

South Australia

VALUATION OF LAND REGULATIONS 1991

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Revocation
4. Interpretation
5. Land to be treated as forming part of the State Heritage
- 5A. Certain notices not to constitute notice of valuation unless objection period specified
6. Panels of land valuers—manner and form of nomination for appointment
7. Review of valuation—manner and form of application
8. Review of valuation—selection of valuer to conduct review
9. Notice of sale or transfer of title to land—particulars and form
10. Fixtures and improvements not to be included in valuations
11. Prescribed fees and allowances

SCHEDULE 1

SCHEDULE 2

Fees and allowances

APPENDIX

LEGISLATIVE HISTORY

REGULATIONS UNDER THE VALUATION OF LAND ACT 1971

Valuation of Land Regulations 1991

being

No. 116 of 1991: *Gaz.* 27 June 1991, p. 2206¹

as varied by

- No. 32 of 1993: *Gaz.* 4 March 1993, p. 795²
No. 100 of 1993: *Gaz.* 17 June 1993, p. 1978³
No. 99 of 1995: *Gaz.* 10 May 1995, p. 2102⁴
No. 139 of 1996: *Gaz.* 30 May 1996, p. 2812⁵
No. 121 of 1997: *Gaz.* 13 May 1997, p. 1946⁶
No. 98 of 1998: *Gaz.* 28 May 1998, p. 2393⁷
No. 201 of 1998: *Gaz.* 26 November 1998, p. 1652⁸
No. 99 of 1999: *Gaz.* 27 May 1999, p. 2900⁹
No. 107 of 2000: *Gaz.* 25 May 2000, p. 2808¹⁰
No. 229 of 2000: *Gaz.* 7 September 2000, p. 1771¹¹

- 1 Came into operation 1 July 1991: reg. 2.
2 Came into operation 4 March 1993: reg. 2.
3 Came into operation 1 July 1993: reg. 2.
4 Came into operation 1 July 1995: reg. 2.
5 Came into operation 1 July 1996: reg. 2.
6 Came into operation 1 July 1997: reg. 2.
7 Came into operation 1 July 1998: reg. 2.
8 Came into operation 1 December 1998: reg. 2.
9 Came into operation 1 July 1999: reg. 2.
10 Came into operation 1 July 2000: reg. 2.
11 **Came into operation 7 September 2000: reg. 2.**

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *Entries appearing in bold type indicate the amendments incorporated since the last consolidation.*
- *For the legislative history of the regulations see Appendix.*

Citation

1. These regulations may be cited as the *Valuation of Land Regulations 1991*.

Commencement

2. These regulations will come into operation on 1 July 1991.

Revocation

3. All regulations previously made under the *Valuation of Land Act 1971* are revoked.

Interpretation

4. (1) In these regulations, unless the contrary intention appears—

"the Act" means the *Valuation of Land Act 1971*;

"premises" includes a part of premises.

(2) For the purposes of paragraph (c) of the definition of "annual value" in section 5(1) of the Act, the following machinery, plant and equipment are prescribed:

- (a) all machinery, plant and equipment used exclusively or mainly for the heating, cooling or ventilating of premises or for protecting premises from fire;
- (b) all elevators, lifts and escalators that are mainly or usually used in premises for the carrying of passengers and are fixed to the premises in such a manner as to be incapable of being removed without structural damage (other than minor or trivial structural damage) to the premises.

Land to be treated as forming part of the State Heritage

5. Pursuant to section 22b(6)(c) of the Act, land is to be treated as forming part of the State heritage for the purposes of section 22b of the Act if the land is an item listed in the register of City of Adelaide Heritage Items as set out from time to time in the Development Plan under the *Development Act 1993* that relates to the area of The Corporation of the City of Adelaide.

Certain notices not to constitute notice of valuation unless objection period specified

5A. Pursuant to section 23(2) of the Act, an account, assessment or notice for rates, land tax or some other impost that contains particulars of a valuation does not constitute notice of the valuation for the purposes of section 23(1) unless the document contains the following statement:

You may object to the valuation referred to in this notice by writing served personally or by post on the Valuer-General within 60 days after the date of service of this notice.

- BUT NOTE:**
- (a) if you have previously received a notice or notices under the [*here state the Act or Acts under which this account, assessment or notice is served*] referring to the valuation and informing you of a 60-day objection period, the objection period is 60 days after service of the first such notice;
 - (b) you may not object to the valuation if the Valuer-General has already considered an objection by you to that valuation.

Panels of land valuers—manner and form of nomination for appointment

6. (1) For the purposes of section 25a(4)(a) of the Act, a nomination for appointment to a panel of land valuers may not be made except on an application to the Real Estate Institute of South Australia Incorporated or the Australian Property Institute Incorporated by the land valuer seeking appointment.

(2) An application under subregulation (1) must be in writing and must set out—

(a) the applicant's full name and business address;

(b) the applicant's qualifications and his or her experience generally;

and

(c) the applicant's experience in valuing land in the region in relation to which the panel to which he or she is seeking appointment is established.

(3) A body to which an application for nomination under this regulation is made must, if satisfied that there is no reason why the applicant should not be nominated, nominate the applicant for appointment to the panel by completing the form set out in form 1 of schedule 1 and sending it to the Minister.

Review of valuation—manner and form of application

7. For the purposes of section 25b(2)(a) of the Act, an application for review of a valuation must be in the form set out in form 2 of schedule 1.

Review of valuation—selection of valuer to conduct review

8. (1) Pursuant to section 25b(4) of the Act, where due application for review of a valuation is made under section 25b of the Act, the valuer to conduct the review will be selected by the owner of the land the valuation of which is subject to the review.

(2) The Valuer-General must, for the purposes of subregulation (1), supply the owner with a list of the land valuers appointed to the appropriate panel.

(3) The owner must advise the Valuer-General by notice in writing of the valuer selected by the owner for the purposes of the review.

Notice of sale or transfer of title to land—particulars and form

9. For the purposes of section 29(1) of the Act—

(a) the particulars required in form 3 of schedule 1 are prescribed;

and

(b) a notice under that section must be in that form.

Fixtures and improvements not to be included in valuations

10. (1) Pursuant to section 34(ab) of the Act, the following fixtures and improvements must not be taken into account in determining or assessing the annual value or capital value of land where the determination or assessment is to be used for the purpose of raising, levying or imposing any rate, tax or impost:

4.

- (a) any item of machinery, plant or equipment that is used in connection with a trade, business or manufactory and is not fixed to the land or premises or is fixed to the land or premises so as to be capable of being removed without structural damage (other than minor or trivial structural damage) to the land or premises;
- (b) any main, pole, transformer, wire, pipe, machinery, plant or equipment that is used in connection with the generation and supply of electricity, the supply of gas or water or the provision of sewerage and is erected on land occupied by a public utility undertaking (whether or not an agency or instrumentality of the Crown) related to the supply or provision of such services;
- (c) trees planted—
 - (i) for the primary purpose of—
 - (A) the commercial production of timber;
 - (B) the prevention or amelioration of degradation of land;
 - (C) the disposal of effluent;or
 - (D) the provision of a habitat for wildlife;
 - (ii) for any two or more of the purposes specified in subparagraph (i).

(2) Despite subregulation (1), electricity generating plant, and substations for converting, transforming or controlling electricity, that—

- (a) are used by a body specified by proclamation under clause 3(2) of Schedule 1 of the *Electricity Corporations (Restructuring and Disposal) Act 1999*; and
- (b) are situated on land to which a proclamation under clause 3(3) of that Schedule applies,

are to be taken into account in determining or assessing the annual value or capital value of land for the purpose of raising, levying or imposing rates under the *Local Government Act 1999*.

Prescribed fees and allowances

11. The fees and allowances payable for the purposes of the Act are set out in schedule 2.

5.

SCHEDULE 1

Form 1

Valuation of Land Regulations 1991

NOMINATION OF LAND VALUER TO VALUATION REVIEW PANEL

To: The Minister for Government Enterprises

The *Real Estate Institute of South Australia Incorporated/Australian Property Institute Incorporated nominates the land valuer whose name appears below for inclusion on the valuation review panel for the *region/regions nominated.

Name

Address

Address for service of notices

Qualifications

Region or regions nominated Valuation experience in that region

Signed Dated this day of 19 .

(Being a person authorized by the *Real Estate Institute of S.A. Inc./Australian Property Institute Incorporated to make this nomination).

(*strike out whichever is inapplicable)

Valuation of Land Regulations 1991

APPLICATION FOR REVIEW OF VALUATION

NOTE:

1. A separate application is required for each review sought and the grounds of review must be fully stated on the application form.

2. Notwithstanding this review, the rate of tax assessed on the valuation must be paid by the due date.

To: The Valuer-General

I give notice that I seek a review of the Valuation No. located at:

House number

Street name

Suburb or town

Lot or Section

Hundred

I have previously objected to this valuation and an advice to this objection from the Valuer-General was dated
The *value/values as determined by the Department for Administrative and Information Services
and shown on the *notice/notices of valuation *is/are:

Annual value	\$
Capital value	\$
Site value	\$

I contend that the *value/values should be:

Annual value	\$
Capital value	\$
Site value	\$

A detailed statement of the grounds for this review application must be given below and should include a description of the land and premises and its present use.

(If space is insufficient, use the back of the form or attach a statement of grounds)

7.

Rental details (if premises let)			Detailed valuation of land and premises	
Gross rents	Particulars	\$	Particulars	\$

NOTE:

If the application for review is signed by an agent, a written authority signed by the owner must be attached.

Signed _____ Dated this _____ day of _____ 19 ____ .

Postal address _____

(*strike out whichever is inapplicable)

Valuation of Land Regulations 1991

NOTICE OF SALE OR TRANSFER OF LAND

NOTE:

1. This notice must be given to the Valuer-General within 30 days after the completion of the sale or transfer.
2. This notice will not be accepted unless all the details below are supplied.

To: The Valuer-General

I give notice that:	Date of Contract or Transfer Consideration \$				No.	
Subject to Mortgage \$						
Valuation No.	Reference to Title		Hundred, City or Township	Plan No.	Section, Town Acre, or Allotment No.	Area or Measurement
	Volume/Book	Folio/Page				

has been transferred—

From (Transferor)		To (Transferee)		
Christian Names (in full)	Surname (Block Letters)	Christian Names (in full)	Surname (Block Letters)	Address
Transferor's Signature		Transferee's Signature		

Where the transfer has not been registered in the Lands Titles Registration Office, it is necessary to furnish a diagram of the land if a portion only of a lot or section is being transferred (use space below).

.....

9.

* FOR OFFICE USE ONLY

Entered in F.B.

Checked

Valuation Number								Code
Group	Property					Sub	CD	
Ownership Number								Code
Main					Sub	CD		

SCHEDULE 2
Fees and allowances

Fees

1. (1) For a copy of the valuation roll containing valuations to be adopted for rating or taxing purposes (section 21 of the Act)—

per \$10 000 of site value	44 cents
per \$10 000 of capital value	19 cents
Minimum fee	\$2 528.00.

(2) For a copy of the valuation roll containing valuations not to be adopted for rating or taxing purposes an additional fee equal to 20% of the applicable fee is also payable.

(3) On an application for review of a valuation (section 25B(2)(c) of the Act)—

of land used by the applicant solely as his or her principal place of residence	\$61.00
of any other land	\$151.00.

(4) For a certified copy of, or extract from, any entry in a valuation roll

	\$23.00.
--	----------

Allowances under section 25A(8) of the Act

2. (1) For a review of a valuation of land used by the applicant solely as his or her principal place of residence

	\$135.00.
--	-----------

(2) For a review of a valuation of any other land

	\$165.00.
--	-----------

APPENDIX**LEGISLATIVE HISTORY****Transitional Provisions**

(Transitional provision from Regulation No. 32 of 1993, reg. 4)

4. The amendment made by these regulations does not apply in relation to a determination or assessment of annual or capital value made for the purpose of raising, levying or imposing any rate, tax or impost in respect of a financial year ending on or before 30 June 1993.

Legislative History

(entries in bold type indicate amendments incorporated since the last consolidation)

Regulation 5:	varied by 201, 1998, reg. 3
Regulation 5A:	inserted by 201, 1998, reg. 4
Regulation 6(1):	varied by 201, 1998, reg. 5
Regulation 8(2):	varied by 201, 1998, reg. 6
Regulation 10:	varied by 32, 1993, reg. 3; varied and redesignated as reg. 10(1) by 229, 2000, reg. 3(a), (b)
Regulation 10(2):	inserted by 229, 2000, reg. 3(b)
Schedule 1	
Form 1:	varied by 201, 1998, reg. 7(a)-(e)
Form 2:	varied by 201, 1998, reg. 7(f)
Schedule 2:	varied by 100, 1993 reg. 3; substituted by 99, 1995, reg. 3; 139, 1996, reg. 3; varied by 121, 1997, reg. 3; 98, 1998, reg. 3; substituted by 99, 1999, reg. 3; 107, 2000, reg. 3