

VALUATION OF LAND (AMENDMENT) ACT.

Act No. 41, 1951.

An Act to amend the Valuation of Land Act, 1916, the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 10th December, 1951.] George VI.
No. 41, 1951.

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

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Valuation of Land (Amendment) Act, 1951". Short title
and
division
into Parts.

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

PART I.—PRELIMINARY.

PART II.—AMENDMENT OF THE VALUATION OF LAND ACT, 1916, AS AMENDED BY SUBSEQUENT ACTS.

PART III.—AMENDMENT OF THE LOCAL GOVERNMENT ACT, 1919, AS AMENDED BY SUBSEQUENT ACTS.

PART IV.—AMENDMENT OF THE LOCAL GOVERNMENT (AREAS) ACT, 1948, AS AMENDED BY SUBSEQUENT ACTS.

PART II.

AMENDMENT OF THE VALUATION OF LAND ACT, 1916, AS AMENDED BY SUBSEQUENT ACTS.

2. The Valuation of Land Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Valuation of Land Act, 1916-1951. Citation.

3.

Valuation of Land (Amendment) Act.

- No. 41, 1951.** **3.** The Valuation of Land Act, 1916, as amended by subsequent Acts, is amended—
- Amendment of Act No. 2, 1916.**
- Sec. 2.** (Date of commencement.)
- (a) by inserting in section two after the word “district” the words “or any part of a district”;
- Sec. 4 (1).** (Definitions.)
- (b) by inserting in subsection one of section four next after the definition of “Minister” the following new definition:—
“Municipality” includes a City.
- Sec. 5.** (Improved value of land.)
- (c) by inserting at the end of section five the following new subsection:—
(2) In determining the improved value of any land being premises occupied for trade, business, or manufacturing purposes, such value shall not include the value of any plant, machines, tools, or other appliances which are not fixed to the premises or which are only so fixed that they may be removed from the premises without structural damage thereto.
- Sec. 7.** (Assessed annual value.)
- (d) by inserting at the end of section seven the following new subsection:—
(2) In determining the assessed annual value of any land being premises occupied for trade, business, or manufacturing purposes such value shall not include the value of any plant, machines, tools, or other appliances which are not fixed to the premises or which are only so fixed that they may be removed from the premises without structural damage thereto.
- Sec. 18.** (When valuation made.)
- (e) by omitting subsection one of section eighteen and by inserting in lieu thereof the following subsection:—
(1) A valuation, other than a valuation made under section seventy of this Act, shall be deemed to be made as at the date on which the official valuer records the valuation made by him. The valuation and the date on which it was made shall be entered in the valuation roll as soon as practicable after approval by or on behalf of the valuer-general and shall be signed or initialled by the valuer-general or an officer approved in that

that behalf by the valuer-general. The valuation roll so signed or initialled shall be conclusive proof of the making of the valuation on the date shown therein. No. 41, 1951.

- (f) by omitting section twenty and by inserting in lieu thereof the following section:— Subst. sec. 20.

20. The following persons, that is to say—
 the holder of an estate in fee simple;
 the mortgagee in possession; and
 any lessee who is liable to pay rates,
 may, by notice in or to the effect of the prescribed form and on payment of the prescribed fee require the valuer-general to make a new valuation of his land or of his estate or interest therein, as the case may be; and in any such case the new valuation shall be entered in the valuation roll. New valuation on application.

- (g) by omitting sections twenty-one, twenty-two, twenty-three, twenty-four and twenty-five and the short heading thereto and by inserting in lieu thereof the following sections and short headings:— Secs. 21-25. (Interests of lessors and lessees.)

Fractional interests.

21. (1) Where there are more owners than one of the freehold of any land the sum of the values of the interests of all the said owners in the land shall be not less than the amount at which the improved value of the land would be estimated if held by one owner in fee simple. Total value of interests in land.

(2) Where there are more owners than one of a leasehold interest in any land the sum of the values of the interests of all the said owners shall be not less than the amount at which the value of the said leasehold interest would be estimated if held by one lessee.

Interests of lessors and lessees.

22. The value of the interest of a lessor or a lessee in the improved value of land is the capital sum which such interest may be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller would require. Interests of lessors and lessees.

(h)

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Sec. 27 (2).
(Where
lands are
to be
separately
valued.)

(h) by omitting subsection two of section twenty-seven and by inserting in lieu thereof the following subsection:—

(2) Lands which do not adjoin or which are separated by a road, or are separately owned, shall be separately valued: Provided that the valuer-general may include in one valuation lands owned by the same person and of the same class of tenure but separated by a road if worked as one holding for agricultural or pastoral purposes.

Sec. 34.
(Grounds of
objection.)

(i) by inserting after paragraph (a) of section thirty-four the following new paragraph:—

(a1) that the area, dimensions or description of the land are not correctly stated;

Sec. 37.

(j) by omitting section thirty-seven and by inserting in lieu thereof the following section:—

Valuer-
general to
forward
objections
to the
registrar
of court.

37. (1) The valuer-general shall, when objections to valuations in respect of the land in any district or group of adjacent districts have been received by him, prepare, as soon as practicable, in respect of each district a list showing particulars of all objections which have not been withdrawn or which have not been altered to the extent claimed in the objection or to such extent as may have been agreed upon between the objector and the valuer-general.

(2) The valuer-general shall forward the list to the registrar of the Land and Valuation Court for hearing and determination by that court of such objections as appear therein.

Sec. 42.
(Notice to
suitors.)

(k) by omitting subsection one of section forty-two and by inserting in lieu thereof the following subsection:—

(1) The registrar of the Land and Valuation Court shall give notice to each objector, to the valuer-general and to the official valuer for the district of the date fixed for the hearing of such objections as appear in the list forwarded to him by the valuer-general under subsection two of section thirty-seven of this Act.

(1)

- (l) by omitting from section forty-eight the words **No. 41, 1951-**
 "A valuation list shall also be furnished at least **Sec. 48.**
 once in every three years after a list is first furnished hereunder" and by inserting in lieu **(Furnish-**
 thereof the following proviso and new **ing valua-**
 subsections:— **tion lists to**
authorities.)

Provided that in any case where the valuer-general considers it desirable to do so he may furnish a valuation list in sections by giving such particulars of all land within any one or more ridings or wards of a shire or municipality in different years.

- (2) A valuation list shall also be furnished at least once in every six years after a valuation list is first furnished hereunder:

Provided that in any case where the valuer-general considers it desirable to do so he may furnish such a list in sections by giving such particulars in respect of all land within any one or more ridings or wards of a shire or municipality in different years but so that all land in each riding or ward is included in a valuation list at least once in every succeeding period of six years.

- (3) A valuation list in respect of all land within one or more ridings or wards of a shire or municipality furnished pursuant to subsection one or two of this section shall be deemed to be the valuation list for all purposes of this Act or any other Act.

- (m) by omitting subsection two of section fifty-nine; **Sec. 59.**
(Improved value for purposes of other Acts.)
- (n) by omitting subsection two of section sixty; **Sec. 60.**
(Assessed annual value for purposes of other Acts.)
- (o) by inserting in section sixty-one after the words **Sec. 61.**
 "basis of its rate or tax" the words "in respect **(Values hereunder to be used as basis of rates, taxes and duties.)**
 of any land included in any such list";
- (p)

No. 41, 1951.

Sec. 62.
(Taxes and
rates under
any
authority.)

- (p) (i) by inserting in subsection one of section sixty-two after the words "taxing authority" the words "in respect of any land included in any such lists";
- (ii) by inserting in the same subsection after the words "taxing year" the words "or where part of a separate parcel of land has been sold or resumed before the commencement of the rating or taxing year";
- (iii) by inserting in subsection two of the same section after the word "except" where firstly occurring the words "to the extent necessary to give effect to the provisions of subsection one of this section or";
- (iv) by inserting at the end of the same subsection the words "or misdescription";

Sec. 70.
(Determina-
tion of
values at
dates prior
or subse-
quent to
valuation.)

- (q) by omitting subsection one of section seventy and by inserting in lieu thereof the following subsection:—

(1) The valuer-general shall, on application made by any person who has or had an estate or interest in the land at the date at which he requires the valuation made and on payment of the prescribed fee, make a fresh valuation to determine the value of any land at a date before or after the date of the making of the last valuation of such land under this Act.

This subsection shall apply only to applications made for valuations to be used for any of the purposes mentioned in this Part.

Sec. 76.
(Copies of
entries to be
supplied.)

- (r) (i) by omitting the short heading to section seventy-six and by inserting in lieu thereof the following short heading:—

*Certificates of valuation, certified
copies and extracts.*

- (ii) by omitting subsection one of the same section and by inserting in lieu thereof the following subsection:—

(1) The valuer-general shall, on application made in writing and on payment of the prescribed

prescribed fee, supply to any person in such form as the valuer-general may determine a certified copy under seal or an extract of any entry in a valuation roll. No. 41, 1951.

The valuer-general shall supply a certificate of valuation to the applicant therefor in respect of a new valuation made pursuant to an application under section twenty or section seventy of this Act.

Any such certified copy under seal or any such certificate of valuation shall in all proceedings and for all purposes be evidence of the matters and things stated therein and that the valuation mentioned therein has been duly made in accordance with this Act.

- (s) by omitting from section eighty-four the words “and expenditure under this Act in respect of such year” and by inserting in lieu thereof the words “of, and expenditure by the department of the valuer-general in respect of such year”. Sec. 84.
(Statement of accounts to be laid before Parliament.)

PART III.

AMENDMENT OF THE LOCAL GOVERNMENT ACT, 1919, AS AMENDED BY SUBSEQUENT ACTS.

4. (1) The Local Government Act, 1919, as amended by subsequent Acts, is amended— Amendment of Act No. 41, 1919.

- (a) by omitting subsection one of section one hundred and thirty-three and by inserting in lieu thereof the following subsection:— Sec. 133 (1).
(Appeal on question of whether land is ratable.)

(1) This section shall not apply in any area until a valuation list under the Valuation of Land Act, 1916-1951, is furnished to the council of the area in respect of all land within the area: Provided that in any case where any such valuation list is furnished in respect of part only of the area this section shall thereupon apply to and in respect of all land within such part.

(b)

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Sec. 136.
(Valuation
book.)

- (b) by inserting at the end of subsection one of section one hundred and thirty-six the following new proviso:—

Provided that where a valuation list is furnished or supplied to the council by the Valuer-General in respect of part only of the area the valuation book shall be constituted by such valuation list (together with any supplementary list so furnished or supplied) as to the land within that part and by the valuation book kept as prescribed under Schedule III of this Act as to the residue of the land within the area.

Sec. 137.
(Temporary
provisions.
Schedule
III.)

- (c) (i) by inserting in subsection three of section one hundred and thirty-seven after the figures "1916" the words "in respect of the whole or in respect of part of the land within its area";
- (ii) by omitting from the same subsection the words "with respect to that council" and by inserting in lieu thereof the words "in respect of the land within the area or within the part of the area included in such valuation list, as the case may require";

Sec. 137A.
(Option
for shires.)

- (d) by omitting section 137A;

Schedule
III.
Sec. 1.
(Applica-
tion of
Schedule.)

- (e) by inserting at the end of section 1 of Schedule Three the following words "in respect of which a valuation list has not been furnished to the council by the Valuer-General in accordance with the Valuation of Land Act, 1916-1951";

Schedule
III.
Sec. 10 (2).
(Separate
valuations.)

- (f) by omitting subsection (2) of section 10 of the same Schedule and by inserting in lieu thereof the following subsection:—

(2) Lands which do not adjoin or which are separated by a road, or are separately owned, shall be separately valued: Provided that lands owned by the same person and of the same class of tenure but separated by a road may be included in one valuation if worked as one holding for agricultural or pastoral purposes.

(2)

(2) This subsection shall apply to any shire within which, immediately before the commencement of this Act, the valuation of ratable land had, pursuant to section 137A of the Local Government Act, 1919, as enacted immediately before such commencement, been made for the purposes of the Local Government Act, 1919, as amended by subsequent Acts, in accordance with the provisions of Schedule III of that Act, as so amended. No. 41, 1951.

The valuation of ratable land within any such shire shall continue to be made for the purposes of the Local Government Act, 1919, as so amended, in accordance with the provisions of the said Schedule III until a valuation list or lists has or have been furnished to the council of such shire by the Valuer-General in accordance with the Valuation of Land Act, 1916-1951.

Where a valuation list has been so furnished in respect of the whole shire or in respect of any riding thereof the provisions of the said Schedule shall cease to be in force with respect to land within such shire or riding, as the case may be.

PART IV.

AMENDMENT OF THE LOCAL GOVERNMENT (AREAS) ACT, 1948, AS AMENDED BY SUBSEQUENT ACTS.

5. (1) The Local Government (Areas) Act, 1948, as amended by subsequent Acts and by this Act, may be cited as the Local Government (Areas) Act, 1948-1951. Amendment
of Act No.
30, 1948.

(2) The Local Government (Areas) Act, 1948, as amended by subsequent Acts, is amended by omitting subsection four of section seventeen and by inserting in lieu thereof the following subsection:— Sec. 17.
(Applica-
tion of
Valuation
of Land
Act, 1916.)

(4) The Valuer-General shall as soon as practicable after the commencement of the Valuation of Land (Amendment) Act, 1951, furnish to the council of each united area a valuation list or lists in respect of that area.

This

Jury (Amendment) Act.**No. 41, 1951.**

This subsection shall not operate to require the Valuer-General to furnish any valuation list or lists in respect of any united area or parts thereof in respect of which a valuation list or lists has or have been furnished pursuant to the subsection which this subsection replaces.
