

DRAFT SECOND READING SPEECH

HON. JEREMY ROCKLIFF MP

Valuation of Land Amendment Bill 2016

check Hansard for delivery

Madam Speaker,

I move that the Bill now be read a second time.

Madam Speaker, this Bill does two things.

First, it clarifies that the Valuer-General's authority to exclude land from a Valuation Roll (and thus from being rated by a local Council), extends only to minor parcels of non-reserved Crown land, where it is not practical or sensible to value the land.

This clarification is required because there is an alternate view, that the current authority in the Act is very broad and would permit the Valuer-General to exempt extensive parcels of Crown land.

Since the Valuer-General was originally given discretion to exclude land from a Valuation Roll in 2003, he has used this authority in limited circumstances and only in accordance with the original intent of the authority. Two examples of the use of this exemption are Crown land beautification licences and Crown land access licences.

In the case of beautification licences, paying rates would serve as a disincentive for the landowner to maintain the land (in which case the maintenance costs would fall to the Crown). Crown land access licences allow the holder to access their primary residence across Crown land set aside for road purposes. In both examples it is not sensible to place the Crown land on a Valuation Roll (and thus be rated by a council).

The *Local Government Act 1993* remains the fundamental legislation that identifies land that is automatically exempted from rating by councils, including reserved Crown land such as national parks, nature reserves and conservation areas.

Second, this Bill excludes the Objection and Review process contained in Part 5 of the Act, from the provisions of the *Judicial Review Act 2000*.

Part 5 of the Act sets out a formal review process for property owners who are not satisfied with their property valuation. The process has been used effectively by property owners, the Valuer-General, the Office of the Solicitor-General and the Courts for nearly 20 years.

The process allows the property owner 60 days from receiving a *Notice of Valuation* to lodge an objection with the Valuer-General for a formal review. The reasons for the objection must be one of the seven grounds for an objection listed in Part 5.

If the property owner is not satisfied with the outcome of the Valuer-General's review, they can request that it be referred to the Land Valuation Court (which is part of the *Magistrates*

Court - Administrative Appeals Division). In specific cases, the landowner can refer the matter to the Supreme Court for resolution.

The *Judicial Review Act 2000* provides an alternative mechanism for persons to seek a review of a decision maker through the Magistrates Courts. Part 5 has not been specifically excluded from the provisions of the *Judicial Review Act*, and was recently used as a mechanism to seek redress through the Courts against a valuation objection. This caused delays and confusion for all parties in resolving the matter. This amendment reflects the original intention that Part 5 is the sole mechanism for dealing with objections and reviews to a valuation of land.

Madam Speaker, the Government fully supports the introduction of this Bill.

I commend this Bill to the House.