

Lodging a Valuation Objection

Rating Authority Valuation Process

The valuation process is the responsibility of each municipality. This includes undertaking the valuations used for municipal rating and state land tax assessment purposes. Valuer-General Victoria (VGV) has a statutory obligation to ensure that these valuations are undertaken in accordance with the Valuation of Land Act 1960 (VLA).

Rating valuations are based on the sale prices and rental returns of similar properties. To successfully argue that a valuation is too high, you will need to demonstrate by sales and rents of comparable properties, that the valuation should be lower.

Objection and Appeal Process

The VLA also covers the objection and appeals processes available to people who are aggrieved by their rating authority valuation. The Act and its associated regulations prescribe the following objections processes.

Who May Object (Section 16 VLA)

If you disagree with the assessment of value made by your municipal council and you are liable for the payment of rates or land tax as the owner or occupier, then you may lodge a written objection with your Council.

In the 2006-07 State Budget it was announced that the Government will allow appeals to site valuations shown on a land tax assessment notice. This proposal has not yet been legislated but it is understood will apply to land tax notices dated on or after 1 January 2007. A further information sheet will be provided to cover objections associated with a land tax notice when the actual processes are known, following passage of the legislation through Parliament. However, it is likely that objections arising from a land tax notice will need to be lodged with the State Revenue Office not the Council.

When Can I Lodge an Objection? (Section 18 VLA)

You have two (2) months from when Council issued your Valuation (and Rates) Notice to lodge an objection with the Council.

It is expected that an objection arising from a land tax notification will also be given two months for lodgement.

Lodging the Objection (Section 16 VLA)

The objection MUST be in writing and:-

- Contain the prescribed information (Form 4 of the VLA Regulations). The required information is set out the objection forms available from Council;
- Be directed to the rating authority;
- Provide details as to the assessment of value being objected to, i.e. Site Value, Capital Improved Value and/or Net Annual Value; and
- Detail the grounds on which the objection is made.

The Grounds for Objection (Section 17 VLA)

The grounds for objection are:

- The value is too high or too low;
- The values or interests are not apportioned correctly;
- The lands have not been combined or separated correctly;
- The person named on the notice is not liable,
- The area, dimensions or description are incorrect.

Objection Form

The completion of the appropriate objection pro-forma available from Council, will ensure compliance with the above and assist in discussions with the valuer.

Please post or deliver completed form(s) to Buloke Shire Council.

Where can I obtain property sales information to assist with my objection?

Property sales information may be purchased from the DSE Landata Customer Service by calling (03) 8636 2456. Alternatively you may collect sales information from auction results published in the press or from local real estate agents.

Dealing with the Objection (Section 21(2) VLA)

When an objection is lodged with Council, it is referred to the valuer for consideration. The valuer then must provide a reasonable opportunity for the objector to discuss the matter.

Within two (2) months after receiving the objection notice, the valuer has the option to:

- (a) Disagree with the objection, whereby no adjustment to the valuation is considered justified and a written notice of disallowance is provided to the objector; or
- (b) Agree that an adjustment to the valuation is justified and provide a notice recommending an appropriate adjustment to the objector, the Council and the Valuer-General Victoria (VGV).

Following option (a) (disallowance), the objector and the Council are notified directly. No action from VGV is required.

Following option (b) (an adjustment is recommended), VGV has two (2) months after receiving this notice of recommendation to either agree or disagree with the adjustment to the valuation as recommended by the valuer.

- If the Valuer General agrees that the adjustment is justified, a confirmation notice is sent to the rating authority, objector, and valuer; or
- If the VGV disagrees with the adjustment made a notice of disallowance is sent to all parties.

Valuation Appeals Process

If an objector is dissatisfied with the objection outcome, they can apply directly to the Victorian Civil and Administrative Appeals Tribunal VCAT to review the matter.

The Valuation of Land Act 1960 can be viewed at www.dms.dpc.vic.gov.au.