

VALUATION OF LAND.

No. 74 of 1978.

AN ACT to provide for the Valuation of Land and
for other purposes.

[Assented to 20th October, 1978.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Valuation of Land Act, 1978.* Short title.

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

Arrange-
ment.

3. The arrangement of this Act is as follows—

PART I.—PRELIMINARY.

PART II.—ADMINISTRATION.

PART III.—VALUATION.

*Division 1.—General and Interim
Valuations.*

Division 2.—Valuation Rolls.

Division 3.—Concessional Valuations.

PART IV.—OBJECTIONS AND APPEALS.

PART V.—MISCELLANEOUS.

Interpreta-
tion.

4. (1) In this Act unless the context requires otherwise—

“agent” includes every person who, in Western Australia, for or on behalf of any other person (hereinafter called the principal)—

- (a) has the control or disposal of any real or personal property owned by the principal, or the control, receipt, or disposal of any rents or proceeds derived from any such property; or
- (b) directly or indirectly, whether by negotiation, or otherwise howsoever, sells or disposes of any such property, or offers any such property for sale or disposition, or solicits or procures the sale or disposition thereof;

“assessed value” of land means such percentage of the capital value thereof as may from time to time be prescribed;

“capital value” of land means the capital amount which an estate of fee simple in the land might reasonably be expected to realize upon sale—provided that where the capital value of land cannot reasonably be determined on such basis, the capital value of such land shall be the sum of, first, the

unimproved value of the land, and, secondly, the estimated replacement cost of improvements to the land after making such allowance for obsolescence, physical depreciation, and such other factors as are appropriate in the circumstances;

“general valuation” means a general valuation made under section 18 or made or deemed to be made under section 22;

“gross rental value” of land means the gross annual rental that the land might reasonably be expected to realize if let upon condition that the landlord were liable for all rates, taxes and other charges thereon and the insurance and other outgoings necessary to maintain the value of the land, provided that—

- (a) where the gross rental value of land cannot reasonably be determined on such basis, the gross rental value shall be the assessed value;
- (b) the gross rental value of any land shall, in any event, be not less than what would be the assessed value of the land if it were vacant land; and
- (c) the gross rental value of any land separately valued shall, in any event, be not less than twenty dollars;

“improvements” in relation to land means the value of all works actually effected to land, whether above or below the surface, and includes fixtures, but does not include machinery, whether fixed to land or not;

“interim valuation” means a valuation made under section 23;

“land” means lands, tenements and hereditaments, and any improvements to land, and includes any interest in land;

“Land Valuation Tribunal” means a Land Valuation Tribunal constituted under the Land Valuation Tribunals Act, 1978.

“merged improvements” means any works in the nature of draining, filling, excavation, grading or levelling of the land, retaining walls or other structures or works for that purpose, the removal of rocks, stone or soil, and the clearing of timber, scrub or other vegetation;

“metropolitan region” means all lands within the districts of the following municipalities—the cities of Fremantle, Gosnells, Melville, Nedlands, Perth, South Perth, Stirling and Subiaco; the towns of Bassendean, Canning, Claremont, Cockburn, Cottesloe, East Fremantle, Kwinana and Mosman Park; and the shires of Armadale-Kelmscott, Bayswater, Belmont, Kalamunda, Mundaring, Peppermint Grove, Rockingham, Serpentine-Jarrahdale, Swan and Wanneroo;

“municipality” means a municipality under the Local Government Act, 1960;

“rateable land” means land in respect of which any rate or tax is assessed under any of the rating and taxing Acts or is, in the opinion of the Valuer-General, reasonably likely to be assessed under any of those Acts prior to such land being valued in a general valuation;

“rating and taxing Acts” means an Act or Acts under which any rate or tax is assessed in respect of land;

“rating or taxing authority” means any person entitled under any Act to assess any rate or tax in respect of land;

“section” means section of this Act;

“site value” of land means the capital amount that an estate of fee simple in the land might reasonably be expected to realize upon sale assuming that any improvements to the land, other than merged improvements, had not been made;

“subsection” means subsection of the section in which the term is used;

“townsite” means—

- (i) all land within the metropolitan region;
- (ii) all land within a municipality that is a city or town outside the metropolitan region;
- (iii) any land currently constituted, defined or reserved as a townsite under the Land Act, 1933 or any Act repealed thereby; and
- (iv) any land, including privately owned subdivided land, currently declared a townsite under section 686 of the Local Government Act, 1960 or any Act repealed thereby;

“trustee” in addition to every person appointed or constituted trustee by act of parties, or by order or declaration of a court or by operation of law, includes—

- (a) an executor or administrator, guardian, committee of management, receiver or liquidator; and
- (b) every person having or taking upon himself the administration or control of land effected by any express or implied trust, or acting in any fiduciary capacity, or having the possession, control, or management of the land of a person under any legal disability;

“unimproved value” of land means, in relation to any land situated within a townsite, the site value, and means, in relation to any other land, the capital amount that an estate of fee simple in the land might reasonably be expected to realize upon sale assuming that any improvements had not been made; provided that “unimproved value” means in relation to—

- (a) land held under a pastoral lease under the Land Act, 1933; land held under a lease granted under section 40 of the Forests Act 1918; and land held pursuant to an agreement made with the Crown in right of the State and scheduled to an Act approving the agreement—a sum equal to twenty times the annual rental reserved by the lease or agreement;
- (b) land held under a coal mining lease granted under the Mining Act, 1904—a sum equal to five dollars for every 4,000 square metres of the land or part thereof;
- (c) land held under a lease, other than a coal mining lease, or occupied under the Mining Act, 1904, other than a miners homestead lease, a Business Area or a Market Garden Area—a sum equal to ten dollars for every 4 000 square metres of the land or part thereof;
- (d) land comprised in the annual cutting section allotted by the Forests Department in respect of areas of State forests, timber reserves or other Crown land and held under a sawmilling permit or licence from the Crown for cutting or removing timber—a sum equal to one dollar and fifty cents for every 4,000 square metres of land;
- (e) land held or used under any other lease, licence or concession from the Crown with the right to take any profit from the land—a sum equal to one dollar for every 4,000 square metres of land; and
- (f) other land of the Crown which is temporarily occupied for private purposes without title or authority—a sum equal to twenty times the

ground rent which might reasonably be demanded for the land, or the value of the land in fee simple, whichever is the lesser sum;

“vacant land” means land on which there are no improvements other than merged improvements;

“value” in relation to land means the assessed value, the capital value, the gross rental value, the site value, and the unimproved value of the land or any one or more of those values; “to value” means to determine or assess those values or any one or more of them; and “determination of value” or “valuation” means a determination or assessment of those values or any one or more of them;

“valuation district” means a valuation district constituted or reconstituted under section 17;

“valuation roll” means a valuation roll established under section 26.

(2) Where, before or after the coming into operation of this Act, in any Act or in any agreement that is made with the Crown in right of the State and scheduled to any Act approving the agreement, reference is made to the annual value of land, such reference shall for the purposes of this Act be deemed to be a reference to the gross rental value of that land.

5. (1) Subject to subsection (2), every valuation in force under any of the rating and taxing Acts immediately before the coming into operation of this Act shall be deemed to be a valuation in force under this Act and the valuation shall, subject to correction, alteration or amendment under this Act, remain in force until superseded by a valuation under this Act.

**Transitional
provisions.**

(2) Where in respect of any land, there were immediately before the coming into operation of this Act, differing valuations in force under the rating and taxing Acts, each such valuation shall remain in force only for the purposes of the Act under which it was made or adopted.

(3) For the purposes of subsection (1), an annual value assigned to land in pursuance of any of the rating and taxing Acts shall be deemed to be a determination of the gross rental value within the meaning of this Act and an unimproved value assigned to land in pursuance of any of the rating and taxing Acts shall be deemed to be a determination of the unimproved value within the meaning of this Act, notwithstanding any divergence in the terms in which any such value is defined as between this Act and any of the rating and taxing Acts.

(4) Every objection or appeal relating to the valuation of any land for the purpose of assessing any rate or tax upon that land that was made or commenced under any of the rating and taxing Acts and not finally disposed of at the coming into operation of this Act shall subsist and be dealt with as if this Act had not been enacted.

(5) Every right of objection or appeal relating to the valuation of any land for the purpose of assessing any rate or tax upon that land that might have been exercised under any of the rating and taxing Acts immediately before the coming into operation of this Act may be exercised and, if exercised, shall subsist and be dealt with as if this Act had not been enacted.

(6) This section does not revive any expired right of objection or appeal.

PART II.—ADMINISTRATION.

6. (1) There shall be appointed a Valuer-General and such other officers and staff as may be required for the administration of this Act.

Valuer-
General
and other
officers.

(2) Such officers and staff shall be appointed and shall hold their positions subject to and in accordance with the Public Service Act, 1904.

(3) A person appointed Valuer-General shall be a person who is qualified for membership of the Australian Institute of Valuers (Incorporated) as a Fellow or Associate of that Institute.

7. (1) The Valuer-General shall have the general administration of this Act.

Valuer-General to administer Act.

(2) The Valuer-General shall, in valuing any land under this Act, exercise an independent judgment and not be subject to direction from any person.

8. (1) The Valuer-General may, by instrument in writing under his hand, delegate to any officer assisting the Valuer-General in the administration of this Act, such of his powers, duties and functions other than the power of delegation conferred by this section, as are conferred or imposed upon the Valuer-General by or under this Act and which are specified in the instrument.

Power of delegation.

(2) Any such delegation may be made in respect of any particular matter or any class of matters or generally, or may be limited to any part of the State, and may be subject to such terms and conditions as the Valuer-General thinks fit.

(3) Any delegation under this section shall be revocable at will and shall not prevent the exercise of a power or the performance of a duty or function by the Valuer-General.

(4) Where the exercise or performance by the Valuer-General of any power or function under this Act or the operation of any provision of this Act is dependent upon the opinion, belief or state of mind of the Valuer-General in relation to any matter, that power or function may be exercised or performed by a delegate of the Valuer-General acting as such in

relation to that matter, or that provision may operate, as the case may be, upon the opinion, belief or state of mind of that delegate acting as such.

Power of
inspection
of public
offices.

9. The Valuer-General may at all reasonable times inspect, free of charge, any document relevant to the ownership or valuation of any land in the custody of a municipality, and any document relevant to the ownership or valuation of any land in the Land Titles Office, the office for the Registration of Deeds, any office of the Department of Lands and Surveys and the Department of Mines and any other public office; and may require and take copies thereof or extracts therefrom.

Other
powers of
inspection.

10. (1) The Valuer-General shall at all reasonable times have full and free access to all land, buildings, places and documents for the purpose of ascertaining the ownership of or valuing any land or for any purpose related thereto, and may make extracts from or copies of any such documents.

(2) A person shall not obstruct the Valuer-General in the exercise of his powers under subsection (1).

Power to
obtain
information.

11. (1) The Valuer-General may, for the purpose of determining the ownership or value of any land, put any question either orally or in writing to the owner or agent of the owner or trustee of land or to any person in occupation or charge of land or entitled to occupy or use land.

(2) A person who, after being informed by the Valuer-General of the purpose in putting a question and of his authority to do so, omits or refuses to answer the question to the best of his knowledge or belief either orally or in writing as requested, or knowingly makes a false answer to the question, commits an offence.

12. (1) The Valuer-General may, by notice in writing, require any person to attend before him, or any other officer authorised by him in that behalf, and to give such evidence and to produce all such documents in the person's custody or under his control as the Valuer-General or the officer shall consider necessary to determine any matter relating to the ownership or valuation of any land.

Attendance,
giving
evidence and
production
of
documents.

(2) The Valuer-General may require the evidence to be given on oath, and either orally or in writing and for that purpose he or the officer authorised as mentioned in subsection (1) may administer an oath.

(3) A person who, after being served with a notice referred to in subsection (1), fails to attend as required in such notice, or refuses to answer any question or knowingly gives a false answer, or fails or refuses to produce any document in his custody or under his control, as required by this section, commits an offence.

13. (1) This section applies to every person who is or has been the Valuer-General or an officer or a member of the staff assisting the Valuer-General in the administration of this Act.

Secrecy.

(2) Subject to this section and section 14, a person to whom this section applies shall not, either directly or indirectly, except in the exercise of a power or the performance of a function or duty under or in connection with this Act—

- (a) make a record of, or divulge or communicate to any person any information concerning the affairs of any person acquired by him by reason of his office or employment under or for the purposes of this Act; or
- (b) produce to any person any document furnished for the purposes of this Act.

- (3) A person to whom this section applies—
- (a) may produce before any court or tribunal any document relating to the affairs of any other person of which he has the custody or to which he has access by virtue of his office or employment under or for the purposes of this Act; and
 - (b) may divulge or communicate to any court or tribunal any information concerning the affairs of any other person obtained by him by reason of such office or employment,

when it is necessary to do so for the purposes of a prosecution under or arising out of this Act, any proceedings before a Land Valuation Tribunal, any proceedings in which a valuation made under section 39 is in issue or any proceedings for the recovery of any fine, rate or tax.

Saving.

14. (1) The Valuer-General may communicate or divulge to—

- (a) the Commissioner, Second Commissioner or Deputy Commissioner under any law of the Commonwealth relating to taxation or to any person authorised in writing by any such Commissioner, Second Commissioner or Deputy Commissioner to receive it; or
- (b) the Commissioner or any other officer of any State or Territory of the Commonwealth administering any law of the State or Territory relating to taxation or to any person authorised in writing by any such Commissioner or other officer to receive it,

any information concerning the affairs of any person disclosed or obtained under the provisions of this Act.

(2) The Treasurer may, when in his opinion it is in the public interest to do so, authorise the Valuer-General to communicate or divulge, subject to such conditions as the Treasurer may in writing specify, to any Minister administering any department or

agency or instrumentality of the Crown or to any other person or class of persons, such information obtained by the Valuer-General under this Act as the Treasurer may in writing specify.

15. (1) A person employed in the administration of this Act shall not engage in any private valuation work, whether for or in expectation of any reward or not, without first obtaining the consent in writing of the Valuer-General.

Private
valuation
work
restricted.

(2) Subsection (1) shall operate in addition to, and not in derogation of, section 75 of the Public Service Act, 1904.

16. (1) The Valuer-General may engage under contract for services such valuers and professional, technical or other assistance as may be necessary to enable the Valuer-General to perform his duties and functions effectively.

Valuer-
General
may engage
assistance
under
contract.

(2) The Valuer-General shall not engage a person under this section as a valuer if he is employed by, or a member of, a rating or taxing authority.

(3) A person engaged by the Valuer-General under this section shall be deemed, for the purposes of sections 8 and 13, to be an officer assisting the Valuer-General in the administration of this Act.

(4) A person engaged by the Valuer-General under this section is not a person appointed under the Public Service Act, 1904; and subject to this Act and to any award or agreement in force under the Industrial Arbitration Act, 1912, the Valuer-General may effect, suspend and terminate the engagement subject to such terms and conditions as the Valuer-General determines.

PART III.—VALUATION.

Division 1.—General and Interim Valuations.

17. (1) For the purpose of this Act the Valuer-General shall constitute the State into valuation districts.

Valuation
districts.

(2) The Valuer-General may from time to time in like manner reconstitute valuation districts.

(3) In constituting and reconstituting valuation districts, the Valuer-General—

- (a) shall have regard to the boundaries of areas defined under the rating and taxing Acts for rating or taxing purposes, and
- (b) may constitute and reconstitute the same part or parts of the State into valuation districts for the purpose of determining gross rental values different to valuation districts for the purpose of determining unimproved values.

General valuations.

18. (1) The Valuer-General shall, as soon as practicable after the coming into operation of this Act, make or cause to be made a general valuation of rateable land within each valuation district.

(2) For the purposes of such general valuation, the Valuer-General shall determine, or cause to be determined, with respect to rateable land, the gross rental value or the unimproved value or both those values so far as that value or those values are required by a rating or taxing authority for the purpose of assessing any rate or tax or are, in the opinion of the Valuer-General, reasonably likely to be so required before the next general valuation of such land is made.

Time at which value to be ascertained.

19. When a general valuation of rateable land is made in a valuation district, any value assigned to land shall be the value as at the date of the completion or the substantial completion of the general valuation.

Time when general valuation comes into force.

20. The valuations comprising the general valuation shall come into force and supersede any previous valuations in force under this Act relating to the land to which the general valuation relates

as from such day, whether before or after the completion or the substantial completion of the general valuation, as shall be determined by the Valuer-General.

21. (1) The Valuer-General shall, within forty two days after he has, in his opinion, completed or substantially completed a general valuation of land within a valuation district under this Act, cause notice of the making of the general valuation to be published in the *Government Gazette* and in one issue of each of two newspapers having general circulation within the valuation district.

Notice of general valuation to be published in *Gazette* and newspapers.

(2) A notice published under subsection (1) shall specify

- (a) the valuation district to which the general valuation relates;
- (b) the date of completion or substantial completion of the general valuation;
- (c) the date on which the general valuation shall, or shall have, come into force;
- (d) the rating or taxing authorities which are required to use valuations included in the general valuation for assessing any rate or tax;
- (e) the place or places where, and the times at which, copies of the general valuation are available to the public for inspection; and
- (f) the time within which, and the manner in which, objection to any valuation included in the general valuation may be made.

22. (1) A general valuation shall be made within each valuation district at such times as the Valuer-General shall determine: but the Valuer-General shall ensure that, so far as practicable, the valuations comprising a general valuation shall at all times be accurate and up-to-date.

Frequency of general valuations.

(2) If the Valuer-General is of opinion that the value of land within a valuation district has not significantly increased or decreased since a previous general valuation thereof, he may, by notice published in the *Government Gazette* and in one issue of each of two newspapers having general circulation within the valuation district, declare that the previous general valuation accurately sets forth the values of rateable land within that valuation district.

(3) A notice published under subsection (2) shall contain the same information with any necessary modifications as a notice published under subsection (2) of section 21.

(4) A declaration under subsection (2) shall be deemed to constitute a general valuation of the land within that valuation district.

Interim
valuations.

23. (1) The Valuer-General may, at any time, value or cause to be valued any rateable land where such land has not previously been valued or separately valued under this Act or where in his opinion it is necessary or expedient for any reason that such land be valued.

(2) The Valuer-General shall value or cause to be valued any rateable land where in his opinion the value thereof has for any reason significantly increased or decreased in relation to the value of land of the same or a similar character in the same valuation district.

(3) The Valuer-General may value any land or cause it to be valued under subsection (1) or subsection (2) without carrying out a general valuation of all rateable land in the same valuation district.

(4) Where a valuation is made under subsection (1) or subsection (2), the value of the land shall be determined—

(a) if there has been a previous general valuation under this Act of rateable land within the same valuation district as that

land, in accordance with the level of values prevailing in relation to land of the same or a similar character at the time of completion of the last general valuation; or

- (b) if there has been no previous general valuation under this Act of rateable land within the same valuation district as that land—
- (i) in accordance with the level of values prevailing at the time of the last general valuation of land in that valuation district made under any of the rating and taxing Acts;
 - (ii) or if no such general valuation had been made, in accordance with the level of values prevailing at the date of the completion of the valuation.

(5) A valuation made under this section shall come into force and supersede any previous valuation in force under this Act and affecting the land to which the valuation relates as from such day, whether before or after the day on which the valuation is made, as the Valuer-General shall determine.

24. Subject to section 21 of the Strata Titles Act, 1966, the Valuer-General may, in his discretion, make a separate valuation of any part of any land, or may value any land conjointly with any other land and apportion the valuation to the separate parts.

Valuation
may be
separate
or joint.

25. (1) A rating or taxing authority may, subject to the approval of the Valuer-General and subject to such conditions as the Valuer-General determines, engage a valuer to make a general valuation of rateable land within a valuation district or to value specified land within a valuation district in respect of which the authority considers that an interim valuation is necessary or expedient.

Rating or
taxing
authority
may engage
valuers to
make
general or
interim
valuations.

(2) A person shall not be engaged as a valuer under this section unless he is licensed under the Land Valuers Licensing Act, 1978 or qualified for membership of the Australian Institute of Valuers (Incorporated) as a Fellow or Associate of that Institute.

(3) A valuer engaged under this section shall, for the purposes of sections 8 and 13, be deemed to be an officer assisting the Valuer-General in the administration of this Act.

(4) Where the Valuer-General approves the engagement of a valuer under this section, the Valuer-General shall specify, in respect of each valuation district in which the valuer shall make valuations, the date as of which the level of values shall be determined.

(5) The authority shall submit any valuation made pursuant to this section to the Valuer-General for approval.

(6) The Valuer-General may approve or decline to approve such valuation or may approve it subject to such amendments as he considers fit.

(7) When the Valuer-General approves a valuation pursuant to this section, he shall adopt it as a general valuation or an interim valuation, as the case may be, of rateable land within the valuation district to which it relates; and this Act shall apply to the valuation as if it were a general valuation or an interim valuation, as the case may be, made by the Valuer-General under this Act.

(8) Where the Valuer-General adopts a valuation pursuant to this section, he may pay to the authority for which the valuation was made such sum as the Valuer-General determines; but such sum shall not exceed either the cost of such valuation or the charge that the Valuer-General would have raised against the authority if the Valuer-General had made the valuation, whichever is the lesser.

Division 2.—Valuation Rolls.

26. (1) The Valuer-General shall, as soon as practicable after the coming into operation of this Act, complete and maintain valuation rolls of rateable land. Valuation rolls.

(2) The Valuer-General shall, as soon as practicable after a general valuation of rateable land in a valuation district shall have come into force, complete and maintain a new valuation roll or new valuation rolls in respect of such land.

(3) There shall, so far as practicable, be a separate valuation roll for each valuation district.

(4) The valuation rolls shall be in such form as the Valuer-General determines and shall contain the following particulars in respect of rateable land—

- (a) a description of every portion of land separately valued sufficient to identify it;
- (b) the gross rental value and the unimproved value of the land, so far as those values have been determined by the Valuer-General;
- (c) the date on which the valuation or valuations shall, or shall have, come into force; and
- (d) such additional particulars as the Valuer-General may determine.

27. (1) The Valuer-General shall correct or amend a valuation or entry in a valuation roll if he discovers or receives notice of any error in the valuation or entry. Amendment or addition to, or deletion from Valuation Roll.

(2) The Valuer-General shall make any amendment or addition to a valuation roll necessary as a result of an interim valuation.

(2) The Valuer-General may delete an entry in a valuation roll if the relevant land ceases to be rateable land and may delete a valuation in a valuation roll if that valuation is not required by any rating or taxing authority.

Valuation roll to be available for public inspection and to rating and taxing authorities.

28. (1) The Valuer-General shall, after completion of a valuation roll for a valuation district and after making any addition, deletion, correction or amendment thereto—

- (a) deposit and retain the original valuation roll in the office of the Valuer-General;
- (b) make true copies thereof available for public inspection at such places, at such times and upon payment of such fee as may be prescribed;
- (c) furnish each rating or taxing authority obliged to adopt or use any valuations entered in such valuation roll with a true copy thereof or of such addition, deletion, correction or amendment thereto, as the case may be.

(2) A copy of a valuation roll and of any addition, deletion, correction or amendment thereto furnished to a rating or taxing authority may be in writing or transcribed upon magnetic tape or in such other form as the Valuer-General and the rating or taxing authority may agree.

Copies of or extracts from entries in valuation rolls.

29. (1) Upon the application in writing of any person and upon payment of such fee as may be prescribed, the Valuer-General shall furnish that person with a certified copy of, or extract from, any entry in a valuation roll.

(2) A copy of, or extract from, an entry in a valuation roll certified by the Valuer-General shall in all proceedings and for all purposes be evidence of the matters and things stated therein and that any valuation to which the entry relates has been made in conformity with this Act.

Division 3.—Concessional Valuations.

Valuer-General to make concessional valuations of re-zoned land.

30. (1) Whenever the council of a municipality requests the Valuer-General to determine, in accordance with subsection (4a) of section 533 of

the Local Government Act, 1960, the value of land to which subsection (4c) of that section applies, the Valuer-General shall make such determination accordingly.

(2) A determination of the value of land under subsection (1) shall be made in accordance with subsection (4) of section 23 as if such determination were an interim valuation of that land.

31. Whenever an owner of any land held or granted pursuant to an agreement that is made with the Crown in right of the State and scheduled to an Act approving the agreement shall be eligible to, and shall, give notice, in accordance with section 533B of the Local Government Act, 1960, to the municipality within whose district such land is situated to have the land valued in accordance with that section, and the municipality requests the Valuer-General to value such land in accordance with that section, the Valuer-General shall value such land accordingly.

Valuer-General to make concessional valuations of land subject to special agreements.

PART IV.—OBJECTIONS AND APPEALS.

32. (1) Any person liable to pay any rate or tax assessed in respect of land who is dissatisfied with a valuation of such land made under this Act, may serve upon the Valuer-General or any rating or taxing authority a written objection to the valuation—

Objections to valuation.

- (a) in the case of land the subject of a general valuation, within forty-two days after the date on which the making of the valuation was notified in the *Government Gazette* under section 21 or section 22; and
- (b) in any case where the valuation is the basis of the assessment by a rating or taxing authority of any rate or tax, within forty-two days after the issue of such an assessment.

- (2) An objection to a valuation of land shall—
- (a) describe the relevant land so as to identify it;
 - (b) identify the valuation objected to; and
 - (c) set out fully and in detail the grounds of objection.

(3) An objection to a valuation of land may be made on the ground that the valuation is not fair or is unjust, inequitable or incorrect, whether by itself or in comparison with other valuations in force under this Act.

(4) A person may not make more than one objection to the one valuation during any period of twelve months.

(5) Where an objection to a valuation is served on a rating or taxing authority, that authority shall as soon as practicable refer the objection to the Valuer-General and advise him of the date on which the objection was served on that authority.

(6) The Valuer-General may, for reasonable cause shown by a person entitled to make an objection, extend the time for service of the objection for such period as the Valuer-General considers reasonable in the circumstances.

(7) The Valuer-General shall, with all reasonable despatch, consider any objection and may either disallow it or allow it, wholly or in part.

(8) The Valuer-General shall promptly serve upon the person by whom the objection was made written notice of his decision on the objection and a brief statement of his reasons for that decision.

(9) Where the Valuer-General decides to allow an objection, wholly or in part, he shall also advise the person by whom the objection was made of any consequent amendment of valuation; and where the Valuer-General decides to disallow an objection, wholly or in part, he shall also advise that person of the time within which and the manner in which an appeal against the decision may be made.

33. (1) Any person who is dissatisfied with the decision of the Valuer-General on an objection by that person may, within forty-two days (or such further period as the Valuer-General shall, for reasonable cause shown by the person, allow) after service of notice of the decision of the Valuer-General, serve on the Valuer-General a notice requiring that the Valuer-General treat the objection as an appeal against the valuation.

Appeal
against
valuation.

(2) Upon receipt of such notice the Valuer-General shall promptly refer the objection to a Land Valuation Tribunal as an appeal.

34. The Valuer-General shall promptly advise every rating or taxing authority obliged to adopt or use, or which has adopted, any valuation—

Valuer-
General to
advise rating
and taxing
authorities
of objections
and appeals.

- (a) of receipt by him of an objection to the valuation;
- (b) of any allowance by him of an extension of time for service of an objection to the valuation;
- (c) of his decision on an objection to the valuation and the reasons therefor;
- (d) of any amendment of the valuation consequent upon his allowance, wholly or in part, of an objection to the valuation; and
- (e) of receipt by him of a notice requiring him to treat an objection to the valuation as an appeal.

35. (1) A person who is dissatisfied with a decision of the Valuer-General to refuse to extend the time for service of an objection against a valuation or for service of a notice requiring the Valuer-General to treat an objection to a valuation as an appeal against the valuation may serve on the Valuer-General a notice requiring the Valuer-General to refer such decision to a Land Valuation Tribunal as an appeal.

Appeal
against
refusal to
extend time
for objection
or appeal.

(2) Upon receipt of such notice the Valuer-General shall promptly refer the decision to a Land Valuation Tribunal as an appeal.

General
appeal
against
valuation.

36. (1) Where there is a question of general interest as to whether proper principles have or have not been applied in the valuation under this Act of the whole or a definable part of the land in a valuation district, a rating or taxing authority having an interest in the valuation or any person liable to pay any rate or tax on the basis of the valuation of any part of the land may appeal to a Land Valuation Tribunal to have the question resolved.

(2) A person liable to pay any rate or tax shall not appeal under this section to have a question relating to his own individual case resolved.

(3) The Land Valuation Tribunal hearing an appeal brought under this section may give such directions in relation to a valuation, or a part thereof, as it considers fit, including making an order quashing, wholly or in part, a valuation which, in the opinion of the Tribunal, has not been properly made.

PART V.—MISCELLANEOUS.

Municipali-
ties to
furnish
information
to Valuer-
General.

37. Each municipality shall, not later than the fourteenth day of each month after the coming into operation of this Act, furnish to the Valuer-General in respect of land within the district of such municipality—

- (a) a schedule of all projects for which the municipality issued building licenses during the preceding month, setting forth in respect of each project—
 - (i) the name and postal address of the owner of the land;
 - (ii) the name and postal address of the builder;

- (iii) a description of the land; and
 - (iv) the estimated cost of such building work;
- (b) a schedule of all projects for which the municipality had issued building licences and which were known by the municipality to have been completed during the preceding months setting forth in respect of each project the information referred to in subparagraphs (i) to (iv) of paragraph (a) of this section; and
- (c) a schedule listing all registered strata plans and amendments thereto delivered to the municipality under subsection (3) of section 21 of the Strata Titles Act, 1966.

38. The Valuer-General shall raise against each rating or taxing authority such charges in respect of the supply of valuation rolls, other valuations and any other goods and services he is authorised to supply as are from time to time prescribed; but such charges shall not exceed the cost of such goods or services.

Valuer-General to charge for valuation rolls and other valuations.

39. (1) The Valuer-General may make valuations of land for any department, agency or instrumentality of the Crown in right of the Commonwealth, in right of the State and in right of any other State.

Valuer-General may make other valuations for Crown.

(2) The Valuer-General may raise such charges for valuations made under subsection (1) as he considers appropriate.

40. (1) All moneys paid to and recovered by the Valuer-General under this Act shall be paid to the Treasurer and shall form part of the general revenue of the State.

Financial provision.

(2) The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for those purposes.

Valuation
not affected
by
irregularity.

41. The validity of a valuation under this Act shall not be affected by reason of any failure to observe any of the provisions of this Act.

Immunity of
Valuer-
General
and persons
authorised
by him.

42. No liability shall attach to the Valuer-General, or any person duly authorised by him, for any act or omission by him in good faith and in the exercise or purported exercise of his powers and functions, or in the discharge or purported discharge of his duties, under this Act.

Evidentiary
provisions.

43. The production of a copy of a page of the *Government Gazette* or of a newspaper circulating in a town or district containing any notice purporting to be published in pursuance of this Act shall be conclusive evidence that the notice was duly published on the date shown on the copy of the page of the *Government Gazette* or that newspaper, as the case may be.

General
penalty.

44. A person who contravenes any of the provisions of this Act is, except where otherwise expressly provided, liable to a penalty not exceeding five hundred dollars.

Summary
procedure.

45. Proceedings in respect of offences against this Act shall be disposed of summarily.

Time for
laying
complaints.

46. Notwithstanding the provisions of any other Act, proceedings for an offence against this Act may be brought within the period of two years after the commission of the alleged offence.

Institution
of
prosecutions.

47. (1) A complaint for an offence against any provision of this Act or regulations made thereunder may be laid in the name of the Valuer-General by any officer employed in the administration of this Act and authorised to lay complaints on behalf of

the Valuer-General, and any prosecution instituted in the name of the Valuer-General shall, in the absence of evidence to the contrary, be deemed to have been instituted by his authority.

(2) An officer referred to in subsection (1) may appear on behalf of the Valuer-General in any proceedings for an offence against any provision of this Act or regulations made thereunder.

48. Without derogating from the provisions of section 31 of the Interpretation Act, 1918—

Service of notices.

- (a) a notice or other document that the Valuer-General is required or authorised to serve upon any person by or under this Act may be served on that person by affixing it in some conspicuous place upon the land to which it relates; and
- (b) any notice or other document required or authorised to be served on the Valuer-General by or under this Act may be served by being lodged at the office of the Valuer-General.

49. (1) The Governor may make such regulations as are necessary or expedient for the purposes of this Act.

Regulations

(2) Without limiting the generality of subsection (1), the regulations—

- (a) may require any agency or instrumentality of the Crown, or a municipality or any other public authority to furnish to the Valuer-General details of any land owned by or vested in it and which any other person is entitled to use under an agreement or arrangement with it; and
- (b) may impose charges for any goods or services supplied by or on behalf of the Valuer-General to any person but so that the charges imposed do not exceed the cost of supplying the goods or services.

(3) The regulations—

- (a) may be limited in their application to time, place or circumstance; and
- (b) may provide that any act or thing shall be done with the approval or to the satisfaction of a specified person or class of persons and may confer a discretionary authority.

(4) The regulations may provide for penalties not exceeding two hundred dollars for contravention of any of the regulations.
