
Valuation Act 1967

Chapter 327.

Valuation Act 1967.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 327.

Valuation Act 1967.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

AN ACT

entitled

Valuation Act 1967,

Being an Act relating to the valuation of property, to provide for the registration of land valuers and for other purposes.

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Act, unless the contrary intention appears—

“**the Board**” means the Papua and New Guinea Valuers Registration Board established by Section 7;

“**certificate of registration**” means a certificate of registration issued under Section 20;

“**Government land**” means land other than—

(a) customary land that is not leased by the owners to the State; or

(b) land held by a person other than the State for an estate greater than an estate for a term of years; or

(c) land that is the subject of an existing State lease or a lease from the State under any law;

“**ground improvements**”, in relation to any land, means—

(a) the reclamation of the land by draining or filling, together with the construction and maintenance of retaining walls and ancillary works; and

(b) the excavation, grading or levelling of the land; and

(c) the clearing or thinning out of trees, scrub or other vegetable growth on the land; and

(d) the improvement of the fertility of the soil or the structure of the soil on the land; and
(e) the construction of underground drains;

“Ground Improvements Allowance”, in relation to any land, means any allowance applicable to the land under Section 80;

“owner” means—

(a) in relation to freehold land—

(i) in the case of a registered freehold—the registered owner or the registered proprietor of the freehold; or

(ii) in the case of an unregistered freehold—the person who has made a claim for the title; and

(b) in relation to land the subject of a State lease—

(i) the registered lessee; or

(ii) in the case of an unregistered lease, the person notified under Section 74 of the *Land Act 1996* as the successful applicant for the grant of that lease; and

(c) in relation to land the subject of a granted application for a State lease—the person who at the relevant time is liable to pay the rent for the land to the State, and, where the land is subject to mortgage, includes the mortgagor and the mortgagee;

“Official Valuer” means an Official Valuer appointed under Section 4, and includes a person who is deemed to be an Official Valuer under Section 5;

“periodic interval”, in relation to a Valuation Area, means a periodic interval declared by the Valuer General under Section 55;

“the Register” means the Register of Valuers kept under Section 19;

“the Registrar” means the Registrar of Valuers appointed under Section 18;

“registered valuer” means a person whose name is entered in the Register;

“the regulations” means any regulations made under this Act;

“rural land” means land so situated and of such an area that its commercial value consists, solely or principally, in the use or the availability for use of its surface for a purpose of primary production or for mining;

“State lease” means a lease from the State granted under, or continued in force by, the *Land Act 1996*;

“this Act” includes the regulations;

“unimproved value”, in relation to land, means the capital sum that the fee simple of the land might be expected to realize if offered for sale on such reasonable terms and conditions as a *bona fide* seller would require, assuming that the improvements on the land (if any), other than ground improvements, did not exist at the date to which the valuation relates, less the Ground Improvements Allowance (if any) applicable to that land;

“urban land” means land other than rural land;

“valuation” includes a re-valuation under Subdivision IV.1.A;

“Valuation Area” means an area declared to be a Valuation Area under Section 52;

“Valuation Roll” means a Valuation Roll prepared under Section 53;

“valuer” means a person who, as principal (either alone or with another or others) or as an employee or agent, holds himself out as ready to make valuations of land, or of any estate or interest in land, for or on the instructions of members of the public, and includes a person who is called on (whether as an employee of the State or otherwise) to value land or any estate or

interest in land for the purposes of any law.

“the Valuer General” means the Valuer General appointed under Section 2.

PART II. – ADMINISTRATION.

2. VALUER GENERAL.

^[1]The Minister may, by notice in the National Gazette, appoint a registered valuer to be the Valuer General for the purposes of this Act.

3. FUNCTIONS, ETC., OF VALUER GENERAL.

(1) Subject to any directions of the Minister, the Valuer General is charged with the administration of this Act.

(2) The Valuer General is charged with the maintenance of standards of valuing in the country, and has such other powers, functions, duties and responsibilities as are prescribed.

4. OFFICIAL VALUERS.

^[2]The Minister may, by notice in the National Gazette, appoint a registered valuer to be an Official Valuer for the purposes of this Act.

5. AUTHORIZED OFFICIAL VALUERS.

(1) ^[3] ^[4]Where in his opinion it is necessary or desirable to do so, the Valuer General may, by written notice, authorize a registered valuer to act as an Official Valuer in relation to a matter or class of matters.

(2) For the purposes of this Part, a person authorized under Subsection (1) shall be deemed to be an Official Valuer in respect of the matters or class of matters in relation to which he was so authorized.

6. DELEGATION.

The Valuer General may, by writing under his hand, delegate to an Official Valuer any of his powers and functions under this Act (except this power of delegation).

PART III. – REGISTRATION OF VALUERS.

Division 1.

Valuers Registration Board.

7. ESTABLISHMENT OF THE BOARD.

A Papua and New Guinea Valuers Registration Board is hereby established.

8. INCORPORATION OF THE BOARD.

(1) The Board–

- (a) is a corporation; and
- (b) has perpetual succession; and
- (c) shall have a seal; and
- (d) may sue and be sued in its corporate name.

(2) All courts, Judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to a document, and shall presume that it was duly affixed.

9. CONSTITUTION OF THE BOARD.

^[5]The Board shall consist of–

- (a) the Valuer General; and
- (b) four registered valuers appointed by the Minister, by notice in the National Gazette.

10^[6]. [REPEALED.]

11. CHAIRMAN AND DEPUTY CHAIRMAN.

(1) The Valuer General is the Chairman of the Board.

(2) The members of the Board shall elect one of their number to be the Deputy Chairman of the Board during the pleasure of the Board.

12^[7]. [REPEALED.]

13. FEES AND ALLOWANCES.

The members of the Board shall be paid such fees (if any) and allowances (if any) as the Minister responsible for Public Service matters determines.

14^[8]. [REPEALED.]

15. RESIGNATION OF MEMBER OF THE BOARD.

^[9]A member of the Board appointed by the Minister may resign from the Board by giving written notice of his resignation to the Minister.

16. MEETINGS OF THE BOARD.

(1) The Board shall meet at least once each year.

(2) Subject to Subsection (3), a meeting of the Board shall be convened by the Chairman by written notice to the other members of the Board, and shall be held at the time and place specified in the notice.

(3) The Minister may, by written notice to each member, direct that a meeting be held at the time and place specified in the notice.

17. PROCEDURE AT MEETINGS.

(1) At all meetings of the Board–

- (a) the Chairman or Deputy Chairman and one other member are a quorum; and
- (b) the Chairman, or in his absence the Deputy Chairman, shall preside; and
- (c) all questions shall be decided by a majority of votes of the members present and voting; and
- (d) the person presiding has a deliberative and, in the event of an equality of votes, also a casting vote.

(2) Subject to this Part, the procedure at meetings of the Board shall be as the Board determines.

Division 2.

Registration and Qualifications.

18. REGISTRAR.

The Minister shall, by notice in the National Gazette, appoint an officer of the Department to be the Registrar of Valuers.

19. THE REGISTER.

The Registrar shall keep a register to be called the Register of Valuers.

20. MANNER OF REGISTRATION.

(1) Where the Board has authorized the registration of a person, the registration shall be effected by entering in the Register—

- (a) his name; and
- (b) his professional address or addresses (if any) in the country, or if he has no such professional address his place of residence, whether in the country or elsewhere; and
- (c) particulars of his qualifications; and
- (d) a registration number to be allotted to him; and
- (e) the date of his registration; and
- (f) whether he is classified as an urban valuer or a rural valuer, or both; and
- (g) such other particulars (if any) as are prescribed.

(2) Each entry in Register shall be signed by the Registrar.

(3) Where a person is registered as a valuer, the Board shall, on payment of the prescribed fee, cause to be issued to him a certificate of registration under the hand of the Chairman or the Deputy Chairman.

21. QUALIFICATIONS FOR REGISTRATION.

(1) [\[10\]](#) [\[11\]](#) Subject to Subsections (2) and (3), the Board shall authorize the registration of a person under Section 20 if he satisfies the Board—

- (a) that he is a fit and proper person to be a registered valuer; and
- (b) he has had sufficient practical experience in or in connection with valuing land within the period of 10 years immediately before the date of his application for registration,

and he—

- (c) possesses a Diploma in Valuation from the Papua New Guinea University of Technology; or
- (d) satisfies the Board that he possesses a qualification at least equivalent to that Diploma.

(2) The Board may require an applicant for registration to attend personally before the Board, and if he fails to attend as required, it may refuse the application.

(3) Before a person is registered as a valuer he shall—

- (a) take the prescribed oath or make the prescribed affirmation before the Valuer General or a person authorized by the Valuer General; and
- (b) pay the prescribed registration fee.

22. CLASSIFICATION OF VALUERS.

On the grant of an application for the registration of a valuer, the Board shall classify the applicant—

- (a) if it considers him competent to value only rural land—as a rural valuer; and
- (b) if it considers him competent to value only urban land—as an urban valuer; and
- (c) if it considers him competent to value both rural land and urban land—as a rural and urban valuer.

23. REGISTRATION FEES.

(1) Before 1 July in each year, a registered valuer shall pay to the Board the prescribed annual registration fee.

(2) If a registered valuer fails to pay the annual registration fee for a period of 12 months after it has become payable, the Board may remove his name from the Register.

(3) A person whose name has been removed under Subsection (2) may apply to the Board to have his name restored to the Register and, on payment of the prescribed fee, the Board may restore his name.

24. REFUSAL BY THE BOARD TO REGISTER.

If the Board refuses to authorize the registration of a person, it shall, if the person so requests, state in writing the reason for the refusal.

25. EVIDENCE OF REGISTRATION, ETC.

(1) A certificate of registration is evidence that the person specified in the certificate was registered under this Part on the date specified in the certificate, and with the classification and in respect of the qualification specified.

(2) A certificate purporting to be under the hand of the Chairman or Deputy Chairman of the Board and stating—

(a) that a person—

(i) was or was not registered; or

(ii) was or was not registered with a particular classification; or

(b) that the registration of a person was suspended,

on any date or dates during any period specified in the certificate, is evidence of the matters stated in all courts and before all persons and bodies authorized to receive evidence.

26. FRAUDULENT REGISTRATION.

A person who, in connection with an application for registration under this Part, makes a false or misleading statement, or produces a false certificate, testimonial or other document, is guilty of an offence.

Penalty: A fine not exceeding K200.00.

27. NOTIFICATION OF CHANGE OF ADDRESS.

(1) A registered valuer who changes his professional address in the country, or establishes a professional address or an additional professional address in the country, must, within 21 days after the change or establishment, notify the Registrar in writing.

(2) A registered valuer who does not have a professional address in the country and who changes his place of residence must, within 21 days after the change, notify the Registrar in writing.

Penalty: A fine not exceeding K10.00.

Default penalty: A fine not exceeding K2.00

28. ALTERATION OF REGISTER.

(1) The Board—

(a) shall cause to be removed from the Register the names of all registered valuers who have died or who have requested their names to be removed; and

(b) may cause to be made such alterations to the particulars recorded in the Register as are necessary.

(2) The Board may, by notice to a registered valuer posted or otherwise delivered to him at—

(a) his professional address or at one of his professional addresses recorded in the Register; or

(b) his last-known place of residence,

inquire whether his professional address or addresses in the country, or his place of residence, is or are still as shown in the Register.

(3) If an answer to a notice under Subsection (2) is not returned within six months after the date of the posting or other delivery of the notice, the Board may cause the name of the person concerned to be removed from the Register.

29. CANCELLATION OR SUSPENSION OF REGISTRATION.

(1) Subject to Section 30, the Board may cause the name of a person to be removed from the Register—

- (a) whose registration has been obtained by fraud or misrepresentation; or
- (b) who is convicted, whether in the country or elsewhere, of an offence punishable by imprisonment for one year or longer or of any other offence that, in the opinion of the Board, makes him unfit to practise as a valuer; or
- (c) who is convicted of an offence against this Part or who breaks an undertaking given by him under Subsection (2)(b); or
- (d) who is convicted of an offence against any other law relating to the duties and functions of valuers or matters incidental to valuation; or
- (e) who becomes of unsound mind as that expression is used in the *Public Health Act 1973*; or
- (f) who is found by the Board to have been guilty of—
 - (i) habitual drunkenness or addiction to a narcotic drug; or
 - (ii) disgraceful or improper conduct; or
 - (iii) allowing a person, other than a registered valuer, to practise in his name as a valuer; or
 - (iv) directly or indirectly giving or offering or agreeing to give or offer to a person any valuable consideration for securing or attempting to secure for the registered valuer employment or work as a valuer; or
- (g) who has contravened or failed to comply with a provision of this Part or a direction given by the Valuer General under Section 40; or
- (h) who wilfully, by culpable negligence or through incompetence has made, or caused to be made under his supervision, a valuation that is so inaccurate or defective as to be unreliable; or
- (i) who ceases to hold the qualifications by reference to which he was registered.

(2) Instead of causing the name of a person who has been found guilty of conduct or an act referred to in Subsection (1)(c), (d), (f), (g) or (h) to be removed from the Register, the Board may—

- (a) reprimand him; or
- (b) require him to give an undertaking to abstain from conduct specified by the Board, for such period as is specified by the Board; or
- (c) fine him an amount not exceeding K100.00; or
- (d) suspend his registration for such period, not exceeding one year, as the Board thinks proper.

(3)^[12] [*Repealed.*]

30. INQUIRY.

(1) Before taking action under Section 29 in relation to a person, the Board shall hold an inquiry after giving notice to him of the matters to be inquired into and of the time and place at which the inquiry is to be held.

(2) At the inquiry, the person concerned may be represented by a lawyer or an agent, who may examine witnesses and address the Board on his behalf.

(3) In conducting the inquiry, the Board is not bound by rules of evidence or legal procedure, but may inform itself in such manner as it thinks proper.

(4) The Attorney-General may appoint a lawyer to assist the Board.

(5) Pending the outcome of the inquiry, the Board may suspend the registration of the person concerned.

31. RECORD OF FINDING.

Where the Board takes any action under Section 29 in relation to a person, it shall record the finding on which the decision was based and its reasons and, if the person concerned so requests, furnish him with a copy of the finding and the reasons.

32. SURRENDER OF CERTIFICATE, ETC.

(1) Where the name of a person is removed from the Register or the registration of a person is suspended, the Board may, by written notice posted or otherwise delivered to him—

(a) at his professional address, or at one of his professional addresses, as last recorded in the Register; or

(b) at his last-known place of residence,

require him to deliver to the Board, within 14 days after receipt of the notice, his certificate of registration for cancellation.

(2) A person who fails to comply with a notice served on him under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K20.00.

Default penalty: A fine not exceeding K4.00.

(3) It is a defence to a prosecution for an offence against Subsection (2) if the accused satisfies the court that—

(a) the certificate has been destroyed; or

(b) after diligent search, he has been unable to find the certificate.

33. EFFECT OF SUSPENSION OF REGISTRATION.

(1) For the purposes of this Part, a person whose registration is suspended under this Part shall be deemed to be, during the period for which the registration is suspended, a person who is not registered as a valuer under this Part.

(2) The Board may, by written notice, revoke the suspension and direct in the notice that the revocation have effect from a date specified in the notice.

(3) Where the Board revokes a suspension, the Board shall return the certificate of registration to the holder without delay.

34. APPLICATION FOR RE-REGISTRATION.

Where the name of a person has been removed from the Register under Section 29, he may apply for re-registration, but is not entitled to be again registered unless the Board thinks fit to authorize the re-registration.

35. COLLECTION OF FEES.

The Board may demand and collect in advance such fees as are prescribed.

36. PUBLICATION OF LIST OF REGISTERED VALUERS.

The Valuer General shall cause to be published in the National Gazette, before the last day of February in each year, a list containing the names and addresses of all valuers registered under this Act as at the previous 31 December.

Division 3.

Appeals.

37. APPEALS.

(1) Where the Board—

(a) refuses an application for the registration of a person (other than an application under Section 34); or

(b) causes the name of a person to be removed from the Register; or

(c) reprimands a person; or

(d) makes a requirement on a person under Section 29(2)(b); or

(e) fines a person; or

(f) suspends the registration of a person, otherwise than under Section 29(3),

the person may appeal to the National Court against the decision of the Board within 21 days after the decision was given.

(2) An appeal shall be in the nature of a re-hearing.

(3) The Board is the respondent on the appeal.

(4) On an appeal under this section, the National Court may—

(a) affirm, set aside or vary the decision of the Board; and

(b) give such judgement as seems to the Court proper; and

(c) make such other order as seems to it proper.

(5) The decision of the National Court on an appeal under this section is final.

Division 4.

Regulation of the Practice of Valuing.

38. RIGHT OF PRACTICE.

Subject to any other law, a registered valuer may practise his profession and make valuations in the country.

39. CODE OF ETHICS.

(1) The Board may from time to time lay down a Code of Ethics for valuers.

(2)^[13] [*Repealed.*]

(3) A copy of any Code of Ethics laid down under Subsection (1) shall be posted or delivered to each registered valuer at his professional address or one of his professional addresses as last recorded in the Register, or at his last-known place of residence.

(4) A contravention of a Code of Ethics laid down under Subsection (1) is *prima facie* evidence of improper conduct within the meaning of Section 29(1)(f)(ii).

40. MAKING OF OFFICIAL VALUATIONS.

^[14] A valuation made on behalf of the State or by direction or under the authority of the Valuer General shall—

- (a) be carried out subject to any directions given by the Valuer General; and
- (b) be made in accordance with any information supplied by or by the authority of the Valuer General; and
- (c) take into account any decision made under the *Physical Planning Act 1989* which might affect the current value of land, (including the zoning of the land and any provisions contained in a development plan which affects the land) the subject of the valuation.

41. UNLICENSED PERSONS PRACTISING AS VALUERS.

(1) A person, other than a registered valuer, who—

- (a) pretends that he is or holds himself out to be a registered valuer; or
- (b) takes or uses the name or title of a registered valuer, or a name, title, addition or description implying that he is a registered valuer; or
- (c) practises as a valuer, or charges or receives a fee for work done as a valuer; or
- (d) makes or pretends to make or holds himself out, directly or indirectly, to be competent to make a valuation,

is guilty of an offence.

Penalty: a fine not exceeding K200.00.

Default penalty: A fine not exceeding K10.00.

(2)^[15] [*Repealed.*]

42. ADMINISTRATION OF ESTATE OF DECEASE VALUER.

On the death of a registered valuer who was at the time of his death carrying on business as a valuer, an executor, administrator or trustee of his estate may, if the practice of valuing in the business is carried on by a registered valuer, continue the business for a period of two months or for such longer period as the Board permits.

Division 5.

General.

43. SUMMONING OF WITNESSES.

(1) The Chairman or the Deputy Chairman of the Board may, by writing under his hand, summon a person to attend the Board at a time and place specified in the summons and then and there to give evidence and produce such books, documents or writings in his custody or control as he is required by the summons to produce.

(2) A summons under Subsection (1) may be served—

(a) personally; or

(b) by sending it by post to the person at his place of abode or business last-known to the Chairman, or the Deputy Chairman of the Board; or

(c) by leaving it at that place of abode or business with some person apparently living or employed at that place and apparently not less than 16 years of age.

44. EXAMINATION ON OATH.

A member of the Board may administer an oath to a person appearing as a witness before the Board, whether the witness has been summoned or appears without being summoned, and the witness may be examined on oath.

45. FAILURE TO ATTEND OR PRODUCE DOCUMENTS.

(1) A person served with a summons to attend the Board who fails, without reasonable excuse—

(a) to attend the Board; or

(b) to produce the books, documents or writings that he is required by the summons to produce,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

Default penalty: A fine not exceeding K10.00.

(2) It is a defence to a prosecution for failing, without reasonable excuse, to produce a book, document or writing if the defendant proves that the book, document or writing was not relevant to the matter the subject of the proceedings of the Board.

46. REFUSAL TO BE SWORN OR GIVE EVIDENCE.

(1) A person appearing as a witness before the Board who refuses to be sworn or to make an affirmation or to answer a question relevant to the proceedings put to him by a member of the Board is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) Except in an appeal to the National Court under Division 3 or in proceedings for giving false testimony before the Board, a statement or disclosure made before the Board by a witness is not admissible in evidence against him in any legal proceedings.

47. PROTECTION OF WITNESSES.

A witness before the Board has the same protection as a witness in proceedings before the National Court.

48. FEES AND ALLOWANCES TO WITNESSES.

A person who attends before the Board for the purpose of giving evidence is entitled to receive such fees and allowances as the Chairman of the Board, or in his absences the Deputy Chairman, thinks proper to allow in accordance with the prescribed scale of fees and allowances.

49. INSPECTION OF BOOKS, ETC.

The Board may—

- (a) inspect any books, documents or writings before it; and
- (b) retain them for such reasonable period as it thinks proper; and
- (c) make copies of such portions of them as are relevant to a matter before the Board.

50. JUDICIAL NOTICE OF OFFICIAL SIGNATURES.

Judicial notice shall be taken of the signature of the Chairman or Deputy Chairman of the Board appearing on a certificate issued under this Part and of the fact that the person by whom the certificate purports to have been signed was, at the time when the certificate was signed, the Chairman or Deputy Chairman, as the case may be.

51. REGULATIONS FOR PURPOSES OF PART III.

The Regulations may prescribe matters providing for and in relation to—

- (a) the fees (if any) payable in respect of any application, registration, certificate or other proceeding, act or thing provided for or required under this Part; and
- (b) the forms to be used for the purposes of this Part; and

(c) penalties of fines not exceeding K100.00, and default penalties of fines not exceeding K10.00 for offences against any regulations made for the purposes of this Part.

PART IV. – VALUATION OF PROPERTY.

Division 1.

Valuations.

Subdivision A. – Valuations for Valuation Rolls.

52. DECLARATION OF VALUATION AREA.

The Valuer General may, by notice in the National Gazette, declare an area described in the notice to be a Valuation Area for the purposes of this Act.

53. VALUATION ROLL.

(1) On the declaration of a Valuation Area, the Valuer General may cause a Valuation Roll to be prepared.

(2) For the purpose of Subsection (1), a Valuation Roll shall be deemed to be prepared on the day on which notification of its preparation is published by the Valuer General in the National Gazette.

(3) Where a Valuation Roll is prepared at the request of an organization or authority other than the Government, that authority or organization shall pay to the State such sum (if any) as is determined by the Minister.

54. CONTENTS OF VALUATION ROLL.

In respect of each parcel of land in the Valuation Area the Valuation Roll shall show–

- (a) the apparent name, description and address of the owner of the parcel; and
- (b) the description of the parcel; and
- (c) the date of the last valuation of the parcel; and
- (d) such particulars as, in the opinion of the Valuer General, are necessary or desirable for the purposes of the Valuation Roll; and
- (e) the amount of the Ground Improvements Allowance (if any) applicable; and
- (f) such other matters as are prescribed.

55. DECLARATION OF PERIODIC INTERVAL.

(1) In the notice under Section 52, or by a subsequent notice in the National Gazette, the Valuer General shall declare, in relation to each Valuation Area, a term of years as the periodic interval in relation to the Valuation Area.

(2) A periodic interval declared–

- (a) in respect of a Valuation Area wholly or partly within the boundaries of a town—shall be not less than five years; and
- (b) in respect of any other Valuation Area—shall be not less than seven years.

56. PERIODIC REVALUATION.

- (1) Before the conclusion of the periodic interval, each parcel of land in a Valuation Area shall be revalued, and the Valuation Roll shall be amended accordingly.
- (2) A revaluation under this section takes effect from the first day of the next periodic interval commencing after the conclusion of the periodic interval referred to in Subsection (1).

57. AMENDMENT OF DESCRIPTION OF VALUATION AREA.

- (1) Subject to Subsection (2), where the Valuer General amends the description of a Valuation Area so as to include a parcel of land not previously included in that Area, a valuation of the parcel shall be made as if that parcel had been included in that Valuation Area on the first day of the periodic interval within which the amendment to the description was made.
- (2) Where the Valuer General incorporates the whole or a part of a Valuation Area in another Valuation Area, Subsection (1) does not apply to or in relation to the land incorporated.

58. ALTERATION TO VALUATION DURING PERIODIC INTERVAL.

- (1) An alteration shall not be made to the valuation of a parcel of land in a Valuation Area during a periodic interval unless—
 - (a) the parcel is subdivided; or
 - (b) the parcel has been valued with adjoining land and is sold, separately leased or separately occupied; or
 - (c) the parcel is consolidated, leased or occupied with an adjoining parcel; or
 - (d) by reason of a public work, service or undertaking being performed, installed or carried out the value of the parcel has, in the opinion of the Valuer General, altered; or
 - (e) by reason of the operation of some natural cause over which the owner has no control, the value of the parcel has, in the opinion of the Valuer General, altered; or
 - (f) the permitted use of the land has been varied under a law relating to—
 - (i) town planning; or
 - (ii) building; or
 - (iii) any other prescribed matter,and in the opinion of the Valuer General the value of the parcel is altered by the variation; or
- (g) it is necessary to correct an error or omission in the existing valuation of the parcel.

- (2) An alteration made under this section has effect as a valuation from the date on which it is entered in the Valuation Roll for the Valuation Area.

59. AMENDMENTS TO VALUATION ROLL.

- (1) Where in the opinion of the Valuer General it is necessary to do so, he may amend the particulars, other than the valuation, in a Valuation Roll.

(2) Within 28 days after effecting an amendment under Subsection (1), the Valuer General shall cause a notice in the prescribed form showing the details of the amendment to be served on all persons whom he considers to have an interest in the matter.

60. EXTRACTS FROM VALUATION ROLL.

At the request of a person and on payment of the prescribed fee, the Valuer General shall provide, or cause to be provided, a certified copy of such particulars relating to the valuation of a parcel of land as appear in the Valuation Roll.

61. COPIES OF VALUATION ROLL, ETC.

(1) Subject to this section, the Valuer General may, on payment of the prescribed fee, provide to any person or body a certified copy of a Valuation Roll or portion of a Valuation Roll.

(2) The Valuer General is not required to provide a certified copy under this section where in his opinion the person or body does not have a proper and sufficient reason for requiring that a certified copy be provided.

(3) Where the person or body provided with a certified copy under this section is—

- (a) the State; or
- (b) an instrumentality of the Government; or
- (c) a Local-level Government,

no fee is payable under this section.

62. CERTIFIED COPIES.

(1) For the purposes of any law—

- (a) a certified copy of an entry provided under Section 60; or
- (b) a certified copy of a Valuation Roll provided under Section 61,

is evidence of the facts expressed in the Roll as to the valuation of the land.

(2) All courts, Judges and persons acting judicially shall take judicial notice of the signature of the Valuer General appearing on a certificate of valuation under this Part.

Subdivision B. – Other Valuations.

63. STATUTORY VALUATION.

Where for the purposes of a law it is—

- (a) necessary or desirable that a valuation be made of any property; or
- (b) otherwise expedient that a valuation be made,

the Valuer General may, subject to this Subdivision, make such a valuation or cause it to be made.

64. FEES.

When a valuation is made under Section 63, there shall be paid to the State the prescribed fee for the valuation or for matters arising out of or in connection with the valuation.

65. WAIVER OF FEES.

Notwithstanding this Subdivision, the Minister may waive all or portion of the fees payable under this Subdivision.

Subdivision C. – Notice of Valuation.

66. NOTICE OF VALUATION.

(1) As soon as practicable after the making of a valuation under this Division, the Valuer General shall serve on the owner of the property a notice showing the particulars to be inserted in the Valuation Roll.

(2) Where notice is to be served under Subsection (1) on the owner of the property, service may be effected–

(a) personally; or

(b) by post; or

(c) if service cannot reasonably be effected in accordance with Paragraph (a) or (b)–by publication in the National Gazette, and in a newspaper published and circulating in the country not less frequently than once a week, of sufficient details to identify the area and the place where the valuation may be inspected.

(3) Notwithstanding Subsection (1), a valuation is not invalidated only by reason of failure to give notice under that subsection.

Subdivision D. – Objections and Appeals.

67. OBJECTIONS TO VALUATIONS.

(1) Subject to this section, within four months after the making of a valuation under this Division a person aggrieved by the valuation may object to the valuation.

(2) For the purposes of this section, a valuation under Subdivision A shall be deemed to have been made–

(a) when notification of the preparation of the Valuation Roll containing the valuation is published under Section 53(2); or

(b) when the valuation is entered on the Valuation Roll.

68. NOTICE OF OBJECTION.

An objection under Section 67 shall be made by–

- (a) lodging with the Valuer General a notice of objection in the prescribed form containing the prescribed particulars; and
- (b) paying the prescribed fee.

69. CONSIDERATION OF OBJECTIONS.

Within 42 days after receipt of a notice of objection under Section 68, the Valuer General shall consider the objection and—

- (a) reject the objection and confirm the valuation; or
- (b) uphold the objection and amend the valuation; or
- (c) make any other amendments to the valuation that seem to him necessary or desirable.

70. OTHER PARTIES AFFECTED.

Where, in the exercise of his powers under Section 69, the Valuer General is of the opinion that the interests of persons other than a party to an objection will be affected, he shall take all reasonable steps to inform them of the objection.

71. NOTIFICATION OF DECISION.

The Valuer General shall give written notice to an objector of his decision on the objection.

72. APPEALS.

A person aggrieved by a decision of the Valuer General under Section 69 may appeal to a District Court.

73. GROUNDS OF APPEAL.

An appeal under Section 72 may be made on one or more of the following grounds:—

- (a) that the values determined are too high or too low;
- (b) that, in the case of a valuation for the purposes of Subdivision A, the Ground Improvements Allowance was too high or too low;
- (c) that the description of the land has not been correctly stated;
- (d) that areas of land that should have been included in the valuation have not been included;
- (e) that areas of land that should not have been included in the valuation have been included.

74. NOTICE OF APPEAL.

A District Court has no jurisdiction to hear an appeal under this Subdivision unless notice of appeal in the prescribed form has been lodged with the Clerk of the Court within three months, or such additional time as the District Court, in any particular case, allows after notice is given under Section 71.

75. JURISDICTION OF DISTRICT COURT ON APPEAL.

In the exercise of the jurisdiction conferred on it by this Subdivision, a District Court may—

- (a) receive evidence not otherwise admissible and give to that evidence such weight as it thinks proper; and

(b) make such orders (including an order for the payment of costs) as the justice of the matter requires.

76. PUBLICATION OF REASONS.

A District Court shall publish reasons for its decision on an appeal under this Subdivision.

77. APPEALS TO NATIONAL COURT.

Where the amount of the valuation the subject of an objection under this Subdivision exceeds, in the case of an assessment of—

(a) an unimproved value—K50,000.00; or

(b) any other value—K10,000.00,

the appeal from the decision of the Valuer General lies to the National Court and the provisions of this Subdivision, with the necessary modifications, apply to and in relation to that appeal.

78. PAYMENT OF TAX, ETC., WHEN VALUATION OBJECTED TO.

(1) The fact that an objection has been made or that an appeal is pending in relation to a valuation shall not in the meantime affect the receipt, levy or recovery of any rent, rate, tax, charge or other amount calculated by reference to that valuation.

(2) Where on the determination of the objection or appeal it appears that the rent, rate, tax, charge or amount received, levied or recovered is different from the rent, rate, tax, charge or other amount that should have been received, levied or recovered, the person liable to pay or entitled to receive the rent, rate, tax, charge or other amount is liable to pay or refund, as the case requires, the amount of the difference.

Division 2.

Old Valuations.

79. METHOD OF CALCULATING CERTAIN VALUES.

(1) Where it is impracticable, by reason of the non-availability of relevant information or otherwise, to fix by the application of the accepted principles of valuation a value for any property as at a certain date (in this section referred to as “the relevant date”), but it is practicable to fix that value as at some other date, the following procedure may be adopted to calculate the value as at the relevant date:—

(a) the value of the property or of equivalent property shall be calculated in accordance with the accepted principles as at a date as near as practicable to the relevant date;

(b) the value so arrived at shall be adjusted for the purposes of this section by applying to it any change in the value of money between the relevant date and the date as at which the value is arrived at under Paragraph (a),

due allowance being made for any change in circumstances affecting the value of the property between those dates.

(2) For the purposes of Subsection (1)(b), changes in the value of money after the year 1900 shall be measured by the changes in the latest Retail Price Index Numbers, Six State Capital Cities Combined, published by the Australian Bureau of Statistics, no adjustment being made for any changes before the year 1901.

Division 3.

Ground Improvements Allowance.

80. GROUND IMPROVEMENTS ALLOWANCE.

(1) In this section—

“**customary land**” includes land the subject of a conversion order under the pre-Independence *Land (Tenure Conversion) Act 1963* of which at least one person in whose favour the order was made remains the owner;

“**the date of valuation**” means the date as at which the value of the land is in question;

“**owner**”—

(a) in relation to Government land, means the State; and

(b) in relation to any land, does not include a mortgagee or chargee, whether in possession or otherwise.

(2) Subject to this section, in the assessment of unimproved value in relation to any land there shall be deducted from the amount of that value as calculated without reference to this section a sum equal to the expenditure (if any) in respect of ground improvements made to the land.

(3) For the purposes of Subsection (2), no account shall be taken—

(a) of any ground improvements made more than 15 years before the date of valuation; or

(b) except in the case of customary land, of any ground improvements after each of the persons who, at the time when the improvements were made was an owner of the land, has ceased to be an owner.

(4) The sum to be deducted under Subsection (2) shall not exceed the estimated increase which the expenditure has made to the value of the land as at the date of valuation.

(5) For the purposes of Subsection (3), and in relation to the definition of “customary land” in Subsection (1), a transfer by operation of law shall not be deemed to affect the ownership of the land.

Division 4.

General.

81. VALUATION AT ANOTHER DATE.

A valuation made under or authorized by this Act may be expressed to relate to a date other than the day on which that valuation was made.

82. ENTRY AND INSPECTION.

(1) For the purpose of the exercise and performance of his powers and functions under this Part, the Valuer General or an Official Valuer may—

- (a) enter on and inspect any land, building, vessel, vehicle or aircraft; and
- (b) examine and take copies of any books, papers, records or other writings that in his opinion may assist him in the exercise and performance of those powers and functions,

at all reasonable times, with or without assistants.

(2) Where practicable, 24 hours' notice of intention to exercise the powers conferred by Subsection (1) shall be given to or served on the occupier or person in charge or apparently in charge—

- (a) personally or by registered post at his last-known place of abode; or
- (b) if he or his place of abode cannot with reasonable diligence be found or ascertained, by being displayed in some conspicuous place on the land the subject of the notice.

(3) A person who, without reasonable excuse (proof of which is on him), hinders or obstructs a person lawfully exercising a power conferred on him by Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

83. REQUIREMENT OF INFORMATION AND PRODUCTION OF DOCUMENTS.

(1) For the purpose of the exercise and performance of his powers and functions under this Part, the Valuer General or an Official Valuer may, by written notice require a person—

- (a) to give such information as is within that person's knowledge; or
- (b) to produce such books, papers, records or other writings as are in that person's possession or control,

relating to the matter specified in the notice.

(2) A person who, without reasonable excuse (proof of which is on him), refuses or fails to give any information or produce any books, papers, records or other writings required under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

84. NOTICE OF SALE, SUBDIVISION, ETC.

(1) Within 42 days after a person becomes or ceases to be the owner of any land within or partly within a Valuation Area, he must cause notice of the fact to be given in the prescribed form to the Valuer General.

(2) Where a person subdivides any land within or partly within a Valuation Area, he must without delay give notice of the subdivision, in the prescribed form, to the Valuer General.

(3) A person who refuses or fails to give a notice required to be given under Subsection (1) or (2) is guilty of an offence.

Penalty: A fine not exceeding K50.00.

Default penalty: A fine not exceeding K10.00.

PART V. – MISCELLANEOUS.

85. REFERENCES IN OTHER LAWS.

A reference in any other law to a valuer or to an appraiser, shall be read as a reference to a registered valuer within the meaning of this Act or an Official Valuer.

86. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Office of Legislative Counsel, PNG

^[1] Section 2 replaced by No. 5 of 1979, s2 and 3.

^[2] Section 4 replaced by No. 5 of 1979, s4 and 5.

^[3] Section 5(1) amended by No. 5 of 1979, s6.

^[4] Section 5(1) amended by No. 5 of 1979, s6.

^[5] Section 9 replaced by No. 6 of 1979, s1.

^[6] Section 10 Repealed by No. 6 of 1979, s3.

^[7] Section 12 Repealed by No. 6 of 1979, s2.

^[8] Section 14 Repealed by No. 6 of 1979, s4.

^[9] Section 15 Replaced by No. 6 of 1979, s5.

^[10] Section 21(1) replaced by No. 6 of 1979, s6.

^[11] Section 21(1) replaced by No. 6 of 1979, s6.

^[12] Section 29(3) repealed by No. 6 of 1979, s7.

^[13] Section 39(2) repealed by No. 6 of 1979, s8.

^[14] Section 40 repealed and replaced by *Physical Planning (Consequential Amendments) Act* 1989 (No. 33 of 1989), s17.

^[15] Section 41(2) repealed by No. 6 of 1979, s9.