

No. 69 of 1963.

An Ordinance relating to the Valuation of Land.

[Assented to 16th September, 1963.]

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act 1910-1962*, as follows:—

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Valuation of Land Ordinance 1963*. Short title.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice published in the *Gazette*.* Commencement.

3 This Ordinance is divided into Parts, as follows:— Parts.

Part I.—Preliminary (Sections 1-4).

Part II.—Administration (Sections 5-7).

Part III.—Valuation Areas (Section 8).

Part IV.—Valuations and Valuation Rolls (Sections 9-17).

Part V.—Objections to Valuations (Sections 18-20).

Part VI.—Reviews of Valuations (Sections 21-31).

Part VII.—Valuation Lists (Sections 32-39.)

Part VIII.—Miscellaneous (Sections 40-47).

4.—(1.) In this Ordinance, unless the contrary intention appears— Interpretation.

“Crown land” means land in the Territory that is the property of the Commonwealth;

“grazing licence” has the same meaning as in the *Crown Lands Ordinance 1931-1962*;

“improvements”, in relation to land, means improvements on or appertaining to the land, whether visible or invisible and whether made or acquired by the owner or a predecessor in title of the owner, and includes any destruction of suckers and seedlings that is incidental to the destruction of

* The date fixed was 10th February, 1964 (see *Government Gazette* No. 7A of 6th February, 1964, p. 31A).

other vegetable growths and of animal pests on the land to the extent only to which the destruction retains its effectiveness, but does not include the destruction by a person of any vegetable growths or animal pests that are allowed to establish themselves on the land during his ownership except to the extent (if any) to which that destruction consists wholly or partly of the further destruction of any vegetable growths or animal pests which, after having apparently been destroyed, are again allowed to establish themselves on the land;

“ Judge of the Supreme Court ” has the same meaning as in the *Northern Territory Supreme Court Act 1961*;

“ lease ” includes a licence to occupy, or a tenancy of, land;

“ lessee ” means a person to whom a lease of land has been granted, and includes a person to whom a lease passes by transfer, devolution or operation of law;

“ mining lease ” has the same meaning as in the *Mining Ordinance 1939-1962*;

“ owner ”, in relation to Crown land that has been leased by the Commonwealth to any person, means that person;

“ parcel of land ” means an area of land that is separately held by any owner;

“ pastoral lease ” has the same meaning as in the *Crown Lands Ordinance 1931-1962*;

“ pastoral homestead lease ” has the same meaning as in the *Crown Lands Ordinance 1931-1962*;

“ prescribed improvements ”, in relation to any land, means improvements on or appertaining to the land that are of a kind referred to in section twelve of this Ordinance;

“ prescribed land ” means land in the Territory other than—

(a) Crown land that—

(i) is not leased; or

(ii) is subject to a pastoral lease, a pastoral homestead lease, a grazing licence or a mining lease; or

(b) land that is the property of the Port Authority established under the *Ports Ordinance 1962-1963*;

“ site improvements ”, in relation to any land, means improvements on the land that consist of—

(a) the reclamation of any part of the land by draining or filling and the erection of retaining walls, and the carrying out of other works, for the purposes of reclamation; or

(b) the excavation, grading or levelling of any part of the land otherwise than for the purpose of irrigation or conservation;

“ the Supreme Court ” means the Supreme Court of the Territory established by the *Northern Territory Supreme Court Act 1961*;

“ the Territory ” means the Northern Territory of Australia;

“ the Tribunal ” means the Land and Valuation Review Tribunal established by this Ordinance.

PART II.—ADMINISTRATION.

5 For the purposes of this Ordinance, there shall be a Valuer-General for the Territory who shall be a Fellow of the Commonwealth Institute of Valuers, and shall be appointed by the Administrator in Council. Valuer-General.

6 Each person who— Valuers.

(a) is a Fellow of the Commonwealth Institute of Valuers; and

(b) is required under the *Public Service Act 1922-1960* to perform the duties of a valuer in the Territory,

shall be a valuer for the purposes of this Ordinance.

7—(1.) Subject to the approval of the Administrator, the Valuer-General may, either generally or otherwise as provided in the instrument of delegation, by writing under his hand, delegate to a valuer all or any of his powers and functions under this Ordinance (except this power of delegation). Delegation.

(2.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Valuer-General.

PART III.—VALUATION AREAS.

Valuation areas.

8.—(1.) For the purposes of this Ordinance, the Territory is divided into such valuation areas as the Administrator in Council determines.

(2.) Where a valuation area is determined under the last preceding sub-section, the Administrator shall cause notice of the determination to be published in the *Gazette*.

PART IV.—VALUATIONS AND VALUATION ROLLS.

Unimproved
capital value,
value of
improvements
and improved
value.

9.—(1.) For the purposes of this Ordinance, the unimproved capital value of prescribed land is—

(a) the capital sum which the fee simple of the land might be expected to realize if offered for sale on such reasonable terms and conditions as a seller in good faith would require, assuming that any improvements, other than site improvements, on or appertaining to the land had not been made; or

(b) the sum which would be obtained by deducting the value of any improvements, other than site improvements, on or appertaining to the land, from the improved value of the land,

whichever is the greater.

(2.) Notwithstanding anything in the last preceding sub-section, in determining the unimproved capital value of any land it shall be assumed that—

(a) the land may be used or continued to be used for any purpose for which it was being used or could be used at the date to which the valuation relates; and

(b) such improvements on or appertaining to the land are made or continued as are necessary to enable the land to be or continue to be so used,

but nothing in this sub-section prevents regard being had in determining that value to any other purpose for which the land may be used on the assumption that the improvements, other than site improvements, on or appertaining to the land had not been made.

(3.) For the purposes of this Ordinance, the value of improvements on or appertaining to prescribed land is the added value which the improvements, other than site improvements, give to the land, irrespective of the cost of the improvements, including in such added value the value of any licence granted and in force under the *Licensing Ordinance 1939-1963*, the value of which has been included in the improved value of the land.

(4.) In this section, "improved value" means, in relation to land, the capital sum which the fee simple of the land might be expected to realize if offered for sale on such reasonable terms and conditions as a seller in good faith would require.

10.—(1.) The Valuer-General shall, as soon as practicable after the commencement of this Ordinance, cause a valuation to be made of the unimproved capital value of all prescribed land. Valuations of unimproved capital value of prescribed land.

(2.) Where, after the Valuer-General has made a valuation of the unimproved capital value of any land in pursuance of this section (including this sub-section)—

- (a) the land is subdivided;
- (b) a change is made in the boundaries of the land; or
- (c) a change occurs in the purpose for which the land may be used or continued to be used,

the Valuer-General shall, as soon as practicable, cause a further valuation of the unimproved capital value of that land to be made.

(3.) Where a valuation of the unimproved capital value of any land is made in pursuance of this section (including this sub-section), the Valuer-General shall cause a further valuation of the unimproved capital value of that land to be made before the expiration of five years from the making of the first-mentioned valuation.

(4.) A valuation of the unimproved capital value of any land made in pursuance of this section shall determine that value as at the date on which the valuation is made.

11.—(1.) The Valuer-General shall cause such valuations of or in relation to land in the Territory to be made— Other valuations.

- (a) as are required by the Commonwealth, an authority of the Commonwealth, the Administrator, the Council for a municipality or any other public authority or local governing body; or
- (b) as are required by or under any law (other than this Ordinance) in force in the Territory,

and may make such other valuations of or in relation to land in the Territory as he thinks fit.

(2.) A valuation made in pursuance of this section may determine a value as at a date earlier than the date on which the valuation was made.

Value of
certain
improvements.

12.—(1.) Where the Valuer-General makes a valuation of the unimproved capital value of any prescribed land, he shall also make a valuation of—

- (a) any site improvements on the land; and
- (b) any improvements that, although not made on the land, have been made for the purpose of draining the land or protecting the land from inundation,

being improvements made within the immediately preceding period of fifteen years by the person who is the owner of the land at the date on which the valuation was made.

(2.) The Valuer-General shall not value any improvements under the last preceding sub-section at an amount exceeding the cost of making those improvements at the date on which the valuation was made.

Effect of
valuation.

13.—(1.) Where, for the purpose of any law in force in the Territory, it is necessary to ascertain the unimproved capital value as at a specified time of any prescribed land—

- (a) if the Valuer-General has made a valuation of the unimproved capital value of that land as at that time—the value determined by that valuation; or
- (b) if the Valuer-General has not made such a valuation as at that time but has made a valuation of the unimproved capital value of that land as at an earlier time—the value determined by the last such valuation,

shall, subject to the next succeeding sub-section, be deemed for the purpose of that law, unless the contrary intention appears in that law, to have been the unimproved capital value of that land at that first-mentioned time.

(2.) An amount that is deemed by the last preceding sub-section to be the unimproved capital value of any land at any time for the purpose of the *Local Government Ordinance 1955-1963* shall be deemed to be reduced by the value of the prescribed improvements on or appertaining to that land, as determined by the Valuer-General in the valuation made by him at the same time as he made the valuation of the unimproved capital value of that land.

Lands to be
included in
the one
valuation.

14.—(1.) Subject to this section, the Valuer-General shall make a separate valuation of every parcel of prescribed land.

(2.) Where several parcels of adjoining land that are situated in the same valuation area and are of the same tenure are owned by the same person and—

- (a) no part of those parcels of land is leased by the owner to any person; or

- (b) all the parcels of land are leased by the owner to the same person,

the Valuer-General may include all the parcels of land in the one valuation.

(3.) The last preceding sub-section does not apply to or in relation to a parcel of land that is capable of separate ownership and on which there is erected a building that is adapted to separate occupation.

(4.) For the purposes of this section, parcels of land that are separated by a public road shall not be deemed to adjoin one another.

15 —(1.) For the purposes of this Ordinance, the Valuer-General shall cause a valuation roll to be prepared and maintained for each valuation area.

Valuation rolls.

(2.) A valuation roll may be in such form as the Valuer-General determines.

(3.) The Valuer-General shall cause to be correctly recorded and kept on record on a valuation roll, in relation to each parcel of prescribed land in the district for which the roll is maintained, particulars of—

- (a) the name, postal address and occupation of the owner of the land;
- (b) the nature of the title to, and a description of, the land;
- (c) the unimproved capital value of the land, and the value of the prescribed improvements on or appertaining to the land, as determined by the last valuation made by him under this Ordinance; and
- (d) such other matters (if any) as are prescribed.

16 —(1.) The Valuer-General shall, as soon as practicable after he has made a valuation of the unimproved capital value of any prescribed land or of the value of the prescribed improvements on or appertaining to any such land, cause notice of the valuation to be given to the owner of the land and, if the land is within a municipality, to the Council for that Municipality.

Notice of valuations.

(2.) A notice under this section shall be in writing in accordance with the prescribed form.

17. The validity of a valuation is not affected by reason of a failure to give a notice of valuation in accordance with the last preceding section.

Validity of valuation not affected by failure to give notice.

PART V.—OBJECTIONS TO VALUATIONS.**Objection to
valuations.**

18. Where a notice of valuation is given under section sixteen of this Ordinance to a person or Council, the person or Council may, within twenty-eight days after receiving the notice, send by post to, or lodge with, the Valuer-General at his office an objection to the valuation in writing in accordance with the prescribed form and specifying one or more of the prescribed grounds of objection.

**Prescribed
grounds of
objection.**

19. The prescribed grounds of objection to a valuation of the unimproved capital value of prescribed land or of the prescribed improvements on or appertaining to any such land are—

- (a) that the values determined are too high or too low;
- (b) that the description of the land is not correctly stated;
- (c) that parcels of land that should be included in one valuation have been separately valued; or
- (d) that parcels of land that should be separately valued have been included in the one valuation.

**Decision of
Valuer-
General.**

20.—(1.) The Valuer-General shall, within twenty-eight days after receiving an objection, consider the objection and may disallow it, or allow it wholly or in part, and shall forthwith give to the objector notice in writing in accordance with the prescribed form of his decision on the objection.

(2.) A valuation is not affected by the lodging of an objection to the valuation.

PART VI.—REVIEW OF VALUATIONS.**Land and
Valuation
Review
Tribunal.**

21.—(1.) There shall be a Tribunal, to be known as the Land and Valuation Review Tribunal.

(2.) Subject to the next succeeding sub-section, the Tribunal shall consist of such person or persons as the Minister appoints.

(3.) A person is not eligible for appointment as a member of the Tribunal unless he is a Judge of the Supreme Court.

(4.) The members of the Tribunal have seniority according to the dates of their appointments.

**Registries of
Tribunal.**

22.—(1.) There shall be a Registry of the Tribunal at Darwin in the Territory.

(2.) The Administrator may authorize the establishment of additional Registries of the Tribunal at such places in the Territory as he determines.

23.—(1.) The Administrator shall appoint a Registrar of the Tribunal and may appoint such other officers of the Tribunal as are necessary.

Officers of
Tribunal.

(2.) An officer of the Tribunal shall perform such functions and exercise such powers as are prescribed.

24.—(1.) Sittings of the Tribunal shall be held at such times and places in the Territory as the senior member of the Tribunal determines.

Sittings of the
Tribunal.

(2.) The powers and functions of the Tribunal shall be exercised and performed by one member of the Tribunal.

(3.) The senior member of the Tribunal may, from time to time, make arrangements as to which member of the Tribunal is to exercise and perform the powers and functions of the Tribunal.

(4.) A member of the Tribunal may sit and exercise and perform the powers and functions of the Tribunal notwithstanding that another member of the Tribunal is at the same time sitting and exercising and performing those powers and functions.

25.—(1.) An objector who is dissatisfied with the decision of the Valuer-General on his objection may, within twenty-eight days after receiving notice of the decision, by writing request the Valuer-General to refer the decision to the Tribunal for review.

Application
for review.

(2.) Upon receipt of a request under the last preceding sub-section, the Valuer-General shall forthwith refer the decision to the Tribunal.

(3.) Upon such a reference, the objector is limited to the grounds stated in the objection.

(4.) If the valuation has been varied by the Valuer-General after considering the objection, the valuation as varied shall be the valuation to be dealt with on the reference.

26.—(1.) The Tribunal has power to review such decisions of the Valuer-General as are referred to it under the last preceding section.

Review.

(2.) For the purposes of reviewing decisions so referred to it, the Tribunal has all the powers and functions of the Valuer-General in making valuations under this Ordinance, and valuations of the Tribunal, and its decisions, upon review, shall for the purposes of this Ordinance (other than the purposes of objections to those valuations and reviews of those decisions) be deemed to be valuations and decisions of the Valuer-General.

(3.) Where a decision of the Valuer-General is so referred to the Tribunal—

- (a) the owner of the land to which the reference relates;
 - (b) the Valuer-General; and
 - (c) if the land is within a municipality—the Council for the municipality,
- are parties to the reference.

**Procedure
before Tribunal.**

27. At the hearing of a reference to the Tribunal—

- (a) the procedure of the Tribunal is, subject to this Ordinance, within the discretion of the Tribunal;
- (b) the Tribunal is not bound to act in a formal manner and is not bound by any rules of evidence but may inform itself on any matter in such manner as it thinks fit; and
- (c) the Tribunal shall act without regard to technicalities and legal forms.

**Representation
before Tribunal.**

28. At the hearing of a reference to the Tribunal, a party may be represented by a barrister or solicitor having the right to practise in the Supreme Court or by any other person authorized by the party in writing.

**Decisions of
Tribunal.**

29.—(1.) Upon a reference to the Tribunal, the Tribunal shall give a decision in writing.

(2.) Upon the request, made at the hearing by the Valuer-General or by the person at whose request the reference was made, the Tribunal shall, when giving its decision, state in writing its findings of fact and its reasons in law for the decision.

**Certificate as
to costs.**

30.—(1.) When the Tribunal gives its decision it shall, at the same time, certify the amount which, in its opinion, would be a reasonable amount to be paid by the Valuer-General or the objector, as the case may be, in respect of costs incurred by the reference to the Tribunal.

(2.) An amount so certified is recoverable as a debt, payable by the Valuer-General or the objector, as the case may be, in any court of competent jurisdiction.

**Decision of
Tribunal not to
be challenged.**

31. A decision of the Tribunal shall not be challenged, appealed against, reviewed, quashed or called in question, be subject to prohibition, mandamus, certiorari or injunction, in the Supreme Court on any account whatever.

PART VII.—VALUATION LISTS.

32. The Valuer-General shall, as soon as practicable after he has first made a valuation of the unimproved capital value of all the prescribed land situated within a municipality, cause to be furnished to the Council for that municipality a list containing such particulars as appear on the valuation roll in relation to that land.

Valuation lists.

33. Where the Valuer-General has caused a valuation list to be furnished to the Council for a municipality, he shall, at least once in each year, cause to be furnished to that Council a supplementary valuation list specifying the changes (if any) in the particulars contained in the valuation roll in relation to prescribed land within that municipality that have taken place since he last caused a valuation list or supplementary valuation list to be furnished to the Council.

Supplementary valuation lists.

34. Where the Valuer-General has caused a valuation list to be furnished to the Council for a municipality, he shall, before the expiration of five years after he last caused a valuation list to be furnished to the Council, cause a further valuation list to be furnished to the Council.

Further valuation lists.

35.—(1.) The Valuer-General may, if he thinks it desirable to do so, cause a valuation list or a supplementary valuation list to be furnished to the Council for a municipality in parts by causing to be furnished for each ward within that municipality a separate part of the list containing the particulars appearing on the valuation roll in relation to all the prescribed land in that ward.

Valuation list may be furnished in parts.

(2.) A valuation list or supplementary valuation list that is furnished to a Council in parts shall be deemed to be furnished to the Council when the last part of that list is so furnished.

36. Where the boundaries of a municipality are altered the Valuer-General shall, as soon as practicable after the alteration is made, furnish to the Council for that municipality a further or supplementary valuation list for the municipality.

Change in boundaries of municipality.

37. Where a valuation made by the Valuer-General of the unimproved capital value of land within a municipality and specified in a valuation list or supplementary valuation list furnished to the Council for that municipality is varied by the Valuer-General as a result of an objection, or by the Tribunal upon a reference, the Valuer-General shall, as soon as practicable after the variation is made, cause a supplementary valuation list containing particulars of the variation to be furnished to the Council.

Changes in valuation on review.

Fees for
valuation lists.

38. The regulations may make provision for and in relation to the fees payable by a Council for a valuation list or a supplementary valuation list furnished to it by the Valuer-General.

Form of
valuation list
and
supplementary
valuation list.

39.—(1.) A valuation list—

(a) may be in such form as the Valuer-General determines; and

(b) shall be certified by the Valuer-General, by writing under his hand, to be a true record of the particulars appearing on the valuation roll in relation to the land to which the list relates.

(2.) A supplementary valuation list—

(a) may be in such form as the Valuer-General determines; and

(b) shall be certified by the Valuer-General, by writing under his hand, to be a true record of the changes that have taken place in the particulars appearing on the valuation roll in relation to the land to which the list relates since the last valuation list or supplementary valuation list was furnished to the Council.

PART VIII.—MISCELLANEOUS.

Certified
copies of
entries in
valuation roll.

40.—(1.) On application in writing and on payment of the prescribed fee, the Valuer-General shall furnish to any person, in such form as the Valuer-General determines, a copy of an entry in a valuation roll certified by the Valuer-General to be a true copy of that entry.

(2.) In any proceedings, a document purporting to be such a certified copy of an entry in a valuation roll shall be received in evidence and, unless the contrary is shown, be deemed without further proof to be a true record of that entry.

Valuer-General
to have access
to buildings,
documents, &c.

41.—(1.) The Valuer-General, or any person authorized in writing by him, is entitled, either alone or with such other persons to assist him as he considers necessary, at all reasonable times during the day, to full and free access to all lands, buildings, places, books and papers for the purposes of this Ordinance and, for those purposes, may make copies of, or take extracts from, any such books or papers.

(2.) A person shall not hinder or obstruct the Valuer-General or any other person in the exercise of his powers under the last preceding sub-section.

Penalty: One hundred pounds.

42.—(1.) The Valuer-General, or a person authorized in writing by him, may, by notice in writing, require any person in the Territory to answer any question put to him by the Valuer-General or authorized person or to furnish to the Valuer-General or authorized person such information in the possession or under the control of the person, or to which the person has access, as the Valuer-General or authorized person requires for the purposes of this Ordinance.

Powers of
Valuer-General.

(2.) A person shall not, without lawful excuse (proof of which lies upon him), fail to answer a question put to him by the Valuer-General or an authorized person, or to furnish any information required by the Valuer-General or an authorized person, in pursuance of the last preceding sub-section.

Penalty: One hundred pounds.

43.—(1.) Where a person becomes, or ceases to be, the owner of any prescribed land, he shall, within thirty days, cause notice of that fact, in accordance with the prescribed form, to be given to the Valuer-General.

Notice of
change of
ownership.

(2.) Where a person subdivides any prescribed land, he shall forthwith cause notice of the subdivision to be given to the Valuer-General, in accordance with the prescribed form, together with a plan of the subdivision.

Penalty: Twenty pounds.

44. A notice or requirement to be given or made under this Ordinance by the Valuer-General may be given to a person—

Service of
notice, &c.

- (a) by sending it by post addressed to the person at the place of residence or business of the person last known to the Valuer-General; or
- (b) if the Valuer-General does not know a place of residence or business to which a notice or requirement may be so sent—by publishing it in the *Gazette*.

45. A change in the ownership of any land the unimproved capital value of which has been determined by the Valuer-General does not affect—

Change of
ownership of
land not to
affect pending
objections or
references.

- (a) the validity of any notice of the valuation given before the change to the former owner or any objection or request for a reference to the Tribunal made before the change by the former owner; or
- (b) the power or duty of the Valuer-General to make a reference as a result of such a request or of the Tribunal to review the valuation,

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and the new owner shall, for the purposes of this Ordinance, be treated as if he had, at all times, been the owner of the land and any act or thing done by, or any notice given to, the former owner shall be deemed for those purposes to have been done by, or given to, the new owner.

Forms to be
substantially
complied with.

46. Strict compliance with a prescribed form is not necessary and substantial compliance is sufficient.

Regulations.

47. The Administrator in Council may make regulations, not inconsistent with this Ordinance, prescribing all matters required or permitted by this Ordinance to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

