



The Hon Dr Anthony Lynham MP
Minister for Natural Resources, Mines and Energy

Your ref A481053
Our refs CTS 20729/19

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18 SEP 2019

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
Cnr George and Alice Streets
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter of 22 August 2019, concerning petition No. 3073-19 received by the House on 20 August 2019, regarding a Royal Commission into land valuations.

In response to the petition, I advise that the *Land Valuation Act 2010* (the Act) requires the Valuer-General to make an annual valuation of all land in a local government area. Exceptions to this requirement are where the Valuer-General:

- considers it is not possible to do so because of unusual circumstances; or
- decides not to make an annual valuation after considering a market survey report and results of consultation with local governments and appropriate local/industry groups.

Where an annual valuation is not made for a local government area, the existing valuation continues in effect until a subsequent valuation becomes effective.

The Act provides for the following in relation to objections and appeals processes:

- information exchange and objection conferences for properties (\$5 million and over);
- 60 days for landowners to lodge objections and appeals;
- simplified objection properly made test requirements;
- 28 days for landowners to correct an objection;
- no restriction on a landowner to only appeal on the grounds submitted in their objection; and
- internal review rights for landowners to appeal a range of administrative decisions including whether an objection has been properly made or has lapsed and that such reviews are appealable to the Queensland Civil and Administrative Tribunal (QCAT).

Any landowner in Queensland who does not agree with their statutory land valuation may lodge an objection – there is no fee associated with this process. The Act allows for a fee but no fee has been prescribed.

Landowners have access to extensive resources to assist them with understanding their valuation and the associated property market. Landowners can view and compare their own land valuation with those around, and view local residential sales, by utilising various online tools. The Valuer-General provides hard copy annual valuation display listings in local governments that have received an annual valuation to allow landowners to view hard copy information as well.

A call-centre specific to valuations is activated from the issue of an annual valuation and remains open for the duration of the 60 day objection lodgement period. The call centre staff are able to provide responses to many valuation related questions but where complex matters are raised, callers are referred to relevant valuation staff throughout the State who then make direct contact with the landowners to resolve their issues.

Comprehensive guides to objections are also available to assist landowners with the process of lodging objections – the guides provide details on relevant grounds and associated information to assist the owner with lodging an appropriate objection. This results in objections that contain more meaningful information which then assists the departmental valuer in assessing the objection and making a considered decision. Objections may be lodged by hard copy or via the online valuation objection lodgement system. The online system provides many benefits including automated lodgement confirmation and status tracking. I am pleased to advise that 78 percent of objections to the 2019 annual valuation were lodged via the online system.

The Act does require that the objector has the onus of proving their case but this is not considered an onerous requirement – acceptable grounds include any one of sales evidence, any physical characteristics or constraints on the use of the land or advice of other issues which may affect the valuation – other issues could be where the objector believes that the valuation is based on the wrong use such as a residential house valued as an industrial site. There is no requirement for an objector to provide an independent valuation.

Where the departmental valuer believes that information provided by the objecting landowner (objector) requires clarification, a conference may be requested with the objector. This is arranged by the departmental valuer, with a delegate of the Valuer-General attending as well. There is no requirement for professional representation at these conferences and relevant information is shared with the objector – the Valuer-General would not have legal representation in these conferences. These conferences are arranged and conducted with no charge to the objector.

Where valuations are greater than \$5 million, the Valuer-General must offer the objector an objection conference. Where this offer is accepted, the Valuer-General must appoint an independent chairperson to manage the objection conference process – the chairperson ensures that there is a full exchange of opinion between the parties including full disclosure of information. Again, there is no fee for this process and no requirement for an objector to engage formal representation – the chairperson provides ongoing guidance through the process.

Where a valuation is changed as a result of an objection, the Act requires that an appropriate adjustment is made to any land tax liability, rates, rent under the Land Act or any other statutory rate, charge or assessment that used the valuation.

Queensland continues to achieve some of the lowest rates of objections in Australia. Where an objector is not satisfied with their objection decision, they may lodge an appeal to the Land Court within 60 days of the issue of the objection decision. Again, there is no fee associated with lodging an appeal and the Land Court operates with as little formality as possible – an appellant is entitled to represent themselves.

External to the objection process, the Department of Natural Resources, Mines and Energy provides a complaint management framework. Landowners can lodge a complaint at no charge – these are then processed within the framework.

Review arrangements implemented concurrently with the Act established an Independent Peer Review Panel (IPRP), external to the department but with recognised expertise in matters

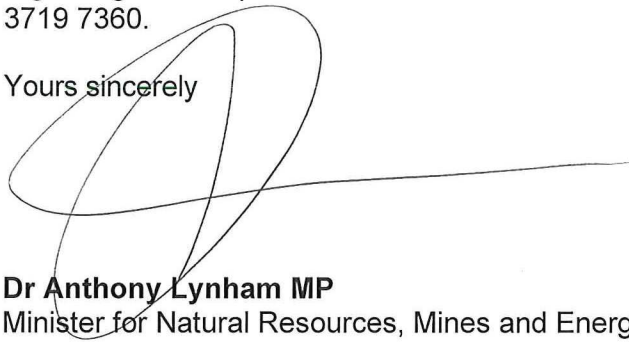
related to statutory valuation. This independent peer review process is the only regular external review process of its type known to exist in Australia.

There have been three IPRP statutory valuation reviews conducted since 2011. The reviews have provided complimentary commentary relating to objection processes as well as the Valuer-General's enhancements to provide as much information and transparency as possible through the statutory valuation process.

The state as the respondent does need to defend the integrity of its valuations and does so. However, I am confident that the objection process that applies to statutory valuations in Queensland is fair and transparent and provides ongoing support to objectors from their initial decision to lodge an objection, to actual lodgement and continuing through the process.

I provide you with this response for tabling pursuant to Standing Order 125(3). Any enquiries regarding this response can be referred to Mr Simon Zanatta, Chief of Staff, on telephone 3719 7360.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a horizontal line extending to the right.

Dr Anthony Lynham MP
Minister for Natural Resources, Mines and Energy