

Correcting a valuation previously determined on objection

What

This policy guides valuers on the process for correcting a land value that has been determined on objection where it is clearly wrong.

How

A valuation that was determined on objection should only be corrected where it is now known there has been a substantive error of fact or process, or significant new evidence.

Corrections are an internal administrative process. The correction of an objection is to be viewed as the same objection for the purposes of the *Valuation of Land Act 1916*, and not as a new objection.

The correction of the error should be recorded as an objection outcome under the *Valuation of Land Act 1916*.

Why

This policy will ensure that the Valuer General's decision to correct a land value determined on objection:

- is consistently applied
- affords procedural fairness to landholders
- avoids unnecessary appeals from a landholder to the Land and Environment Court where there is a clear error
- complies with the provisions of the *Valuation of Land Act 1916* and administrative law principles.

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1 Policy

1.1 Scope

Correction of error Follow this policy to correct a valuation previously determined on objection.

Land value The land value excludes any structures or improvements, but includes land improvements.

See section 6A of the *Valuation of Land Act 1916*.

What a valuation includes For the purpose of this policy, a reference to a valuation includes land values, concessions, allowances and property information.

1.2 When a correction should be made

Objection decisions should be treated as final An objection determination under section 35B *Valuation of Land Act 1916* (the Act) should be treated as final.

For this reason, it is important that a valuation made on objection is reliable and accurate.

The determination made on objection should consider all known evidence, including any evidence provided by landholders.

Corrections in exceptional circumstances The Valuer General has an obligation to maintain the accuracy of land values on the Register of Land Values. In exceptional circumstances, a valuation that has been determined on an objection may require correction where it is clearly wrong due to a substantive error of fact or process, or significant new evidence.

When to use this policy This policy applies to all valuations under the Act made on behalf of the Valuer General in circumstances where:

- a valuation was reviewed on objection under Part 3 of the Act, and
- a decision was made to either allow or disallow the objection under section 35B of the Act, and
- within a reasonable time, the decision was subsequently found to be incorrect because of:
 - a substantive error of fact or process, and/or

- significant new evidence that, had it been known at the time of the objection, would have clearly altered the objection decision, and
- an appeal has not been made to the Land and Environment Court under Part 4 of the Act.

Both allowed and disallowed objections

This policy applies to determinations of an objection, whether the objection was allowed or disallowed.

Difference of opinion

A difference of opinion is not sufficient ground to justify correcting a valuation determined on objection.

Land tax valuations

Land tax valuations have a separate provision in the *Valuation of Land Act 1916*. Under section 35AA of the Act, the Valuer General has discretion to allow an objection to a land tax valuation, even if the valuation had previously been the subject of an objection.

A correction may be made under this policy to any objection to a land tax valuation permitted under the Act.

1.3 Corrections are not to take the form of an entirely new review

A correction is not a new objection

A decision to correct a valuation made on objection is only for the purpose of correcting a clear error and should not be viewed as a new objection or an opportunity to commence a new review.

However, the correction of the error should be recorded as an objection outcome.

Authority for correction

The authority for correcting the land value on the Register of Land Values is section 14DD(1)(b) of the Act: alterations necessary to give effect to any decision on an objection under the Act.

Communication with landholder

Ensure all documentation and communication with the landholder treats the alteration as a correction only, and not as a new objection.

There should be personal contact with the landholder while the correction is being considered. This is important to provide procedural fairness to landholders and early resolution of issues.

The landholder must be informed of the correction decision, including the reasons for making the decision.

Valuer must be independent

The correction must be conducted by a valuer who was not involved in the original valuation, and was not involved in the initiating objection decision.

1.4 Process following correction of objection valuation

Notices of Valuation

A new Notice of Valuation will not issue under this policy.

Other valuations

Changes to other more recent valuations

If there are other, more recent valuations on the property that also require amending following the correction, those values can be reascertained under section 14A(6) of the Act.

Surrounding land values

The correction may indicate that surrounding land values are also incorrect. Those valuations should be corrected by reascertainment under section 14A(6).

2 References

2.1 Definitions

improvement	Something that improves the value of the land. This is not defined in the <i>Valuation of Land Act 1916</i> , and is different from the term 'land improvement'.
land value	Value of the land excluding any structures or improvements, but including land improvements. See section 6A of the <i>Valuation of Land Act 1916</i> for a full explanation.
Register of Land Values	The official record of land values for land in NSW created under section 14CC, <i>Valuation of Land Act 1916</i> . The Register of Land Values contains information that includes ownership or rate paying lessee details, title details and the value of the land.
valuing year	The year starting 1 July. Valuation reflects the property market at the start of the valuing year.

2.2 Laws and policies

Governing law [NSW or Commonwealth]	<i>Valuation of Land Act 1916</i> (the Act) Part 3, Notices and objections Section 14DD, Alteration of the Register.
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3 Context

3.1 Role of the Valuer General

The Valuer General for NSW

Under the *Valuation of Land Act 1916*, the Valuer General is the independent statutory authority who manages and ensures the integrity of land valuations in NSW.

The Valuer General is committed to an open and transparent valuation process that is easy for landholders to understand.

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Any enquiries relating to the policy may be addressed to the Office of the Valuer General at feedback@ovg.nsw.gov.au.

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