(c) by omitting from the definition of "company" in the same subsection the words "and being a trustee company as defined by the Trustee Companies Act, 1964, as amended by subsequent Acts".

5

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969
[10c]

No. , 1969.

A BILL

To alleviate the incidence of land tax in certain respects; and to provide for the use of values other than unimproved values in the assessment of land tax in certain circumstances; for these purposes to amend the Land Tax Management Act, 1956, and the Land Tax Act, 1956; and for purposes connected therewith.

[MR FREUDENSTEIN—12 *November*, 1969.]

BE

96443 124—A

BE it enacted by the Queen'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:—

1. (1) This Act may be cited as the "Land Tax (Amendment) Act, 1969". Short title and commencement.

(2) (a) The amendment made by paragraph (d) of section two of this Act shall be deemed to have commenced on the first day of November, one thousand nine hundred and sixty-eight.

(b) The amendments made by paragraphs (a), (b), (c) and (e) of section two of this Act and by section three of this Act shall be deemed to have commenced on the first day of November, one thousand nine hundred and sixty-nine.

2. The Land Tax Management Act, 1956, is amended— Amendment of Act No. 26, 1956.

(a) by inserting at the end of section three the following new definition:— Sec. 3. (Definitions.)

"Trustee company" means a trustee company within the meaning of the Trustee Companies Act, 1964, or the Public Trustee.

(b) (i) by inserting at the end of paragraph (b) of subsection three of section nine the following new paragraph:— Sec. 9. (Taxable value.)

This paragraph does not apply so as to require a deduction to be made in respect of land in respect of which a deduction is required to be made under paragraph (e) of this subsection.

(ii) by inserting in paragraph (b) of subparagraph (ii) of paragraph (c) of the same subsection after the word "applicable" the words "under paragraph (b) of this subsection";

(iii)

(iii) by inserting next after paragraph (d) of subsection three of section nine the following new paragraph :—

(e) Where, as at midnight on the thirty-first day of October, one thousand nine hundred and sixty-nine or any succeeding year, land owned by a person is used and occupied by that person solely as the site of a single dwelling-house as defined in subsection nine of section 160c of the Local Government Act, 1919, or is held in trust by that person for another person and is used and occupied by that other person solely as such a site, the deduction shall be—

(i) where the unimproved value of the land does not exceed twenty-four thousand dollars, an amount equal to such unimproved value;

(ii) where the unimproved value of the land exceeds twenty-four thousand dollars but is less than thirty-two thousand dollars, an amount equal to twenty-four thousand dollars less three dollars for every one dollar by which such unimproved value exceeds twenty-four thousand dollars.

This paragraph does not apply to land owned by a person who owns other land or, notwithstanding the provisions of section twenty-seven of this Act, to land owned by more than one person where any one of such persons owns other land or to land owned by a company, not being a trustee company acting in its representative capacity.

(c) by inserting next after paragraph (o) of subsection one of section ten the following new paragraphs : — Sec. 10. (Land exempted from tax.)

(p) with respect to taxation leviable or payable in respect of the year commencing on the

first

first day of November, one thousand nine hundred and seventy-one or any succeeding year, land used for primary production, not being—

(a) land owned by a company;

(b) land owned by or on behalf of a company of which a mortgagee or person by way of security for money is in possession;

(c) land held by a trustee for or on behalf of a company; or

(d) land in respect of which a company is jointly assessed with any other person.

In paragraph (p) of this subsection "company" means a company not being—

(i) a trustee company acting in its representative capacity; or

(ii) an exempt proprietary company as defined in the Companies Act, 1961.

(d) by omitting from subsection two of section twenty-seven the word "merino"; Sec. 27. (Joint owners.)

(e) (i) by inserting next after subsection (1A) of section fifty-four the following new subsections:— Sec. 54. (Unimproved value.)

(1B) Where a valuation is made pursuant to paragraph (d) of subsection one, or pursuant to subsection (1A), of this section there shall be separately noted on the valuation—

(a) where the land is land to which section 160E of the Local Government Act, 1919, applies, a statement of the unimproved rating factor, determined in accordance with that section, in respect of the land;

(b)

(b) where the valuation is made by the Valuer-General—

(i) an amount designated as a rating and taxing basis determined in accordance with subsection two of section 61A of the Valuation of Land Act, 1916; and

(ii) any allowance that would have been noted on the valuation roll pursuant to section fifty-eight or 58A of the Valuation of Land Act, 1916, had the unimproved value specified in the valuation been entered on the valuation roll in accordance with either such section; and

(c) where the valuation is made by a valuer appointed by the council of an area, any deduction that would have been noted in the valuation book pursuant to section two or 2A of Schedule Three to the Local Government Act, 1919, had the unimproved value specified in the valuation been entered in the valuation book in accordance with either such section.

(1C) Notwithstanding any other provision of this Act, where in relation to any land referred to in paragraph (a), (b) or (d) of subsection one, or in subsection (1A), of this section—

(a) a statement of the unimproved rating factor, determined in accordance with section 160E of the Local Government Act, 1919, in respect of the land has been furnished with the valuation of

the

the unimproved value that would, but for this paragraph or subsection (1D) of this section, have been the unimproved value of the land for the purposes of this Act, that unimproved rating factor shall, subject to subsection (1D) of this section, be deemed, for the purposes of this Act, to be the unimproved value of the land; or

(b) such a statement has not been so furnished but a rating and taxing basis, referred to in section 61A of the Valuation of Land Act, 1916, has been included in a supplementary list in which is included a valuation of the unimproved value that would, but for this paragraph or subsection (1D) of this section, have been the unimproved value of the land for the purposes of this Act, or has, in accordance with subsection (1B) of this section, been separately noted on a valuation of that unimproved value, that rating and taxing basis shall, subject to subsection (1D) of this section, be deemed, for the purposes of this Act, to be the unimproved value of the land.

(1D) Where, in relation to any land referred to in paragraph (a), (b) or (d) of subsection one, or in subsection (1A), of this section, there is a deductible allowance relating to the unimproved value of the land that would, but for this subsection or subsection (1C) of this section, have been the unimproved value on which any land tax would have been levied, and that deductible allowance has not been taken into account for the purpose of determining the unimproved

value

value of the land under subsection one, (1A) or (1C) of this section, that deductible allowance shall be deducted from the unimproved value of the land ascertained under subsection one, (1A) or (1C) of this section and the land tax shall be levied accordingly.

In this subsection "deductible allowance" means—

(a) any allowance referred to in section fifty-eight or 58A of the Valuation of Land Act, 1916;

(b) any deduction referred to in section two or 2A of Schedule Three to the Local Government Act, 1919; and

(c) any allowance or deduction noted on a valuation pursuant to subparagraph (ii) of paragraph (b), or paragraph (c), of subsection (1B) of this section.

(ii) by inserting next after subsection four of the same section the following new subsection :—

(4A) A determination—

(a) of an unimproved rating factor pursuant to paragraph (a) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section 160E of the Local Government Act, 1919;

(b) of a rating and taxing basis under subparagraph (i) of paragraph (b) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section 61A of the Valuation of Land Act, 1916;

(c)

(c) of an allowance under subparagraph (ii) of paragraph (b) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section fifty-eight or 58A of the Valuation of Land Act, 1916, as the case may be; and

(d) of a deduction under paragraph (c) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section two or 2A of Schedule Three to the Local Government Act, 1919.

3. The Land Tax Act, 1956, is amended—

Amendment of Act No. 27, 1956.

Sec. 3. (Levy of land tax.)

(a) by omitting from subsection (1B) of section three the words "in respect of the period of twelve months commencing on the first day of November in the year one thousand nine hundred and sixty-eight or any succeeding year";

(b) by omitting paragraph (a) of the same subsection and by inserting in lieu thereof the following paragraph:—

(a) where all land owned by the owner is land used for primary production—

(i) in respect of the period of twelve months commencing on the first day of November in the year one thousand nine hundred and sixty-nine, a deduction equal to three-fifths of such amount;

(ii) in respect of the period of twelve months commencing on the first day of November in the year one

thousand

thousand nine hundred and seventy, a deduction equal to four-fifths of such amount.

(c) by omitting from the definition of "company" in the same subsection the words "and being a trustee company as defined by the Trustee Companies Act, 1964, as amended by subsequent Acts".

5

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969
[10c]

LAND TAX (AMENDMENT) BILL, 1969

EXPLANATORY NOTE

THE objects of this Bill are—

(a) to increase from one-third to three-fifths the rebate of land tax payable on certain land used for primary production owned by persons other than certain companies and trustees for certain companies at midnight on 31st October, 1969, to increase the rebate of tax payable on any such land owned at midnight on 31st October, 1970, to four-fifths, and to exempt from land tax any such land owned at midnight on 31st October, 1971, and subsequent years;

(b) to increase the deduction from the taxable value of land used and occupied as the site of a single dwelling-house;

(c) to provide for values other than unimproved values to be used in the assessment of land tax in certain circumstances; and

(d) to make other amendments ancillary to the foregoing.

PROOF

No. , 1969.

A BILL

To alleviate the incidence of land tax in certain respects; and to provide for the use of values other than unimproved values in the assessment of land tax in certain circumstances; for these purposes to amend the Land Tax Management Act, 1956, and the Land Tax Act, 1956; and for purposes connected therewith.

[Mr Freudenstein—12 *November*, 1969.]

BE

96443 124—A

BE it enacted by the Queen'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:—

1. (1) This Act may be cited as the "Land Tax (Amendment) Act, 1969". Short title and commencement.

(2) (a) The amendment made by paragraph (d) of section two of this Act shall be deemed to have commenced on the first day of November, one thousand nine hundred and sixty-eight.

(b) The amendments made by paragraphs (a), (b), (c) and (e) of section two of this Act and by section three of this Act shall be deemed to have commenced on the first day of November, one thousand nine hundred and sixty-nine.

2. The Land Tax Management Act, 1956, is amended— Amendment of Act No. 26, 1956.

(a) by inserting at the end of section three the following new definition:— Sec. 3. (Definitions.)

"Trustee company" means a trustee company within the meaning of the Trustee Companies Act, 1964, or the Public Trustee.

(b) (i) by inserting at the end of paragraph (b) of subsection three of section nine the following new paragraph:— Sec. 9. (Taxable value.)

This paragraph does not apply so as to require a deduction to be made in respect of land in respect of which a deduction is required to be made under paragraph (e) of this subsection.

(ii) by inserting in paragraph (b) of subparagraph (ii) of paragraph (c) of the same subsection after the word "applicable" the words "under paragraph (b) of this subsection";

(iii)

(iii) by inserting next after paragraph (d) of subsection three of section nine the following new paragraph :—

(e) Where, as at midnight on the thirty-first day of October, one thousand nine hundred and sixty-nine or any succeeding year, land owned by a person is used and occupied by that person solely as the site of a single dwelling-house as defined in subsection nine of section 160c of the Local Government Act, 1919, or is held in trust by that person for another person and is used and occupied by that other person solely as such a site, the deduction shall be—

(i) where the unimproved value of the land does not exceed twenty-four thousand dollars, an amount equal to such unimproved value;

(ii) where the unimproved value of the land exceeds twenty-four thousand dollars but is less than thirty-two thousand dollars, an amount equal to twenty-four thousand dollars less three dollars for every one dollar by which such unimproved value exceeds twenty-four thousand dollars.

This paragraph does not apply to land owned by a person who owns other land or, notwithstanding the provisions of section twenty-seven of this Act, to land owned by more than one person where any one of such persons owns other land or to land owned by a company, not being a trustee company acting in its representative capacity.

(c) by inserting next after paragraph (o) of subsection one of section ten the following new paragraphs : — Sec. 10. (Land exempted from tax.)

(p) with respect to taxation leviable or payable in respect of the year commencing on the

first

first day of November, one thousand nine hundred and seventy-one or any succeeding year, land used for primary production, not being—

5 (a) land owned by a company;

(b) land owned by or on behalf of a company of which a mortgagee or person by way of security for money is in possession;

10 (c) land held by a trustee for or on behalf of a company; or

(d) land in respect of which a company is jointly assessed with any other person.

15 In paragraph (p) of this subsection "company" means a company not being—

(i) a trustee company acting in its representative capacity; or

(ii) an exempt proprietary company as defined 20 in the Companies Act, 1961.

(d) by omitting from subsection two of section twenty-seven the word "merino"; Sec. 27. (Joint owners.)

(e) (i) by inserting next after subsection (1A) of section fifty-four the following new subsections:— Sec. 54. (Unimproved 25 value.)

(1B) Where a valuation is made pursuant to paragraph (d) of subsection one, or pursuant to subsection (1A), of this section there shall be separately noted on the valuation—

30 (a) where the land is land to which section 160E of the Local Government Act, 1919, applies, a statement of the unimproved rating factor, determined in accordance with that section, in 35 respect of the land;

(b)

(b) where the valuation is made by the Valuer-General—

(i) an amount designated as a rating and taxing basis determined in accordance with subsection two of section 61A of the Valuation of Land Act, 1916; and

(ii) any allowance that would have been noted on the valuation roll pursuant to section fifty-eight or 58A of the Valuation of Land Act, 1916, had the unimproved value specified in the valuation been entered on the valuation roll in accordance with either such section; and

(c) where the valuation is made by a valuer appointed by the council of an area, any deduction that would have been noted in the valuation book pursuant to section two or 2A of Schedule Three to the Local Government Act, 1919, had the unimproved value specified in the valuation been entered in the valuation book in accordance with either such section.

(1C) Notwithstanding any other provision of this Act, where in relation to any land referred to in paragraph (a), (b) or (d) of subsection one, or in subsection (1A), of this section—

(a) a statement of the unimproved rating factor, determined in accordance with section 160E of the Local Government Act, 1919, in respect of the land has been furnished with the valuation of

the

the unimproved value that would, but for this paragraph or subsection (1D) of this section, have been the unimproved value of the land for the purposes of this Act, that unimproved rating factor shall, subject to subsection (1D) of this section, be deemed, for the purposes of this Act, to be the unimproved value of the land; or

(b) such a statement has not been so furnished but a rating and taxing basis, referred to in section 61A of the Valuation of Land Act, 1916, has been included in a supplementary list in which is included a valuation of the unimproved value that would, but for this paragraph or subsection (1D) of this section, have been the unimproved value of the land for the purposes of this Act, or has, in accordance with subsection (1B) of this section, been separately noted on a valuation of that unimproved value, that rating and taxing basis shall, subject to subsection (1D) of this section, be deemed, for the purposes of this Act, to be the unimproved value of the land.

(1D) Where, in relation to any land referred to in paragraph (a), (b) or (d) of subsection one, or in subsection (1A), of this section, there is a deductible allowance relating to the unimproved value of the land that would, but for this subsection or subsection (1C) of this section, have been the unimproved value on which any land tax would have been levied, and that deductible allowance has not been taken into account for the purpose of determining the unimproved

value

value of the land under subsection one, (1A) or (1C) of this section, that deductible allowance shall be deducted from the unimproved value of the land ascertained under subsection one, (1A) or (1C) of this section and the land tax shall be levied accordingly.

In this subsection "deductible allowance" means—

(a) any allowance referred to in section fifty-eight or 58A of the Valuation of Land Act, 1916;

(b) any deduction referred to in section two or 2A of Schedule Three to the Local Government Act, 1919; and

(c) any allowance or deduction noted on a valuation pursuant to subparagraph (ii) of paragraph (b), or paragraph (c), of subsection (1B) of this section.

(ii) by inserting next after subsection four of the same section the following new subsection :—

(4A) A determination—

(a) of an unimproved rating factor pursuant to paragraph (a) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section 160E of the Local Government Act, 1919;

(b) of a rating and taxing basis under subparagraph (i) of paragraph (b) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section 61A of the Valuation of Land Act, 1916;

(c)

(c) of an allowance under subparagraph (ii) of paragraph (b) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section fifty-eight or 58A of the Valuation of Land Act, 1916, as the case may be; and

(d) of a deduction under paragraph (c) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section two or 2A of Schedule Three to the Local Government Act, 1919.

3. The Land Tax Act, 1956, is amended—

Amendment of Act No. 27, 1956.

Sec. 3. (Levy of land tax.)

(a) by omitting from subsection (1B) of section three the words "in respect of the period of twelve months commencing on the first day of November in the year one thousand nine hundred and sixty-eight or any succeeding year";

(b) by omitting paragraph (a) of the same subsection and by inserting in lieu thereof the following paragraph:—

(a) where all land owned by the owner is land used for primary production—

(i) in respect of the period of twelve months commencing on the first day of November in the year one thousand nine hundred and sixty-nine, a deduction equal to three-fifths of such amount;

(ii) in respect of the period of twelve months commencing on the first day of November in the year one

thousand

thousand nine hundred and seventy, a deduction equal to four-fifths of such amount.

(c) by omitting from the definition of "company" in the same subsection the words "and being a trustee company as defined by the Trustee Companies Act, 1964, as amended by subsequent Acts".

5

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

New South Wales

ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. 69, 1969.

An Act to alleviate the incidence of land tax in certain respects; and to provide for the use of values other than unimproved values in the assessment of land tax in certain circumstances; for these purposes to amend the Land Tax Management Act, 1956, and the Land Tax Act, 1956; and for purposes connected therewith. [Assented to, 27th November, 1969.]

BE

8563—1 A [10c]

BE it enacted by the Queen'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:—

Short title and commencement.

1. (1) This Act may be cited as the "Land Tax (Amendment) Act, 1969".

(2) (a) The amendment made by paragraph (d) of section two of this Act shall be deemed to have commenced on the first day of November, one thousand nine hundred and sixty-eight.

(b) The amendments made by paragraphs (a), (b), (c) and (e) of section two of this Act and by section three of this Act shall be deemed to have commenced on the first day of November, one thousand nine hundred and sixty-nine.

Amendment of Act No. 26, 1956.

Sec. 3. (Definitions.)

2. The Land Tax Management Act, 1956, is amended—

(a) by inserting at the end of section three the following new definition:—

"Trustee company" means a trustee company within the meaning of the Trustee Companies Act, 1964, or the Public Trustee.

Sec. 9. (Taxable value.)

(b) (i) by inserting at the end of paragraph (b) of subsection three of section nine the following new paragraph:—

This paragraph does not apply so as to require a deduction to be made in respect of land in respect of which a deduction is required to be made under paragraph (e) of this subsection.

(ii) by inserting in paragraph (b) of subparagraph (ii) of paragraph (c) of the same subsection after the word "applicable" the words "under paragraph (b) of this subsection";

(iii)

(iii) by inserting next after paragraph (d) of subsection three of section nine the following new paragraph :—

(e) Where, as at midnight on the thirty-first day of October, one thousand nine hundred and sixty-nine or any succeeding year, land owned by a person is used and occupied by that person solely as the site of a single dwelling-house as defined in subsection nine of section 160c of the Local Government Act, 1919, or is held in trust by that person for another person and is used and occupied by that other person solely as such a site, the deduction shall be—

(i) where the unimproved value of the land does not exceed twenty-four thousand dollars, an amount equal to such unimproved value;

(ii) where the unimproved value of the land exceeds twenty-four thousand dollars but is less than thirty-two thousand dollars, an amount equal to twenty-four thousand dollars less three dollars for every one dollar by which such unimproved value exceeds twenty-four thousand dollars.

This paragraph does not apply to land owned by a person who owns other land or, notwithstanding the provisions of section twenty-seven of this Act, to land owned by more than one person where any one of such persons owns other land or to land owned by a company, not being a trustee company acting in its representative capacity.

(c) by inserting next after paragraph (o) of subsection one of section ten the following new paragraphs :— **Sec. 10. (Land exempted from tax.)**

(p) with respect to taxation leviable or payable in respect of the year commencing on the first

first day of November, one thousand nine hundred and seventy-one or any succeeding year, land used for primary production, not being—

(a) land owned by a company;

(b) land owned by or on behalf of a company of which a mortgagee or person by way of security for money is in possession;

(c) land held by a trustee for or on behalf of a company; or

(d) land in respect of which a company is jointly assessed with any other person.

In paragraph (p) of this subsection "company" means a company not being—

(i) a trustee company acting in its representative capacity; or

(ii) an exempt proprietary company as defined in the Companies Act, 1961.

Sec. 27. (Joint owners.)

(d) by omitting from subsection two of section twenty-seven the word "merino";

Sec. 54. (Unimproved value.)

(e) (i) by inserting next after subsection (1A) of section fifty-four the following new subsections:—

(1B) Where a valuation is made pursuant to paragraph (d) of subsection one, or pursuant to subsection (1A), of this section there shall be separately noted on the valuation—

(a) where the land is land to which section 160E of the Local Government Act, 1919, applies, a statement of the unimproved rating factor, determined in accordance with that section, in respect of the land;

(b)

(b) where the valuation is made by the Valuer-General—

(i) an amount designated as a rating and taxing basis determined in accordance with subsection two of section 61A of the Valuation of Land Act, 1916; and

(ii) any allowance that would have been noted on the valuation roll pursuant to section fifty-eight or 58A of the Valuation of Land Act, 1916, had the unimproved value specified in the valuation been entered on the valuation roll in accordance with either such section; and

(c) where the valuation is made by a valuer appointed by the council of an area, any deduction that would have been noted in the valuation book pursuant to section two or 2A of Schedule Three to the Local Government Act, 1919, had the unimproved value specified in the valuation been entered in the valuation book in accordance with either such section.

(1C) Notwithstanding any other provision of this Act, where in relation to any land referred to in paragraph (a), (b) or (d) of subsection one, or in subsection (1A), of this section—

(a) a statement of the unimproved rating factor, determined in accordance with section 160E of the Local Government Act, 1919, in respect of the land has been furnished with the valuation of

the

the unimproved value that would, but for this paragraph or subsection (1D) of this section, have been the unimproved value of the land for the purposes of this Act, that unimproved rating factor shall, subject to subsection (1D) of this section, be deemed, for the purposes of this Act, to be the unimproved value of the land; or

(b) such a statement has not been so furnished but a rating and taxing basis, referred to in section 61A of the Valuation of Land Act, 1916, has been included in a supplementary list in which is included a valuation of the unimproved value that would, but for this paragraph or subsection (1D) of this section, have been the unimproved value of the land for the purposes of this Act, or has, in accordance with subsection (1B) of this section, been separately noted on a valuation of that unimproved value, that rating and taxing basis shall, subject to subsection (1D) of this section, be deemed, for the purposes of this Act, to be the unimproved value of the land.

(1D) Where, in relation to any land referred to in paragraph (a), (b) or (d) of subsection one, or in subsection (1A), of this section, there is a deductible allowance relating to the unimproved value of the land that would, but for this subsection or subsection (1C) of this section, have been the unimproved value on which any land tax would have been levied, and that deductible allowance has not been taken into account for the purpose of determining the unimproved

value

value of the land under subsection one, (1A) or (1C) of this section, that deductible allowance shall be deducted from the unimproved value of the land ascertained under subsection one, (1A) or (1C) of this section and the land tax shall be levied accordingly.

In this subsection "deductible allowance" means—

(a) any allowance referred to in section fifty-eight or 58A of the Valuation of Land Act, 1916;

(b) any deduction referred to in section two or 2A of Schedule Three to the Local Government Act, 1919; and

(c) any allowance or deduction noted on a valuation pursuant to subparagraph (ii) of paragraph (b), or paragraph (c), of subsection (1B) of this section.

(ii) by inserting next after subsection four of the same section the following new subsection :—

(4A) A determination—

(a) of an unimproved rating factor pursuant to paragraph (a) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section 160E of the Local Government Act, 1919;

(b) of a rating and taxing basis under subparagraph (i) of paragraph (b) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section 61A of the Valuation of Land Act, 1916;

(c)

(c) of an allowance under subparagraph (ii) of paragraph (b) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section fifty-eight or 58A of the Valuation of Land Act, 1916, as the case may be; and

(d) of a deduction under paragraph (c) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section two or 2A of Schedule Three to the Local Government Act, 1919.

Amendment of Act No. 27, 1956.

Sec. 3. (Levy of land tax.)

3. The Land Tax Act, 1956, is amended—

(a) by omitting from subsection (1B) of section three the words "in respect of the period of twelve months commencing on the first day of November in the year one thousand nine hundred and sixty-eight or any succeeding year";

(b) by omitting paragraph (a) of the same subsection and by inserting in lieu thereof the following paragraph:—

(a) where all land owned by the owner is land used for primary production—

(i) in respect of the period of twelve months commencing on the first day of November in the year one thousand nine hundred and sixty-nine, a deduction equal to three-fifths of such amount;

(ii) in respect of the period of twelve months commencing on the first day of November in the year one

thousand

thousand nine hundred and seventy, a deduction equal to four-fifths of such amount.

(c) by omitting from the definition of "company" in the same subsection the words "and being a trustee company as defined by the Trustee Companies Act, 1964, as amended by subsequent Acts".

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES–1970

I certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 25 November, 1969.

New South Wales

ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. 69, 1969.

An Act to alleviate the incidence of land tax in certain respects; and to provide for the use of values other than unimproved values in the assessment of land tax in certain circumstances; for these purposes to amend the Land Tax Management Act, 1956, and the Land Tax Act, 1956; and for purposes connected therewith. [Assented to, 27th November, 1969.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

BE it enacted by the Queen'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:—

Short title and commencement.

1. (1) This Act may be cited as the "Land Tax (Amendment) Act, 1969".

(2) (a) The amendment made by paragraph (d) of section two of this Act shall be deemed to have commenced on the first day of November, one thousand nine hundred and sixty-eight.

(b) The amendments made by paragraphs (a), (b), (c) and (e) of section two of this Act and by section three of this Act shall be deemed to have commenced on the first day of November, one thousand nine hundred and sixty-nine.

Amendment of Act No. 26, 1956.

2. The Land Tax Management Act, 1956, is amended—

Sec. 3. (Definitions.)

(a) by inserting at the end of section three the following new definition:—

"Trustee company" means a trustee company within the meaning of the Trustee Companies Act, 1964, or the Public Trustee.

Sec. 9. (Taxable value.)

(b) (i) by inserting at the end of paragraph (b) of subsection three of section nine the following new paragraph:—

This paragraph does not apply so as to require a deduction to be made in respect of land in respect of which a deduction is required to be made under paragraph (e) of this subsection.

(ii) by inserting in paragraph (b) of subparagraph (ii) of paragraph (c) of the same subsection after the word "applicable" the words "under paragraph (b) of this subsection";

(iii)

(iii) by inserting next after paragraph (d) of subsection three of section nine the following new paragraph :—

(e) Where, as at midnight on the thirty-first day of October, one thousand nine hundred and sixty-nine or any succeeding year, land owned by a person is used and occupied by that person solely as the site of a single dwelling-house as defined in subsection nine of section 160c of the Local Government Act, 1919, or is held in trust by that person for another person and is used and occupied by that other person solely as such a site, the deduction shall be—

(i) where the unimproved value of the land does not exceed twenty-four thousand dollars, an amount equal to such unimproved value;

(ii) where the unimproved value of the land exceeds twenty-four thousand dollars but is less than thirty-two thousand dollars, an amount equal to twenty-four thousand dollars less three dollars for every one dollar by which such unimproved value exceeds twenty-four thousand dollars.

This paragraph does not apply to land owned by a person who owns other land or, notwithstanding the provisions of section twenty-seven of this Act, to land owned by more than one person where any one of such persons owns other land or to land owned by a company, not being a trustee company acting in its representative capacity.

(c) by inserting next after paragraph (o) of subsection one of section ten the following new paragraphs :— **Sec. 10. (Land exempted from tax.)**

(p) with respect to taxation leviable or payable in respect of the year commencing on the

first

first day of November, one thousand nine hundred and seventy-one or any succeeding year, land used for primary production, not being—

(a) land owned by a company;

(b) land owned by or on behalf of a company of which a mortgagee or person by way of security for money is in possession;

(c) land held by a trustee for or on behalf of a company; or

(d) land in respect of which a company is jointly assessed with any other person.

In paragraph (p) of this subsection "company" means a company not being—

(i) a trustee company acting in its representative capacity; or

(ii) an exempt proprietary company as defined in the Companies Act, 1961.

Sec. 27. (Joint owners.)

(d) by omitting from subsection two of section twenty-seven the word "merino";

Sec. 54. (Unimproved value.)

(e) (i) by inserting next after subsection (1A) of section fifty-four the following new subsections:—

(1B) Where a valuation is made pursuant to paragraph (d) of subsection one, or pursuant to subsection (1A), of this section there shall be separately noted on the valuation—

(a) where the land is land to which section 160E of the Local Government Act, 1919, applies, a statement of the unimproved rating factor, determined in accordance with that section, in respect of the land;

(b)

(b) where the valuation is made by the Valuer-General—

(i) an amount designated as a rating and taxing basis determined in accordance with subsection two of section 61A of the Valuation of Land Act, 1916; and

(ii) any allowance that would have been noted on the valuation roll pursuant to section fifty-eight or 58A of the Valuation of Land Act, 1916, had the unimproved value specified in the valuation been entered on the valuation roll in accordance with either such section; and

(c) where the valuation is made by a valuer appointed by the council of an area, any deduction that would have been noted in the valuation book pursuant to section two or 2A of Schedule Three to the Local Government Act, 1919, had the unimproved value specified in the valuation been entered in the valuation book in accordance with either such section.

(1C) Notwithstanding any other provision of this Act, where in relation to any land referred to in paragraph (a), (b) or (d) of subsection one, or in subsection (1A), of this section—

(a) a statement of the unimproved rating factor, determined in accordance with section 160E of the Local Government Act, 1919, in respect of the land has been furnished with the valuation of

the

the unimproved value that would, but for this paragraph or subsection (1D) of this section, have been the unimproved value of the land for the purposes of this Act, that unimproved rating factor shall, subject to subsection (1D) of this section, be deemed, for the purposes of this Act, to be the unimproved value of the land; or

(b) such a statement has not been so furnished but a rating and taxing basis, referred to in section 61A of the Valuation of Land Act, 1916, has been included in a supplementary list in which is included a valuation of the unimproved value that would, but for this paragraph or subsection (1D) of this section, have been the unimproved value of the land for the purposes of this Act, or has, in accordance with subsection (1B) of this section, been separately noted on a valuation of that unimproved value, that rating and taxing basis shall, subject to subsection (1D) of this section, be deemed, for the purposes of this Act, to be the unimproved value of the land.

(1D) Where, in relation to any land referred to in paragraph (a), (b) or (d) of subsection one, or in subsection (1A), of this section, there is a deductible allowance relating to the unimproved value of the land that would, but for this subsection or subsection (1C) of this section, have been the unimproved value on which any land tax would have been levied, and that deductible allowance has not been taken into account for the purpose of determining the unimproved

value

value of the land under subsection one, (1A) or (1C) of this section, that deductible allowance shall be deducted from the unimproved value of the land ascertained under subsection one, (1A) or (1C) of this section and the land tax shall be levied accordingly.

In this subsection "deductible allowance" means—

(a) any allowance referred to in section fifty-eight or 58A of the Valuation of Land Act, 1916;

(b) any deduction referred to in section two or 2A of Schedule Three to the Local Government Act, 1919; and

(c) any allowance or deduction noted on a valuation pursuant to subparagraph (ii) of paragraph (b), or paragraph (c), of subsection (1B) of this section.

(ii) by inserting next after subsection four of the same section the following new subsection :—

(4A) A determination—

(a) of an unimproved rating factor pursuant to paragraph (a) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section 160E of the Local Government Act, 1919;

(b) of a rating and taxing basis under subparagraph (i) of paragraph (b) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section 61A of the Valuation of Land Act, 1916;

(c) of an allowance under subparagraph (ii) of paragraph (b) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section fifty-eight or 58A of the Valuation of Land Act, 1916, as the case may be; and

(d) of a deduction under paragraph (c) of subsection (1B) of this section shall be subject to objection in the same manner as if it had been determined in accordance with section two or 2A of Schedule Three to the Local Government Act, 1919.

Amendment of Act No. 27, 1956.

Sec. 3. (Levy of land tax.)

3. The Land Tax Act, 1956, is amended—

(a) by omitting from subsection (1B) of section three the words "in respect of the period of twelve months commencing on the first day of November in the year one thousand nine hundred and sixty-eight or any succeeding year";

(b) by omitting paragraph (a) of the same subsection and by inserting in lieu thereof the following paragraph:—

(a) where all land owned by the owner is land used for primary production—

(i) in respect of the period of twelve months commencing on the first day of November in the year one thousand nine hundred and sixty-nine, a deduction equal to three-fifths of such amount;

(ii) in respect of the period of twelve months commencing on the first day of November in the year one

thousand

thousand nine hundred and seventy, a deduction equal to four-fifths of such amount.

(c) by omitting from the definition of "company" in the same subsection the words "and being a trustee company as defined by the Trustee Companies Act, 1964, as amended by subsequent Acts".

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

Government House,
Sydney, 27th November, 1969.