

**LAND TAX MANAGEMENT (AMENDMENT) ACT 1985 No. 147**

*New South Wales*



ANNO TRICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 147, 1985**

An Act to amend the Land Tax Management Act 1956 to make further provision with respect to the valuation of land for the purposes of taxation under that Act. [Assented to, 25th November, 1985.]

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**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 "Land Tax Management (Amendment) Act 1985".

**Amendment of Act No. 26, 1956**

2. The Land Tax Management Act 1956 is amended in the manner set forth in Schedule 1.

**Application of Act**

3. The amendments made by this Act apply to and in respect of the year commencing on 1 January 1986 and, except in so far as provision is otherwise made, each subsequent year.

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SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE LAND TAX MANAGEMENT ACT 1956

(1) (a) Section 3 (1), definition of "Adjusted value"—

After the definition of "Act", insert:

"Adjusted value", in relation to land, means—

- (a) where there is no deductible allowance applicable to the land, the value (rounded down, where the value comprises or includes a fraction of a dollar, to the next lower whole dollar) obtained by multiplying the land value of the land by the equalisation factor applicable to the land; or

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SCHEDULE 1—*continued*

AMENDMENTS TO THE LAND TAX MANAGEMENT ACT 1956—  
*continued*

(b) where there is a deductible allowance applicable to the land, the value (rounded down, where the value comprises or includes a fraction of a dollar, to the next lower whole dollar) obtained by deducting from the product obtained by multiplying the land value of the land (before deduction of the deductible allowance) by the equalisation factor applicable to the land the product obtained by multiplying the deductible allowance by that equalisation factor.

(b) Section 3 (1), definition of “Deductible allowance”—

After the definition of “Company”, insert:

“Deductible allowance” means—

- (a) an allowance referred to in section 58 or 58A of the Valuation of Land Act 1916;
- (b) an allowance or deduction noted on a valuation pursuant to section 54 (1B) (b) (ii); or
- (c) subject to section 54B, an amount determined under section 54A (3).

(c) Section 3 (1), definition of “Equalisation factor”—

After the definition of “Discretionary trust”, insert:

“Equalisation factor” means equalisation factor determined under Part VIA of the Valuation of Land Act 1916.

(d) Section 3 (1), definition of “Planning instrument”—

After the definition of “Person”, insert:

“Planning instrument” means—

- (a) a proclamation under section 309 (1) of the Local Government Act 1919; or

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SCHEDULE 1—*continued*

AMENDMENTS TO THE LAND TAX MANAGEMENT ACT 1956—  
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(b) an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act 1979 (including a deemed environmental planning instrument within the meaning of the Environmental Planning and Assessment Act 1979).

(e) Section 3 (2A)—

Omit the subsection.

(2) Sections 7; 9 (2); 10 (2), (2A), (4), (5); 22; 27 (3A) (b); 34; 54B (1)—

Omit “land value” wherever occurring, insert instead “adjusted value”.

(3) (a) Section 9A (1)—

Omit “of the attributable part” where secondly occurring, insert instead “obtained by multiplying the attributable part by the equalisation factor applicable to the land”.

(b) Section 9A (1A)—

Omit “such land value”, insert instead “the adjusted value determined by reference to that land value”.

(c) Section 9A (3)—

Omit “subsection (9) of section 160c”, insert instead “section 160c (1)”.

(4) (a) Section 35 (2)—

Omit the subsection, insert instead:

(2) No objection shall be made to the Chief Commissioner under this Act in respect of so much of any assessment as relates to the adjusted value of the land shown in the assessment if—

(a) the land value used in determining the adjusted value is the land value of the land under this Act; and

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*continued*

- (b) the equalisation factor used in determining the adjusted value is the equalisation factor applicable to the land.
- (b) Section 35 (3)—  
Omit “The”, insert instead “Except in relation to an objection referred to in subsection (3A), the”.
- (c) Section 35 (3A)–(3C) —  
After section 35 (3), insert:  
(3A) Where the objection is that, having regard to the zoning of the land or the provisions of a planning instrument applying to the land, an incorrect equalisation factor has been used to determine the adjusted value of the land, the Chief Commissioner shall, with all reasonable despatch, refer the objection to the Valuer-General for decision.  
(3B) The Valuer-General shall decide the objection and shall notify the Chief Commissioner of the decision.  
(3C) A decision of the Valuer-General is final and shall not be subject to further objection or appeal.
- (d) Section 35 (4)—  
Omit “his decision”, insert instead “the decision under subsection (3) or (3B), as the case requires,”.
- (5) Section 49(a)—  
Omit “whole”, insert instead “adjusted”.
- (6) (a) Section 54 (1) (a), (c), (4) (a), (9)—  
Omit “, as amended by subsequent Acts” wherever occurring.
- (b) Section 54 (1) (a)—  
After “Valuer-General to”, insert “the Chief Commissioner or”.
- (c) Section 54 (1) (b)—  
Omit the paragraph.

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(d) Section 54 (1) (d), proviso to section 54 (1), section 54 (1c), (6), (7) (a)—

Omit “, (b)” wherever occurring.

(e) Section 54 (1) (d), proviso to section 54 (1), section 54 (7) (b)—

Omit “, valuation book” wherever occurring.

(f) Section 54 (1) (d)—

Omit “, the valuer appointed by the council of an area,”.

(g) Section 54 (1) (d)—

Omit “, the council of the area”.

(h) Section 54 (1) (iii), (1A) (e) (iii)—

Omit “or the valuation book of a council” wherever occurring.

(i) Section 54 (1) (iv), (1A) (d)—

Omit “, as amended by subsequent Acts, the Local Government Act, 1919, as amended by subsequent Acts,” wherever occurring.

(j) Section 54 (1AA)—

Omit the subsection.

(k) Section 54 (1AB)—

Omit “but subject to subsection (1D),”.

(l) Section 54 (1AC)—

After section 54 (1AB), insert:

(1AC) Notwithstanding subsection (1), where—

(a) a new valuation of the land value of any land under section 70F (1) of the Valuation of Land Act 1916 is furnished to the Chief Commissioner on or after the first day of a year for which land tax is being levied; and

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*continued*

(b) the new valuation is made as the consequence of the amendment to or the repeal or substitution of a planning instrument which took effect before the first day of that year,

the land value of the land for the purposes of this Act is, in respect of that year, the land value determined by the new valuation.

(m) Section 54 (1A) (a)—

Omit “as amended by subsequent Acts.”.

(n) Section 54 (1A) (a)—

Omit “, as so amended”.

(o) Section 54 (1A) (c) (ii) —

Omit “, the council of an area”.

(p) Section 54 (1A) (d)—

Omit “(i) or”.

(q) Section 54 (1C) (a), (b) —

Omit “or subsection (1D)” wherever occurring.

(r) Section 54 (1C) (a), (b), (c)—

Omit “, subject to subsection (1D),” wherever occurring.

(s) Section 54 (1D)—

Omit the subsection.

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SCHEDULE 1—*continued*

AMENDMENTS TO THE LAND TAX MANAGEMENT ACT 1956—  
*continued*

- (t) Section 54 (2)—  
Omit the subsection.
- (u) Section 54 (3)—  
Omit “paragraph (d) of subsection (1), under paragraph (c) of subsection (1A) or under subsection (2)”, insert instead “subsection (1) (d) or (1A) (c)”.
- (v) Section 54 (4), (6), (7) (a)—  
Omit “or (2)” wherever occurring.
- (w) Section 54 (5)—  
Omit the subsection.
- (x) Section 54 (9)—  
Omit “land value of the land upon”, insert instead “adjusted value derived from the land value in relation to”.
- (7) Section 54A (4)—  
Omit the subsection.
- (8) Section 54B (1)—  
Omit “referred to in section 54 (1D) or 54A (4)”.
- (9) (a) Section 72 (1), proviso—  
Omit the proviso.
- (b) Section 72 (1A)–(1D)—  
After section 72 (1), insert:
- (1A) Notwithstanding subsection (1), in respect of a person—
- (a) who is an owner of land at midnight on 31 December 1985 or midnight on 31 December in any subsequent year;



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SCHEDULE 1—*continued*

AMENDMENTS TO THE LAND TAX MANAGEMENT ACT 1956—  
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- (b) who fails or neglects duly to furnish any return as and when required by this Act or by the Chief Commissioner; and
- (c) who would not be so required if land tax were levied on the land value of the land rather than on the adjusted value of the land,

the period during which additional land tax shall be calculated shall not commence until such date as is specified in a notice served on the person by the Chief Commissioner as the last day for furnishing the return.

(1B) A person who has obtained the benefit of subsection (1A) in any year shall not, while the landowning of the person remains unchanged, be entitled to the benefit of that subsection in any subsequent year.

(1C) Subsections (1A) and (1B) shall cease to have effect on and from 1 January 1988.

(1D) The Chief Commissioner may, in any particular case, for reasons which the Chief Commissioner thinks sufficient, remit the additional land tax payable under this section or any part of that land tax.

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