

Western Australia

Land Valuation Tribunals Regulations 1979

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Land Valuation Tribunals Regulations 1979

CONTENTS

1.	Citation	1
2.	Interpretation	1
3.	Appeal documents	2
4.	Registrar to index appeal documents	2
5.	Dates of appeals to be kept in register	2
6.	Additional documents, maps, etc.	2
7.	Registrar to notify Chairman of appeal	3
8.	Time and place of appeal	3
9.	Allocation of business where more than one Tribunal	3
10.	Leave for interested party to appear	4
11.	Local Courts procedure to be followed	5

NOTES

LAND VALUATION TRIBUNALS ACT, 1978

Land Valuation Tribunals Regulations 1979

HIS Excellency the Governor in Executive Council acting under the provisions of the *Land Valuation Tribunals Act 1978* and section 11 of the *Interpretation Act 1918* has been pleased to make the regulations set forth in the schedule hereunder.

1. Citation

These regulations may be cited as the *Land Valuation Tribunals Regulations 1979*.

2. Interpretation

In these regulations unless the contrary intention appears —

“**register**” means the register of appeals and other proceedings of the Tribunals and the determinations of the Tribunals thereon maintained pursuant to section 16 of the Act;

“**regulation**” means one of these regulations;

“**the Act**” means the *Land Valuation Tribunals Act 1978*;

“**valuation district**” means a valuation district constituted or reconstituted pursuant to section 17 of the *Valuation of Land Act, 1978*.

3. Appeal documents

- (1) All documents and files relating to appeals or other proceedings shall be numbered consecutively in order of receipt by the Registrar.
- (2) All documents relating to a particular appeal or other proceeding shall be kept together and separate from all other documents relating to any other matter.

4. Registrar to index appeal documents

The Registrar shall maintain proper indexes of all files or documents relating to appeals and other proceedings before the Tribunals and determinations of the Tribunals thereon so that they may be conveniently referred to when required.

5. Dates of appeals to be kept in register

The Registrar shall enter or cause to be entered in the register —

- (a) In relation to an appeal that is referred to a Tribunal, the date on which the appeal is received by the Registrar from the authority by which it is referred;
- (b) In relation to an appeal that is made directly to a Tribunal, the date on which notice of the appeal is lodged with the Registrar.

6. Additional documents, maps, etc.

- (1) Where pursuant to section 19 of the Act an authority refers an objection, act or decision to a Tribunal the authority shall forward to the Tribunal, in addition to such documents as are prescribed by subsection (2) of section 19 of the Act, copies of any documents, maps, plans or written evidence that are held by the authority that are relevant to the valuation in question.
- (2) A notice of appeal lodged pursuant to section 20 of the Act shall be accompanied by any related documentary or other evidence in support of the grounds set out in the notice of appeal.

7. Registrar to notify Chairman of appeal

Where there is not more than one Tribunal established under the Act after an appeal or other proceeding has, pursuant to regulation 5, been entered in the register, and indexed, pursuant to regulation 4, the Registrar shall notify the Chairman of the Tribunal —

- (a) that the appeal has been entered in the register;
- (b) of the name of the authority in respect of which the appeal is made; and
- (c) of the valuation district in which the land the subject of the appeal is situate.

8. Time and place of appeal

On receipt of the notification referred to in regulation 7 the Chairman shall direct the Registrar to notify the authority and the appellant of the time and place at which the appeal will be heard.

9. Allocation of business where more than one Tribunal

- (1) During such times as there is more than one Tribunal established under the Act the following provisions shall apply in relation to the allocation of business between the Tribunals —
 - (a) after an appeal or other proceeding has, pursuant to regulation 5, been entered in the register and indexed, pursuant to regulation 4, the Registrar shall notify the Chairmen of the Tribunals —
 - (i) that the appeal has been entered in the register;
 - (ii) of the name of the authority in respect of which the appeal is made; and
 - (iii) of the valuation district in which the land the subject of the appeal is situate;

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- (b) the Chairmen of the Tribunals shall direct the Registrar as to the Tribunal to which the appeal or proceeding is to be allocated;
 - (c) the Registrar shall obtain from the Chairman of the Tribunal to which the appeal or proceeding is allocated the time and place at which the appeal or other proceeding will be heard; and
 - (d) the Chairman of the Tribunal to which an appeal or other proceeding is allocated shall direct the Registrar to notify the authority and the appellant —
 - (i) of the Tribunal to which the appeal or proceeding is allocated; and
 - (ii) of the time and place at which the appeal or other proceeding will be heard.
- (2) A direction given pursuant to paragraph (b) of subregulation (1) of this regulation may be given generally or in relation to a particular appeal or proceeding but shall be given so that all appeals or proceedings relating to an authority in the same valuation district shall be set down for determination by the same Tribunal.

10. Leave for interested party to appear

- (1) A person who desires a Tribunal to grant leave, pursuant to section 26 of the Act, to allow him to appear and be heard as a party to an appeal shall make written application to the Tribunal.
- (2) An application referred to in subregulation (1) of this regulation shall specify in addition to the matters set out in paragraphs (a) to (d) of subsection (2) of section 20 of the Act the nature of interest of the person applying for the grant of leave to appear and be heard in the appeal.
- (3) An application for a grant of leave to appear and be heard before a Tribunal pursuant to section 26 of the Act shall be determined by the Chairman thereof sitting alone.

- (4) Where pursuant to section 26 of the Act a person is granted leave to appear and be heard as a party to an appeal the Registrar shall notify the other parties to the appeal of that fact.

11. Local Courts procedure to be followed

The procedure upon the hearing of an appeal or other proceeding before a Tribunal shall, so far as not inconsistent with the Act and these regulations, be in accordance with the procedure of a Local Court under the *Local Courts Act 1904*, and the Rules under that Act.

Notes

- ^{1.} This is a compilation of the *Land Valuation Tribunals Regulations 1979* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Land Valuation Tribunals Regulations 1979</i>	6 Jul 1979 pp.1828-9	6 Jul 1979