

South Australia



**STAMP DUTIES (VALUATIONS—OBJECTIONS AND APPEALS)
AMENDMENT ACT 1995**

No. 83 of 1995

SUMMARY OF PROVISIONS

1. **Short title**
2. **Amendment of s. 24—Objections and appeals**



ANNO QUADRAGESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1995

No. 83 of 1995

An Act to amend the Stamp Duties Act 1923.

[Assented to 30 November 1995]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Stamp Duties (Valuations—Objections and Appeals) Amendment Act 1995*.

(2) The *Stamp Duties Act 1923* is referred to in this Act as "the principal Act".

Amendment of s. 24—Objections and appeals

2. Section 24 of the principal Act is amended by inserting after subsection (10) the following subsections:

(10a) Where duty is assessed under this Act according to the market value of property, an objection or appeal under this section may be made (wholly or in part) on the ground that there has been an incorrect determination of market value.

(10b) If an objection is made under subsection (10a), the Treasurer may—

- (a) refer any aspect of the matter for advice or report;
- (b) obtain a valuation (or a further valuation) of the relevant property;
- (c) consider any valuation or other information furnished by the objector;
- (d) take into account any other matter or representation that the Treasurer considers relevant.

(10c) If the Treasurer or the Court (as the case may be) finds that there has been an incorrect determination of the market value of property, the Treasurer or the Court may alter the assessment of duty.

**Stamp Duties (Valuations—Objections and Appeals)
Amendment Act 1995**

No. 83 of 1995

(10d) However—

- (a) a person may not lodge an objection or appeal under this section on the ground that there has been an incorrect determination of the market value of property if the case involves a conveyance on sale and the consideration for the sale has been treated as the market value of the property for the purposes of the assessment of duty; and
- (b) the Court may dismiss or determine (with costs against the appellant) an appeal under this section on the ground that there has been an incorrect determination of the market value of property if it appears that the proceedings are frivolous, or that there is no significant basis upon which to dispute the determination of market value; and
- (c) a finding by the Court that there has been an incorrect determination of market value of property for the purposes of this Act does not affect any valuation of the Valuer-General for the purposes of any other Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor