



Australian Government

Department of Infrastructure, Regional Development and Cities

# Norfolk Island *Land Valuation Act 2012 (NI)*

## Proposed changes

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Consultation paper

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## Background

The *Land Valuation Act 2012 (NI)* (the Act) provides for the valuation of land on Norfolk Island. It also provides for the appointment of the Norfolk Island Valuer-General and sets out the methodology for valuation.

The Norfolk Island Registrar of Titles (the Registrar) and the Valuer-General have identified changes they consider would improve the operation of the Act. These include removing the need for an 'objection conference' to be held when an owner objects to a valuation, as well as fixing some anomalies and errors in the text. The Department of Infrastructure, Regional Development and Cities has worked with the Registrar and the Valuer-General to identify the following proposed amendments to the Act.

## Purpose of this paper

This consultation paper sets out proposed changes to the Act and gives stakeholders and community members an opportunity to comment.

There is an agreed process to follow when consulting with the Norfolk Island community about proposed changes to laws. This is set out in the Norfolk Island Legislation Consultation Framework published on the Department's website at [www.infrastructure.gov.au/ni-legislation](http://www.infrastructure.gov.au/ni-legislation).

Releasing this paper and seeking feedback on the proposed changes is consistent with that framework.

## Proposed changes

The main change being proposed is removal of the requirement, under the Act, for an 'objection conference' to be held when a valuation is in dispute. Other minor changes to the Act are also being proposed. The details of each are provided below.

### Removal of objection conferences

Land owners may lodge an objection with the Valuer-General if they disagree with their valuation. The Valuer-General will consider the objection and advise the owners of the outcome.

If the owner does not agree with the Valuer-General's decision about the objection, the Act requires an 'objection conference' to be held before the matter can be taken to the Administrative Appeals Tribunal (AAT).

The AAT's standard practice is to refer all matters to a conference in an attempt to resolve or limit the issues in dispute before they are heard by the Tribunal. If a matter remains unresolved after the first conference, other forms of dispute resolution, such as mediation and conciliation, may be used.

It is proposed to remove the requirement for an objection conference prior to this, under the Act, because it duplicates the AAT's conference requirements and may cause unnecessary delay in resolving the dispute.

It has been suggested that the Act should be amended to allow objections to be heard by the Norfolk Island Administrative Review Tribunal, instead of the AAT. This will be considered as part of a broader piece of work that will look at the arrangements for review of decisions under Norfolk Island laws, including the nature and function of tribunals.

## Other changes

Other minor amendments are proposed to clarify and simplify certain provisions of the Act.

- Allowing an objector to give the Valuer-General further information after an objection has been made.
- Protecting the privacy of landowners by removing their name and address from the valuation roll.
- Removing the requirement for the Valuer-General or other authorised person who has caused damage to remain on the property until they can give notice to the owner.
- Including references to the Registrar of Lands where necessary.
- Removing the requirement for a person acquiring or disposing of land to notify the Valuer-General as the change of ownership would already be registered by the Registrar of Titles.
- Removing an irrelevant reference to ‘protected information’, as this term is not recognised under the Act.

## Next steps

### How can you have your say?

The Department invites your comments on the changes proposed in this paper by **Sunday 2 June 2019**. You can make comments in writing to [NI\\_Legislation@infrastructure.gov.au](mailto:NI_Legislation@infrastructure.gov.au).

The Department intends to publish all submissions to this consultation paper, unless a submission is confidential or contains other information that is not suitable to publish. We will publish your name and any organisation you represent, but we will not publish any personal contact details such as your private email address or residential address.

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