



# Valuer General's Policy

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## Compulsory acquisition advice

- What** This policy guides valuers who provide advice on behalf of the Valuer General for land that is subject to or may become subject to a compulsory acquisition.
- How** Under this policy, valuers make decisions on the type of advice that can be provided where land is or may become subject to compulsory acquisition.
- Why** This policy will ensure that the Valuer General's role in the compulsory acquisition process is independent and that any advice that is provided does not conflict with that independence.

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# 1 Policy

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## 1.1 Scope

### Pre-acquisition valuation advice

Use this policy to determine if valuation advice on behalf of the Valuer General should be provided for lands that may become compulsorily acquired.

### General advice

Use this policy to determine the appropriate process for providing advice on behalf of the Valuer General where land is currently being acquired or may become compulsorily acquired.

### Treasurer's Directions 469.02 and 469.03

Treasurer's Directions 469.02 and 469.03 describe the basis for transferring land between Government Authorities. It is common practice for Authorities to agree that Valuation Services, Property NSW, on behalf of Valuer General provide a determination of compensation to facilitate the transfer.

Land acquired through this process is not covered by this policy.

## 1.2 Directions

### Pre-acquisition valuation advice

Valuation advice is not to be provided where it is reasonably foreseeable that the land may become subject to compulsory acquisition.

More specifically, no valuation advice is to be provided for land that is designated or reserved for a public purpose.

### General advice acquiring authority matters of principle

General advice to landholders and other stakeholders concerning the Valuer General's role, the operation of the *Land Acquisition (Just Terms Compensation) Act 1991* and the acquisition process may be provided on request.

More specific advice concerning matters of principle that may impact a determination of compensation can be provided in the following circumstances:

- where the landholder and the acquiring authority both write to the Valuer General requesting his or her opinion on a matter of principle

- where those letters include a clear description of the circumstances and each party's view, including areas of agreement and disagreement.

A response will be provided to both parties on a without prejudice basis.

Matters of opinion concerning value will not be provided.

## 2 References

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### 2.1 Definitions

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<b>acquiring authority</b>	“Acquiring authority” means the Minister of the Crown, a statutory body representing the Crown or a council or county council within the meaning of the <i>Local Government Act 1993</i> , or any other authority authorised to acquire land by compulsory process.
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<b>matters of principle</b>	Matters of principle relate to rules, methods or practices.
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### 2.2 Laws and policies

<b>Governing NSW law</b>	<i>Valuation of Land Act 1916</i> (Valuation of Land Act) <i>Land Acquisition (Just Terms Compensation) Act 1991</i>
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## 3 Context

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### 3.1 Role of the Valuer General

#### **The Valuer General for NSW**

The *Valuation of Land Act 1916* establishes the Valuer General as the independent statutory appointment responsible for ensuring the integrity of land valuations in NSW.

Both the *Valuation of Land Act 1916* and the *Land Acquisition (Just Terms Compensation) Act 1991* require the Valuer General to provide a determination of compensation following the compulsory acquisition of land.

Property NSW manages the valuation system and determinations made for compulsory acquisition on behalf of the Valuer General, outsourcing the majority of valuation services to private valuation firms.

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

### 3.2 Background

#### **Valuation advice**

The Valuer General is required to determine the amount of compensation to be offered to a person with an interest in land that is compulsorily acquired.

It is this requirement that precludes the provision of pre-acquisition advice, as such advice may conflict or appear to conflict with a determination made following compulsory acquisition.

#### **General advice**

The Valuer General is an expert on the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991* and the principles of its application. It is appropriate that, where possible, such expertise can be utilised to resolve issues on a without prejudice basis.

Making information available and providing advice on matters of principal is an effective way of improving the acquisition process.

The independence of the Valuer General's role shall be maintained at all times.

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Any enquiries relating to the policy may be addressed to the Office of the Valuer General at [valuergeneral@ovg.nsw.gov.au](mailto:valuergeneral@ovg.nsw.gov.au)

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## Disclaimer

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The Office of the Valuer General has prepared this policy, but users should obtain independent advice when making any decisions drawing on this policy.

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## Document control

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### Approval

Name and position	Signature and date
Simon Gilkes, Valuer General	 05/05/2017

### Version

Number	Status	Date	Prepared/Reviewed by	Comments
0.3	Final	31/05/2019	Rachael Burn	Administrative update
0.2	Final	05/05/2017	Rachael Burn	Administrative update
0.1	Final	02/08/2016	OVG	Stakeholder consultation and review undertaken. No changes required
0.1	Final	04/08/2014	Michael Parker	First release

### Next review

Date	Comments
July 2020	May be reviewed sooner following release or as needed