



ANNO TRICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1984

No. 88 of 1984

An Act to amend the Valuation of Land Act, 1971; and to make related amendments to the Land Tax Act, 1936, the Local Government Act, 1934, the Sewerage Act, 1929, and the Waterworks Act, 1932.

[Assented to 29 November 1984]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Valuation of Land Act Amendment Act, 1984". Short title.

(2) The Valuation of Land Act, 1971, is in this Act referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 3 of the principal Act is amended by striking out the item: Amendment of s. 3—Arrangement.

PART IV—OBJECTIONS AND APPEALS

and substituting the item:

PART IV—OBJECTIONS, REVIEWS AND APPEALS

DIVISION I—NOTICES AND OBJECTIONS

DIVISION II—VALUATION REVIEWS

DIVISION III—APPEALS

DIVISION IV—SAVING PROVISION.

4. Section 17 of the principal Act is amended by striking out from subsection (4) the passage "as may be prescribed," and substituting the passage "as are for the time being approved by the Minister,". Amendment of s. 17—Valuation for departments, etc.

5. The heading to Part IV of the principal Act is repealed and the following heading is substituted: Repeal of heading to Part IV and substitution of new heading.

PART IV
OBJECTIONS, REVIEWS AND APPEALS
DIVISION I—NOTICES AND OBJECTIONS

Amendment of
s. 25—
Valuer-General to
consider and
decide upon
objection.

6. Section 25 of the principal Act is amended by striking out subsections (3) and (4).

Insertion of new
Divisions II, III
and IV.

7. The following Divisions are inserted after section 25 of the principal Act:

DIVISION II—VALUATION REVIEWS

Panels of licensed
valuers.

25a. (1) The Governor may, for the purposes of this Division, divide the State into regions and establish a panel of licensed valuers in relation to each region.

(2) Subject to this section, the Governor may appoint such licensed valuers to a panel as he thinks expedient.

(3) A licensed valuer shall be appointed to a panel for such term, not exceeding three years, as the Governor may determine and specifies in the instrument of his appointment and, upon the expiration of his term, shall be eligible for reappointment.

(4) A licensed valuer is not eligible for appointment to a panel established under this section unless—

(a) he has been nominated in the prescribed manner and form for appointment to the panel by the Real Estate Institute of South Australia Incorporated or the Australian Institute of Valuers (S.A. Division) Incorporated;

and

(b) he has experience in valuing land in the region in relation to which the panel is established.

(5) No person who is employed in a department of the Government, by an agency or instrumentality of the Crown or by a council shall be entitled to be a member of a panel established under this section.

(6) The Governor may, for proper cause, remove a licensed valuer from a panel.

(7) A licensed valuer may resign from a panel by written notice addressed to the Minister.

(8) The members of panels established under this section shall be entitled to such allowances as may be prescribed.

Review of
valuation.

25b. (1) A person who is dissatisfied with the decision of the Valuer-General upon an objection under this Part may, within twenty-one days of the day on which he receives notice of the decision, apply for a review of the valuation.

(2) An application under this section—

(a) must be made in the prescribed manner and form;

(b) must be lodged at the office of the Valuer-General or served, by post, on the Valuer-General;

and

(c) must be accompanied by the prescribed fee.

(3) No application for review of a valuation may be made under this section if the objection to the valuation involves a question of law.

(4) Where due application for review of a valuation is made under this section, a licensed valuer (in this section referred to as "the valuer") shall be selected in accordance with the regulations from the appropriate panel of licensed valuers to conduct the review.

(5) Subject to this section, the valuer shall, in conducting a review under this section, take into account—

(a) the matters set out in the application for review;

(b) any representations of the applicant and the Valuer-General made under subsection (7);

and

(c) any other matter that the valuer considers relevant to the review of the valuation.

(6) The matters to be considered upon a review under this section shall be confined to questions of fact and shall not involve questions of law.

(7) The valuer shall afford the applicant and the Valuer-General a reasonable opportunity to make representations to him on the subject matter of the review.

(8) Representations may be made under subsection (7) personally, by a licensed valuer acting on behalf of the applicant or the Valuer-General, or by any other representative.

(9) Subject to subsection (10), the valuer shall, upon the determination of the review, confirm, increase or decrease the valuation.

(10) A valuer shall not make any alteration to a valuation under subsection (9) which has the effect of increasing or decreasing the valuation by a proportion of one-tenth or less.

(11) The Valuer-General shall make such alterations (if any) to the valuation and valuation roll as are necessary to give effect to the decision of the valuer upon the review.

(12) Where a valuation is reduced upon a review under this section, the fee paid by the applicant for the review shall be refunded.

DIVISION III—APPEALS

25c. (1) A person who is dissatisfied with—

Right of appeal.

(a) the decision of the Valuer-General upon an objection under Division I;

or

(b) the decision of a licensed valuer upon a review under Division II,

may, in accordance with the appropriate rules of the Supreme Court, appeal to the Land and Valuation Court against the decision.

(2) The right of appeal conferred by subsection (1) (b) may be exercised by the Valuer-General.

(3) Upon an appeal under this section, the Land and Valuation Court—

(a) may confirm, increase or decrease the valuation to which the appeal relates;

and

(b) may make such orders in relation to incidental or ancillary matters (including costs) as it thinks just.

DIVISION IV—SAVING PROVISION

Saving provision.

25d. The right of a rating or taxing authority to recover a rate, tax or impost is not suspended by an objection, review or appeal under this Part and the authority may recover the rate, tax or impost on the basis that the valuation is correct but, in the event of a valuation being altered, a due adjustment shall be made and any amount paid in excess of the amount that might lawfully have been recovered on the basis of the altered valuation shall be refunded and if, on the basis of the altered valuation, a greater amount than that actually recovered might lawfully have been recovered, the difference may be recovered as arrears.

Amendment of certain Acts.

8. (1) The Land Tax Act, 1936, is amended as indicated in the first part of the schedule to this Act.

(2) The Local Government Act, 1934, is amended as indicated in the second part of the schedule to this Act.

(3) The Sewerage Act, 1929, is amended as indicated in the third part of the schedule to this Act.

(4) The Waterworks Act, 1932, is amended as indicated in the fourth part of the schedule to this Act.

THE SCHEDULE

PART I

AMENDMENT OF THE LAND TAX ACT, 1936

Provision Affected	How Affected
Section 68	(a) By striking out from subsection (1) the passage "to, or appeal against," and substituting the passage ", review or appeal in relation to"; (b) By inserting after the passage "whether in consequence of an objection" in subsection (1) the word ", review".

PART II

AMENDMENT OF THE LOCAL GOVERNMENT ACT, 1934

Provision Affected	How Affected
Section 213	By inserting after the word "objection" the word ", review".
Section 213a	By inserting after the word "objection" the word ", review".

PART III

AMENDMENT OF THE SEWERAGE ACT, 1929

Provision Affected	How Affected
Section 73	By inserting after the word "objection" in subsection (4) the word ", review".
Section 74	(a) By striking out the passage "to or appeal against," and substituting the passage ", review or appeal in relation to"; (b) By inserting after the passage "whether in consequence of an objection" the word ", review".

PART IV

AMENDMENT OF THE WATERWORKS ACT, 1932

Provision Affected	How Affected
Section 66	By inserting after the word "objection" in subsection (8) the word ", review".
Section 67	(a) By striking out the passage "to, or an appeal against," and substituting the passage ", review or appeal in relation to"; (b) By inserting after the passage "whether in consequence of an objection" the word ", review".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor