

**VALUATION OF LAND (AMENDMENT) ACT,
1978, No. 137**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 137, 1978.

An Act to amend the Valuation of Land Act, 1916, to make provision with respect to the determination of the unimproved value of certain lands affected by the National Parks and Wildlife Act, 1974, the date on which valuations are determined, the valuation of certain agricultural and pastoral holdings and the obtaining and furnishing of information by the valuer-general. [Assented to, 21st December, 1978.]

See also National Parks and Wildlife (Valuation of Land) Amendment Act, 1978.

Valuation of Land (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 :—

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

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

(2) Section 5 shall, in its application to a provision of Schedules 1–5, 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) Schedule 1 shall commence on such day, being later than the date of assent to the Valuation of Land (Rating and Valuation) Amendment Act, 1978, as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Schedule 2 shall be deemed to have commenced on 1st July, 1978.

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

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

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE UNIMPROVED VALUE OF CERTAIN LANDS AFFECTED BY THE NATIONAL PARKS AND WILDLIFE ACT, 1974.

SCHEDULE 2.—AMENDMENTS TO SECTION 14A OF THE PRINCIPAL ACT RELATING TO THE DATE ON WHICH VALUATIONS ARE DETERMINED.

Valuation of Land (Amendment).

SCHEDULE 3.—AMENDMENTS TO SECTION 27 OF THE PRINCIPAL ACT RELATING TO THE VALUATION OF CERTAIN AGRICULTURAL AND PASTORAL HOLDINGS.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE OBTAINING AND FURNISHING OF INFORMATION BY THE VALUER-GENERAL.

SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

SCHEDULE 6.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amendment
of Act No.
2, 1916.

5. The Principal Act is amended in the manner set forth in Schedules 1-5.

Savings and
transitional
provisions.

6. Schedule 6 has effect.

Valuation of Land (Amendment).

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
UNIMPROVED VALUE OF CERTAIN LANDS AFFECTED BY THE
NATIONAL PARKS AND WILDLIFE ACT, 1974.

(1) Section 7F and short heading—

After section 7E, insert :—

*Valuation of certain lands affected by the National Parks
and Wildlife Act, 1974.*

7F. (1) Without limiting the generality of section 19, the valuer-general, on receipt of a copy of an order or revocation made under section 65 of the National Parks and Wildlife Act, 1974, or a proclamation made under section 67, 68 or 69 of that Act, shall make a valuation or valuations of the land or lands affected by the order, revocation or proclamation. Protected archaeological areas, wildlife districts, wildlife refuges and game reserves.

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

- (a) a protected archaeological area within the meaning of the National Parks and Wildlife Act, 1974—that the land so comprised may be used only for the purposes of such a protected archaeological area as at the date to which the valuation relates;
- (b) a wildlife district within the meaning of that Act—that the land so comprised may be used only for the purposes of such a wildlife district as at the date to which the valuation relates;
- (c) a wildlife refuge within the meaning of that Act—that the land so comprised may be used only for the purposes of such a wildlife refuge as at the date to which the valuation relates; or

Valuation of Land (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
UNIMPROVED VALUE OF CERTAIN LANDS AFFECTED BY THE
NATIONAL PARKS AND WILDLIFE ACT, 1974—*continued.*

- (d) a game reserve within the meaning of that Act
—that the land so comprised may be used only
for the purposes of such a game reserve as at the
date to which the valuation relates.

- (2) Section 14A (4)—

Omit “and 7E”, insert instead “, 7E and 7F”.

Sec. 5.

SCHEDULE 2.

AMENDMENTS TO SECTION 14A OF THE PRINCIPAL ACT RELATING
TO THE DATE ON WHICH VALUATIONS ARE DETERMINED.

- (1) Section 14A (1)—

Omit “1st January, 1973,” wherever occurring, insert
instead “1st July, 1978.”.

- (2) Section 14A (1)—

Omit “the first day of January” wherever occurring, insert
instead “the first day of July”.

Valuation of Land (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO SECTION 14A OF THE PRINCIPAL ACT RELATING
TO THE DATE ON WHICH VALUATIONS ARE DETERMINED
—*continued.*

(3) Section 14A (7)—

Omit the subsection, insert instead :—

(7) In this section—

“the relevant date” means—

- (a) in the case of a valuation of any land or stratum that is part of a general valuation or is a supplementary valuation (other than a valuation made for the purposes of section 27 (3)), the date on which the valuation is made;
- (b) in the case of a valuation of any land or stratum made for the purposes of section 19B (1), the date on which the land or stratum became ratable; or
- (c) in the case of a valuation of any land made for the purposes of section 27 (3), the date on which the land was sold, conveyed or resumed, as the case may be;

“year” means the year commencing on 1st July, 1978,
or any subsequent year commencing on 1st July.

Valuation of Land (Amendment).

Sec. 5.

SCHEDULE 3.

AMENDMENTS TO SECTION 27 OF THE PRINCIPAL ACT RELATING
TO THE VALUATION OF CERTAIN AGRICULTURAL AND
PASTORAL HOLDINGS.

(1) Section 27 (2)—

Omit “may”, insert instead “shall, subject to section 28,”.

(2) Section 27 (2)—

Omit “but separated by a road”.

Sec. 5.

SCHEDULE 4.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
OBTAINING AND FURNISHING OF INFORMATION BY THE
VALUER-GENERAL.

(1) (a) Section 15 (2)—

Omit “or agent”, insert instead “agent or attorney”.

(b) Section 15 (3)—

Omit the subsection, insert instead :—

(3) Any owner or any such person who—

(a) refuses or neglects, within the time stated
on a form sent to him, to fill in and return
the form; or(b) knowingly makes a false statement in filling
in a form sent to him,

shall be liable to a penalty not exceeding \$200.

Valuation of Land (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
OBTAINING AND FURNISHING OF INFORMATION BY THE
VALUER-GENERAL—*continued.*

(2) Section 15A—

After section 15, insert :—

15A. (1) The valuer-general may, by notice in writing served on the owner of any land or stratum, require that owner, within such reasonable time as may be specified in the notice, to produce to the valuer-general such documents relating to the land or stratum as may be required by the valuer-general for the purposes of this Act and as may be specified in the notice, whether generally or otherwise. Production
of docu-
ments.

(2) Without limiting the generality of subsection (1), a notice referred to in that subsection may require the production of—

- (a) any contract, or a copy of any contract, for the purchase of the land or stratum, any instrument incorporated or referred to in any such contract and any instrument or option relating to the purchase of the land or stratum by the owner, where the contract, copy, instrument or option is in his possession or under his control; or
- (b) any financial or accounting document or record specified in the notice relating to the conduct by the owner of any business or activity on the land or stratum where the document or record is in his possession or under his control.

(3) Where an owner of any land or stratum is not resident in the State, or is a corporation, the valuer-general may serve a notice referred to in subsection (1) on the manager, secretary, agent or attorney of the owner and the person on whom the notice is served shall comply with the requirements of the notice as if he were the owner.

Valuation of Land (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
OBTAINING AND FURNISHING OF INFORMATION BY THE
VALUER-GENERAL—*continued.*

(4) A person who neglects or refuses to comply with the requirements of a notice served on him under this section shall be liable to a penalty not exceeding \$200.

(3) Section 73—

Omit “forty dollars”, insert instead “\$200”.

(4) Section 74 (2)—

At the end of section 74, insert :—

(2) Without limiting the generality of subsection (1), a person, in exercising or performing any function under that subsection—

- (a) may require the owner, occupier or manager of any land or stratum to produce any accounts, records, books, instruments, letters, maps, plans, papers or other documents in the possession of or under the control of that owner, occupier or manager which relate to, or which the person believes on reasonable grounds relate to, the description, nature, use or value of the land or stratum; and
- (b) may take copies of, or extracts or notes from, any accounts, records, books, instruments, letters, maps, plans, papers or other documents referred to in paragraph (a).

(5) Section 75—

Omit “twenty dollars”, insert instead “\$200”.

Valuation of Land (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
OBTAINING AND FURNISHING OF INFORMATION BY THE
VALUER-GENERAL—*continued.*

(6) Section 78A and short heading—

After section 78, insert :—

Furnishing of certain information.

78A. (1) The valuer-general may, on application by a person in the prescribed form and payment of the prescribed fee, furnish to the person information which has been given to the valuer-general under section 71, other than such information as may be prescribed.

Furnishing
of informa-
tion given
to the
valuer-
general
under
s. 71.

(2) Regulations for the purposes of subsection (1) may be made so as to apply differently according to such factors as may be specified in the regulations.

SCHEDULE 5.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION.

(1) (a) Section 3—

Omit “14–28”, insert instead “14–28B”.

(b) Section 3—

Omit “37–46”, insert instead “37–40”.

(c) Section 3—

Omit “47–64”, insert instead “47–62”.

Valuation of Land (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (2) (a) Section 4 (1), definition of “Prescribed”—
Omit the definition.
- (b) Section 4 (1), definition of “Supplementary valuation”—
Omit “19A.”.
- (c) Section 4 (1), definition of “Treasurer”—
Omit the definition.
- (d) Section 4 (2)—
Omit the subsection.
- (3) Section 7 (1) (b)—
Omit the paragraph, insert instead :—
(b) five per centum of the unimproved value of the land,
- (4) Section 7c (1) (b)—
Omit the paragraph, insert instead :—
(b) five per centum of the unimproved value of the stratum,
- (5) (a) Section 9 (2)—
Omit “Hunter District Water Supply and Sewerage Act of 1892.”, insert instead “Hunter District Water, Sewerage and Drainage Act, 1938.”.

Valuation of Land (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(b) Section 9 (2)—

Omit “and any Acts amending those Acts, or that Part.”.

(6) Section 14—

Omit “Western Land Board of New South Wales”, insert instead “Western Lands Commissioner”.

(7) Section 14A (6)—

Omit “section 19A or”.

(8) (a) Section 15 (1)—

Omit “landowner” wherever occurring, insert instead “owner of land”.

(b) Section 15 (1)—

Omit “such landowners”, insert instead “those owners”.

(9) Section 18 (1)—

Omit “19A, 19B, 61A”, insert instead “19B”.

(10) Section 19A—

Omit the section.

Valuation of Land (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(11) Section 28B—

Omit “the Valuation of Land Act, 1916, or that Act as amended by any subsequent Acts,”, insert instead “this Act”.

(12) (a) Section 36A (2) (b)—

Omit “subparagraph (i) of paragraph (a)”, insert instead “paragraph (a) (i)”.

(b) Section 36A (4)—

Omit “or any Act amending the same,”.

(c) Section 36A (4)—

Omit “any such”, insert instead “that”.

(13) Section 36B (2)—

Omit “Commonwealth”, insert instead “Australian”.

(14) Section 36D (1) (c) and (d)—

Omit the paragraphs, insert instead :—

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;

Valuation of Land (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(15) Section 36H (7)—

Omit “No writ of prohibition or certiorari shall lie”, insert instead “No judgment or order granting any relief or remedy, or doing any other thing, in the nature of prohibition or certiorari shall be given or made”.

(16) Section 47—

Omit :—

The Hunter District Water Supply and Sewerage Board;

and

The Commissioners of Taxation.

insert instead :—

The Hunter District Water Board.

(17) Section 53—

Omit “: Provided that with regard to the land tax assessment book under the Land and Income Tax Assessment Act of 1895 the valuation roll under the said Act shall be prepared as prescribed from the valuation list under this Act together with any supplementary list”.

(18) Section 58c (6), definition of “strata lot”—

Omit the definition, insert instead :—

“strata lot” means a lot as defined in section 5 (1) of the Strata Titles Act, 1973.

Valuation of Land (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (19) Section 60 (1) (c)—
Omit “Hunter District Water Supply and Sewerage Act of 1892”, insert instead “Hunter District Water, Sewerage and Drainage Act, 1938”.
- (20) Section 61A—
Omit the section.
- (21) Section 66—
Omit the section.
- (22) (a) Section 68 (1)—
Omit “Hunter District Water Supply and Sewerage Act of 1892”, insert instead “Hunter District Water, Sewerage and Drainage Act, 1938,”.
- (b) Section 68 (1)—
Omit “The valuation under this Act in force for the time being or under a fresh valuation of the improved value of any land or stratum agreed to be purchased under the Closer Settlement Promotion Act, 1910, after the passing of this Act and after the making of such valuation, shall be the valuation of such land or stratum for all purposes of the said Act.”.
- (23) Section 69—
Omit the section and the short heading thereto.

Valuation of Land (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(24) (a) Section 81 (k)—

Omit the paragraph.

(b) Section 81—

Omit “If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.”.

(c) Section 81 (2)—

At the end of section 81, insert :—

(2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(25) Section 82—

Omit “Any such regulations”, insert instead “A regulation made under this Act”.

Valuation of Land (Amendment).

Sec. 6.

SCHEDULE 6.

SAVINGS AND TRANSITIONAL PROVISIONS.

1. A valuation made by the valuer-general in accordance with section 7F of the Principal Act, as amended by this Act, is not invalid by reason that it was—

- (a) made;
- (b) recorded in a valuation roll; or
- (c) furnished as part of a valuation list or supplementary valuation list,

before the date of assent to this Act.

2. (1) A person who would be entitled to object to a valuation under Part III of the Principal Act may, within 12 months after the date of assent to this Act, object to a valuation made by the valuer-general after 1st July, 1977, and before the date of assent to this Act in relation to a protected archaeological area, a wildlife district, a wildlife refuge or a game reserve.

(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.

3. Notwithstanding this Act, section 14A of the Principal Act as in force immediately before 1st July, 1978, shall apply to—

- (a) a valuation which is part of a general valuation commenced on or after 1st January, 1973, and before 1st July, 1978; and
- (b) a valuation referred to in paragraph (b) of section 14A (1) of the Principal Act as so in force where the last general valuation as referred to in that paragraph was commenced on or after 1st January, 1973, and before 1st July, 1978.

4. (1) A valuation made by the valuer-general in accordance with section 27 (2) of the Principal Act, as amended by this Act, is not invalid by reason that it was—

- (a) made;
- (b) recorded in a valuation roll; and
- (c) furnished as part of a valuation list or supplementary valuation list,

before the date of assent to this Act.

Valuation of Land (Amendment).

SCHEDULE 6—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(2) Where, as at 1st January, 1979, lands owned by the same person are worked as one holding for agricultural or pastoral purposes and the lands are not, on that date, included in one valuation, a person to whom the valuer-general would, under Part III of the Principal Act, be required to give notice of valuation had a valuation been made under the Principal Act in respect of the lands and any public rating or taxing authority may, at any time within 3 months after the date of service by a public rating authority of a rate notice in respect of the lands, object, in writing, to the valuer-general on the ground that the lands which have been valued separately should be included in one valuation.

(3) Except as provided in subclause (2) 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.