

LAND TAX (AMENDMENT) ACT.

New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 62, 1968.

An Act to alleviate the incidence of land tax in certain respects; to reduce the amount payable by way of land tax; to make further provision with respect to charging land tax upon the land taxed; and to authorise the Commissioner of Land Tax to divulge information in certain circumstances; for these purposes to amend the Land Tax Management Act, 1956, and the Land Tax Act, 1956, as subsequently amended; to validate certain matters; and for purposes connected therewith. [Assented to, 16th December, 1968.]

BE

Land Tax (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by **No. 62, 1968** and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Land Tax (Amendment) Act, 1968". Short title,
citation and
commence-
ment.

(2) The Land Tax Management Act, 1956, as subsequently amended and as amended by this Act, may be cited as the Land Tax Management Act, 1956-1968.

(3) The Land Tax Act, 1956, as subsequently amended and as amended by this Act, may be cited as the Land Tax Act, 1956-1968.

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

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

2. The Land Tax Management Act, 1956-1967, is **Amendment of Act No. 26, 1956.** amended—

(a) by inserting next after subsection two of section six the following new subsection :— Sec. 6.
(Secrecy.)

(2A) Notwithstanding anything contained in this section the Commissioner may divulge or communicate any information which comes to his knowledge in the performance of his powers, authorities, duties or functions under this Act to the Commissioner of Taxation, a Second Commissioner of Taxation

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Sec. 9.
(Taxable
value.)

or a Deputy Commissioner of Taxation of the Commonwealth of Australia, and the divulging or communicating of such information shall not be deemed to be a contravention of this section.

- (b) (i) by omitting from paragraph (a) of subsection three of section nine the words "thirty-four thousand five hundred dollars" wherever occurring and by inserting in lieu thereof the words "forty-five thousand dollars";
- (ii) by omitting from the same paragraph the words "forty-six thousand dollars" and by inserting in lieu thereof the words "sixty thousand dollars";
- (iii) by omitting from paragraph (c) of the same subsection the words "forty-six thousand dollars" and by inserting in lieu thereof the words "sixty thousand dollars";
- (iv) by omitting paragraph (d) of the same subsection 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 sheep, the deduction shall be the deduction (if any) prescribed by paragraph (a) or (c) of this subsection and an amount calculated at the rate of eighteen dollars for every stud 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, or, with the Australian Society of Breeders of
British

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British Sheep, the New South Wales Branch of the Australian Corriedale Association, the Poll-Dorset Association, the Polwarth Sheepbreeders' Association of Australia, the Australian Zenith Sheepbreeders' Association, the Perrendale Sheepbreeders' Society, the South Suffolk Sheepbreeders' Association or any other sheepbreeders' association or society where the Commissioner is satisfied that such other association or society is a recognised registry of a flock of any breed of stud sheep;

(ii) the number of stud ewes owned by a person shall be the total number of sheep classified as ewes in the flock return last furnished to a sheepbreeders' association or society referred to in subparagraph (i) of this paragraph prior to the year for which land tax is being levied and certified by such association or society, on the basis of such return, as being owned by that person;

(iii) where a registered flock of stud 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 ewes, as determined in accordance with subparagraph (ii) of this paragraph, as is proportionate to his interest in the joint ownership.

(c) by inserting at the end of subsection one of section 9A the following new subsection:—

(1A) Where a determination or redetermination of the attributable part of the unimproved capital value as referred to in subsection one of this section has been made, such determination

Sec. 9A.
(Postponement of payment of part of land tax.)

or

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or redetermination shall for the purposes of that subsection be deemed to have been made before the first day of November in the year in which land tax is leviable or payable on such unimproved capital value.

This subsection shall have effect in respect of land tax leviable and payable for the period of twelve months commencing on the first day of November, one thousand nine hundred and sixty-six, and each succeeding year.

Sec. 47.
(Land tax
to be first
charge on
land.)

- (d) (i) by inserting in section forty-seven after the word "whatever," the words "and where the land taxed comprises two or more parcels the land tax payable on the land taxed shall be a first charge on each and every such parcel";
- (ii) by omitting from the same section the words "land it" and by inserting in lieu thereof the words "land or any part thereof the land or part";
- (iii) by omitting from the same section the word "payable" and by inserting in lieu thereof the word "charged";
- (iv) by inserting at the end of the same section the following new subsections : —

(2) The Commissioner may release the land taxed or any part thereof from the charge thereon pursuant to subsection one of this section on payment of an amount he estimates to be not less than the proportion of tax referable to the land or part.

(3) The provisions of this section shall have effect notwithstanding anything contained in section thirty-four or any other provision of this Act.

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3. The Land Tax Act, 1956-1967, is amended—

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- (a) by omitting from subsection (1A) of section three the word "sixty-three" and by inserting in lieu thereof the word "sixty-eight";
- (b) by omitting from the same subsection the word "one-twentieth" and by inserting in lieu thereof the word "one-tenth";
- (c) by omitting from subsection (1B) of the same section the word "sixty-seven" and by inserting in lieu thereof the word "sixty-eight";
- (d) by omitting from the same subsection the word "three-twentieths" and by inserting in lieu thereof the word "one-third".

Amendment
of Act No.
27, 1956.
Sec. 3.
(Levy of
land tax.)

4. The amendments made by this Act shall not affect the liability of any person to pay land tax incurred before the first day of November, one thousand nine hundred and sixty-eight, in accordance with the provisions of the Land Tax Management Act, 1956-1967, and the Land Tax Act, 1956-1967, and such person shall be liable to pay any such tax in all respects as if this Act had not been enacted.

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