

Valuation of Land and Other Legislation Amendment Bill 2010

Amendments agreed to during Consideration

1 Long title

Long title, from ‘and to make’—
omit.

2 Clause 2 (Commencement)

Page 6, lines 6 to 23—
omit.

3 Clause 4 (Amendment of s 2 (Definitions))

Page 7, line 6, ‘definitions *annual valuation* and’—
omit, insert—
‘definition’.

4 Clause 4 (Amendment of s 2 (Definitions))

Page 7, line 10, from ‘adjustment’—
omit.

5 Clause 4 (Amendment of s 2 (Definitions))

Page 8, line 7, ‘a general’—
omit, insert—
‘an annual’.

6 Clause 4 (Amendment of s 2 (Definitions))

Page 8, line 9, ‘a general’—

omit, insert—

‘an annual’.

7 Clause 4 (Amendment of s 2 (Definitions))

Page 8, line 11, ‘general’—

omit, insert—

‘annual’.

8 Clause 4 (Amendment of s 2 (Definitions))

Page 8, lines 17 to 19—

omit.

9 Clause 7 (Amendment of s 5 (Meaning of *value of improvements*))

Page 12, lines 12 to 22—

omit, insert—

‘ (3) In assessing the value of improvements the price payable for the construction of the physical’.

10 Clause 14 (Amendment of s 21 (Omissions from valuations))

Page 14, lines 12 to 18—

omit.

11 Clause 17 (Amendment of s 27 (Valuation of prescribed land))

Page 16, lines 28 to 32 and page 17, lines 1 to 5—

omit.

12 Clause 18 (Amendment of s 28 (Alteration of valuation in force or to come into force))

Page 17, lines 6 to 13—

omit.

13 Clause 21 (Replacement of pt 4, hdg (Annual valuations))

Page 17, lines 24 and 25 and page 18, lines 1 to 30—

omit, insert—

‘21 Insertion of new pt 4, div 1 hdg

‘After part 4 heading—

insert—

‘Division 1 Making annual valuations’.

14 Clause 22 (Replacement of ss 37–39)

Page 19, lines 1 to 25—

omit, insert—

‘22 Amendment of s 37 (Chief executive to make annual valuation)

‘Section 37(1), after ‘land in an area’—

insert—

‘and fix a date of valuation for each annual valuation’.

15 Clause 23 (Amendment of s 40 (Particulars of annual valuation to be available for inspection))

Page 19, lines 28 to 30 and page 20, line 1—

omit.

16 Clause 23 (Amendment of s 40 (Particulars of annual valuation to be available for inspection))

Page 20, line 2, '(2)'—

omit.

17 Clause 23 (Amendment of s 40 (Particulars of annual valuation to be available for inspection))

Page 20, lines 5 to 7—

omit.

18 Clause 24 (Amendment of s 41 (Advertisements))

Page 20, lines 8 to 11—

omit.

19 Clause 25 (Amendment of s 41A (Notice to owners about valuations))

Page 20, lines 13 to 18—

omit.

20 Clause 25 (Amendment of s 41A (Notice to owners about valuations))

Page 20, line 19, '(3)'—

omit.

21 Clause 26 (Replacement of ss 42 and 43)

Page 21, line 2, 'general'—

omit, insert—

'annual'.

22 Clause 26 (Replacement of ss 42 and 43)

Page 21, line 3, ‘a general’—

omit, insert—

‘an annual’.

23 Clause 26 (Replacement of ss 42 and 43)

Page 21, line 21, ‘general’—

omit, insert—

‘annual’.

24 Clause 26 (Replacement of ss 42 and 43)

Page 23, lines 4 to 6—

omit.

25 Clause 26 (Replacement of ss 42 and 43)

Page 23, line 7, ‘(vi)’—

omit, insert—

‘(v)’.

26 Clause 26 (Replacement of ss 42 and 43)

Page 24, line 10, ‘a general’—

omit, insert—

‘an annual’.

27 Clause 30 (Amendment of s 43C (Effect on objection of change in valuation))

Page 32, lines 22 to 27—

omit.

28 Clause 30 (Amendment of s 43C (Effect on objection of change in valuation))

Page 32, line 28, '(3)'—

omit, insert—

'(1)'.

29 Clause 30 (Amendment of s 43C (Effect on objection of change in valuation))

Page 33, line 1, '(4)'—

omit, insert—

'(2)'.

30 Clause 33 (Insertion of new pt 4, div 3)

Page 34, lines 28 to 30, page 35, lines 1 to 28, page 36, lines 1 to 28 and page 37, lines 1 to 16—

omit.

31 Clause 34 (Amendment of s 47 (Valuation rolls—particulars and form))

Page 37, lines 17 to 21—

omit.

32 Clause 35 (Amendment of pt 6, hdg (Notice of valuation (other than annual) and objections))

Page 37, lines 22 to 26—

omit.

33 Clause 36 (Amendment of s 50 (Notice of valuation (other than annual)))

Page 38, lines 3 to 5—

omit.

34 Clause 36 (Amendment of s 50 (Notice of valuation (other than annual)))

Page 38, line 6, '(2)'—

omit.

35 Clause 37 (Replacement of s 52 (Objections to valuation))

Page 38, line 16, 'general'—

omit, insert—

'annual'.

36 Clause 37 (Replacement of s 52 (Objections to valuation))

Page 38, lines 17 and 18, 'a general'—

omit, insert—

'an annual'.

37 Clause 37 (Replacement of s 52 (Objections to valuation))

Page 40, lines 11 to 13—

omit.

38 Clause 37 (Replacement of s 52 (Objections to valuation))

Page 40, line 14, '(vi)'—

omit, insert—

'(v)'.

39 Clause 49 (Amendment of s 72 (Purposes for which valuation to be used))

Page 53, lines 1 to 7—

omit.

40 Clause 51 (Amendment of s 96 (Evidence))

Page 53, lines 28 to 30—

omit.

41 Clause 51 (Amendment of s 96 (Evidence))

Page 54, line 1, '(2)'—

omit.

42 Clause 52 (Insertion of new pt 9, div 5)

Page 55, after line 3—

insert—

'Subdivision 1 Preliminary'.

43 Clause 52 (Insertion of new pt 9, div 5)

Page 55, line 6—

omit, insert—

'amending Act' means the Valuation of Land and Other Legislation Amendment Act 2010.

'commencement' means the date of assent of the amending Act.'

44 Clause 52 (Insertion of new pt 9, div 5)

Page 55, lines 19 to 31 and page 56, lines 1 to 10—

omit, insert—

'Subdivision 2 Validation of particular valuations

'105 Application of sdiv 2

- '(1) This subdivision applies to a valuation issued or made and in effect at any time on or from 30 June 2002 but before the commencement.

- ‘(2) However, this subdivision does not apply if an appeal under this Act against the valuation was started but not finally decided before the commencement.

‘106 Validation

- ‘(1) The valuation is taken to be, and to have always been, validly made under this Act for—
- (a) generally—the amount stated in the valuation; or
 - (b) if an objection against the valuation was made under this Act before the commencement and the valuation was not appealed against—the amount of the valuation decided on the objection; or
 - (c) if an appeal against the valuation was finally decided before the commencement—the amount of the valuation decided on the appeal.
- ‘(2) Subsection (1)(b) applies whether the decision is made before or after the commencement.
- ‘(3) This section is subject to section 107.

‘107 How ss 28 and 29A apply to the valuation

- ‘(1) Section 106 does not prevent the application of sections 28 and 29A, as in force from time to time, to the valuation in circumstances of error or omission, change of circumstances or adverse natural causes.
- ‘(2) New sections 3 to 6 and 23 apply for the application of sections 28 and 29A to the valuation.
- ‘(3) To remove any doubt, it is declared that—
- (a) section 28(1)(g) does not apply to the valuation; and
 - (b) sections 28 and 29A do not apply to the valuation merely because of the operation of former sections 3 to 6 and 23 before the commencement; and
 - (c) the chief executive can not re-issue, re-make or amend the valuation to increase its amount merely because of the operation of new sections 3 to 6 and 23.

‘Subdivision 3 Proceedings

‘108 Existing decided proceedings

‘Former sections 3 to 6 and 23 continue to apply for the purpose of a proceeding decided before the commencement.

‘109 Undecided proceedings

‘(1) Former sections 3 to 6 and 23 continue to apply for the deciding, on or before 30 June 2010, of a proceeding started before the commencement.

‘(2) New sections 3 to 6 and 23 apply for the deciding—

(a) of a proceeding started before the commencement and decided after 30 June 2010; and

Example—

New sections 3 to 6 and 23 apply for an appeal from a proceeding mentioned in subsection (1) if the appeal started before the commencement but is not decided on or before 30 June 2010.

(b) of any proceeding started after the commencement.

‘(3) For this section, a proceeding that is an appeal starts when the notice of appeal is filed.

‘Subdivision 4 General provisions for post-amended Act’.

45 Clause 52 (Insertion of new pt 9, div 5)

Page 56, line 11, ‘106’—

omit, insert—

‘110’.

46 Clause 52 (Insertion of new pt 9, div 5)

Page 56, line 15, ‘107’—

omit, insert—

‘111’.

47 Clause 52 (Insertion of new pt 9, div 5)

Page 58, lines 4 and 5—

omit, insert—

‘(3) In this section—’.

48 Clause 52 (Insertion of new pt 9, div 5)

Page 57, lines 1 to 23—

omit, insert—

‘112 References to date of valuation

‘(1) For an annual valuation that takes effect on 30 June 2010, the date of valuation is taken to be 1 October 2009.

‘(2) For another valuation issued or made after the commencement, its date of valuation is the date stated in the relevant notice about the valuation under new section 50.’.

49 Clause 52 (Insertion of new pt 9, div 5)

Page 57, line 24, ‘111’—

omit, insert—

‘113’.

50 Clause 52 (Insertion of new pt 9, div 5)

Page 58, line 12, ‘112’—

omit, insert—

‘114’.

51 Clause 52 (Insertion of new pt 9, div 5)

Page 58, line 17, from ‘appeal’—

omit, insert—

‘appeal.

‘Subdivision 5 General sunsetting of amendments under amending Act

‘115 Sunsetting

‘(1) This section applies despite the post-amended Act.

‘(2) The amendments to this Act under the amending Act, other than sections 105 and 106, do not apply for valuations that take effect on or from 30 June 2011.

‘(3) The pre-amended Act applies to valuations that take effect on or from 30 June 2011.

Editor’s note—

For the text of the pre-amended Act, see reprint 7E of this Act.

‘(4) Subsection (3) is subject to section 116.

‘116 Undecided objections and appeals

‘(1) If an objection or appeal under the post-amended Act has not been decided on or before 30 June 2011, the objection or appeal must continue to be decided under the post-amended Act.

‘(2) This section is subject to section 113.’.’.

52 Part 4 (Amendment of Local Government Act 1993)

Page 59, lines 3 to 16—

omit.

53 Part 5 (Amendment of Water Act 2000)

Page 59, line 17, 'Part 5'—

omit, insert—

'Part 4'.

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