

FACT SHEET

Valuation of Land Amendment Bill 2016

This Bill will clarify and simplify the operation of two aspects of the *Valuation of Land Act 2001*.

The first amendment will clarify that the Valuer-General has limited authority to exclude land from a Valuation Roll. This clarification is required because there is an alternate view, that the current authority in the Act is so broad that it would permit the Valuer-General to exempt extensive parcels of Crown land.

The original intention of the Act was for the Valuer-General to only have authority to exclude minor parcels of non-reserved Crown land, where it is not practical or sensible to value the land.

This amendment is separate to issues associated with the High Court decision regarding the West Coast Council vs Valuer-General (the marine farm case) – where the issue was that the Valuer-General's powers in section 11(1A) appeared broad enough to permit exemption of large areas of non-reserved Crown land such as Macquarie Harbour.

Issues regarding rating of marine leases and licences over Crown reserves associated with the marine farm case are outside the scope of this amendment. The amendments contained in this Bill simply better define the Valuer-General's authority to exempt minor areas of non-reserved Crown Land where it is not practical or sensible to value the land.

The second important component of this Bill clarifies a formal review process for property owners who are not satisfied with their property valuations by excluding Part 5 of the Act being subject to the provisions of the *Judicial Review Act 2000*.

Under Part 5 of the Act a property owner may within 60 days of receiving a *Notice of Valuation* may lodge an objection with the Valuer-General for a formal review. If the property owner is then not satisfied with the outcome of the review of their objection, they may refer the matter to the Land Valuation Court (part of the *Magistrates Court - Administrative Appeals Division*).

This review process has been in place for at least 20 years and is clear and straight forward.

However the *Judicial Review Act 2000* also provides an alternative mechanism to seek a review of a decision maker through the Magistrates Courts. Part 5 of the Act has not been specifically excluded from the provisions of the *Judicial Review Act*, which was recently used as a mechanism to seek redress through the Courts against a valuation objection.

The amendment in this Bill reflects the original intent that Part 5 of the Act is used as the sole mechanism for objections and reviews of land valuations. Having another legislative pathway for objections is unnecessary and only duplicates legislation, and in the specific case highlighted caused delays and confusion in resolving the property owner's objection.