

VALUATION OF LAND (RATING AND VALUATION) AMENDMENT BILL, 1978

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Local Government (Rating and Valuation) Amendment Bill, 1978, is cognate with this Bill.

The objects of this Bill are—

- (a) to enable the Valuer-General to determine a value of land (to be called the "land value") as a basis for rating, being a value which is determined in the same manner as the unimproved value of land, except that certain additional and covert site improvements made to the land will not be required to be excluded from consideration in determining the land value (Schedule 1);
- (b) to provide that the land value of land determined under the Valuation of Land Act, 1916, shall be deemed to be the land value for the purposes of the Local Government Act, 1919 (Schedule 1);
- (c) to amend section 58 of the Valuation of Land Act, 1916—
 - (i) to provide that an allowance for profitable expenditure shall be made under that section in respect of land which is supplied with water by certain joint water supply schemes;
 - (ii) to limit the duration of all (rather than some) allowances under that section; and
 - (iii) to specify additional circumstances on the occurrence of which the allowances shall cease (Schedule 1);
- (d) to require the Valuer-General to include in a general valuation list furnished to a council and to furnish with any subsequent valuation a rating base factor in respect of each parcel of land separately valued, the rating base factor being—
 - (i) the amount of the previous valuation of the land plus half the increase, if any, between that valuation and the valuation included in the general valuation list or the subsequent valuation; and
 - (ii) where there is no such increase, the amount of the valuation included in the general valuation list or the subsequent valuation (Schedule 2);
- (e) to facilitate the value of freehold and leasehold land in the Western Division (Schedule 3);

- (f) to provide that a general valuation may only be made in respect of the whole of a council's area (Schedule 4); and
- (g) to make other provisions of a minor, consequential or ancillary nature.

**VALUATION OF LAND (RATING AND VALUATION)
AMENDMENT BILL, 1978**

No. , 1978.

A BILL FOR

An Act to amend the Valuation of Land Act, 1916, to enable the determination of land values and to make further provision with respect to allowances for certain profitable expenditure on land; to enable the determination of rating base factors; to provide for the valuation of certain land in the Western Division; and to make further provision with respect to the making of general valuations.

[MR JENSEN—14 *November*, 1978.]

See also Local Government (Rating and Valuation) Amendment Bill, 1978.

Valuation of Land (Rating and Valuation) 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 :—

5 **1.** This Act may be cited as the “Valuation of Land (Rating and Valuation) Amendment Act, 1978”. Short title.

2. (1) Except as provided by subsections (2), (3) and (4), this Act shall commence on the date of assent to this Act. Commencement.

(2) Section 6 shall, in its application to a provision of 10 Schedules 1–4, commence or be deemed to have commenced on the day on which the provision commences or is deemed to have commenced, as the case may require.

(3) Schedules 1 (items (2) (c), (4) (a) and (5) excepted), 2 and 3 shall be deemed to have commenced on 1st 15 July, 1977.

(4) Schedule 1 (2) (c), (4) (a) and (5) shall commence, or be deemed to have commenced, as the case may require, on the date of assent to the Local Government (Rating and Valuation) Amendment Act, 1978.

20 **3.** The Valuation of Land Act, 1916, is referred to in this Act as the Principal Act. Principal Act.

4. Except in so far as the context or subject-matter otherwise indicates or requires, words and expressions used in this Act have the meanings assigned to them respectively in the Principal Act, 25 as amended by this Act. Interpretation.

Valuation of Land (Rating and Valuation) Amendment.

5. This Act contains the following Schedules :—

Schedules.

5 SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE INTRODUCTION OF LAND VALUES AND THE VARIATION OF ALLOWANCES FOR CERTAIN PROFIT-ABLE EXPENDITURE ON LAND.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE DETERMINATION OF RATING BASE FACTORS.

10 SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE UNIMPROVED VALUE OF LAND IN THE WESTERN DIVISION.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE MAKING OF GENERAL VALUATIONS.

15 SCHEDULE 5.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

6. The Principal Act is amended in the manner set forth in Schedules 1-4. Amendment of Act No. 2, 1916.

7. Schedule 5 has effect.

Savings and transitional provisions.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1.

Sec. 6.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
INTRODUCTION OF LAND VALUES AND THE VARIATION OF
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON
5 LAND.

(1) Long title—

Omit “land values”, insert instead “values of land”.

(2) (a) Section 4 (1), definition of “Covert improvements”—

After the definition of “Council”, insert :—

10 “Covert improvements” means—

- (a) in relation to the unimproved value of land
—site improvements; and
- (b) in relation to the land value of land—land
improvements.

15 (b) Section 4 (1), definition of “Land improvements”—

After the definition of “General valuation”, insert :—

“Land improvements” means—

- 20 (a) the clearing of land by the removal or
thinning out of timber, scrub or other
vegetable growths;
- (b) the picking up and removal of stone;
- (c) the improvement of soil fertility or the
structure of soil;
- 25 (d) the restoration or improvement of land
surface by excavation, filling, grading or
levelling, not being works of irrigation or
water conservation;

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
INTRODUCTION OF LAND VALUES AND THE VARIATION OF
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON
5 LAND—*continued.*

(e) the reclamation of land by draining or filling together with any retaining walls or other works appurtenant to the reclamation; and

(f) underground drains.

10 (c) Section 4 (1), definition of “Supplementary valuation”—

Omit “paragraph (b) or (c) of subsection (1) of section 153”, insert instead “section 153 (1) (b) or (c) or section 153 (1A) (b) or (c)”.

15 (d) Section 4 (1A)—

After section 4 (1), insert :—

(1A) In this Act—

20 (a) a reference to the unimproved value of land includes, except in sections 6, 7 (1) (b), 58 (1) and 67 (2) (a), a reference to the land value of land;

25 (b) a reference to the unimproved value of a stratum includes, except in section 58A (1), a reference to the land value of a stratum; and

(c) a reference to the unimproved capital value of a mine includes a reference to the land value of a mine.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
INTRODUCTION OF LAND VALUES AND THE VARIATION OF
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON
5 LAND—*continued.*

(3) Section 6A and short heading—

After section 6, insert :—

Land value.

10 6A. The land value of land is the unimproved value of Land
land determined under section 6 as if a reference in that ^{value.}
section to site improvements were construed as a reference
to land improvements.

(4) (a) Section 58 (1A)—

After section 58 (1), insert :—

15 (1A) The land value of land determined under this
Act shall be deemed to be the land value of the land
for the purposes of the Local Government Act, 1919.

(b) Section 58 (2) (a)—

20 Omit “site improvements”, insert instead “covert
improvements”.

(c) Section 58 (2) (a)—

Omit “and”.

(d) Section 58 (2) (b)—

Omit “use :—”, insert instead “use; and”.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
INTRODUCTION OF LAND VALUES AND THE VARIATION OF
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON
5 LAND—*continued.*

(e) Section 58 (2) (c)—

After section 58 (2) (b), insert :—

10 (c) an improvement comprising a joint water supply scheme (whether or not on the land) the construction or use of which is authorised under Division 4 or 4A of Part II of the Water Act, 1912, and which supplies water to the land,

(f) Section 58 (2), proviso—

15 Omit the proviso, insert instead :—

but—

20 (d) the amount of any such allowance shall not exceed the cost of the improvements determined as at the date as at which the value was determined;

(e) any such allowance shall cease—

25 (i) where the profitable expenditure in respect of the improvements was incurred by the owner—upon the sale or resumption of the land;

30 (ii) where the profitable expenditure in respect of the improvements was incurred by the occupier or lessee—upon the transfer, surrender or expiration of the occupancy or lease;

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
INTRODUCTION OF LAND VALUES AND THE VARIATION OF
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON
5 LAND—*continued.*

(iii) where the land is zoned or other-
wise designated for use for any
10 purposes, not being rural or non-
urban purposes, under a proclama-
tion made under section 309 (1)
of the Local Government Act, 1919,
Ordinance No. 105 made under that
Act, a prescribed scheme within the
15 meaning of Part XIIA of that Act or
an interim development order within
the meaning of section 342T (1) of
that Act—upon the erection on the
land of any building or structure or
20 or the carrying out on the land of
any works;

(iv) except where the allowance is in
respect of the carrying out of works
of irrigation or conservation—upon
25 the use of the land, or that part of
the land in respect of which the
allowance was determined, for agri-
cultural or pastoral purposes; or

(v) upon the expiration of 15 years after
the expenditure was incurred,

30 whichever first occurs; and

(f) where land has been sold or leased by the
Crown, a statutory body or a statutory body
representing the Crown, any allowance
under this subsection shall not be made
35 where the expenditure was incurred by the
Crown or body except to the extent to

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
INTRODUCTION OF LAND VALUES AND THE VARIATION OF
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON
5 LAND—*continued.*

which the Crown or body has been
recouped in respect of the expenditure by
the purchaser or lessee, otherwise than by
payment of rent, rates or taxes.

10 (g) Section 58 (6)—
After "Division 4", insert "or 4A".

(h) Section 58 (7)—
After "Division 4", insert "or 4A".

(5) Section 58A (1A)—
15 After section 58A (1), insert :—

(1A) The land value of a stratum determined under
this Act shall be deemed to be the land value of the
stratum for the purposes of the Local Government Act,
1919.

20

SCHEDULE 2.

Sec. 6.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
DETERMINATION OF RATING BASE FACTORS.

(1) Section 36—
After "recovered on", insert "or in relation to".

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE DETERMINATION OF RATING BASE FACTORS—*continued.*

(2) Sections 58D, 58E—

5 After section 58C, insert :—

58D. (1) In this section—

“mine” means a mine valued in accordance with section 153 (1) (a) or (1A) (a) of the Local Government Act, 1919;

Rating
base
factors—
generally.

10 “new value”, in relation to any land, stratum or mine, means—

(a) where the unimproved value of the land, stratum or mine is included in a general valuation list furnished to a council as referred to in subsection (2)—that unimproved value; or

15

(b) where the unimproved value of the land, stratum or mine is furnished to a council as referred to in subsection (3)—that unimproved value;

20

“notional value”, in relation to any land, stratum or mine, means the unimproved value of the land, stratum or mine determined, as at the base date of the general valuation applicable in respect of the area of the council in which the land, stratum or mine is situated immediately before the last general valuation list is furnished to the council as referred to in subsection (2), as if—

25

(a) the land, stratum or mine had been in existence and was ratable as that land, stratum or mine as at that base date; and

30

(b) the land or stratum was land or a stratum to which section 19B (2) applies or the mine was land to which section 19B (2) applies;

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
DETERMINATION OF RATING BASE FACTORS—*continued.*

5 “old value”, in relation to any land, stratum or mine,
means the unimproved value of the land, stratum
or mine recorded in the valuation roll immedi-
ately before there is recorded in the valuation
roll the unimproved value of the land, stratum or
10 mine specified in a general valuation list furnished
to a council as referred to in subsection (2).

(2) Where the valuer-general furnishes a general
valuation list to a council, he shall include in the list in
respect of any land, stratum or mine the rating base factor
determined in accordance with subsection (3), (4) or (5),
15 as the case may require, in respect of the land, stratum or
mine.

(3) Where—

(a) the valuer-general furnishes to a council a
20 valuation (not being a valuation in a general
valuation list) of the unimproved value of any
land, stratum or mine; and

(b) that unimproved value is—

(i) where it is a valuation to which section
25 18 (1) applies—deemed to be effective
for the purposes of this Act; or

(ii) where it is a valuation to which section
19B (3) applies—deemed to be a
valuation furnished to a rating authority,

30 as at or on a date in a year on or after the
commencement of which a general valuation list
referred to in subsection (2) supersedes all
previous lists so far as they relate to the lands,
strata and mines included in that list,

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
DETERMINATION OF RATING BASE FACTORS—*continued.*

5 he shall determine, in accordance with subsection (4), (5)
or (6), as the case may require, and furnish to the council,
with the valuation, the rating base factor of the land,
stratum or mine.

10 (4) The rating base factor in respect of any land,
stratum or mine which, prior to the recording of the new
value in the valuation roll, was valued as that land, stratum
or mine is—

- (a) where the old value is less than the new value—
the old value plus half the difference between the
old value and the new value; and
- 15 (b) where the old value is greater than or equal to
the new value—the same as the new value.

20 (5) The rating base factor in respect of any land,
stratum or mine which, prior to the recording of the new
value in the valuation roll, was not valued or was not
valued as that land, stratum or mine is—

- (a) where the notional value is less than the new
value—the notional value plus half the difference
between the notional value and the new value;
and
- 25 (b) where the notional value is greater than or equal
to the new value—the same as the new value.

30 (6) Notwithstanding subsection (4) or (5), the
rating base factor of a mine valued in accordance with a
method of valuation prescribed in section 153 (1) (b)
or (c) or section 153 (1A) (b) or (c) of the Local Gov-
ernment Act, 1919, shall be deemed to be the same as
the value determined in accordance with that method of
valuation.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
DETERMINATION OF RATING BASE FACTORS—*continued.*

5 (7) A rating base factor determined under this section in respect of any land, stratum or mine shall be shown on the notice of valuation relating to the land, stratum or mine and objection may be made to the rating base factor as if it were a valuation.

10 (8) The right to object to a valuation in respect of any land, stratum or mine includes a right to object on the ground that a rating base factor has not been determined in respect of the land, stratum or mine.

15 (9) The valuer-general may alter a rating base factor for the purpose of correcting a clerical error or misdescription and objection may be made to any such alteration as if it were a valuation.

20 (10) Sections 35 and 36 and Parts IIIA and IV apply to and in respect of an objection in respect of a rating base factor in the same way as they apply to and in respect of an objection to a valuation.

(11) Where, under this Act, an objection to a valuation is allowed, any rating base factor determined in relation to the valuation and the valuation list shall be amended accordingly.

25 (12) The rating base factor of any land, stratum or mine determined under this Act shall be deemed to be the rating base factor for the purposes of the Local Government Act, 1919.

30 (13) Subsections (4) and (10) of section 58 apply to and in respect of the rating base factor of any land in the same way as they apply to and in respect of the unimproved value of land.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
DETERMINATION OF RATING BASE FACTORS—*continued.*

5 (14) Subsections (4) and (5) of section 58A apply to and in respect of the rating base factor of a stratum in the same way as they apply to and in respect of the unimproved value of the stratum.

(15) This section does not apply to land to which section 58E applies.

10 58E. (1) This section applies to land which, when the valuer-general furnishes a general valuation list to the council of the area in which the land is situated, is land to which section 160E of the Local Government Act, 1919, applies. Rating base factors—
certain classes of
lease from
the Crown.

15 (2) Section 58D (subsection (15) excepted) applies to and in respect of land to which this section applies in the same way as it applies to and in respect of land to which section 58D applies and, in so applying that section, a reference to the unimproved value of land shall
20 be construed as a reference to the unimproved rating factor of land determined under section 160E of the Local Government Act, 1919.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 3.

Sec. 6.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
UNIMPROVED VALUE OF LAND IN THE WESTERN DIVISION.

(1) Section 7E and short heading—

5 After section 7D, insert :—

Valuation of land in the Western Division.

7E. (1) In this section, “land” includes stratum.

Valua-
tion of
land in the
Western
Division.

10 (2) Notwithstanding any other provision of this Act, the valuer-general, in making a valuation for use by a rating or taxing authority of land in the Western Division, shall—

15 (a) where the land is freehold land—assume that the land is, as freehold land, subject to such restrictions on the use and disposition of the land as would be applicable if the land were held under and in accordance with a lease under the Western Lands Act, 1901, which authorised the use to which the land was put as at the date to which the valuation of the land relates; and

20 (b) where the land is not freehold land and is held under a lease or other tenure under the Western Lands Act, 1901, or any other Act—assume that the land is freehold land and that it is, as freehold land, subject to such restrictions on the use and disposition of the land as are applicable to the land by reason of its being the subject of the lease or other tenure.
25

30 (3) The restrictions referred to in subsection (2) shall be assumed to apply to land at the date to which the valuation of the land relates.

(2) Section 14A (4)—

Omit “6 and 7B”, insert instead “6, 7B and 7E”.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 4.

Sec. 6.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
MAKING OF GENERAL VALUATIONS.

- (1) Section 4 (1), definition of "General valuation"—
5 Omit "or of a riding or ward of a shire or municipality".
- (2) Section 14A (5) (c)—
Omit ", ward or riding".
- (3) (a) Section 48 (1), proviso—
Omit the proviso.
- 10 (b) Section 48 (2), proviso—
Omit the proviso.
- (c) Section 48 (3)—
Omit the subsection.

SCHEDULE 5.

Sec. 7.

15 SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. (1) A person who would, under Part III of the Principal Act, be entitled to object to a valuation may, within 12 months after the date of assent to this Act, object to—
- (a) a land value;
- 20 (b) a valuation of land or an allowance for profitable expenditure by an owner, occupier or lessee in respect of land, being land which is supplied with water by means of a joint water supply scheme the construction or use of which is authorised under Division 4 or 4A of Part II of the Water Act, 1912; or
- 25 (c) an unimproved value of land in the Western Division, made on or after 1st July, 1977, and before the date of assent to this Act.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 5—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (2) Except as provided by subclause (1) of this clause, Parts III, IIIA and IV of the Principal Act apply to and in respect of an objection under that subclause in the same way as they apply to and in respect of an objection under Part III of the Principal Act.
2. (1) Where a general valuation list is used by a council for the purpose of making and levying a rate in the rating year commencing 1st January, 1979, in respect of any land, stratum or mine, a person liable to pay the rate and the council may, at any time within 3 months after the date of service of the rate notice, object, in writing, to the valuer-general to the determination or failure to determine a rating base factor in respect of the land, stratum or mine.
- 15 (2) Except as provided by subclause (1) of this clause, subsections (7) to (11) of section 58D of the Principal Act, as amended by this Act, or subsections (7) to (11) of section 58D as applied by section 58E (2) of the Principal Act, as so amended, as the case may require, apply to and in respect of an objection under that subclause in the same way as they apply to and in respect of an objection under section 58D (7), (8) or (9) of the Principal Act, as so amended, or section 58D (7), (8) or (9) as applied by section 58E (2) of the Principal Act, as so amended.
- 20 (3) Notwithstanding sections 58D and 58E of the Principal Act, as amended by this Act, the rating base factor of any land, stratum or mine which is in the Western Division and subject to the Principal Act, as so amended, shall, for the purposes only of the first general valuation made under section 48 of the Principal Act in each area of the Western Division after 1st July, 1977, be deemed to be the same as the unimproved value of the land, stratum or mine.
- 30 (4) Section 58D of the Principal Act, as amended by this Act, applies to any land, stratum or mine in an area in which, before a general valuation list referred to in subsection (2) of that section is furnished to the council of the area, rates were made and levied on the basis of values determined under Schedule 3 to the Local Government Act, 1919, in the same way as

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 5—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

it applies to any land, stratum or mine in an area in which, before such a list is so furnished, rates were made and levied on the basis of values
5 determined under the Principal Act, and in so applying that section—

- 10 (a) a reference to “notional value”, in relation to any land, stratum or mine, shall be construed as a reference to the unimproved capital value, determined in accordance with that Schedule, of the land, stratum or mine at such date as is determined by the valuer-general as if—
- (i) the land, stratum or mine had been in existence as that land, stratum or mine as at that date; and
- (ii) the land, stratum or mine was land or a stratum or mine to which, as at that date, that Schedule applied; and
- 15 (b) a reference to “old value”, in relation to any land, stratum or mine, shall be construed as a reference to the unimproved capital value, determined in accordance with that Schedule, of the land, stratum or mine and entered in the council’s valuation book in accordance with that Schedule immediately before there is recorded in the
20 valuation roll the unimproved value of the land, stratum or mine specified in a general valuation list furnished to the council as referred to in section 58D (2) of the Principal Act, as so amended.

5. (1) A rating base factor of any land, stratum or mine is not invalid by reason of the fact that it was—

- 25 (a) determined by the valuer-general;
- (b) recorded on the valuation roll; or
- (c) furnished to a council,

before the date of assent to this Act.

30 (2) A notice of valuation given before the date of assent to this Act is not invalid because of any failure to show a rating base factor on the notice.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 5—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(3) A rating base factor determined before the date of assent to this Act is not invalid because of a failure to show the rating base factor on a
5 notice of valuation relating to the land, stratum or mine in respect of which the rating base factor was determined.

6. Nothing in this Act affects the validity of a rate made and levied under the Local Government Act, 1919, before the date of assent to this Act.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

[40c]

Section 18 (Amendment) (continued)

SECTION 18

of savings in the operation of the provisions of section 18.

(3) A rating base factor developed by the State Board of Equalization of a rating base factor on a basis of value on the basis of the rating base factor in which the rating base factor was developed.

(4) In the event the validity of a rating base factor under the laws of the State of New York is called in question





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.

Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, November, 1978*

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. , 1978.

An Act to amend the Valuation of Land Act, 1916, to enable the determination of land values and to make further provision with respect to allowances for certain profitable expenditure on land; to enable the determination of rating base factors; to provide for the valuation of certain land in the Western Division; and to make further provision with respect to the making of general valuations.

See also Local Government (Rating and Valuation) Amendment Bill, 1978.

Valuation of Land (Rating and Valuation) 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 :—

5 **1.** This Act may be cited as the "Valuation of Land (Rating and Valuation) Amendment Act, 1978". Short title.

2. (1) Except as provided by subsections (2), (3) and (4), this Act shall commence on the date of assent to this Act. Commencement.

(2) Section 6 shall, in its application to a provision of Schedules 1-4, commence or be deemed to have commenced on the day on which the provision commences or is deemed to have commenced, as the case may require.

(3) Schedules 1 (items (2) (c), (4) (a) and (5) excepted), 2 and 3 shall be deemed to have commenced on 15 July, 1977.

(4) Schedule 1 (2) (c), (4) (a) and (5) shall commence, or be deemed to have commenced, as the case may require, on the date of assent to the Local Government (Rating and Valuation) Amendment Act, 1978.

20 **3.** The Valuation of Land Act, 1916, is referred to in this Act as the Principal Act. Principal Act.

4. Except in so far as the context or subject-matter otherwise indicates or requires, words and expressions used in this Act have the meanings assigned to them respectively in the Principal Act, as amended by this Act. Interpretation.

25

Valuation of Land (Rating and Valuation) Amendment.

5. This Act contains the following Schedules :— Schedules.

5 SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE INTRODUCTION OF LAND VALUES AND THE VARIATION OF ALLOWANCES FOR CERTAIN PROFIT-ABLE EXPENDITURE ON LAND.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE DETERMINATION OF RATING BASE FACTORS.

10 SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE UNIMPROVED VALUE OF LAND IN THE WESTERN DIVISION.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE MAKING OF GENERAL VALUATIONS.

15 SCHEDULE 5.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

6. The Principal Act is amended in the manner set forth in Schedules 1-4. Amendment of Act No. 2, 1916.

7. Schedule 5 has effect. Savings and transitional provisions.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1. Sec. 6.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
INTRODUCTION OF LAND VALUES AND THE VARIATION OF
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON
5 LAND.

(1) Long title—
Omit “land values”, insert instead “values of land”.

(2) (a) Section 4 (1), definition of “Covert improvements”—
After the definition of “Council”, insert :—

10 “Covert improvements” means—
(a) in relation to the unimproved value of land
—site improvements; and
(b) in relation to the land value of land—land
improvements.

15 (b) Section 4 (1), definition of “Land improvements”—
After the definition of “General valuation”, insert :—

“Land improvements” means—
20 (a) the clearing of land by the removal or
thinning out of timber, scrub or other
vegetable growths;
(b) the picking up and removal of stone;
(c) the improvement of soil fertility or the
structure of soil;
25 (d) the restoration or improvement of land
surface by excavation, filling, grading or
levelling, not being works of irrigation or
conservation;

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
INTRODUCTION OF LAND VALUES AND THE VARIATION OF
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON
5 LAND—*continued.*

(e) the reclamation of land by draining or filling together with any retaining walls or other works appurtenant to the reclamation; and

(f) underground drains.

10 (c) Section 4 (1), definition of “Supplementary valuation”—

Omit “paragraph (b) or (c) of subsection (1) of section 153”, insert instead “section 153 (1) (b) or (c) or section 153 (1A) (b) or (c)”.

15 (d) Section 4 (1A)—

After section 4 (1), insert :—

(1A) In this Act—

20 (a) a reference to the unimproved value of land includes, except in sections 6, 7 (1) (b), 58 (1) and 67 (2) (a), a reference to the land value of land;

(b) a reference to the unimproved value of a stratum includes, except in section 58A (1), a reference to the land value of a stratum;
25 and

(c) a reference to the unimproved capital value of a mine includes a reference to the land value of a mine.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
INTRODUCTION OF LAND VALUES AND THE VARIATION OF
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON
5 LAND—*continued.*

(3) Section 6A and short heading—

After section 6, insert :—

Land value.

10 6A. The land value of land is the unimproved value of **Land**
land determined under section 6 as if a reference in that **value.**
section to site improvements were construed as a reference
to land improvements.

(4) (a) Section 58 (1A)—

After section 58 (1), insert :—

15 (1A) The land value of land determined under this
Act shall be deemed to be the land value of the land
for the purposes of the Local Government Act, 1919.

(b) Section 58 (2) (a)—

20 Omit “site improvements”, insert instead “covert
improvements”.

(c) Section 58 (2) (a)—

Omit “and”.

(d) Section 58 (2) (b)—

Omit “use :—”, insert instead “use; and”.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
INTRODUCTION OF LAND VALUES AND THE VARIATION OF
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON
5 LAND—*continued.*

(e) Section 58 (2) (c)—

After section 58 (2) (b), insert :—

10 (c) an improvement comprising a joint water supply scheme (whether or not on the land) the construction or use of which is authorised under Division 4 or 4A of Part II of the Water Act, 1912, and which supplies water to the land,

(f) Section 58 (2), proviso—

15 Omit the proviso, insert instead :—
but—

20 (d) the amount of any such allowance shall not exceed the cost of the improvements determined as at the date as at which the value was determined;

(e) any such allowance shall cease—

25 (i) where the profitable expenditure in respect of the improvements was incurred by the owner—upon the sale or resumption of the land;

30 (ii) where the profitable expenditure in respect of the improvements was incurred by the occupier or lessee—upon the transfer, surrender or expiration of the occupancy or lease;

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
INTRODUCTION OF LAND VALUES AND THE VARIATION OF
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON
5 LAND—*continued.*

(iii) where the land is zoned or other-
wise designated for use for any
10 purposes, not being rural or non-
urban purposes, under a proclama-
tion made under section 309 (1)
of the Local Government Act, 1919,
Ordinance No. 105 made under that
Act, a prescribed scheme within the
15 meaning of Part XIII A of that Act or
an interim development order within
the meaning of section 342T (1) of
that Act—upon the erection on the
land of any building or structure or
20 on the carrying out on the land of
any works; or

(iv) upon the expiration of 15 years after
the expenditure was incurred,

whichever first occurs; and

(f) where land has been sold or leased by the
25 Crown, a statutory body or a statutory body
representing the Crown, any allowance
under this subsection shall not be made
where the expenditure was incurred by the
Crown or body except to the extent to
30 which the Crown or body has been
recouped in respect of the expenditure by
the purchaser or lessee, otherwise than by
payment of rent, rates or taxes.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
INTRODUCTION OF LAND VALUES AND THE VARIATION OF
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON
5 LAND—*continued.*

(g) Section 58 (6)—

After “Division 4”, insert “or 4A”.

(h) Section 58 (7)—

After “Division 4”, insert “or 4A”.

10 (5) Section 58A (1A)—

After section 58A (1), insert :—

(1A) The land value of a stratum determined under
this Act shall be deemed to be the land value of the
stratum for the purposes of the Local Government Act,
15 1919.

SCHEDULE 2.

Sec. 6.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
DETERMINATION OF RATING BASE FACTORS.

(1) Section 36—

20 After “recovered on”, insert “or in relation to”.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE DETERMINATION OF RATING BASE FACTORS—*continued.*

(2) Sections 58D, 58E—

5 After section 58C, insert :—

58D. (1) In this section—

“mine” means a mine valued in accordance with section 153 (1) (a) or (1A) (a) of the Local Government Act, 1919; Rating
base
factors—
generally.

10 “new value”, in relation to any land, stratum or mine, means—

15 (a) where the unimproved value of the land, stratum or mine is included in a general valuation list furnished to a council as referred to in subsection (2)—that unimproved value; or

20 (b) where the unimproved value of the land, stratum or mine is furnished to a council as referred to in subsection (3)—that unimproved value;

25 “notional value”, in relation to any land, stratum or mine, means the unimproved value of the land, stratum or mine determined, as at the base date of the general valuation applicable in respect of the area of the council in which the land, stratum or mine is situated immediately before the last general valuation list is furnished to the council as referred to in subsection (2), as if—

30 (a) the land, stratum or mine had been in existence and was ratable as that land, stratum or mine as at that base date; and

(b) the land or stratum was land or a stratum to which section 19B (2) applies or the mine was land to which section 19B (2) applies;

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
DETERMINATION OF RATING BASE FACTORS—*continued.*

5 “old value”, in relation to any land, stratum or mine,
 means the unimproved value of the land, stratum
 or mine recorded in the valuation roll immedi-
 ately before there is recorded in the valuation
10 roll the unimproved value of the land, stratum or
 mine specified in a general valuation list furnished
 to a council as referred to in subsection (2).

 (2) Where the valuer-general furnishes a general
 valuation list to a council, he shall include in the list in
 respect of any land, stratum or mine the rating base factor
15 determined in accordance with subsection (3), (4) or (5),
 as the case may require, in respect of the land, stratum or
 mine.

 (3) Where—

20 (a) the valuer-general furnishes to a council a
 valuation (not being a valuation in a general
 valuation list) of the unimproved value of any
 land, stratum or mine; and

 (b) that unimproved value is—

25 (i) where it is a valuation to which section
 18 (1) applies—deemed to be effective
 for the purposes of this Act; or

 (ii) where it is a valuation to which section
 19B (3) applies—deemed to be a
 valuation furnished to a rating authority,

30 as at or on a date in a year on or after the
 commencement of which a general valuation list
 referred to in subsection (2) supersedes all
 previous lists so far as they relate to the lands,
 strata and mines included in that list,

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
DETERMINATION OF RATING BASE FACTORS—*continued.*

5 he shall determine, in accordance with subsection (4), (5)
or (6), as the case may require, and furnish to the council,
with the valuation, the rating base factor of the land,
stratum or mine.

10 (4) The rating base factor in respect of any land,
stratum or mine which, prior to the recording of the new
value in the valuation roll, was valued as that land, stratum
or mine is—

- 15 (a) where the old value is less than the new value—
the old value plus half the difference between the
old value and the new value; and
- (b) where the old value is greater than or equal to
the new value—the same as the new value.

20 (5) The rating base factor in respect of any land,
stratum or mine which, prior to the recording of the new
value in the valuation roll, was not valued or was not
valued as that land, stratum or mine is—

- (a) where the notional value is less than the new
value—the notional value plus half the difference
between the notional value and the new value;
and
- 25 (b) where the notional value is greater than or equal
to the new value—the same as the new value.

30 (6) Notwithstanding subsection (4) or (5), the
rating base factor of a mine valued in accordance with a
method of valuation prescribed in section 153 (1) (b)
or (c) or section 153 (1A) (b) or (c) of the Local Gov-
ernment Act, 1919, shall be deemed to be the same as
the value determined in accordance with that method of
valuation.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
DETERMINATION OF RATING BASE FACTORS—*continued.*

- 5 (7) A rating base factor determined under this section in respect of any land, stratum or mine shall be shown on the notice of valuation relating to the land, stratum or mine and objection may be made to the rating base factor as if it were a valuation.
- 10 (8) The right to object to a valuation in respect of any land, stratum or mine includes a right to object on the ground that a rating base factor has not been determined in respect of the land, stratum or mine.
- 15 (9) The valuer-general may alter a rating base factor for the purpose of correcting a clerical error or misdescription and objection may be made to any such alteration as if it were a valuation.
- 20 (10) Sections 35 and 36 and Parts IIIA and IV apply to and in respect of an objection in respect of a rating base factor in the same way as they apply to and in respect of an objection to a valuation.
- (11) Where, under this Act, an objection to a valuation is allowed, any rating base factor determined in relation to the valuation and the valuation list shall be amended accordingly.
- 25 (12) The rating base factor of any land, stratum or mine determined under this Act shall be deemed to be the rating base factor for the purposes of the Local Government Act, 1919.
- 30 (13) Subsections (4) and (10) of section 58 apply to and in respect of the rating base factor of any land in the same way as they apply to and in respect of the unimproved value of land.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE DETERMINATION OF RATING BASE FACTORS—*continued.*

5 (14) Subsections (4) and (5) of section 58A apply to and in respect of the rating base factor of a stratum in the same way as they apply to and in respect of the unimproved value of the stratum.

(15) This section does not apply to land to which section 58E applies.

10 58E. (1) This section applies to land which, when the valuer-general furnishes a general valuation list to the council of the area in which the land is situated, is land to which section 160E of the Local Government Act, 1919, applies. Rating base factors— certain classes of lease from the Crown.

15 (2) Section 58D (subsection (15) excepted) applies to and in respect of land to which this section applies in the same way as it applies to and in respect of land to which section 58D applies and, in so applying that section, a reference to the unimproved value of land shall be construed as a reference to the unimproved rating factor of land determined under section 160E of the Local Government Act, 1919.

20

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 3.

Sec. 6.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE UNIMPROVED VALUE OF LAND IN THE WESTERN DIVISION.

(1) Section 7E and short heading—

5 After section 7D, insert :—

Valuation of land in the Western Division.

7E. (1) In this section, "land" includes stratum.

Valua-
tion of
land in the
Western
Division.

10 (2) Notwithstanding any other provision of this Act, the valuer-general, in making a valuation for use by a rating or taxing authority of land in the Western Division, shall—

15 (a) where the land is freehold land—assume that the land is, as freehold land, subject to such restrictions on the use and disposition of the land as would be applicable if the land were held under and in accordance with a lease under the Western Lands Act, 1901, which authorised the use to which the land was put as at the date to which the valuation of the land relates; and

20 (b) where the land is not freehold land and is held under a lease or other tenure under the Western Lands Act, 1901, or any other Act—assume that the land is freehold land and that it is, as freehold land, subject to such restrictions on the use and disposition of the land as are applicable to the land by reason of its being the subject of the lease or other tenure.

25 (3) The restrictions referred to in subsection (2) shall be assumed to apply to land at the date to which the valuation of the land relates.

30 (2) Section 14A (4)—

Omit "6 and 7B", insert instead "6, 7B and 7E".

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 4.

Sec. 6.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
MAKING OF GENERAL VALUATIONS.

- (1) Section 4 (1), definition of "General valuation"—
5 Omit "or of a riding or ward of a shire or municipality".
- (2) Section 14A (5) (c)—
Omit ", ward or riding".
- (3) (a) Section 48 (1), proviso—
Omit the proviso.
- 10 (b) Section 48 (2), proviso—
Omit the proviso.
- (c) Section 48 (3)—
Omit the subsection.

SCHEDULE 5.

Sec. 7.

15 SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. (1) A person who would, under Part III of the Principal Act, be entitled to object to a valuation may, within 12 months after the date of assent to this Act, object to—
- (a) a land value;
- 20 (b) a valuation of land or an allowance for profitable expenditure by an owner, occupier or lessee in respect of land, being land which is supplied with water by means of a joint water supply scheme the construction or use of which is authorised under Division 4 or 4A of Part II of the Water Act, 1912; or
- 25 (c) an unimproved value of land in the Western Division, made on or after 1st July, 1977, and before the date of assent to this Act.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 5—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (2) Except as provided by subclause (1) of this clause, Parts III, IIIA and IV of the Principal Act apply to and in respect of an objection 5 under that subclause in the same way as they apply to and in respect of an objection under Part III of the Principal Act.
2. (1) Where a general valuation list is used by a council for the purpose of making and levying a rate in the rating year commencing 1st January, 1979, in respect of any land, stratum or mine, a person liable to pay the 10 rate and the council may, at any time within 3 months after the date of service of the rate notice, object, in writing, to the valuer-general to the determination or failure to determine a rating base factor in respect of the land, stratum or mine.
- (2) Except as provided by subclause (1) of this clause, subsections 15 (7) to (11) of section 58D of the Principal Act, as amended by this Act, or subsections (7) to (11) of section 58D as applied by section 58E (2) of the Principal Act, as so amended, as the case may require, apply to and in respect of an objection under that subclause in the same way as they 20 apply to and in respect of an objection under section 58D (7), (8) or (9) of the Principal Act, as so amended, or section 58D (7), (8) or (9) as applied by section 58E (2) of the Principal Act, as so amended.
3. Notwithstanding sections 58D and 58E of the Principal Act, as amended by this Act, the rating base factor of any land, stratum or mine which is in 25 the Western Division and subject to the Principal Act, as so amended, shall, for the purposes only of the first general valuation made under section 48 of the Principal Act in each area of the Western Division after 1st July, 1977, be deemed to be the same as the unimproved value of the land, stratum or mine.
4. Section 58D of the Principal Act, as amended by this Act, applies to 30 any land, stratum or mine in an area in which, before a general valuation list referred to in subsection (2) of that section is furnished to the council of the area, rates were made and levied on the basis of values determined under Schedule 3 to the Local Government Act, 1919, in the same way as

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 5—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

it applies to any land, stratum or mine in an area in which, before such a list is so furnished, rates were made and levied on the basis of values
 5 determined under the Principal Act, and in so applying that section—

10 (a) a reference to “notional value”, in relation to any land, stratum or mine, shall be construed as a reference to the unimproved capital value, determined in accordance with that Schedule, of the land, stratum or mine at such date as is determined by the valuer-general as if—

(i) the land, stratum or mine had been in existence as that land, stratum or mine as at that date; and

(ii) the land, stratum or mine was land or a stratum or mine to which, as at that date, that Schedule applied; and

15 (b) a reference to “old value”, in relation to any land, stratum or mine, shall be construed as a reference to the unimproved capital value, determined in accordance with that Schedule, of the land, stratum or mine and entered in the council’s valuation book in accordance
 20 with that Schedule immediately before there is recorded in the valuation roll the unimproved value of the land, stratum or mine specified in a general valuation list furnished to the council as referred to in section 58D (2) of the Principal Act, as so amended.

5. (1) A rating base factor of any land, stratum or mine is not invalid by reason of the fact that it was—

- 25 (a) determined by the valuer-general;
 (b) recorded on the valuation roll; or
 (c) furnished to a council,

before the date of assent to this Act.

30 (2) A notice of valuation given before the date of assent to this Act is not invalid because of any failure to show a rating base factor on the notice.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 5—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(3) A rating base factor determined before the date of assent to this Act is not invalid because of a failure to show the rating base factor on a notice of valuation relating to the land, stratum or mine in respect of which the rating base factor was determined.

6. Nothing in this Act affects the validity of a rate made and levied under the Local Government Act, 1919, before the date of assent to this Act.

Abolition of Land (Rating and Valuation) Amendment

SECTION 2 - continued

VALUATION OF LAND AND OTHER PROPERTIES - continued

(3) A rating base factor determined before the date of assent to this Act is not invalid because of a failure to show the rating base factor on a notice of valuation relating to the land, if the date of issue in respect of which the rating base factor was determined...

(4) Nothing in this Act affects the validity of a rate made and levied under the Local Government Act 1976 before the date of assent to this Act.

VALUATION OF LAND (RATING AND VALUATION) AMENDMENT ACT, 1978, No. 126

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 126, 1978.

An Act to amend the Valuation of Land Act, 1916, to enable the determination of land values and to make further provision with respect to allowances for certain profitable expenditure on land; to enable the determination of rating base factors; to provide for the valuation of certain land in the Western Division; and to make further provision with respect to the making of general valuations. [Assented to, 21st December, 1978.]

See also Local Government (Rating and Valuation) Amendment Act, 1978.

Valuation of Land (Rating and Valuation) 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 :—

Short title. **1.** This Act may be cited as the "Valuation of Land (Rating and Valuation) Amendment Act, 1978".

Commence- **2.** (1) Except as provided by subsections (2), (3) and (4),
ment. this Act shall commence on the date of assent to this Act.

(2) Section 6 shall, in its application to a provision of Schedules 1–4, commence or be deemed to have commenced on the day on which the provision commences or is deemed to have commenced, as the case may require.

(3) Schedules 1 (items (2) (c), (4) (a) and (5) excepted), 2 and 3 shall be deemed to have commenced on 1st July, 1977.

(4) Schedule 1 (2) (c), (4) (a) and (5) shall commence, or be deemed to have commenced, as the case may require, on the date of assent to the Local Government (Rating and Valuation) Amendment Act, 1978.

Principal **3.** The Valuation of Land Act, 1916, is referred to in this Act
Act. as the Principal Act.

Interpre- **4.** Except in so far as the context or subject-matter otherwise
tation. indicates or requires, words and expressions used in this Act have
the meanings assigned to them respectively in the Principal Act,
as amended by this Act.

Valuation of Land (Rating and Valuation) Amendment.

5. This Act contains the following Schedules :—

Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE INTRODUCTION OF LAND VALUES AND THE VARIATION OF ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON LAND.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE DETERMINATION OF RATING BASE FACTORS.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE UNIMPROVED VALUE OF LAND IN THE WESTERN DIVISION.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE MAKING OF GENERAL VALUATIONS.

SCHEDULE 5.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

6. The Principal Act is amended in the manner set forth in Schedules 1-4.

Amendment
of Act No.
2, 1916.

7. Schedule 5 has effect.

Savings and
transitional
provisions.

Valuation of Land (Rating and Valuation) Amendment.

Sec. 6.

SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
INTRODUCTION OF LAND VALUES AND THE VARIATION OF
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON
LAND.

(1) Long title—

Omit “land values”, insert instead “values of land”.

(2) (a) Section 4 (1), definition of “Covert improvements”—

After the definition of “Council”, insert :—

“Covert improvements” means—

- (a) in relation to the unimproved value of land—site improvements; and
- (b) in relation to the land value of land—land improvements.

(b) Section 4 (1), definition of “Land improvements”—

After the definition of “General valuation”, insert :—

“Land improvements” means—

- (a) the clearing of land by the removal or thinning out of timber, scrub or other vegetable growths;
- (b) the picking up and removal of stone;
- (c) the improvement of soil fertility or the structure of soil;
- (d) the restoration or improvement of land surface by excavation, filling, grading or levelling, not being works of irrigation or conservation;

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
INTRODUCTION OF LAND VALUES AND THE VARIATION OF
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON
LAND—*continued.*

- (e) the reclamation of land by draining or filling together with any retaining walls or other works appurtenant to the reclamation; and
 - (f) underground drains.
- (c) Section 4 (1), definition of “Supplementary valuation”—
- Omit “paragraph (b) or (c) of subsection (1) of section 153”, insert instead “section 153 (1) (b) or (c) or section 153 (1A) (b) or (c)”.
- (d) Section 4 (1A)—
- After section 4 (1), insert :—
- (1A) In this Act—
- (a) a reference to the unimproved value of land includes, except in sections 6, 7 (1) (b), 58 (1) and 67 (2) (a), a reference to the land value of land;
 - (b) a reference to the unimproved value of a stratum includes, except in section 58A (1), a reference to the land value of a stratum; and
 - (c) a reference to the unimproved capital value of a mine includes a reference to the land value of a mine.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
INTRODUCTION OF LAND VALUES AND THE VARIATION OF
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON
LAND—*continued.*

(3) Section 6A and short heading—

After section 6, insert :—

Land value.

Land
value.

6A. The land value of land is the unimproved value of land determined under section 6 as if a reference in that section to site improvements were construed as a reference to land improvements.

(4) (a) Section 58 (1A)—

After section 58 (1), insert :—

(1A) The land value of land determined under this Act shall be deemed to be the land value of the land for the purposes of the Local Government Act, 1919.

(b) Section 58 (2) (a)—

Omit “site improvements”, insert instead “covert improvements”.

(c) Section 58 (2) (a)—

Omit “and”.

(d) Section 58 (2) (b)—

Omit “use :—”, insert instead “use; and”.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
INTRODUCTION OF LAND VALUES AND THE VARIATION OF
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON
LAND—*continued.*

(e) Section 58 (2) (c)—

After section 58 (2) (b), insert :—

- (c) an improvement comprising a joint water supply scheme (whether or not on the land) the construction or use of which is authorised under Division 4 or 4A of Part II of the Water Act, 1912, and which supplies water to the land,

(f) Section 58 (2), proviso—

Omit the proviso, insert instead :—

but—

- (d) the amount of any such allowance shall not exceed the cost of the improvements determined as at the date as at which the value was determined;
- (e) any such allowance shall cease—
 - (i) where the profitable expenditure in respect of the improvements was incurred by the owner—upon the sale or resumption of the land;
 - (ii) where the profitable expenditure in respect of the improvements was incurred by the occupier or lessee—upon the transfer, surrender or expiration of the occupancy or lease;

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
INTRODUCTION OF LAND VALUES AND THE VARIATION OF
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON
LAND—*continued.*

- (iii) where the land is zoned or otherwise designated for use for any purposes, not being rural or non-urban purposes, under a proclamation made under section 309 (1) of the Local Government Act, 1919, Ordinance No. 105 made under that Act, a prescribed scheme within the meaning of Part XIIA of that Act or an interim development order within the meaning of section 342T (1) of that Act—upon the erection on the land of any building or structure or on the carrying out on the land of any works; or
- (iv) upon the expiration of 15 years after the expenditure was incurred,
whichever first occurs; and
- (f) where land has been sold or leased by the Crown, a statutory body or a statutory body representing the Crown, any allowance under this subsection shall not be made where the expenditure was incurred by the Crown or body except to the extent to which the Crown or body has been recouped in respect of the expenditure by the purchaser or lessee, otherwise than by payment of rent, rates or taxes.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
INTRODUCTION OF LAND VALUES AND THE VARIATION OF
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON
LAND—*continued.*

(g) Section 58 (6)—

After “Division 4”, insert “or 4A”.

(h) Section 58 (7)—

After “Division 4”, insert “or 4A”.

(5) Section 58A (1A)—

After section 58A (1), insert :—

(1A) The land value of a stratum determined under this Act shall be deemed to be the land value of the stratum for the purposes of the Local Government Act, 1919.

SCHEDULE 2.

Sec. 6.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
DETERMINATION OF RATING BASE FACTORS.

(1) Section 36—

After “recovered on”, insert “or in relation to”.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
DETERMINATION OF RATING BASE FACTORS—*continued.*

(2) Sections 58D, 58E—

After section 58C, insert :—

58D. (1) In this section—

“mine” means a mine valued in accordance with section 153 (1) (a) or (1A) (a) of the Local Government Act, 1919;

“new value”, in relation to any land, stratum or mine, means—

- (a) where the unimproved value of the land, stratum or mine is included in a general valuation list furnished to a council as referred to in subsection (2)—that unimproved value; or
- (b) where the unimproved value of the land, stratum or mine is furnished to a council as referred to in subsection (3)—that unimproved value;

“notional value”, in relation to any land, stratum or mine, means the unimproved value of the land, stratum or mine determined, as at the base date of the general valuation applicable in respect of the area of the council in which the land, stratum or mine is situated immediately before the last general valuation list is furnished to the council as referred to in subsection (2), as if—

- (a) the land, stratum or mine had been in existence and was ratable as that land, stratum or mine as at that base date; and
- (b) the land or stratum was land or a stratum to which section 19B (2) applies or the mine was land to which section 19B (2) applies;

Rating
base
factors—
generally.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
DETERMINATION OF RATING BASE FACTORS—*continued.*

“old value”, in relation to any land, stratum or mine, means the unimproved value of the land, stratum or mine recorded in the valuation roll immediately before there is recorded in the valuation roll the unimproved value of the land, stratum or mine specified in a general valuation list furnished to a council as referred to in subsection (2).

(2) Where the valuer-general furnishes a general valuation list to a council, he shall include in the list in respect of any land, stratum or mine the rating base factor determined in accordance with subsection (3), (4) or (5), as the case may require, in respect of the land, stratum or mine.

(3) Where—

(a) the valuer-general furnishes to a council a valuation (not being a valuation in a general valuation list) of the unimproved value of any land, stratum or mine; and

(b) that unimproved value is—

(i) where it is a valuation to which section 18 (1) applies—deemed to be effective for the purposes of this Act; or

(ii) where it is a valuation to which section 19B (3) applies—deemed to be a valuation furnished to a rating authority,

as at or on a date in a year on or after the commencement of which a general valuation list referred to in subsection (2) supersedes all previous lists so far as they relate to the lands, strata and mines included in that list,

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
DETERMINATION OF RATING BASE FACTORS—*continued.*

he shall determine, in accordance with subsection (4), (5) or (6), as the case may require, and furnish to the council, with the valuation, the rating base factor of the land, stratum or mine.

(4) The rating base factor in respect of any land, stratum or mine which, prior to the recording of the new value in the valuation roll, was valued as that land, stratum or mine is—

- (a) where the old value is less than the new value—the old value plus half the difference between the old value and the new value; and
- (b) where the old value is greater than or equal to the new value—the same as the new value.

(5) The rating base factor in respect of any land, stratum or mine which, prior to the recording of the new value in the valuation roll, was not valued or was not valued as that land, stratum or mine is—

- (a) where the notional value is less than the new value—the notional value plus half the difference between the notional value and the new value; and
- (b) where the notional value is greater than or equal to the new value—the same as the new value.

(6) Notwithstanding subsection (4) or (5), the rating base factor of a mine valued in accordance with a method of valuation prescribed in section 153 (1) (b) or (c) or section 153 (1A) (b) or (c) of the Local Government Act, 1919, shall be deemed to be the same as the value determined in accordance with that method of valuation.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
DETERMINATION OF RATING BASE FACTORS—*continued.*

(7) A rating base factor determined under this section in respect of any land, stratum or mine shall be shown on the notice of valuation relating to the land, stratum or mine and objection may be made to the rating base factor as if it were a valuation.

(8) The right to object to a valuation in respect of any land, stratum or mine includes a right to object on the ground that a rating base factor has not been determined in respect of the land, stratum or mine.

(9) The valuer-general may alter a rating base factor for the purpose of correcting a clerical error or misdescription and objection may be made to any such alteration as if it were a valuation.

(10) Sections 35 and 36 and Parts IIIA and IV apply to and in respect of an objection in respect of a rating base factor in the same way as they apply to and in respect of an objection to a valuation.

(11) Where, under this Act, an objection to a valuation is allowed, any rating base factor determined in relation to the valuation and the valuation list shall be amended accordingly.

(12) The rating base factor of any land, stratum or mine determined under this Act shall be deemed to be the rating base factor for the purposes of the Local Government Act, 1919.

(13) Subsections (4) and (10) of section 58 apply to and in respect of the rating base factor of any land in the same way as they apply to and in respect of the unimproved value of land.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
DETERMINATION OF RATING BASE FACTORS—*continued.*

(14) Subsections (4) and (5) of section 58A apply to and in respect of the rating base factor of a stratum in the same way as they apply to and in respect of the unimproved value of the stratum.

(15) This section does not apply to land to which section 58E applies.

Rating base
factors—
certain
classes of
lease from
the Crown.

58E. (1) This section applies to land which, when the valuer-general furnishes a general valuation list to the council of the area in which the land is situated, is land to which section 160E of the Local Government Act, 1919, applies.

(2) Section 58D (subsection (15) excepted) applies to and in respect of land to which this section applies in the same way as it applies to and in respect of land to which section 58D applies and, in so applying that section, a reference to the unimproved value of land shall be construed as a reference to the unimproved rating factor of land determined under section 160E of the Local Government Act, 1919.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 3.

Sec. 6.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
UNIMPROVED VALUE OF LAND IN THE WESTERN DIVISION.

(1) Section 7E and short heading—

After section 7D, insert :—

Valuation of land in the Western Division.

7E. (1) In this section, “land” includes stratum.

Valuation of
land in the
Western
Division.

(2) Notwithstanding any other provision of this Act, the valuer-general, in making a valuation for use by a rating or taxing authority of land in the Western Division, shall—

- (a) where the land is freehold land—assume that the land is, as freehold land, subject to such restrictions on the use and disposition of the land as would be applicable if the land were held under and in accordance with a lease under the Western Lands Act, 1901, which authorised the use to which the land was put as at the date to which the valuation of the land relates; and
- (b) where the land is not freehold land and is held under a lease or other tenure under the Western Lands Act, 1901, or any other Act—assume that the land is freehold land and that it is, as freehold land, subject to such restrictions on the use and disposition of the land as are applicable to the land by reason of its being the subject of the lease or other tenure.

(3) The restrictions referred to in subsection (2) shall be assumed to apply to land at the date to which the valuation of the land relates.

(2) Section 14A (4)—

Omit “6 and 7B”, insert instead “6, 7B and 7E”.

Valuation of Land (Rating and Valuation) Amendment.

Sec. 6.

SCHEDULE 4.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
MAKING OF GENERAL VALUATIONS.

- (1) Section 4 (1), definition of "General valuation"—
Omit "or of a riding or ward of a shire or municipality".
- (2) Section 14A (5) (c)—
Omit ", ward or riding".
- (3) (a) Section 48 (1), proviso—
Omit the proviso.
- (b) Section 48 (2), proviso—
Omit the proviso.
- (c) Section 48 (3)—
Omit the subsection.

Sec. 7.

SCHEDULE 5.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. (1) A person who would, under Part III of the Principal Act, be entitled to object to a valuation may, within 12 months after the date of assent to this Act, object to—
- (a) a land value;
- (b) a valuation of land or an allowance for profitable expenditure by an owner, occupier or lessee in respect of land, being land which is supplied with water by means of a joint water supply scheme the construction or use of which is authorised under Division 4 or 4A of Part II of the Water Act, 1912; or
- (c) an unimproved value of land in the Western Division, made on or after 1st July, 1977, and before the date of assent to this Act.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 5—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(2) Except as provided by subclause (1) of this clause, Parts III, IIIA and IV of the Principal Act apply to and in respect of an objection under that subclause in the same way as they apply to and in respect of an objection under Part III of the Principal Act.

2. (1) Where a general valuation list is used by a council for the purpose of making and levying a rate in the rating year commencing 1st January, 1979, in respect of any land, stratum or mine, a person liable to pay the rate and the council may, at any time within 3 months after the date of service of the rate notice, object, in writing, to the valuer-general to the determination or failure to determine a rating base factor in respect of the land, stratum or mine.

(2) Except as provided by subclause (1) of this clause, subsections (7) to (11) of section 58D of the Principal Act, as amended by this Act, or subsections (7) to (11) of section 58D as applied by section 58E (2) of the Principal Act, as so amended, as the case may require, apply to and in respect of an objection under that subclause in the same way as they apply to and in respect of an objection under section 58D (7), (8) or (9) of the Principal Act, as so amended, or section 58D (7), (8) or (9) as applied by section 58E (2) of the Principal Act, as so amended.

3. Notwithstanding sections 58D and 58E of the Principal Act, as amended by this Act, the rating base factor of any land, stratum or mine which is in the Western Division and subject to the Principal Act, as so amended, shall, for the purposes only of the first general valuation made under section 48 of the Principal Act in each area of the Western Division after 1st July, 1977, be deemed to be the same as the unimproved value of the land, stratum or mine.

4. Section 58D of the Principal Act, as amended by this Act, applies to any land, stratum or mine in an area in which, before a general valuation list referred to in subsection (2) of that section is furnished to the council of the area, rates were made and levied on the basis of values determined under Schedule 3 to the Local Government Act, 1919, in the same way as

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 5—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

it applies to any land, stratum or mine in an area in which, before such a list is so furnished, rates were made and levied on the basis of values determined under the Principal Act, and in so applying that section—

(a) a reference to “notional value”, in relation to any land, stratum or mine, shall be construed as a reference to the unimproved capital value, determined in accordance with that Schedule, of the land, stratum or mine at such date as is determined by the valuer-general as if—

(i) the land, stratum or mine had been in existence as that land, stratum or mine as at that date; and

(ii) the land, stratum or mine was land or a stratum or mine to which, as at that date, that Schedule applied; and

(b) a reference to “old value”, in relation to any land, stratum or mine, shall be construed as a reference to the unimproved capital value, determined in accordance with that Schedule, of the land, stratum or mine and entered in the council’s valuation book in accordance with that Schedule immediately before there is recorded in the valuation roll the unimproved value of the land, stratum or mine specified in a general valuation list furnished to the council as referred to in section 58D (2) of the Principal Act, as so amended.

5. (1) A rating base factor of any land, stratum or mine is not invalid by reason of the fact that it was—

- (a) determined by the valuer-general;
- (b) recorded on the valuation roll; or
- (c) furnished to a council,

before the date of assent to this Act.

(2) A notice of valuation given before the date of assent to this Act is not invalid because of any failure to show a rating base factor on the notice.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 5—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(3) A rating base factor determined before the date of assent to this Act is not invalid because of a failure to show the rating base factor on a notice of valuation relating to the land, stratum or mine in respect of which the rating base factor was determined.

6. Nothing in this Act affects the validity of a rate made and levied under the Local Government Act, 1919, before the date of assent to this Act.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 21st December, 1978.*

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

RESEARCH REPORT

ON THE THEORY OF THE ...

BY ...

CHICAGO, ILLINOIS

1950

