

[Act 2000 No 106]



New South Wales

Valuation of Land Amendment Bill 2000

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Valuation of Land Act 1916* (***the 1916 Act***) so as:

- (a) to extend the provisions of that Act to valuations for the purposes of the *Land Tax Management Act 1956* (***the 1956 Act***), and
- (b) to align the valuing procedures under the 1916 Act with the valuing procedures that currently apply under the 1956 Act, and
- (c) to make a number of amendments by way of statute law revision.

The Bill also makes consequential amendments to the 1956 Act and to a number of other Acts.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the substantive amendments to the *Valuation of Land Act 1916* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the statute law revision amendments to the *Valuation of Land Act 1916* set out in Schedule 2.

Clause 5 is a formal provision giving effect to consequential amendments to the *Land Tax Management Act 1956* set out in Schedule 3.

Clause 6 is a formal provision giving effect to consequential amendments to other Acts and instruments set out in Schedule 4.

Extension of the 1916 Act to land tax valuations

Section 47 of the 1916 Act lists a number of rating or taxing authorities to whom the Valuer-General is required to supply valuation lists for rating and taxing purposes. **Schedule 1 [33]** proposes to include the Chief Commissioner of State Revenue in that list. As a consequence of the proposed amendment, the provisions of the 1956 Act with respect to land valuation (including the provisions with respect to objections and appeals) will become unnecessary, and so are proposed to be repealed by **Schedule 3 [7]** and **[8]**.

Alignment of the 1916 Act valuing procedures to those of the 1956 Act

The valuing procedures of the 1916 Act are adapted to the requirements of local councils, and involve valuations (generally at 4-year intervals) that are progressively conducted for the purpose of providing valuation lists to those councils. To the extent to which their rates and charges are based on land values, councils assess those rates and charges by reference to the land values contained in their current valuation lists. The valuing procedures of the 1956 Act are adapted to the requirements of the Chief Commissioner of State Revenue, and involve annual valuations that are entered on a Register of Land Values kept by that Office. Land tax is assessed by reference to the land values contained in the Register of Land Values.

Under the proposed regime, the Valuer-General will be responsible for all land valuations for rating and taxing authorities, including local councils and the Chief Commissioner of State Revenue. All land will be valued annually, the valuations to be entered on a Register of Land Values kept by the Valuer-General. The information in the Register will be used to furnish valuation lists to all of the rating and taxing authorities. In the case of the Chief Commissioner of State Revenue, the valuation lists will be furnished annually. In the case of other rating or taxing authorities, the valuation lists will generally continue to be furnished at 4-year intervals.

Although the principles of valuation are, in general, common to the procedures under the 1916 Act and the 1956 Act, their expression is different. The opportunity is being taken in the proposed Bill to rewrite many of the provisions of the 1916 Act in the terms in which they are currently expressed in the 1956 Act. The opportunity is also being taken to re-order some of the provisions of the 1916 Act for ease of reading.

Schedule 1 [14] inserts a proposed Part 1B into the 1916 Act. The proposed Part contains provisions that correspond to current provisions of the 1956 Act, together with current provisions of the 1916 Act for which there are no counterparts in the 1956 Act. It is intended that proposed Part 1B be a complete statement as to the procedures to be adopted by the Valuer-General in valuing land.

Schedule 1 [28]–[32] amend Part 3 (Notices and objections) of the 1916 Act, and substitute Part 4 (Appeals to the Land and Environment Court) of the 1916 Act, so as to align those Parts with current provisions of the 1956 Act.

The remaining provisions of Schedule 1 are consequential on the amendments referred to above.

Amendment of 1916 Act by way of statute law revision

Schedule 2 makes a number of minor amendments to the 1916 Act by way of statute law revision.

Consequential amendment of the 1956 Act

Schedule 3 makes a number of amendments to the 1956 Act as a consequence of the amendments to the 1916 Act proposed to be made by Schedule 1.

Consequential amendment of other Acts and instruments

Schedule 4 makes consequential amendments to the following Acts and instruments:

Administrative Decisions Tribunal Legislation Amendment (Revenue) Act 2000 No 72

Heritage Act 1977 No 136

Land and Environment Court Act 1979 No 204

Local Government Act 1993 No 30

Privacy and Personal Information Protection Regulation 2000

Strata Schemes (Freehold Development) Act 1973 No 68

Strata Schemes (Leasehold Development) Act 1986 No 219

Taxation Administration Act 1996 No 97

Water Supply Authorities (Finance) Regulation 1996