

1974

VICTORIA.



ANNO VICESIMO TERTIO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 8649.

An Act to amend the *Valuation of Land Act* 1960  
and the *Local Government Act* 1958.

[17th December, 1974.]

**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 Victoria in this present Parliament  
assembled and by the authority of the same as follows (that is  
to say) :—

Short title.

1. (1) This Act may be cited as the *Valuation of Land (Amendment)*  
*Act* 1974.

Principal Act  
No. 6633.  
Reprinted to  
No. 8432.

(2) In this Act the *Valuation of Land Act* 1960 is called the  
Principal Act.

Commence-  
ment.

(3) This Act shall come into operation on the day on which it  
receives the Royal Assent.

Amendment of  
No. 6653 s. 2.

2. In section 2 of the Principal Act after the interpretation of  
"Rating authority" there shall be inserted the following  
interpretation :—

"Registered  
valuer."

"Registered valuer" means a person registered under  
Part II.

3. Section

3. Section 3 of the Principal Act is hereby amended as follows:—

Amendment of  
No. 6653 s. 3.

- (a) In sub-section (2) for the words "the holder of a certificate of qualification as a valuer issued by the Valuers' Qualification Board as hereinafter provided" there shall be substituted the words "a registered valuer";
- (b) In sub-section (3) for the words "persons holding certificates of qualification as a valuer" there shall be substituted the words "registered valuers"; and
- (c) At the end of sub-paragraph (i) of sub-section (5) after the words "settlement or gift" there shall be inserted the words "or for taxation purposes".

4. Sub-section (3) of section 3A of the Principal Act is hereby amended as follows:—

Amendment of  
No. 6653  
s. 3A.

- (a) For the expression "Every person authorized pursuant to sub-section (1) to obtain information for the making of a valuation" there shall be substituted the words "Every person appointed pursuant to section 3 for the purposes of this Act"; and
- (b) In paragraph (a) after the words "to his knowledge" there shall be inserted the words "in the course of his employment".

5. Section 7 of the Principal Act is hereby amended as follows:—

Amendment of  
No. 6653 s. 7.

(a) In sub-section (2)—

- (i) the words "have the power to" shall be repealed; and
- (ii) for the words "at the time of the valuation" there shall be substituted the words "at the date of the return of the valuation";

(b) In sub-section (2c)—

- (i) for the expression "sub-section (2) of section 258" there shall be substituted the expression "sub-section (3) of section 258"; and
- (ii) for the expression "paragraph (g) of sub-section (1A)" there shall be substituted the expression "paragraph (i) of sub-section (2)"; and

(c) In sub-section (7) the expression commencing "and the said rating authority shall pay" and ending "determined by the valuer-general," shall be repealed.

6. In sub-section (1) of section 8 of the Principal Act for the words commencing "On the payment" and ending "in default of agreement" there shall be substituted the words "and thereupon"

Amendment of  
No. 6653  
s. 8 (1).

7. After

Amendment of  
No. 6653.  
New s. 8AA.

7. After section 8 of the Principal Act there shall be inserted the following section :—

Fees to be  
paid in respect  
of copy  
valuations.

“ 8AA. (1) A rating authority which has received a certified copy of the whole or part of the valuation from a council pursuant to sub-section (7) of section 7 or from a rating authority (other than a council) pursuant to sub-section (1) of section 8 shall pay to the council (or where so authorized by the council to a group of councils formed pursuant to section 254 of the *Local Government Act* 1958) or to the rating authority (as the case requires)—

(a) upon receipt of the valuation, fees for the use of the valuation as returned ; and

(b) thereafter, fees in respect of the servicing of the valuation.

(2) Fees referred to in sub-section (1)—

(a) shall be as agreed upon by the parties or in default of agreement as determined by the valuer-general ; and

(b) shall be payable notwithstanding the provisions of any other Act.”

(3) In sub-section (3) of section 6 of the Principal Act for the expression “ sub-section (7) of section seven and sub-section (1) of section eight ” there shall be substituted the expression “ section 8AA ”.

Amendment of  
No. 6653 s. 9.

8. In section 9 of the Principal Act the interpretation of “ Registered valuer ” shall be repealed.

Amendment of  
No. 6653 s. 14.

9. In sub-section (1) of section 14 of the Principal Act in the interpretation of “ Registrar ” for the words “ Registrar of Valuation Appeals ” there shall be substituted the words “ Registrar of Land Valuation Appeals ”.

Amendment of  
No. 6653 s. 16.

10. In sub-section (2) of section 16 of the Principal Act for the words “ a person who holds a certificate of qualification as a valuer pursuant to this Act ” there shall be substituted the words “ a registered valuer ”.

Amendment of  
No. 6653.  
New s. 17.

11. For section 17 of the Principal Act there shall be substituted the following section :—

Powers of  
Board.

“ 17. The provisions of sections 14, 15, 16, 20 and 20A of the *Evidence Act* 1958 and any Rules or orders made under sub-section (4) of the said section 20 shall, subject to the Rules, apply to and in relation to the hearing of any matter before a Board as if the Board was one appointed by the Governor in Council.”

Amendment of  
No. 6653 s. 19.

12. In section 19 of the Principal Act for the words “ Governor in Council ” there shall be substituted the word “ Minister ”.

13. For sub-section (1) of section 24 of the Principal Act there shall be substituted the following sub-section :—

Amendment of  
No. 6653 s. 24.

“(1) The Registrar shall keep a register in the prescribed form and containing the prescribed particulars—

- (a) of all claims for compensation referred to the Court or to a Board ;
- (b) of all appeals or objections made to the Court or to a Board ; and
- (c) of the determinations awards and orders of the Court or Board upon or arising out of all such claims and appeals.”

14. Section 25 of the Principal Act is hereby amended as follows :—

Amendment of  
No. 6653 s. 25.

- (a) For the expression “ \$10,000 ” where occurring in paragraph (a) and in paragraph (b) of sub-section (2) there shall be substituted the expression “ \$50,000 ” ;

- (b) After sub-section (2) there shall be inserted the following sub-section :—

“(3) The Registrar may hear and determine any application by consent of the parties for adjournment or withdrawal of any claim for compensation before a Board.”

15. For section 27 of the Principal Act there shall be substituted the following section :—

Amendment of  
No. 6653.  
New s. 27.

“ 27. (1) Subject to sub-section (2), a claim for compensation shall be deemed to have been waived and abandoned if it is not made—

- (a) within two years after the service of a notice to treat on the person entitled to make the claim ; or
- (b) within such extended period (if any) fixed by agreement in writing executed by the person entitled to make the claim and the acquiring authority or, in default of agreement and upon good cause being shown, fixed by a chairman upon the application of the person entitled to make the claim after notice of the application has been given to the acquiring authority.

(2) Any person who having made application to a chairman under paragraph (b) of sub-section (1), is aggrieved by the decision of the chairman may appeal therefrom to the Court which may hear and finally determine the matter.”

16. Section

Amendment of  
No. 6653 s. 29.

16. Section 29 of the Principal Act is hereby amended as follows :—

(a) In sub-section (1) for the expression “ paragraph (a) of section 26 ” where occurring in sub-paragraph (iii) of paragraph (a) and in sub-paragraph (iii) of paragraph (b) there shall be substituted the expression “ section 26 ”; and

(b) After sub-section (1) there shall be inserted the following sub-section :—

“(1A) The provisions of sub-paragraph (i) of paragraph (b) of sub-section (1) shall be of no force or effect unless within three months after service of the notice to treat upon the owner he was advised in writing by the acquiring authority of the effect of that sub-paragraph.”

Amendment of  
No. 6653 s. 37.

17. Section 37 of the Principal Act is hereby amended as follows :—

(a) In sub-section (1)—

(i) after the words “ each rate it makes ” there shall be inserted the words “ or intends to make ”; and

(ii) after the words “ such rate has been ” there shall be inserted the words “ or will be ”; and

(b) In paragraph (a) of sub-section (1)—

(i) after the words “ the rate is ” there shall be inserted the words “ or will be ”; and

(ii) after the words “ in respect of that property ” there shall be inserted the words “ and the date as at which the value of the property was assessed ”.

Amendment of  
No. 6653 s. 38.

18. At the end of section 38 of the Principal Act for the words “ the next succeeding section ” there shall be substituted the expression “ section 39 ”

Amendment of  
No. 6653,  
New s. 38A.

19. For section 38A of the Principal Act there shall be substituted the following section :—

Limit to  
objections that  
may be lodged.

“ 38A. Notwithstanding anything in this Act where an objection to the valuation of any rateable property is lodged with the rating authority and considered by the valuer pursuant to section 39 then, irrespective of whether the valuation is used by the same or another rating authority, within twelve months after the objection to the valuation is lodged no further objection to that valuation shall be made.”

20. For

20. For sub-sections (1) and (2) of section 39 of the Principal Act there shall be substituted the following sub-sections :— Amendment of  
No. 6653 s. 39.

“(1) Before determining an objection to a valuation the valuer for the rating authority shall provide a reasonable opportunity to the objector to discuss the matter with him.

(2) Within two months after receiving an objection the valuer to the rating authority shall—

(a) if he considers that no adjustment in the valuation is justified, serve notice of his decision on the objector ;  
or

(b) if he considers an adjustment in the valuation is justified—

(i) recommend accordingly to the valuer-general ;  
and

(ii) serve on the objector and on the rating authority a copy of his recommendation to the valuer-general.”

21. Section 40 of the Principal Act is hereby amended as follows :— Amendment of  
No. 6653 s. 40.

(a) After sub-section (1) there shall be inserted the following sub-section :—

“(1A) At the time of lodging a notice under sub-section (1), an objector shall send a copy of the same to the Registrar.” ;

(b) In paragraph (a) of sub-section (2)—

- (i) for the expression “\$10,000” there shall be substituted the expression “\$50,000” ;
- (ii) for the expression “\$2,000” there shall be substituted the expression “\$10,000” ; and
- (iii) for the expression “valuation of less than \$500” there shall be substituted the expression “value of less than \$2,500 or a site value of less than \$10,000” ; and

(c) In paragraph (b) of sub-section (2)—

- (i) for the expression “valuation of \$10,000” there shall be substituted the expression “value of \$50,000” ;
- (ii) for the expression “valuation of \$2,000” there shall be substituted the expression “value of \$10,000” ; and
- (iii) for the expression “valuation of \$500 or more” there shall be substituted the expression “value of \$2,500 or more or a site value of \$10,000 or more”.

22. Section

Amendment of  
No. 6653 s. 43.

22. Section 43 of the Principal Act is hereby amended as follows :—

(a) After sub-section (2) there shall be substituted the following sub-sections :—

“(2A) The Registrar may hear and determine an application by consent of the parties for adjournment or withdrawal of any appeal before a Board.

(2B) Where a disputed application for withdrawal or adjournment of an appeal is made within 14 days of the date fixed for the hearing the Court or Board may make such order as to costs as it deems just.” ;

(b) In sub-section (3) for the words “ Costs may be awarded to the party for whom such an appeal as aforesaid is determined ” there shall be substituted the words “ The costs of and incidental to an appeal may be awarded to the party in whose favour an appeal is determined ” ;

(c) In sub-section (4) for the words “ Such costs ” there shall be substituted the words “ Costs referred to in sub-section (3) ” ;

(d) For sub-section (5) there shall be substituted the following sub-section :—

“(5) Where an order for costs has been made by a Board the person in whose favour the order was made may enforce the order by filing, free of charge, in the office of the clerk of the magistrates’ court or in the office of the Registrar of the County Court (as the case requires) nearest the place where he resides or where the person required by the order to make payment resides or has a place of business—

(a) a copy of the order certified by the Registrar to be a true copy ; and

(b) his affidavit as the person to whom payment is to be made as to the amount not paid under the order—

whereupon the order shall be deemed to be an order duly made by a magistrates’ court or the County Court (as the case may be) requiring the payment of money and may be enforced accordingly.”

23. Section

23. Section 50 of the Principal Act is hereby amended as follows :—

Amendment of  
No. 6653 s. 50.

- (a) In sub-section (2) after the words " appeal to the Court " there shall be inserted the words " or a Board " ; and
- (b) In sub-section (3) after the words " the Court " there shall be inserted the words " or Board ".

24. After sub-section (7) of section 255 of the *Local Government Act* 1958 there shall be inserted the following sub-section :—

Amendment of  
No. 6299 s. 255.

"(8) Where 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 shall be assessed as part of the value of the whole of the land."