



# **Internal and external reviews**

*(prev. VAL/2011/4627)*

**VAL/2013/255**

**Version 1.03**

Latest review 16/05/2016

This publication has been compiled by the State Valuation Service, Department of Natural Resources & Mines.

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## Version History

| Version | Date       | Description/Comments   |
|---------|------------|--|
| 1.00    | 04/05/2011 | Policy/Procedure created regarding Internal and External Review process regarding decisions on objection under the Land Valuation Act 2010.  |
| 1.01    | 03/08/2012 | <ul style="list-style-type: none"> <li>• Updated references to staff titles</li> <li>• Checked departmental references.</li> </ul> No change   |
| 1.02    | 15/03/2013 | <ul style="list-style-type: none"> <li>• Further updated staff titles.</li> <li>• Metadata updated.</li> </ul>   |
| 1.03    | 16/05/2016 | <ul style="list-style-type: none"> <li>• All changes approved by Area Manager, North Coast Region, State Valuation Service</li> <li>• Updated to new DNRM template</li> <li>• Updated information including 'latest review' within title page, version history table and footer</li> <li>• ID update due to migration of document to a new policy register (previously VAL/2011/4627)</li> <li>• Date of last review included in title and footer</li> <li>• Cosmetic &amp; minor content updates of e.g. department name, policy names &amp; IDs, legislation references, links &amp; outdated references.</li> </ul> |

## Approval

| Position       | Name      | Signature | Date       |
|----------------|-----------|-----------|------------|
| Valuer-General | Neil Bray |           | 04/05/2011 |
|                |           |           |            |



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## Purpose

This document has been prepared to provide the following:

- Information on those decisions made under the *Land Valuation Act 2010* (LVA) that are subject to internal and external review.
- Information on how to apply for an internal review.
- How an internal review will be conducted.
- What the internal review decision will include.

## Rationale

The Valuer-General has power to make decisions under the LVA. The Valuer-General also has the power to delegate certain decision making powers to appropriately qualified officers within the department (section 214).

Chapter 5 (Internal and external reviews) of the LVA contains those provisions (sections 175 – 179) relevant to internal and external reviews of particular decisions made under the LVA.

Section 175 details the decisions that are subject to internal review - all of these decisions will include reasons for the decision and advise that an application for an internal review can be made. Anyone who believes that their interests are adversely affected by a decision of the Valuer-General can apply to the Valuer-General for an internal review of the decision. Applications for an internal review can be made for the following decisions:

- Not to declare land as rural land on a rural land application under section 12.
- Declaration of rural land on the Valuer-General's initiative under section 14.
- Making a separation declaration under section 53.
- Not to amend a valuation due to damage from an adverse natural cause on the application of an owner under section 90.
- Not to accept a late objection under section 111(3).
- That an objection is not properly made or only partially complies with the ground requirements under section 114.
- That an objector has not complied with a correction notice under section 117(b).
- Issuing a requirement for information relating to an objection under section 136.
- Issuing a lapsing notice under section 139 detailing the outstanding information and stating that the objection will lapse unless the information is provided.

Issuing a notice under section 230 to a person to provide information to an authorised officer.

Section 178 provides that where an application for an internal review of a decision has been made, the applicant may also immediately apply to the Queensland Civil and Administrative Tribunal (QCAT) for a stay on the operation of the original decision. QCAT may then stay the original decision to allow for the internal review to take place and any later application to QCAT for an external review to be completed.

Section 179 provides that where a person has applied for an internal review of a decision by the Valuer-General, and subsequently been provided with an information notice that details the results of the internal review, they may apply to QCAT for an external review of the decision.

## Procedure

### Application:

Sections 175 & 176 of the LVA provides for a person to apply to the Valuer-General for an internal review of a decision. The application must be made within 28 days after notice of the decision has been given to the person (Note: the date given is the date that the notice would have been delivered in the ordinary course of post unless the person can prove that the decision was delivered at a later date) however, if the decision notice did not state the reasons for the decision, the person may apply for a statement of reasons. Where this occurs the period for lodging an application is extended to 28 days after the issue of the statement of reasons. The Valuer-General may extend the period for making an application for internal review. The applicant would have to supply written evidence that supports their inability to lodge an application within the original 28 day period.

An application for an internal review must be in writing and detail the grounds on which the applicant seeks an internal review.

### Conduct of Review:

The original decision will be reviewed by an officer with at least the same delegation level (or higher) than the officer that made the original decision. The following officers **can not** review the decision:

- An officer with a lower level of delegation than the original decision maker.
- The officer that made the original decision.

As an example, if a Senior Valuer made the original decision than either **another** Senior Valuer or an officer with a higher level of delegation than a Senior Valuer (such as a Principal Valuer or Area Manager) must review the decision. Therefore, although an officer may have the delegation to make both an original decision and an internal review decision, no officer is able to exercise both those delegations in relation to the same case. (**Note:** this cannot apply to the Valuer-General as there is no higher authority in the *Land Valuation Act 2010*).

### Decision:

Section 177 requires the Valuer-General to make a decision on an application for internal review. The decision will be to either confirm the original decision, amend the original decision or substitute the original decision. The Valuer-General must issue an information notice detailing the decision to the applicant within 28 days after the application is made (*Note: the date that the application was made is considered to be the date that the application was received by the department*). Where a decision is not made within the 28 days then at the end of the period the decision will default to a confirmation of the original decision.

The information notice must include the following information:

- the decision
- the reasons for the decision
- that the applicant has the right to have the decision reviewed by QCAT
- how application for review is made to QCAT (refer to the QCAT website at <http://www.qcat.qld.gov.au/> for information on application forms and lodgement requirements) including:
  - be in a form complying with the QCAT requirements,
  - state the reasons for the application and
  - be filed in the QCAT registry within 28 days of the date of issue of the internal review decision.
- the right that a person has to have the operation of the decision stayed under section 22 of the QCAT Act.



## **Responsibilities**

It is the responsibility of the Valuer-General, Deputy Valuer-General State Valuation Service, and Area Managers of the State Valuation Service to ensure delegated staff comply with this direction.

## **References**

The Queensland Civil and Administrative Tribunal website at <http://www.qcat.qld.gov.au/>

## **Legislation**

*Land Valuation Act 2010*, Sections 12, 14, 53, 90, 111(3), 114, 117(b), 136, 139, 175 to 179 and 230.

*Queensland Civil and Administrative Tribunal Act 2009*, Section 157.