

Valuation of Land (Amendment) Bill

No.

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LEGISLATIVE COUNCIL

Read 1° 19 April 1989

(Brought from the Legislative Assembly)

A BILL

for

An Act to transfer the valuation provisions of the *Local Government Act 1958* to the *Valuation of Land Act 1960*, to amend the *Local Government Act 1958*, the *Valuation of Land Act 1960* and for other purposes.

Valuation of Land (Amendment) Act 1989

The Parliament of Victoria enacts as follows:

Purpose.

1. The purpose of this Act is to amend the *Valuation of Land Act 1960*—

- 5 (a) in relation to—
- (i) the Valuers' Qualification Board; and
 - (ii) secrecy provisions; and
 - (iii) freedom of information; and

10 (b) to insert with changes certain provisions from the *Local Government Act 1958*.

Commencement.

2. This Act comes into operation on a day or days to be proclaimed.

Principal Act.

No. 6653.
Reprinted to No.
9925 and
amended by Nos.
9427, 9506,
9576, 9831,
9921, 10107,
110/1988,
121/1988,
45/1987, 6/1988
and 50/1988.

3. In this Act, the *Valuation of Land Act* 1960 is called the Principal Act.

Application of new valuation provisions.

4. (1) Despite the coming into operation of sections 5 and 8, the Principal Act as amended by those sections does not apply to any rating valuation of a municipal council which is to be used for a rating period before 1 October 1990. 5

(2) The Principal Act applies to any rating valuation of a municipal council which is to be used for a rating period before 1 October 1990, as if it had not been amended by sections 5 and 8. 10

Definitions.

5. (1) Section 2 of the Principal Act is amended as follows:

(a) For "2. In" substitute "2. (1) In";

(b) After the definition of "Council", insert— 15

“**Estimated annual value**” of any land, means the rent at which the land might reasonably be expected to be let from year to year, free of all usual tenants’ rates and taxes and deducting the probable annual average cost of insurance and any other expenses necessary to maintain the land in a state to command that rent. 20

“**Farm land**” means any rateable land which is not less than 2 hectares in area and which is used primarily for carrying on one or more of the following businesses or industries: 25

- (i) Grazing (including agistment);
- (ii) Dairying;
- (iii) Pig-farming;
- (iv) Poultry-farming;
- (v) Fish-farming; 30
- (vi) Tree-farming;
- (vii) Bee-keeping;
- (viii) Viticulture;
- (ix) Horticulture;

- (x) Fruit-growing;
- (xi) The growing of crops of any kind.;

(c) After the definition of “General valuation”, insert—

5 “**Improvements**”, for the purpose of ascertaining the site
 value of land, means all work actually done or
 material used on and for the benefit of the land, but
 in so far only as the effect of the work done or material
10 used increases the value of the land and the benefit
 is unexhausted at the time of the valuation, but does
 not include—

(a) work done or material used for the benefit of the
 land by the Crown or by any statutory public body;
 or

(b) improvements comprising—

15 (i) the removal or destruction of vegetation or
 the removal of timber, rocks, stone or earth;
 or

20 (ii) the draining or filling of the land or any
 retaining walls or other works appurtenant to
 the draining or filling; or

 (iii) the arresting or elimination of erosion or the
 changing or improving of any watercourse on
 or through the land—

25 unless those improvements can be shown by the owner
 or occupier of the land to have been made by that
 person or at that person’s expense within the fifteen
 years before the valuation.

30 “**Mortgage**” includes every charge upon land which is
 registered under any Act relating to the registration
 of deeds or instruments affecting title to land, and
 includes a transfer or conveyance to a registered
 building society, subject to a deed of defeasance in
 favour of a borrower.;

(d) After the definition of “Municipality”, insert—

35 “**Net annual value**” of any land, means—

(a) except in the case of the lands described in
 paragraphs (b) and (c)—

40 (i) the estimated annual value of the land; or

 (ii) five per centum of the capital improved value
 of the land—

(whichever is the greater); or

(b) in the case of any rateable land which is—

45 (i) farm land; or

 (ii) a house, flat or unit (other than an apartment
 house, lodging house or boarding house) in

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- the exclusive occupation of the owner and used for residential purposes; or
- (iii) a house or unit (other than an apartment house, lodging house or boarding house) in the exclusive occupation of a tenant and used for residential purposes— 5
- five per centum of the capital improved value of the land; or
- (c) in the case of parklands, reserves or other lands owned by the Crown or any statutory authority, occupied (other than under any lease) for pastoral purposes only—the estimated annual value of it. 10
- “Owner” in relation to any land, means the person who is entitled to receive the rack-rent for the land or who, if the land were let at a rack-rent, would be entitled to receive the rent.’; 15
- (e) After the definition of “Registered valuer”, insert—
- “Residential use land” means any rateable land—
- (a) which is a unit or self-contained dwelling-house used solely for residential purposes; and 20
- (b) which is situated in the municipal district of a council in which rates are levied in whole or in part on the site value of rateable land; and
- (c) the site value of which, or in the case of a unit, the site value of the larger property of which the unit forms a part, has been declared by a valuer responsible for making valuations within the municipal district concerned to have been materially increased by reason that it is suitable for development or further development which is allowed by or pursuant to any relevant planning scheme. 25
- “Site value” of land, means the sum which the land, if it were held for an estate in fee simple unencumbered by any lease, mortgage or other charge, might in ordinary circumstances be expected to realise at the time of the valuation if offered for sale on such reasonable terms and conditions as a genuine seller might be expected to require, and assuming that the improvements (if any) had not been made. 30
- “Unit” means— 40
- (a) a unit on a registered plan within the meaning of the *Strata Titles Act 1967*; and
- (b) a stratum estate within the meaning of the *Transfer of Land Act 1958*; and 45

5 (c) a building or part of a building in the exclusive occupation of a person who is entitled to occupation by virtue of being a shareholder in a company which owns the building or a tenant of such a shareholder.

“Urban farm land” means any farm land the site value or net annual value of which has been declared by the valuer who made the general or supplementary valuation to have been materially increased—

10 (a) by reason of its proximity to land which has been or is being developed for residential, industrial, commercial or other urban purposes; or

15 (b) by reason of its proximity to land which has been or is being subdivided into allotments used or intended to be used predominantly for recreational or residential purposes—

and on which in the opinion of the valuer any farming operations would be ancillary to the predominant use of the land.

20 (2) In estimating the value of improvements on any land for the purpose of ascertaining the site value of the land, the value of the improvements is the sum by which the improvements upon the land are estimated to increase its value if offered for sale on such reasonable terms and conditions as a genuine seller might in ordinary circumstances be expected to require.

25 (3) If it is necessary to determine the capital improved value or site value of any rateable land in respect of which any person is liable to be rated, but which forms part of a larger property, the capital improved value and site value of each part are as nearly as practicable the sum which bears the same proportion to the capital improved value and site value of the whole property as the estimated annual value of the portion bears to the estimated annual value of the whole property.

30 (4) If it is necessary to determine the site value of a unit described in paragraph (a) or (b) of the definition of “unit” in sub-section (1), sub-section (3) applies, and a unit forms part of a larger property which is the land comprised in the strata subdivision.

35 (5) If it is necessary to determine the capital improved value or site value of a lot or lots on a subdivision under the *Cluster Titles Act 1974*, the rateable land includes any interest in common property and accessory lots, but does not form part of a larger property.

40 (6) Despite anything in this Act or the *Local Government Act 1989*, the capital improved value and the site value of any rateable land which is, or part of which is, land which is the subject of a covenant under sub-section (1) of section 3A of the *Victorian Conservation Trust Act 1972* is calculated on the basis that the owner of the land is bound

by that covenant as to the development or use of the land or part of the land.

(7) If any area of land which is not less than 4 hectares in size is planted after the commencement of the *Forests Act 1907* with trees approved of by the Director-General of Conservation, Forests and Lands as being suitable for mining or commercial purposes, and those trees are planted not more than 3 metres apart from each other, in computing the net annual value or capital improved value of that area of land, the increase in the value of the area of land by reason of the trees planted on it must not be taken into consideration. 5 10

(8) Despite anything in this Act or the *Local Government Act 1989*, the capital improved value, net annual value and site value of any rateable land which is registered land within the meaning of the *Historic Buildings Act 1981* or on which there is situated a registered building within the meaning of the *Historic Buildings Act 1981* must be calculated on the basis— 15

- (a) as to the part actually occupied by the registered building—
 - (i) that the land may be used only for the purpose for which it was used at the date of valuation; and
 - (ii) that all improvements on that land as at the date of valuation may be continued and maintained in order that the use of the land referred to in sub-paragraph (i) may be continued; and 20
 - (iii) that no improvements, other than those referred to in sub-paragraph (ii), may be made to or on that land; or 25
- (b) as to any part (not actually occupied by the registered building and which is not registered land) that the registered building cannot be removed or demolished and that any land referred to in paragraph (c) must not be subdivided or developed unless a permit to subdivide or develop the land has been granted by the Historic Buildings Council; or 30
- (c) as to any registered land that the land cannot be subdivided or developed or if a permit to subdivide or develop the land has been granted by the Historic Buildings Council, that it can be subdivided or developed only in accordance with that permit. 35

(9) Despite anything in this Act or the *Local Government Act 1989*, the capital improved value, net annual value and site value of any rateable land on which there is situated a building which is specified in a planning scheme under the *Planning and Environment Act 1987* as being of architectural, historical or scientific interest and— 40

- (a) the pulling down or removal of that building is prohibited by that planning scheme; or

- (b) the responsible authority within the meaning of that Act has refused to grant a permit allowing the pulling down or removal of that building—

5 must be calculated on the basis that the specified building cannot be pulled down or removed.

(10) Despite anything in this Act or the *Local Government Act* 1989—

10 (a) the capital improved value and site value of any parklands, reserves or other lands owned by the Crown or any statutory authority which are occupied (otherwise than under any lease) for pastoral purposes only are twenty times the net annual value; and

15 (b) the capital improved value and site value of unused roads and water frontages licensed under Part XIII. of the *Land Act* 1958 or any corresponding previous enactment are twenty times the annual licence fee payable for them under Part XIII. .

Secrecy.

20 6. In section 3A (3) (a) of the Principal Act, for the expression commencing “which may come” and ending “employment,” substitute “related to any information obtained or documents created by the valuer-general for the purpose of providing valuation advice”.

Valuers’ Qualification Board.

7. The Principal Act is amended as follows:

25 (a) In section 10 (1)—

(i) for “three” substitute “four”; and

30 (ii) in paragraph (b), for “two” (where first occurring) substitute “three” and for “Commonwealth Institute of Valuers” substitute “Australian Institute of Valuers and Land Administrators”; and

(iii) after paragraph (b) (i), insert—

35 “(ia) one shall be a person nominated by the Minister and who is a registered valuer holding a certificate of qualification issued by the Board; and”;

(b) In section 10 (6), for “two” substitute “three”;

(c) In section 10 (7), for “shall have a deliberative vote only” substitute “has a deliberative vote and a casting vote”;

(d) Section 10 (8) is repealed;

40 (e) For section 12 (3), substitute—

“(3) If the Board is of the opinion that any applicant for a certificate of qualification is capable of making valuations, but only if restricted to—

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- (a) a certain part or certain parts of Victoria; or
- (b) a certain category or certain categories of property;
or
- (c) both (a) and (b)—

it may grant a certificate of qualification to that person with that restriction described in the certificate.”; 5

(f) In section 13C—

- (i) in sub-section (4), for “to him appeal therefrom to the Supreme Court” substitute ‘apply to the Administrative Appeals Tribunal for a review of the determination’; 10
and
- (ii) sub-section (5) is repealed.

New Division 3A inserted in Part II.

8. After section 13D of the Principal Act, insert—

“Division 3A.—VALUATIONS FOR *LOCAL GOVERNMENT ACT* 1989” 15

Council valuations.

“13DA. (1) A Council may appoint one or more persons who hold an appropriate certificate of qualification issued by the Valuers’ Qualification Board and are registered valuers to make valuations under this Act for the purposes of the *Local Government Act* 1989. 20

(2) If a valuer so qualified and acceptable to the Council is not reasonably available, the valuer-general or a valuer nominated by the valuer-general may make any or all of those valuations.”.

Municipal Valuation Fees Committee. 25

“13DB. (1) For the purposes of sub-sections (8), (9), (10) and (11) there shall be appointed a committee to be known as the Municipal Valuation Fees Committee which shall consist of three members of whom one shall be the valuer-general (who shall be chairperson) and two shall be appointed by the Governor in Council of whom— 30

- (a) one shall be selected from a panel of not less than five names submitted to the Minister by the governing body of the Municipal Association of Victoria; and
- (b) one shall be selected from a panel of not less than five names submitted to the Minister by the governing body of the Victorian Division of the Australian Institute of Valuers and Land Administrators— 35

but if either of the governing bodies fails to submit the panel of names within one month after being requested to do so in writing by the Minister, the Governor in Council may appoint any suitable person to be a member of the Committee. 40

5 (2) The Governor in Council may appoint a deputy for each of the appointed members from each of the panels of names submitted to the Minister under sub-section (1) (a) and (b) to act for the appointed member in the event of the illness or absence of that appointed member and the deputy may exercise the powers and perform the duties of the appointed member during the illness or absence.

(3) The members of the Committee (other than the chairperson) hold office for a term of three years and are eligible for re-appointment.

10 (4) The office of a member of the Committee (other than the chairperson) becomes vacant if the member—

(a) dies, or resigns office by writing signed and addressed to the Minister; or

(b) is removed from office by the Governor in Council.

15 (5) If a casual vacancy occurs in the office of any member of the Committee (other than the chairperson), the Governor in Council may appoint a suitable person to fill the vacancy, and that person holds office for the remainder of the term of office of the member in whose place that person is appointed.

20 (6) The appointed members of the Committee and the deputy members are entitled to the fees which are from time to time determined by the Governor in Council.

(7) Subject to this section, the Committee may regulate its own proceedings.

25 (8) The Committee must when requested by a council, make such enquiries as it believes proper for the purpose of fixing a minimum fee to be paid for the making of a general valuation of rateable land within the municipal district and, after the council has given notice of its intention to cause a general valuation to be made determine the minimum fee accordingly.

30 (9) If a council is of the opinion that circumstances exist which render a determination of a minimum fee made by the Committee under sub-section (8) inappropriate, it may advise the Committee of those circumstances and request it to re-determine the minimum fee to be paid for the making of a general valuation of rateable land within the municipal district.

35 (10) After a request to re-determine the minimum fee, the Committee must—

(a) consider the matters raised by the council; and

40 (b) if the council requires, permit any person to appear before it on the council's behalf to make submissions about the request; and

(c) re-determine the minimum fee, which must then be treated for the purposes of sub-section (8) as the minimum fee determined by the Committee.

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(11) A person who is not a full-time member of the staff of a council must not be appointed to make a valuation other than a supplementary valuation unless—

- (a) that person has submitted an application to the council expressing willingness to carry out the valuation for a fee determined by the Committee or a higher fee as decided upon by the council; and 5
- (b) the Valuer-General has certified that the Valuer-General considers that the other conditions of engagement are adequate and proper so that a satisfactory valuation may be made.”. 10

Valuations generally.

“13DC. (1) In every valuation for the purposes of the *Local Government Act* 1989, the rateable land must be computed at its net annual value, capital improved value and, if required by a rating authority, site value. 15

(2) A council may use in respect of rateable land within its municipal district valuations in force in respect of that land immediately before the constitution of the municipality for such period as the latest of the valuations might have been used by the council for which it was made. 20

(3) The council must cause a valuation of all rateable land within its municipal district to be made and returned in time for the making of the rate for the year immediately following the last year in which the valuations may be used.

(4) Subject to sub-section (5), every council may from time to time cause a valuation of all rateable land within its municipal district to be made and returned for the municipality. 25

(5) A council which has caused a valuation of rateable land within its municipal district to be made and returned must, subject to sections 13DD and 13DE, cause another such valuation to be made and returned— 30

- (a) if the whole of any ward of the municipal district is subject to a rate made by the Melbourne and Metropolitan Board of Works—in time for the making of the rate for the year immediately following the end of the fourth year of use; and 35

- (b) in every other case—in time for the making of the rate for the year immediately following the end of the sixth year of use of the last such valuation.

(6) If several parcels of land in the same municipal district are owned by the same person and separated from each other only by a road or railway or other similar area across or around which movement is reasonably possible, the parcels must be regarded as together forming rateable land and valued accordingly. 40

(7) If any person is liable to be rated in respect of two or more parcels of land in the same municipal district and the parcels form one 45

continuous area, the parcels must be regarded as together forming rateable land and valued accordingly.

5 (8) If any portion of a parcel or parcels of land forming rateable land for the purposes of a municipal rate or of a rate to be levied by any other rating authority using the valuation is subject to a rate or rates levied in respect of that portion only, the value of the land must be apportioned so as to show separately the value of the portion.

10 (9) If land comprising one undertaking extends continuously beyond the boundaries of any municipal district the value, for the purposes of any rate, of so much of the land as is within any one municipal district, must be assessed as part of the value of the whole of the land.”

Extension by special order of period for making valuations.

15 “13DD. (1) If a council is of the opinion that no general appreciable change has taken place in the value of rateable land within the municipal district or, having first consulted the Minister, that special circumstances make compliance with section 13DC (2) to (9) unnecessary or impracticable, the council may by special order (confirmed at least 20 three months before the end of the fourth or sixth year, whichever is applicable, of the use of the valuation) extend the period of use of the existing valuation for such period not exceeding three years as the council thinks fit.

25 (2) If the period is extended by less than three years, the council may by special order (confirmed at least three months before the expiration of any period of extension) from time to time further extend the period but so that the total of the periods of the extension and the further extension or extensions do not exceed three years.

30 (3) At any time before the special order is confirmed the owner of any rateable land in the municipal district may appear before the council and object to the extension.

(4) The council must hear the objection and consider it before confirming the order.

35 (5) A special order does not have any force or effect unless it (whether with or without variation with respect to the lessening of the period of extension) is approved by the Governor in Council, who may approve it with a variation providing that the extension is to be for a period less than that set out in the special order, in which case the special order as varied has full force and effect.”

Extension by Governor in Council of period for making valuations.

40 “13DE. (1) If on the application of a council the Minister is satisfied that it is not reasonably practicable for the council to extend by special order the period of use of the last valuation, the Minister may recommend to the Governor in Council that the period be extended

for such period as the Minister thinks fit not exceeding one year from the date of the expiration of the last valuation or any extension.

(2) The Governor in Council may approve the extension but so that the total of the periods of extension and further extension does not exceed three years.”

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Supplementary valuation.

“13DF. (1) Despite anything in this or any other Act, a person referred to in section 13DA may carry out a supplementary valuation for the purposes of the *Local Government Act* 1989.

(2) A supplementary valuation may be made in any of the following circumstances:

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(a) If any land which should be included in the valuation then in force is not included;

(b) If the value of the land is materially altered by the approval of a planning scheme under the *Planning and Environment Act* 1987 or an amendment to a planning scheme under that Act, or by the granting, refusal or cancellation of a permit under such a scheme;

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(c) If by reason of the sale of lots, any land in respect of which two or more persons are liable to be rated has been valued together as rateable land;

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(d) If by reason of the purchase of land or any other cause, any land in respect of which only one person is liable to be rated has been valued as if more than one person was liable to be rated;

25

(e) If any land has become rateable since the return of the existing valuation;

(f) If the capital improved value, net annual value or site value of the land has been affected by the coming into operation of section 64 of the *Historic Buildings Act* 1981;

30

(g) If by reason of—

(i) any building on the land becoming a registered building under the *Historic Buildings Act* 1981 on or after the coming into operation of section 2 of that Act; or

(ii) any building ceasing to be a registered building under that Act; or

35

(iii) the issue of a permit to remove, demolish or alter a registered building under section 27 of that Act or to subdivide or develop any land—

the capital improved value, net annual value or site value of that land has been materially decreased or materially increased;

40

(h) If by reason of the destruction or removal of buildings or other improvements on land or by reason of any physical

changes of a permanent nature to land or improvements or by the making of roads or any other work of man or by adverse natural causes, the capital improved value, net annual value or site value of that land has been materially decreased;

(i) If any land or part of any land is burdened by a covenant under section 3A (1) of the *Victorian Conservation Trust Act* 1972 or, if upon variation or release of such a covenant, the capital improved value, net annual value or site value of that land has been materially decreased or materially increased;

(j) If by reason of the erection or construction of buildings or other improvements on land or by reason of any physical changes of a permanent nature to land or improvements or by the making of roads or any other work of man or by favourable natural causes, the capital improved value, net annual value or site value of that land has been materially increased;

(k) If there has been a change in occupancy which affects the net annual value of the land;

(l) If the net annual value of the land has been affected by the coming into operation of section 11 of the *Local Government Act* 1972;

(m) If by reason of the sale, transfer or conveyance of any land or the transfer, surrender or expiration of a lease of any land there are on the land any of the improvements described in paragraph (b) of the definition of "Improvements" in section 2 (1) which were not made by the person who is the owner or occupier of the land;

(n) If for any reason other than a reason referred to in any of paragraphs (a) to (m), the capital improved value, net annual value or site value—

(i) of any land specified by Order of the Governor in Council published in the *Government Gazette*; or

(ii) of the land in any area specified by Order of the Governor in Council published in the *Government Gazette*—

is or is likely to have been materially altered as a consequence of any Act, proclamation, Order in Council, regulation, by-law or local law;

(o) If any arithmetical error has been made in calculating any valuation upon which any rate is payable or if by reason of any error in describing the land or any matter relating to the land or any improvements to it, an incorrect valuation has resulted.

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(3) Any supplementary valuation when returned must be treated as a part of the valuation in force and has the effect of cancelling anything contained in the existing valuation which is not consistent with the supplementary valuation.

(4) If a supplementary valuation has been made in any of the circumstances referred to in sub-section (2) other than paragraph (o), the amount of any rate payable in relation to that land must be calculated—

(a) for any period until the day of that return—by reference to the existing valuation; and

(b) from the day after that return for the remainder of the period—upon the supplementary valuation.

(5) If a supplementary valuation has been made in any of the circumstances referred to in sub-section (2) (o), the council may adjust the rate payable retrospectively for any period it considers just.

(6) The valuer in making a supplementary valuation must—

(a) have regard to the general levels of value upon which the valuation in force within the municipal district or ward was based; and

(b) assess the value that the land to which the supplementary valuation applies would have had if at the time at which the last valuation of the municipal district or ward was made it had been in the condition in which it is at the time of the making of the supplementary valuation, having regard to every circumstance which affects the value of the land at the time of the making of the supplementary valuation, if it is a circumstance requiring the making of a supplementary valuation of the land under sub-section (2).

(7) A person who is qualified or authorised to make a supplementary valuation, or, if that person is not available, the Chief Executive Officer of the council, or, if there is no Chief Executive Officer, the municipal clerk, may delete from a valuation return any entry for rateable land if the whole of the land has become non-rateable.

(8) The valuer must make entries on the return showing every alteration made on supplementary valuations or on an adjustment or determination of a court or board under Part III for as long as the valuation remains in force.”

Valuation on union of or annexation by council.

“13DG. (1) If a council is one formed by union, the last valuations in force for the united councils are to be treated as one valuation made by the council formed by the union.

(2) If a council has had annexed to its municipal district part of a former municipal district, the last valuation in force for that part is to be treated as part of the valuation for the council, but this does not

affect the time within which the council must make the next valuation of all rateable land in its municipal district.

(3) If a council has had annexed to its municipal district any area which is not part of a former municipal district—

5 (a) the council must, immediately after the annexation, make a valuation of all rateable land in that area (either separately or together with a valuation for the rateable land in the rest of the council's municipal district); and

10 (b) the valuation for that annexed area, if made separately, is to be treated together with any valuation for the rest of the council's municipal district, as the valuation for the council; and

15 (c) paragraphs (a) and (b) do not affect the time within which the council must make the next valuation of all rateable land in its municipal district.”.

Valuer's powers and duties.

“13DH. (1) A valuer must return valuations in the prescribed form.

20 (2) Before any valuation and return is made the person appointed to make it must make a statutory declaration that the valuation and return will be impartial and true to the best of that person's judgment and will be made by that person or under that person's immediate personal supervision.

(3) An entry must be made in the minutes of the meetings of the council of the making of the declaration and of its date.”.

25 **Return of municipal clerk.**

30 “13DI. (1) If the valuer appointed to make valuations of rateable land has made and recorded the valuations of all or any of the land, but has not included all the valuations in any return to the council, the Chief Executive Officer of the council, or, if there is no Chief Executive Officer, the municipal clerk or other designated officer of the council may, with the written approval of the valuer-general, prepare and certify a return with respect to those valuations not so included in the form prescribed.

35 (2) Any valuations when certified and returned to the council are as valid as if included in a return certified by the valuer, but in the case of a general valuation must not be used by the council before the valuations of all the land in respect of which the valuer had been appointed have been returned to the council.”.

Person may apply for valuation.

40 “13DJ. (1) On written application by a person, a municipal clerk must provide the person with a copy of the most recent valuation of any rateable land in its municipal district.

(2) The copy must specify the date at which the value of the land was assessed under section 7 (2).

(3) Each application must be accompanied by the prescribed fee for each area of land for which a valuation is required.”.

Appeals.

9. Section 40 (3) of the Principal Act is amended as follows:

- (a) In paragraph (a), for “\$75,000”, “\$30,000” and “\$3,750” substitute “the prescribed amount”; 5
- (b) In paragraph (b), for “\$75,000”, “\$30,000” and “3,750” substitute “the prescribed amount”.

New section 51A inserted.

10. Before section 52 of the Principal Act, insert— 10

Freedom of information.

“51A. Despite section 3A, the Director-General of Property and Services has access to any material which is—

- (a) required by the Director-General for the purposes of the *Freedom of Information Act* 1982; and 15
- (b) prepared under or for the purposes of this Act.”.

Consequential repeals and amendments.

11. (1) The following provisions of the *Local Government Act* 1958 are repealed:

- (a) Sections 254 to 265A; 20
- (b) Section 315A.

(2) The Principal Act is amended as follows:

- (a) In section 2 (1), in the definition of “General valuation” for “property” substitute “land”;
- (b) In section 3 (5), for “property” (wherever occurring) substitute “land”; 25
- (c) In section 6 (1), for “property” substitute “land”;
- (d) In section 7 (3) (a), for “property” substitute “land”;
- (e) In section 8—
 - (i) in sub-section (2), for “property” (wherever occurring) substitute “land”; and 30
 - (ii) in sub-section (3)—
 - (A) for “properties which do” substitute “land which does”; and
 - (B) for “property” substitute “land”; 35
- (f) In section 8A (1) and (4), for “property” (wherever occurring) substitute “land”;
- (g) In section 13E (12) (a) and (b) and (14A) (b), for “property” (wherever occurring) substitute “land”;

No. 6299.
 Reprinted to
 No. 10081 and
 amended by Nos.
 10099, 10107,
 10167, 10187,
 10191, 10205,
 10216, 10219,
 10224, 10262,
 13/1986,
 16/1986,
 36/1986,
 108/1986,
 109/1986,
 110/1986,
 121/1986,
 128/1986,
 9/1987,
 41/1987,
 44/1987,
 45/1987,
 97/1987, 8/1988,
 53/1988 and
 75/1988.

- 5
- (h) In section 37 (1) (a), for “property” (wherever occurring) substitute “land”;
- (i) In section 38A, for “property” substitute “land”;
- (j) In section 50 (1), (2) and (3), for “property” (wherever occurring) substitute “land”.
- 10
- (3) The Principal Act is amended as follows:
- (a) In section 7 (2), for “section 258 (2) of the *Local Government Act 1958*” substitute “section 13DF (2)”;
- (b) In section 7 (2C), for “paragraph (b) of sub-section (3) of section 258 of the *Local Government Act 1958*” substitute “section 13DF (5)”;
- (c) In section 7 (2C), for “paragraph (i)” substitute “paragraph (o)”;
- 15
- (d) In section 7 (4), for “the *Local Government Act 1958*” substitute “Division 3A of Part II”;
- (e) In section 8AA (1), omit “(or where so authorised by the council to a group of councils formed pursuant to section 254 of the *Local Government Act 1958*)”;
- 20
- (f) In section 8A (1), for “the *Local Government Act 1958*” (where first occurring) substitute “Division 3A of Part II”;
- (g) In section 8A (1) (a), for “the provisions of sub-section (2) of section two hundred and fifty-five of the *Local Government Act 1958*” substitute “section 13DC (3)”;
- 25
- (h) In section 8A (4), for “the *Local Government Act 1958*” substitute “Division 3A of Part II”.

