

LAND TAX MANAGEMENT (AMENDMENT) ACT.

Act No. 35, 1960.

Elizabeth II, No. 35, 1960. An Act to make further provisions relating to the deduction granted in respect of merino sheep studs and the valuation of land included in registered colliery holdings for purposes of land tax; for these and other purposes to amend the Land Tax Management Act, 1956, as amended by subsequent Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 28th April, 1960.]

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

Short title and citation.

1. (1) This Act may be cited as the "Land Tax Management (Amendment) Act, 1960".

(2) The Land Tax Management Act, 1956, as amended by the Land Tax Management (Amendment) Act, 1957, and by this Act, may be cited as the Land Tax Management Act, 1956-1960.

Amendment of Act No. 26, 1956.

Sec. 9.
(Taxable value.)

2. (1) The Land Tax Management Act, 1956, as amended, is amended—

(a) by omitting paragraph (d) of subsection three of section nine and by inserting in lieu thereof the following paragraph :—

(d) Where land owned by a person is used, either wholly or in part, by that person, either by himself or jointly (whether as partners or otherwise) with other persons, for the purpose of maintaining a registered flock of stud merino sheep, the deduction shall

shall be the deduction (if any) prescribed by para- No. 35, 1960.
graph (a) or (c) of this subsection and an amount
calculated at the rate of three pounds for every stud
merino ewe owned by that person.

For the purposes of this paragraph—

- (i) “registered” means registered in the New South Wales section of the Australian Stud Merino Flock Register compiled by the New South Wales Sheepbreeders’ Association;
- (ii) the number of stud merino ewes owned by a person shall be the total number of sheep classified as ewes and shown in the New South Wales section of the Australian Stud Merino Flock Register as being owned by that person as at the thirty-first day of December immediately preceding the year for which land tax is being levied;
- (iii) where a registered flock of stud merino sheep, as defined in this paragraph, is owned by a number of persons jointly (whether as partners or otherwise) each of those persons shall be deemed to own such a number of the total stud merino ewes shown as aforesaid in such flock as is proportionate to his interest in the joint ownership.

- (b) by inserting at the end of subsection two of section Sec. 27.
twenty-seven the following paragraph:— (Joint owners.)

In this subsection “deductions to which any of them may be entitled under this Act” shall be all the deductions to which any of them may be so entitled other than the deductions at the rate of three pounds for every stud merino ewe owned by any of them as provided for in paragraph (d) of subsection three of section nine of this Act in respect of any land or any interest in land included in the joint assessment.

- (c) by omitting from section twenty-eight the words Sec. 28.
“such persons in partnership” and by inserting in (Separate parcels used for partnership purposes.)
lieu thereof the words “a partnership whereof all such persons are members either by themselves or together with other persons”;

(d)

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Sec. 54,
(Unim-
proved
value.)

(d) (i) by omitting from subsection one of section fifty-four the words "there is an unimproved value of the land in terms of paragraph (a), (b) or (c) of this subsection" and by inserting in lieu thereof the words "the land is included in a further valuation made in accordance with the provisions of the Valuation of Land Act, 1916, as amended by subsequent Acts, the Local Government Act, 1919, as amended by subsequent Acts, or section fifty-seven of this Act";

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

(1A) (a) This subsection shall, notwithstanding anything contained in subsection one of this section, apply to land recorded by the Under Secretary for Mines pursuant to section 35A of the Coal Mines Regulation Act, 1912, as amended by subsequent Acts, as comprising a colliery holding of a coal mine, but shall not apply to abandoned mines as referred to in section thirty-nine of the said Act, as so amended.

(b) Where, as at midnight on the thirty-first day of October immediately preceding a year for which land tax is being levied land to which this subsection applies is so recorded the unimproved value of so much of such land for which a valuation is required for the purposes of this Act, shall be determined by the appropriate valuing authority referred to in subsection one of this section as if no coal was contained in that land and as if the land did not form part of a coal mine.

(c) For the purposes of this Act, the unimproved value of so much of the land to which this subsection applies for which a valuation is required, in relation to a year for which land tax is being levied, means :—

(i) where the land is so recorded as at midnight on the thirty-first day of October, one thousand nine hundred and fifty-six,
the

the unimproved value of the land as at that date as determined by the appropriate valuing authority on the basis provided in paragraph (b) of this subsection, upon a request in that behalf made to the Valuer-General, the council of an area or the Western Lands Commissioner, as the case may be, or where a later valuation has been furnished by the appropriate valuing authority in accordance with the provisions of paragraph (d) of this subsection the unimproved value of the land as at the later date to which such later valuation relates;

- (ii) where the land is so recorded after the thirty-first day of October, one thousand nine hundred and fifty-six, or where there is a variation in the land comprising such a colliery holding after that date, the unimproved value of the land as at midnight on the thirty-first day of October next succeeding the date on which such land or such variation is so recorded as determined by the appropriate valuing authority on the basis provided in paragraph (b) of this subsection, upon a request in that behalf made to the Valuer-General, the council of an area or the Western Lands Commissioner, as the case may be, or where a later valuation has been furnished by the appropriate valuing authority in accordance with the provisions of paragraph (d) of this subsection the unimproved value of the land as at the later date to which such later valuation relates.

(d) Where a valuing authority has furnished a valuation, as at midnight on the thirty-first day of October, one thousand nine hundred

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hundred and fifty-six, or any succeeding year, of land in accordance with the provisions of subparagraph (i) or (ii) of paragraph (c) of this subsection, the valuing authority shall furnish further valuations of such land on the basis provided in paragraph (b) of this subsection as at the dates on which any new valuation of such land is made in accordance with the provisions of the Valuation of Land Act, 1916, as amended by subsequent Acts, the Local Government Act, 1919, as amended by subsequent Acts, or section fifty-seven of this Act, as the case may be.

(e) Where a valuation of land is made pursuant to this subsection, such valuation shall, notwithstanding the provisions of subsection four of this section :—

- (i) be a valuation for the purposes of this Act only;
 - (ii) be a valuation of the unimproved value only on the basis provided in paragraph (b) of this subsection;
 - (iii) not be entered on the valuation roll of the Valuer-General or the valuation book of a council.
- (iii) by inserting in subsection three of the same section after the word “one” the words “, under paragraph (c) of subsection (1A)”;
 - (iv) by omitting from subsection four of the same section the words “subsection two” and by inserting in lieu thereof the words “subsection (1A) or two”;
 - (v) by omitting from subsection six of the same section the words “subsection two” and by inserting in lieu thereof the words “subsection (1A) or two”;
 - (vi) by omitting from subsection seven of the same section the words “subsection two” and by inserting in lieu thereof the words “subsection (1A) or two”;
- (vii)

- (vii) by inserting at the end of the same section the No. 35, 1960. following new subsection :—

(9) Notwithstanding the provisions of this Act, where a new valuation is made by the Valuer-General in pursuance of section seventy of the Valuation of Land Act, 1916, as amended by subsequent Acts, to determine the value of any land for the purpose of payment of death duties as provided under section sixty-five of that Act, the unimproved value included in such valuation shall not be used for the purpose of levying land tax in respect of the land included in such valuation.

In any such case, until such time as a further valuation of the land is included in new valuation lists or supplementary lists furnished in accordance with the provisions of the Valuation of Land Act, 1916, as amended by subsequent Acts, land tax shall be levied upon the unimproved value of the land upon which land tax was last assessed or liable to be assessed before the new valuation in pursuance of section seventy of the Valuation of Land Act, 1916, as amended by subsequent Acts, was made.

- (e) by inserting in subsection four of section fifty-seven Sec. 57. after the word “one” the words “and to subsection (Valua-
tions.) (1A)”;
- (f) by omitting subsection two of section eighty-one. Sec. 81.
(Repeals.)

(2) Subsection one of this section, paragraphs (c) and (f) and subparagraph (vii) of paragraph (d) excepted, shall be deemed to have commenced upon the thirty-first day of October, one thousand nine hundred and fifty-six.