

CONCURRENCE COPY

VALUATION OF LAND (RATING AND VALUATION) AMENDMENT BILL, 1981

EXPLANATORY NOTE

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

The Miscellaneous Acts (Rating and Valuation) Amendment Bill, 1981, is cognate with this Bill.

The objects of this Bill are—

- (a) to make further provision with respect to the determination and use of land values, to remove references to the unimproved value of land from the Valuation of Land Act, 1916, and thereby to remove the obligation to determine unimproved values under that Act;
 - (b) to validate the dispensation by the Valuer-General, as from 1st July, 1981, of the making of valuations of the unimproved value of land;
 - (c) to apply the provisions of the Valuation of Land Act, 1916, to certain rating or taxing authorities, being the Commissioner of Land Tax and the Hunter Valley Conservation Trust; and
 - (d) to make other provisions of a minor, consequential or ancillary nature.
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CONCURRENCE COPY

VALUATION OF LAND (GRATING AND VALUATION) AMENDMENT BILL, 1981

EXPLANATORY NOTE

(The Explanatory Note forms part of the Bill as introduced in the Parliament.)

The Miscellaneous Act (Grating and Valuation) Amendment Bill, 1981, is
introduced with the Bill.

The object of the Bill is

to amend the provisions of the Act in respect of the determination and the
valuation of land, to provide for the removal of land from
the category of land which is exempt from the operation of the Act,
and to provide for the determination and the valuation of land.

The Bill contains the following provisions:

(a) to amend the provisions of the Act relating to the determination
of the value of land for the purposes of the Act;

(b) to provide for the determination and the valuation of land.

**VALUATION OF LAND (RATING AND VALUATION)
AMENDMENT BILL, 1981**

No. , 1981.

A BILL FOR

An Act to amend the Valuation of Land Act, 1916, to dispense with the making of valuations of the unimproved value of land, to make further provision with respect to the determination and use of land values and to apply the provisions of that Act to certain rating or taxing authorities.

[MR GORDON—1 December, 1981.]

See also Miscellaneous Acts (Rating and Valuation) Amendment Bill, 1981.

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 Short title.

1. This Act may be cited as the "Valuation of Land (Rating and Valuation) Amendment Act, 1981".

Commencement.

2. (1) Except as provided by subsection (2), this Act shall commence on 10 the date of assent to this Act.

(2) Sections 3 and 4 and Schedule 1 shall be deemed to have commenced on 1st July, 1981.

Amendment of Act No. 2, 1916.

3. The Valuation of Land Act, 1916, is amended in the manner set forth 15 in Schedule 1.

Savings provision.

4. (1) The provisions of the Valuation of Land Act, 1916, as in force 20 immediately before 1st July, 1981, shall continue to apply to and in respect of any valuation which is, for any reason, necessary or, in the opinion of the Valuer-General, desirable to be made in relation to any land, a stratum or a mine as at any date occurring before 1st July, 1981.

(2) Nothing in subsection (1) affects section 8 of the Interpretation Act, 1897.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE VALUATION OF LAND ACT, 1916.

- (1) (a) Section 4 (1), definition of "Covert improvements"—
5 Omit the definition.
- (b) Section 4 (1), definition of "Site improvements"—
Omit the definition.
- (c) Section 4 (1A)—
Omit the subsection.
- 10 (2) Section 6—
Omit the section.
- (3) Section 6A—
Omit the section, insert instead:—
- Land value.**
- 15 6A. (1) The land value of land is the capital sum which the fee-
simple of the land might be expected to realise if offered for sale on
such reasonable terms and conditions as a bona-fide seller would
require, assuming that the improvements, if any, thereon or apper-
taining thereto, other than land improvements, and made or acquired
20 by the owner or his predecessor in title had not been made.
- (2) Notwithstanding anything in subsection (1), in deter-
mining the land value of any land it shall be assumed that—
- (a) the land may be used, or may continue to be used, for any
purpose for which it was being used, or for which it could
25 be used, at the date to which the valuation relates; and

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE VALUATION OF LAND ACT, 1916—*continued.*

- 5 (b) such improvements may be continued or made on the land as may be required in order to enable the land to continue to be so used,
but nothing in this subsection prevents regard being had, in determining that value, to any other purpose for which the land may be used on the assumption that the improvements, if any, other than land improvements, referred to in subsection (1) had not been made.
- 10 (4) Sections 7 (1) (b), 7B (1) and (2), 7C (1) (b), 14, 14A (1), (2) and (4), 16 (1) (d), 19B (1) (a), (2) (a) and (3), 40 (2) (b), 47, 58 (2), (2A), (4), (6), (7), (8) and (10), 58A (2), (2A), (4) and (5), 58B (3), 58D (1), (3), (13) and (14) and 58E (2)—
Omit “unimproved” wherever occurring, insert instead “land”.
- 15 (5) Section 14A (4)—
Omit “6”, insert instead “6A”.
- (6) (a) Section 16 (1) (e)—
Omit the paragraph.
- (b) Section 16 (1) (f)—
20 After “land”, insert “where that value is determined pursuant to a request referred to in section 7D (1) (b)”.
- (c) Section 16 (2) (d) (iii)—
Omit “improved, unimproved and assessed annual values”, insert instead “land value and any other valuations”.
- 25 (7) Section 19B (1), (2)—
Omit “1st January, 1973,” wherever occurring, insert instead “1st July, 1977,”.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE VALUATION OF LAND ACT, 1916—*continued.*

(8) Section 47—

After “The Broken Hill Water Board.”, insert:—

- 5
Commissioner of Land Tax.
Hunter Valley Conservation Trust.

(9) (a) Section 58 (1), (1A)—

Omit the subsections.

(b) Section 58 (2)—

- 10
Omit “for the purposes of this section”.

(c) Section 58 (2) (a)—

Omit “covert”, insert instead “land”.

(d) Section 58 (2A), (6), (7)—

- 15
Omit “1st January, 1973,” wherever occurring, insert instead “1st July, 1977,”.

(e) Section 58 (5)—

Omit “unimproved capital”, insert instead “land”.

(10) (a) Section 58A (1), (1A)—

Omit the subsections.

20
(b) Section 58A (2A)—

Omit “1st January, 1973,”, insert instead “1st July, 1977,”.

(11) (a) Section 67 (2) (a)—

Omit “unimproved” where firstly occurring, insert instead “land”.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—continued.

AMENDMENTS TO THE VALUATION OF LAND ACT, 1916—continued.

(b) Section 67 (2) (a)—

Omit “unimproved capital”, insert instead “land”.

5 (12) Headings—

Omit all headings, other than the headings to the Parts and to Schedule 1.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1981

(40c)

**VALUATION OF LAND (RATING AND VALUATION)
AMENDMENT ACT, 1981, No. 118**

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 118, 1981.

An Act to amend the Valuation of Land Act, 1916, to dispense with the making of valuations of the unimproved value of land, to make further provision with respect to the determination and use of land values and to apply the provisions of that Act to certain rating or taxing authorities. [Assented to, 18th December, 1981.]

See also Miscellaneous Acts (Rating and Valuation) Amendment Act, 1981.

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, 1981".

Commencement.

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) Sections 3 and 4 and Schedule 1 shall be deemed to have commenced on 1st July, 1981.

Amendment of Act No. 2, 1916.

3. The Valuation of Land Act, 1916, is amended in the manner set forth in Schedule 1.

Savings provision.

4. (1) The provisions of the Valuation of Land Act, 1916, as in force immediately before 1st July, 1981, shall continue to apply to and in respect of any valuation which is, for any reason, necessary or, in the opinion of the Valuer-General, desirable to be made in relation to any land, a stratum or a mine as at any date occurring before 1st July, 1981.

(2) Nothing in subsection (1) affects section 8 of the Interpretation Act, 1897.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE VALUATION OF LAND ACT, 1916.

- (1) (a) Section 4 (1), definition of "Covert improvements"—
Omit the definition.
- (b) Section 4 (1), definition of "Site improvements"—
Omit the definition.
- (c) Section 4 (1A)—
Omit the subsection.

- (2) Section 6—
Omit the section.

- (3) Section 6A—
Omit the section, insert instead:—

Land value.

6A. (1) The land value of land is the capital sum which the fee-simple of the land might be expected to realise if offered for sale on such reasonable terms and conditions as a bona-fide seller would require, assuming that the improvements, if any, thereon or appertaining thereto, other than land improvements, and made or acquired by the owner or his predecessor in title had not been made.

(2) Notwithstanding anything in subsection (1), in determining the land value of any land it shall be assumed that—

- (a) the land may be used, or may continue to be used, for any purpose for which it was being used, or for which it could be used, at the date to which the valuation relates; and

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE VALUATION OF LAND ACT, 1916—*continued.*

- (b) such improvements may be continued or made on the land as may be required in order to enable the land to continue to be so used,

but nothing in this subsection prevents regard being had, in determining that value, to any other purpose for which the land may be used on the assumption that the improvements, if any, other than land improvements, referred to in subsection (1) had not been made.

- (4) Sections 7 (1) (b), 7B (1) and (2), 7C (1) (b), 14, 14A (1), (2) and (4), 16 (1) (d), 19B (1) (a), (2) (a) and (3), 40 (2) (b), 47, 58 (2), (2A), (4), (6), (7), (8) and (10), 58A (2), (2A), (4) and (5), 58B (3), 58D (1), (3), (13) and (14) and 58E (2)—

Omit “unimproved” wherever occurring, insert instead “land”.

- (5) Section 14A (4)—

Omit “6”, insert instead “6A”.

- (6) (a) Section 16 (1) (e)—

Omit the paragraph.

- (b) Section 16 (1) (f)—

After “land”, insert “where that value is determined pursuant to a request referred to in section 7D (1) (b)”.

- (c) Section 16 (2) (d) (iii)—

Omit “improved, unimproved and assessed annual values”, insert instead “land value and any other valuations”.

- (7) Section 19B (1), (2)—

Omit “1st January, 1973,” wherever occurring, insert instead “1st July, 1977,”.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE VALUATION OF LAND ACT, 1916—*continued.*

(8) Section 47—

After “The Broken Hill Water Board.”, insert:—

Commissioner of Land Tax.
Hunter Valley Conservation Trust.

(9) (a) Section 58 (1), (1A)—

Omit the subsections.

(b) Section 58 (2)—

Omit “for the purposes of this section”.

(c) Section 58 (2) (a)—

Omit “covert”, insert instead “land”.

(d) Section 58 (2A), (6), (7)—

Omit “1st January, 1973,” wherever occurring, insert instead “1st July, 1977,”.

(e) Section 58 (5)—

Omit “unimproved capital”, insert instead “land”.

(10) (a) Section 58A (1), (1A)—

Omit the subsections.

(b) Section 58A (2A)—

Omit “1st January, 1973,”, insert instead “1st July, 1977,”.

(11) (a) Section 67 (2) (a)—

Omit “unimproved” where firstly occurring, insert instead “land”.

Valuation of Land (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE VALUATION OF LAND ACT, 1916—*continued.*

(b) Section 67 (2) (a)—

Omit “unimproved capital”, insert instead “land”.

(12) Headings—

Omit all headings, other than the headings to the Parts and to Schedule 1.

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

J. A. ROWLAND,
Governor.

Government House,
Sydney, 18th December, 1981.



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