

# Proposed amendments to the *Land Valuation Act 2012 (NI)*

Consultation closed Sunday 30 June 2019.

Two submissions were received, one of which the Department has de-identified at the request of the author.

The first submission was received on 21 May 2019 and generally supports the proposed changes, and raises a number of other issues to consider.

The second submission was received on 3 July 2019 made by the Norfolk Island Regional Council and suggested objections to valuation decisions should be referred to the NSW Land and Environment Court or other state or territory body.

## **Submission 1:**

### *Land Valuation Act 2012 (NI)*

In respect of the proposed changes the following is provided —

- That all reference to the Administrative Appeals Tribunal be deleted.
- That all reference to the pre-trial objection conference, including mediation and conciliation, be deleted as this is an additional cost to the applicant for matters which are to go before the AAT.
- That the ART can be chaired by the Chief Magistrate who is a professional magistrate together with the other lay magistrates and if expert evidence is required then they could to access that person via video conference thru the court system.
- The costs of an appeal to the applicant would be considerable if the matter was retained by the AAT in that they would need to travel to the mainland at great cost, pay a much higher application fee and then if mediation is not successful would then need to return to have the matter dealt with by the Tribunal. This cost would be disproportionate to the amount of rates being disputed and does not provide for an open and transparent process for those persons in Norfolk Island in that other members of the community would not be able to attend the hearing without incurring great cost themselves.
- There could be considerable delay to the applicant in that the matter would need to be listed with the AAT before a hearing and with the increase in workload from other Commonwealth matters it would have the effect of compounding the delay in the AAT.
- For the applicant the costs of an appeal in such matters does not entitle them to legal aid so the full cost of the appeal will need to be met by them including travel and associated costs.
- By comparison, an appeal to the ART could be heard at very short notice if required with the court being able to be constituted within a short period of time. Alternatively, it could be included in the monthly sittings of the Court of Petty Sessions with the same court personnel sitting as the ART.
- The Registrar of Titles/Lands, the Chief Magistrate and the Valuer-General all support the proposal that the matter be dealt with by the ART.
- The Act should be amended to allow for the objector to provide further information to the Valuer-General after an objection has been made.
- That the names of the landowners and their address should be removed from the valuation roll for privacy reasons.
- The requirement of the Valuer-General or other authorised person who has caused damage to remain on the property until they give notice to the owner be removed.
- Include reference to the Registrar of Lands as required.
- Remove the requirement to advise the Valuer-General of the change of ownership as this will already be registered with the Registrar of Titles/Lands to "protected information" as there is no definition in the Act.
- Remove reference to "protected information" as there is no definition in the Act.

## Submission 2:



2 July 2019

The Department of Infrastructure, Transport,  
Cities and Regional Development

By email to: [NI\\_Legislation@infrastructure.gov.au](mailto:NI_Legislation@infrastructure.gov.au)

Dear Sir/Madam

### LAND VALUATION ACT 2012 (NI) – PROPOSED AMENDMENTS

I write on behalf of the Norfolk Island Regional Council to convey the following resolution passed by Council on 26 June 2019:

#### RESOLUTION 2019/118

Moved: Cr David Porter

Seconded: Cr John McCoy

Notwithstanding the intention to review the roll of boards and tribunals in Norfolk Island law, the Council requests that as a part of the current changes being proposed to the *Land Valuation Act 2012* (NI) the following be included:

Objections to valuation decisions would be referred to the NSW Land and Environment Court or other State or Territory body.

**CARRIED**

The reason for this request is based on the belief that although the ART or the AAT may have the legal framework and knowledge they may not understand the technical issues that may impact on the useability of land and therefor the actual value for the subject land.

We look forward to receiving your positive response to Council's request on this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Robin Adams'.

Robin Adams JP  
**Mayor**

Cc: Mr. Eric Hutchinson, Administrator  
Ms Nicole Pearson General Manager  
Norfolk Island and Jervis Bay Territory Branch  
Ms Sophie Beeton, Ministerial Adviser  
Ms Lotta Jackson, General Manager NIRC  
Councillors (to private email addresses)