
Land Valuation (Amendment) Ordinance 1982

No. 106 of 1982

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 20 December 1982.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

MICHAEL HODGMAN
Minister of State for the Capital Territory

An Ordinance to amend the *Land Valuation Ordinance 1936*

Short title

1. This Ordinance may be cited as the *Land Valuation (Amendment) Ordinance 1982*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Land Valuation Ordinance 1936*.²

Interpretation

3. Section 5 of the Principal Ordinance is amended—
- (a) by omitting the definitions of "the Court" and "the Judge"; and
 - (b) by omitting the definitions of "the Registrar" and "the Supreme Court".

Appeals by lessees

4. Section 7 of the Principal Ordinance is amended—
- (a) by omitting from sub-section (1) "Where the Minister offers or" and substituting "Subject to sub-section (11), where the Minister";
 - (b) by omitting from sub-section (2) "Where" and substituting "Subject to sub-section (11), where";
 - (c) by omitting from sub-section (2) "determines or";
 - (d) by omitting sub-section (7) and substituting the following sub-section:

“(7) Where a notice referred to in sub-section (6) is delivered to or served on a lessee, the lessee may—

(a) where the decision of the Minister relates to an offer referred to in sub-section (1)—

(i) within one month after the notice is delivered to or served on him, accept the original offer;

(ii) if the original offer was varied by the decision given by the Minister before reference to the Commissioner—within one month after the notice is delivered to or served on him, accept the offer as so varied;

(iii) if the original offer was varied or further varied by the decision given by the Minister after consideration of the recommendation of the Commissioner—within one month after the notice is delivered to or served on him, accept the offer as so varied or further varied; or

(iv) make application to the Administrative Appeals Tribunal for review of the decision of the Minister under sub-section (6); or

(b) where the decision of the Minister relates to a determination referred to in sub-section (2), make application to the Administrative Appeals Tribunal for review of the decision.”;

(e) by inserting after sub-section (7) the following sub-sections:

“(8) A notice under sub-section (6) shall —

(a) where the notice relates to an offer referred to in sub-section (1), contain a statement of the provisions of paragraph (7) (a); or

(b) where the notice relates to a determination referred to in sub-section (2), contain a statement of the provisions of paragraph (7) (b).

“(9) The failure of a notice under sub-section (6) to comply with the requirements of sub-section (8) shall not be taken to affect the validity of the notice.”; and

(f) by adding at the end thereof the following sub-section —

“(11) This section does not apply in relation to—

(a) an offer of the kind referred to in sub-section (1); or

(b) a determination of the kind referred to in sub-section (2),

that was made after the commencement of the *Leases (Amendment) Ordinance 1982*.”.

Repeal

5. Part III of the Principal Ordinance is repealed.

Transitional

6. (1) Where, immediately before the commencement of this Ordinance, an objection under sub-paragraph 7 (7) (a) (iv) or paragraph 7 (7) (b) of the

Principal Ordinance had not been fully heard and determined by the Land Court of the Australian Capital Territory, the lessee who lodged the objection may make application to the Administrative Appeals Tribunal for review of the decision of the Minister to which the objection related.

(2) For the purposes of the application of the *Administrative Appeals Tribunal Act 1975* to an application for review of a decision under sub-section (1), section 29 of that Act has effect as if—

(a) paragraph (1) (d) of that section were omitted and the following paragraph substituted:

“(d) shall be lodged with the Tribunal within 28 days after the commencement of the *Land Valuation (Amendment) Ordinance 1982* of the Australian Capital Territory.”; and

(b) sub-sections (2) and (3) of that section were omitted.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 31 December 1982.
2. No. 30, 1936 as amended by No. 37, 1936; No. 27, 1937; No. 21, 1959; No. 19, 1966; No. 41, 1967; Nos. 13 and 23, 1970; No. 65, 1977; No. 50, 1978.