

South Australia

Valuation of Land Regulations 2020

under the *Valuation of Land Act 1971*

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Legislative history

1—Short title

These regulations may be cited as the *Valuation of Land Regulations 2020*.

2—Commencement

These regulations come into operation on 24 August 2020.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Valuation of Land Act 1971*;

premises includes a part of premises.

4—Definition of annual value

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.

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

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.

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

- (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; and
 - (b) the applicant's qualifications and the applicant's experience generally; and
 - (c) the applicant's experience in valuing land in the region in relation to which the panel to which the applicant 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.

7—Review of valuation—manner and form of application

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.

8—Review of valuation—selection of valuer to conduct review

- (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.

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

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.

10—Fixtures and improvements not to be included in valuations

- (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:
 - (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; or
 - (B) the prevention or amelioration of degradation of land; or
 - (C) the disposal of effluent; or
 - (D) the provision of a habitat for wildlife; or
 - (ii) for any 2 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*.

Schedule 1—Forms

Form 1

Valuation of Land Regulations 2020

Nomination of land valuer to valuation review panel

To: The Minister under the *Valuation of Land Act 1971*

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 thisday of.....20

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

(*Strike out whichever is inapplicable)

Form 2

Valuation of Land Regulations 2020

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 under the Act 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)

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.....20

Postal address

(*Strike out whichever is inapplicable)

Form 3

Valuation of Land Regulations 2020

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				No
	Consideration \$				
	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)		
First Names (in full)	Surname (Block Letters)	First 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).

*FOR OFFICE USE ONLY										
Entered in F. B. Checked										
Valuation Number									Code	
Group		Property					Sub		CD	
Ownership Number										
Main						Sub		CD	Code	

Schedule 2—Revocation and transitional provisions

Part 1—Preliminary

1—Interpretation

In this Schedule—

the revoked regulations means the *Valuation of Land Regulations 2005*.

Part 2—Revocation of *Valuation of Land Regulations 2005*

2—Revocation of *Valuation of Land Regulations 2005*

The *Valuation of Land Regulations 2005* are revoked.

Part 3—Transitional provisions

3—Applications, nominations or notices made or given under the revoked regulations

Where a provision of these regulations substantially corresponds to a provision of the revoked regulations, an application, nomination or notice—

- (a) made or given before the commencement of these regulations in accordance with the requirements of that provision of the revoked regulations; and
- (b) the effect of which has not been exhausted at the time of commencement of these regulations,

will be taken to have been made or given in accordance with the requirements of the corresponding provision of these regulations.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations

Year	No	Reference	Commencement
2020	237	<i>Gazette</i> 23.7.2020 p3862	24.8.2020: r 2