

Legislative Council—No 187

As introduced and read a first time, 10 February 2022

South Australia

**Valuation of Land (Miscellaneous) Amendment
Bill 2022**

A BILL FOR

An Act to amend the *Valuation of Land Act 1971*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Valuation of Land (Miscellaneous) Amendment Act 2022*.

5 Part 2—Amendment of *Valuation of Land Act 1971*

2—Amendment of section 6A—Independence of Valuer-General

Section 6A—after "person" insert:

in the determination of a valuation

3—Insertion of section 10

10 After section 9 insert:

10—Valuer-General must consult on certain policies

(1) The Valuer-General must, in preparing a policy, direction or guideline relating to the assessment of a land attribute or externality affecting the valuation of land or classes of land consult with, and take into consideration the views of—

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(a) relevant agencies and experts in the field related to the land attribute or externality being assessed; and

(b) relevant classes of persons or groups who may be affected by the policy, direction or guideline; and

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(c) any other person or body prescribed by the regulations.

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- (2) The Valuer-General must publish any policy, direction or guideline prepared under this section on the Valuer-General's website.
 - (3) Sections 10 and 10A of the *Legislative Instruments Act 1978* apply to a policy, direction or guideline published under this section as if it were a regulation within the meaning of that Act.

4—Insertion of section 14A

After section 14 insert:

14A—Annual review of valuations

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- (1) The Valuer-General must—
 - (a) undertake, or cause to be undertaken, an annual review of valuations to determine whether the value of any land has been materially enhanced or diminished as a result of the issue of subdivision titles or the completion of development; and
 - (b) value, or cause to be valued, any such land identified in the course of the annual review.
 - (2) For the purpose of each such valuation, the Valuer-General must determine, or cause to be determined, with respect to the land subject to the valuation, the annual value, the capital value, the site value and the unimproved value of the land so far as those values are required for the purpose of levying or imposing any rate, tax or impost.
 - (3) A determination of value made under this section will come into force and supersede any previous determination of value in force under this Act and affecting the land to which the determination relates as from such day (whether before, on or after the day on which the determination of value is made) as may be determined by the Valuer-General.
 - (4) A value determined by valuation under this section must be entered in an appropriate valuation roll.
 - (5) In this section—

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development has the same meaning as in the *Planning, Development and Infrastructure Act 2016*.

5—Amendment of section 17—Valuation on request

Section 17—after subsection (1) insert:

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- (1a) Where a council requests a valuation of a portion of land forming part of a larger parcel or allotment, the Valuer-General may provide a valuation but not create a separate assessment of that portion on the South Australian Integrated Land Information System.

6—Amendment of section 22A—Notional valuations to be made in certain cases

- (1) Section 22A(1)(b)(i)—delete subparagraph (i) and substitute:
- 5 (i) the owner of the land is a natural person and the land predominantly constitutes the person's principal place of residence; or
- (2) Section 22A(1)(b)(ii)(D)—after "not" insert:
- predominately
- (3) Section 22A(1)(c)—after subparagraph (ii) insert:
- 10 (iia) the fact that part of the land is actually used for its highest and best use; or
- (4) Section 22A(2)—delete "may, and must at the request of that person" and substitute:
- must, whether at the request of that person or otherwise

7—Insertion of sections 22C and 22D

After section 22B insert:

22C—Commercial and industrial land

- 15 (1) Where land is used for a commercial or industrial purpose, a valuing authority that values the land for the purpose of levying rates, taxes or imposts must, in making the valuation—
- 20 (a) consider the existing use of the land only; and
- (b) disregard any potential use or intensification of use of the land, or any existing or potential land division; and
- (c) recognise the added value and income from the improvements in the determination of the notional site and capital values.
- 25 (2) Where a valuing authority makes a valuation under subsection (1), it must inform the owner of the land, in writing, of the valuation and the owner's obligations under subsection (3).
- 30 (3) Where land has been valued under this section and the land ceases to be land used for a commercial or industrial purpose, the owner must within 28 days inform the relevant valuing authority accordingly and must furnish such further information as the valuing authority may require.
- Maximum penalty: \$5 000.
Expiation fee: \$315.
- 35 (4) In this section—
- rating or taxing Act*** means any of the rating or taxing Acts or any other Act under which a rate, tax or impost is levied or imposed on land;

valuing authority means the Valuer-General or other authority responsible for valuing land for the purposes of a rating or taxing Act.

22D—Residential rental land

- 5 (1) Where land is used for a residential rental purpose, being land subject to a lease under the *Residential Tenancies Act 1995*, a valuing authority that values the land for the purpose of levying rates, taxes or imposts must, in making the valuation—
- 10 (a) consider the existing use of the land only, including having regard to the rental income; and
- (b) disregard any potential use of the land, or existing or potential land division, and only consider the existing configuration of residential use; and
- 15 (c) recognise the added value and income from the improvements in the determination of the notional site and capital values.
- (2) Where a valuing authority makes a valuation under subsection (1), it must inform the owner of the land, in writing, of the valuation and of the owner's obligations under subsection (3).
- 20 (3) Where land has been valued under this section and the land ceases to be land used for a residential rental purpose, the owner must within 28 days inform the relevant valuing authority accordingly and must furnish such further information as the valuing authority may require.
- 25 Maximum penalty: \$5 000.
Expiation fee: \$315.
- (4) In this section—

rating or taxing Act means any of the rating or taxing Acts or any other Act under which a rate, tax or impost is levied or imposed on land;

30 *valuing authority* means the Valuer-General or other authority responsible for valuing land for the purposes of a rating or taxing Act.

8—Amendment of section 24—Objection to valuation

- (1) Section 24(1)—delete the subsection and substitute:

- 35 (1) Subject to this section, a person who is dissatisfied with a valuation of land in force under this Act (including any aspect of the valuation such as its land use and notional value benefit determination, or any other land attribution, or lack thereof) may, by notice in writing served personally or by post on the Valuer-General, object to the
- 40 valuation.

- (2) Section 24(1a)—delete "only be made by the owner or occupier so served within 60 days after the date of service of the notice" and substitute:

be made by the owner or occupier so served, or an agent acting on behalf of the owner or occupier, within 60 days after the date of service of the notice or within the relevant valuation period, whichever is the longer.

- (3) Section 24—after subsection (3) insert:

- (4) In this section—

relevant valuation period means the period between—

- (a) the date on which the valuation the subject of the objection occurred; and
(b) the date on which the next valuation in relation to the relevant land occurs.

9—Amendment to section 25—Valuer-General to consider and decide upon objection

- (1) Section 25—after subsection (1) insert:

- (1a) A person who objects to a valuation under section 24 must, before the determination of the objection by the Valuer-General—

- (a) be afforded an opportunity to meet a valuer on the relevant land prior to the valuer making any recommendation to the Valuer-General; and
(b) be provided with the evidence upon which the recommendation by the valuer to the Valuer-General relies; and
(c) may, within 14 days of receiving the evidence provided by the valuer, provide comment on such evidence to the Valuer-General.

- (1b) The Valuer-General must, in their consideration of an objection under this section, have regard to any evidence received under subsection (1a)(b) or comment received under subsection (1a)(c).

- (2) Section 25(2)—delete the subsection and substitute:

- (2) If the Valuer-General, upon considering an objection under section 24, intends on disallowing the objection, either wholly or in part, the Valuer-General must provide to the person by whom the objection was made, and, if applicable, their agent, the evidence upon which their decision will rely, including evidence relating to relevant contested land use determination or land attribution or lack thereof.
(3) A person, or their agent, who receives evidence from the Valuer-General under subsection (2) may, within 14 days, provide comment on such evidence to the Valuer-General, who must have regard to the comment in making their determination.

(4) On the determination of an objection, the Valuer-General must serve upon the person by whom the objection was made notice in writing of the Valuer-General's decision on the objection and—

5 (a) if the Valuer-General decides to allow the objection, either wholly or in part—the Valuer-General must alter the valuation and valuation roll to conform with that decision; and

10 (b) if the Valuer-General decides to disallow the objection, either wholly or in part—the Valuer-General must provide to the person reasons for the decision and any evidence upon which the decision relies, including sales evidence and any other evidence or information prescribed by the regulations.