

MISCELLANEOUS ACTS (RATING AND VALUATION)
AMENDMENT ACT, 1981, No. 119

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 119, 1981.

An Act to amend certain Acts consequent on the enactment of the Valuation of Land (Rating and Valuation) Amendment Act, 1981. [Assented to, 18th December, 1981.]

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

Commencement.

2. (1) Except as provided by subsections (2), (3), (4), (5) and (6), this Act shall commence on the date of assent to this Act.

(2) Section 3 shall, in its application to a provision of Schedule 1, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

(3) Schedule 1 shall, except as provided by subsections (4), (5) and (6), commence on 1st January, 1982.

(4) The amendment made to the Metropolitan Water, Sewerage, and Drainage Act, 1924, by section 3 and Schedule 1 shall be deemed to have commenced on 1st May, 1981.

(5) The amendment made to the Broken Hill Water and Sewerage (Amendment) Act, 1980, by section 3 and Schedule 1 shall commence or be deemed to have commenced, as the case may require, on the day appointed and notified under section 2 (4) of that Act.

(6) The amendment made to the Hunter District Water, Sewerage and Drainage (Amendment) Act, 1980, by section 3 and Schedule 1 shall commence or be deemed to have commenced, as the case may require, on the day appointed and notified under section 2 (3) of that Act.

Miscellaneous Acts (Rating and Valuation) Amendment.

Amendments.

3. Each Act specified in Schedule 1 is amended in the manner set forth in that Schedule.

Savings provision.

4. (1) The provisions of an Act specified in Schedule 1, being those provisions as in force immediately before the date of the amendment of the Act pursuant to section 3 and Schedule 1, shall continue to apply to and in respect of a valuation of any land, a stratum or a mine determined in relation to a date or period occurring before the date of the amendment, whether or not the determination of the valuation was made before, on or after the date of the amendment.

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

References in other Acts, etc.

5. A reference in any other Act or in any regulation, by-law or other statutory instrument to the unimproved value, determined in accordance with the Valuation of Land Act, 1916, of any land, a stratum or a mine or the unimproved capital value, within the meaning of the Local Government Act, 1919, of any land, a stratum or a mine, where that unimproved value or unimproved capital value, as the case may be, is determined in relation to a date or period occurring on or after 1st January, 1982, shall, except in so far as the context or subject-matter otherwise indicates or requires, be read and construed as if it were a reference—

- (a) in the case of land or a stratum—to the land value, determined in accordance with the Valuation of Land Act, 1916, of the land or stratum; or
- (b) in the case of a mine—
 - (i) where the value is determined otherwise than on the basis of output or otherwise than on the basis that the mine is an undeveloped mine—to the land value, determined in accordance with the Valuation of Land Act, 1916, of the mine;

Miscellaneous Acts (Rating and Valuation) Amendment.

- (ii) where the value is determined on the basis of output—to the land value determined in accordance with section 153 (1A) (b) of the Local Government Act, 1919; or
- (iii) where the value is determined on the basis that the mine is an undeveloped mine—to the land value determined in accordance with section 153 (1A) (c) of the Local Government Act, 1919.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS.

Fire Brigades Act, 1909, No. 9—

- (1) Sections 34 (1), 35 (3) and 38—

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

- (2) Section 35 (1)—

Omit “unimproved capital value under the Local Government Act, 1919”, insert instead “land value under the Valuation of Land Act, 1916”.

Housing Act, 1912, No. 7—

- (1) Section 10AA (1), definition of “improvements”—

Omit “site”, insert instead “land”.

- (2) Section 10AA (1), definitions of “land improvements”, “land value”—

After the definition of “improvements”, insert:—

“land improvements” has the meaning ascribed thereto in section 4 (1) of the Valuation of Land Act, 1916;

“land value”, in relation to land the subject of a contract containing conditions referred to in subsection (2), means the land value of that land ascertained in accordance with section 6A of the Valuation of Land Act, 1916, but, for the purpose of ascertaining the land value of that land at the date on which the Commission, in accordance with any such condition, decides

Miscellaneous Acts (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

to exercise or not to exercise any option or right to repurchase that land and any improvements thereon, does not include the value of any land improvements which were made after the date of that contract;

- (3) Section 10AA (1), definitions of “site improvements”, “unimproved value”—
Omit the definitions.

- (4) Section 10AA (1), definition of “Valuer-General”—
Omit “valuer-general”, insert instead “Valuer-General”.

- (5) Section 10AA (2) (g) (i)—
Omit the matter occurring after the word “formula —”, insert instead:—

$$A = \frac{P \times LV_2}{LV_1}$$

where—

“A” represents the repurchase price payable by the Commission;

“LV₁” represents the land value of the land at the date of the contract between the purchaser and the Commission;

“LV₂” represents the land value of the land at the date on which the Commission decides to exercise the option or right to repurchase the land; and

“P” represents the original purchase price, and the amount unpaid, if any, of the original purchase price; or

- (6) Section 10AA (2) (h)—
Omit the matter occurring after the word “formula —”, insert instead:—

$$B = LV_2 - \frac{P \times LV_2}{LV_1}$$

where—

“B” represents the amount to be paid by the purchaser to the Commission;

“LV₂” represents the land value of the land at the date on which the Commission decides not to exercise the option or right to repurchase the land and any improvements thereon; and

the expressions “LV₁” and “P” have the meanings ascribed to them in paragraph (g) (i);

- (7) Section 10AA (2) (k), (l)—
Omit “unimproved” wherever occurring, insert instead “land”.

Miscellaneous Acts (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Crown Lands Consolidation Act, 1913, No. 7—

(1) Section 1 (b)—

From the matter relating to Division 2A of Part VIII, omit “UNIMPROVED”, insert instead “LAND”.

(2) Sections 129B (1) (k), 173A (1) and (4), 173C, 173D (1) and 272 (6B) (d) and (6D)—

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

(3) Heading to Part VIII, matter relating to Division 2A—

Omit “UNIMPROVED”, insert instead “LAND”.

(4) Heading to Division 2A of Part VIII—

Omit “UNIMPROVED”, insert instead “LAND”.

Local Government Act, 1919, No. 41—

(1) Sections 19 (1) (d), 118 (2), 118A (1) and (2), 120 (1), 121 (1) and (1A), 124 (1) and (3), 126A (3) (a) (i) and (ii), (4) (b) (ii) and (5), 128 (1), 131A (1), 133 (3), 134A, 154, 160C (3), (4), (8) and (9), 160E (4) (a) and (5), 380 (3) (c), 418 (4) (b) (ii), 514A (the definition of “Small holding”), 551 (2), 571 and 572B (1)—

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

(2) (a) Section 129 (2) (a)—

After “value” where firstly occurring, insert “or land value”.

(b) Section 129 (2) (a)—

After “value” where secondly occurring, insert “or land value, as the case may require”.

(3) Section 131 (3)—

Omit “or under Schedule 3”.

(4) Section 131c—

Omit the section.

Miscellaneous Acts (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

- (5) (a) Section 134 (1) (a)—
Omit the paragraph.
- (b) Section 134 (1)—
Omit “the unimproved value.”.
- (c) Section 134 (1A) (b)—
Omit “the same as the unimproved capital value of the stratum”, insert instead “the land value of the stratum as determined in accordance with the Valuation of Land Act, 1916”.
- (d) Section 134 (1B)—
Omit the subsection.
- (e) Section 134 (1D)—
After section 134 (1c), insert:—
(1D) For the purposes of this Act, the unimproved capital value of ratable land shall be—
(a) except as provided by paragraph (b), the unimproved value of the land as determined in accordance with Part V of the Valuation of Land Act, 1916, as in force immediately before 1st July, 1981; or
(b) in the case of a mine, the unimproved capital value of the mine determined in accordance with section 153 as in force immediately before 1st January, 1982.
- (6) Section 136 (1), proviso—
Omit the proviso.
- (7) Section 137—
Omit the section.
- (8) Section 139 (9) (b) (i)—
Omit the subparagraph.
- (9) Section 148A (1)—
Omit the subsection.
- (10) Section 151 (3)—
After “value”, insert “or land value, as the case may require,”.

Miscellaneous Acts (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

(11) Section 151A (3)—

After “value” where firstly occurring, insert “or land value, as the case may require”.

(12) (a) Section 153 (1)—

Omit the subsection.

(b) Section 153 (2), (2A) and (3)—

Omit “unimproved capital value or” wherever occurring.

(13) (a) Section 160c (1), definition of “land value”—

Before the definition of “planning instrument”, insert:—

“land value”, in relation to land, means—

(a) except as provided by paragraph (b), where the land is land to which the Valuation of Land Act, 1916, applies, the land value of the land after deducting therefrom the amount of any allowance made in respect of the land under section 58 (2) of that Act; or

(b) where the land is land to which section 160E applies, the land rating factor of the land determined in accordance with that section after deducting therefrom the amount of any allowance made in respect of the land under section 58 (2) of the Valuation of Land Act, 1916;

(b) Section 160c (1), definitions of “unimproved capital value”, “valuer”—

Omit the definitions.

(c) Section 160c (3), (5), (6), (7) and (15)—

Omit “valuer” wherever occurring, insert instead “Valuer-General”.

(14) (a) Section 160E (1)—

Omit the subsection.

(b) Section 160E (3)—

Omit “, after the commencement of the Local Government (Amendment) Act, 1969, a valuation of land to which this section applies is furnished by a valuer under Schedule 3 or”.

(c) Section 160E (3)—

Omit “made under Schedule 3 or to the valuation and any rating and taxing basis”.

Miscellaneous Acts (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

- (d) Section 160E (3)—
Omit “an unimproved”, insert instead “a land”.
 - (e) Section 160E (4) (a)—
Omit “unimproved” where firstly occurring, insert instead “land”.
 - (f) Section 160E (4) (a)—
Omit “or the rating and taxing basis applicable to that land”.
 - (g) Section 160E (4)—
Omit “valuer”, insert instead “Valuer-General”.
 - (h) Section 160E (4)—
Omit “or to which the rating and taxing basis relates”.
 - (i) Section 160E (5)—
Omit “an unimproved” insert instead “a land”.
 - (j) Section 160E (6)—
Omit “, but for the purpose of determining the objection where the valuation to which the rating factor relates is a valuation made under Schedule 3, the Valuation Court under section 19 of that Schedule shall be ascertained according to the unimproved capital value of the land”.
- (15) Schedule 3—
Omit the Schedule.
- Stamp Duties Act, 1920, No. 47—
Section 73A—
Omit “unimproved” wherever occurring, insert instead “land”.
- Encroachment of Buildings Act, 1922, No. 23—
Section 4 (1)—
Omit “unimproved capital” wherever occurring, insert instead “land”.
- Metropolitan Water, Sewerage, and Drainage Act, 1924, No. 50—
Section 97 (1) (a) (ii)—
Omit “unimproved”, insert instead “land”.

Miscellaneous Acts (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

Mines Rescue Act, 1925, No. 3—

(1) Section 6 (1), definition of “land value”—

After the definition of “colliery holding”, insert:—

“land value”, in relation to a colliery holding, is the land value of the colliery holding as determined under the Local Government Act, 1919, or, where no such value is so determined, the land value of the colliery holding as determined under the Valuation of Land Act, 1916;

(2) Section 6 (1), definition of “unimproved capital value”—

Omit the definition.

(3) Section 6 (3)—

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

Bush Fires Act, 1949, No. 31—

Section 30 (2)—

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

Hunter Valley Conservation Trust Act, 1950, No. 34—

(1) Section 49 (1) (b) and (d), (2)—

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

(2) Section 49 (1) (c)—

Omit the paragraph.

(3) Section 49 (1) (d)—

Omit “Notwithstanding anything contained in paragraph (c) the”, insert instead “The”.

Miscellaneous Acts (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

(4) Section 49 (2)—

Omit “for the purposes of the Local Government Act, 1919, as amended by subsequent Acts”, insert instead “in accordance with the Valuation of Land Act, 1916”.

Land Tax Management Act, 1956, No. 26—

(1) Section 1 (2)—

From the matter relating to Division 1 of Part VII, omit “*Unimproved*”, insert “*Land*”.

(2) Section 3 (2A)—

After section 3 (2), insert:—

(2A) A reference in this Act to the land value of land shall, where the reference is to a value determined in respect of any date occurring before or any period expiring on or before 31st December, 1981, be read and construed as a reference to the unimproved value or the unimproved capital value, as the case may require, of the land.

(3) Sections 7, 9 (2) and (3), 10 (2), (4) and (5), 22, 27 (3A) (b), 34, 35 (2), 54, 56 and 57 (1)—

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

(4) Section 9A (1) and (1A)—

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

(5) Part VII, Division 1, heading—

Omit “*Unimproved*”, insert instead “*Land*”.

Land Tax Act, 1956, No. 27—

Sections 3A (3), 3C (3) (c) and 4 (1), (2) and (3)—

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

Miscellaneous Acts (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

Mine Subsidence Compensation Act, 1961, No. 22—

(1) Section 11 (1) and (1B)—

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

(2) Section 11 (1)—

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

Land Aggregation Tax Management Act, 1971, No. 18—

(1) Section 2—

From the matter relating to Division 1 of Part VII, omit “*Unimproved*”, insert instead “*Land*”.

(2) Section 3 (2A)—

After section 3 (2), insert:—

(2A) A reference in this Act to the land value of land shall, where the reference is to a value required to be determined as at 1st January, 1981, or as at 1st January in any preceding year, be read and construed as a reference to the unimproved value of that land.

(3) Sections 8 (3), 35 (2), 54, 56 and 57—

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

(4) Part VII, Division 1, heading—

Omit “*Unimproved*”, insert instead “*Land*”.

Strata Titles Act, 1973, No. 68—

(1) Section 89, definition of “value”—

Omit “unimproved value, unimproved capital value,”.

(2) Section 95 (6) (b) and (7) (a) and (b)—

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

Miscellaneous Acts (Rating and Valuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Land and Environment Court Act, 1979, No. 204—

(1) Section 19 (c)—

Omit the paragraph.

(2) Section 19 (d)—

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

Broken Hill Water and Sewerage (Amendment) Act, 1980, No. 166—

Schedule 2 (2)—

Omit “unimproved”, insert instead “land”.

Hunter District Water, Sewerage and Drainage (Amendment) Act, 1980, No. 167—

Schedule 2 (5) (a)—

Omit “unimproved”, insert instead “land”.
