



New South Wales

Valuation of Land Amendment (Valuer-General) Bill 2003

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Valuation of Land Act 1916* so as to provide for the establishment and functions of a joint committee of members of Parliament with respect to the office of Valuer-General. The joint committee is proposed to remain in existence only for the duration of the current Parliament.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the *Valuation of Land Act 1916* set out in Schedule 1.

Schedule 1 [2] amends the *Valuation of Land Act 1916* so as to insert a new Part 8, containing proposed sections 84–95.

Proposed section 84 provides for the constitution of a Joint Committee of Parliament, to be known as the Committee on the Office of the Valuer-General.

Proposed section 85 sets out the functions of the Joint Committee, which will include the monitoring and review of the exercise of the Valuer-General's functions under the *Valuation of Land Act 1916*, the *Land Tax Management Act 1956* and the *Premium Property Tax Act 1998* (with particular reference to the monitoring of valuation methodologies, the arrangements under which valuation service contracts are negotiated and entered into and the standard of valuation services provided under such contracts) but exclude matters relating to or arising from particular valuations of specific properties.

Proposed section 86 provides that the Joint Committee is to consist of 5 members (2 from the Legislative Council and 3 from the Legislative Assembly).

Proposed section 87 sets out the circumstances in which a member of the Joint Committee ceases to hold office as such.

Proposed section 88 provides for the appointment of a Chairperson and Vice-Chairperson for the Joint Committee.

Proposed section 89 contains provisions with respect to the procedure of the Joint Committee.

Proposed section 90 sets out how a report of the Joint Committee is to be presented when Parliament is not in session.

Proposed section 91 allows the Joint Committee to send for persons, papers and records, and requires all evidence to be taken in public (subject to the confidentiality provisions of proposed section 92).

Proposed section 92 enables confidential evidence to be taken in private, and protects evidence so taken from being improperly disclosed.

Proposed section 93 gives the Joint Committee the same status as a joint committee appointed by Parliament in response to a proposal originating in the Legislative Assembly.

Proposed section 94 validates proceedings of the Joint Committee in circumstances in which there is a vacancy in the office of, or a defect in the appointment of, one of its members.

Proposed section 95 provides for the expiry of proposed Part 8 on the day on which the Legislative Assembly is next dissolved or next expires by the effluxion of time.

Schedule 1 [1] makes a consequential amendment to section 4 (Definitions).



New South Wales

Valuation of Land Amendment (Valuer-General) Bill 2003

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New South Wales

Valuation of Land Amendment (Valuer-General) Bill 2003

No. , 2003

A Bill for

An Act to amend the *Valuation of Land Act 1916* so as to provide for the establishment and functions of a joint committee of members of Parliament with respect to the office of Valuer-General.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Valuation of Land Amendment (Valuer-General) Act 2003*.

2 Commencement

This Act commences on a day to be appointed by proclamation.

3 Amendment of Valuation of Land Act 1916 No 2

The *Valuation of Land Act 1916* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

Joint Committee means the Joint Committee called the Committee on the Office of the Valuer-General constituted under Part 8.

[2] Part 8

Insert after Part 7:

Part 8 Parliamentary Joint Committee**84 Constitution of Joint Committee**

- (1) As soon as practicable after the commencement of this Part, a joint committee of members of Parliament, to be known as the Committee on the Office of the Valuer-General, is to be appointed.
- (2) The Joint Committee has and may exercise the functions conferred or imposed on it by or under this Act or any other Act.

85 Functions

- (1) The Joint Committee has the following functions under this Act:
 - (a) to monitor and to review the exercise of the Valuer-General's functions with respect to land valuations under this Act, the *Land Tax Management Act 1956* and the *Premium Property Tax Act 1998* and, in particular:
 - (i) to monitor the methodologies employed for the purpose of conducting such valuations, and
 - (ii) to monitor the arrangements under which valuation service contracts are negotiated and entered into under Part 1A of this Act, and
 - (iii) to monitor the standard of valuation services provided under such contracts,

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| <p>(b) to report to both Houses of Parliament, with such comments as it thinks fit, on any matter connected with the exercise of the Valuer-General's functions referred to in paragraph (a) to which, in the opinion of the Joint Committee, the attention of Parliament should be directed,</p> <p>(c) to report to both Houses of Parliament any change that the Joint Committee considers desirable to the Valuer-General's functions referred to in paragraph (a),</p> <p>(d) to inquire into any question in connection with the Joint Committee's functions which is referred to it by both Houses of Parliament, and to report to both Houses on that question.</p> <p>(2) The functions of the Joint Committee do not extend to the investigation of any matter relating to or arising from a particular valuation of a specific parcel of land.</p> <p>(3) The functions of the Joint Committee may be exercised in respect of matters occurring before or after the commencement of this section.</p> <p>86 Membership</p> <p>(1) The Joint Committee is to consist of 5 members, of whom:</p> <p style="padding-left: 20px;">(a) 2 are to be members of, and appointed by, the Legislative Council, and</p> <p style="padding-left: 20px;">(b) 3 are to be members of, and appointed by, the Legislative Assembly.</p> <p>(2) The appointment of members of the Joint Committee is, as far as practicable, to be in accordance with the practice of Parliament with reference to the appointment of members to serve on joint committees of both Houses of Parliament.</p> <p>(3) A person is not eligible for appointment as a member of the Joint Committee if the person is a Minister of the Crown or a Parliamentary Secretary.</p> | <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> |
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87 Vacancies

- (1) A member of the Joint Committee ceases to hold office:
 - (a) if the member becomes a Minister of the Crown or a Parliamentary Secretary, or
 - (b) if a member ceases to be a member of the Legislative Council or Legislative Assembly, or
 - (c) if, being a member of the Legislative Council, the member resigns the office by instrument in writing addressed to the President of the Legislative Council, or
 - (d) if, being a member of the Legislative Assembly, the member resigns the office by instrument in writing addressed to the Speaker of the Legislative Assembly, or
 - (e) if the member is discharged from office by the House of Parliament to which the member belongs.
- (2) Either House of Parliament may appoint one of its members to fill a vacancy among the members of the Joint Committee appointed by that House.

88 Chairperson and Vice-Chairperson

- (1) There is to be a Chairperson and a Vice-Chairperson of the Joint Committee, who are to be elected by and from the members of the Joint Committee.
- (2) A member of the Joint Committee ceases to hold office as Chairperson or Vice-Chairperson of the Joint Committee if:
 - (a) the member ceases to be a member of the Committee, or
 - (b) the member resigns the office by instrument in writing presented to a meeting of the Committee, or
 - (c) the member is discharged from office by the Committee.
- (3) At any time when the Chairperson is absent from New South Wales or is, for any reason, unable to perform the duties of Chairperson or there is a vacancy in that office, the Vice-Chairperson may exercise the functions of the Chairperson under this Act or under the *Parliamentary Evidence Act 1901*.

89 Procedure

- (1) The procedure for the calling of meetings of the Joint Committee and for the conduct of business at those meetings is, subject to this Act, to be as determined by the Committee.
- (2) The Clerk of the Legislative Assembly is to call the first meeting of the Joint Committee in each Parliament in such manner as the Clerk thinks fit.
- (3) At a meeting of the Joint Committee, 3 members constitute a quorum, but the Committee must meet as a joint committee at all times.
- (4) The Chairperson or, in the absence of the Chairperson, the Vice-Chairperson (or, in the absence of both the Chairperson and the Vice-Chairperson, a member of the Joint Committee elected to chair the meeting by the members present) is to preside at a meeting of the Joint Committee.
- (5) The Vice-Chairperson or other member presiding at a meeting of the Joint Committee has, in relation to the meeting, all the functions of the Chairperson.
- (6) The Chairperson, Vice-Chairperson or other member presiding at a meeting of the Joint Committee has a deliberative vote and, in the event of an equality of votes, also has a casting vote.
- (7) A question arising at a meeting of the Joint Committee is to be determined by a majority of the votes of the members present and voting.
- (8) The Joint Committee may sit and transact business despite any prorogation of the Houses of Parliament or any adjournment of either House of Parliament.
- (9) The Joint Committee may sit and transact business on a sitting day of a House of Parliament during the time of sitting.

90 Reporting when Parliament not in session

- (1) If a House of Parliament is not sitting when the Joint Committee seeks to furnish a report to it, the Committee may present copies of the report to the Clerk of the House.

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| <p>(2) The report:</p> <p style="padding-left: 20px;">(a) on presentation and for all purposes is taken to have been laid before the House, and</p> <p style="padding-left: 20px;">(b) may be printed by authority of the Clerk, and</p> <p style="padding-left: 20px;">(c) if printed by authority of the Clerk, is for all purposes taken to be a document published by or under the authority of the House, and</p> <p style="padding-left: 20px;">(d) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after receipt of the report by the Clerk.</p> <p>91 Evidence</p> <p style="padding-left: 20px;">(1) The Joint Committee has power to send for persons, papers and records.</p> <p style="padding-left: 20px;">(2) Subject to section 92, the Joint Committee must take all evidence in public.</p> <p style="padding-left: 20px;">(3) If the Joint Committee as constituted at any time has taken evidence in relation to a matter but the Committee as so constituted has ceased to exist before reporting on the matter, the Committee as constituted at any subsequent time, whether during the same or another Parliament, may consider that evidence as if it had taken the evidence.</p> <p style="padding-left: 20px;">(4) The production of documents to the Joint Committee is to be in accordance with the practice of the Legislative Assembly with respect to the production of documents to select committees of the Legislative Assembly.</p> <p>92 Confidentiality</p> <p style="padding-left: 20px;">(1) If any evidence proposed to be given before, or the whole or a part of a document produced or proposed to be produced to, the Joint Committee relates to a secret or confidential matter, the Committee may, and at the request of the witness giving the evidence or the person producing the document must:</p> <p style="padding-left: 40px;">(a) take the evidence in private, or</p> <p style="padding-left: 40px;">(b) direct that the document, or the part of the document, be treated as confidential.</p> | <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> |
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| (2) | If any evidence proposed to be given before, or the whole or a part of a document produced or proposed to be produced in evidence to, the Joint Committee relates to the proposed appointment of a person as Valuer-General, the Committee must (despite any other provision of this section): | 1
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| (a) | take the evidence in private, or | 6 |
| (b) | direct that the document, or the part of the document, be treated as confidential. | 7
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| (3) | Despite any other provision of this section except subsection (8), the Joint Committee must not, and a person (including a member of the Committee) must not, disclose any evidence or the contents of a document or that part of a document to which subsection (2) applies. | 9
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| | Maximum penalty: 20 penalty units or imprisonment for 3 months, or both. | 14
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| (4) | If a direction under subsection (1) applies to a document or part of a document produced to the Joint Committee: | 16
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| (a) | the contents of the document or part are, for the purposes of this section, to be regarded as evidence given by the person producing the document or part and taken by the Committee in private, and | 18
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| (b) | the person producing the document or part is, for the purposes of this section, to be regarded as a witness. | 22
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| (5) | If, at the request of a witness, evidence is taken by the Joint Committee in private: | 24
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| (a) | the Committee must not, without the consent in writing of the witness, and | 26
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| (b) | a person (including a member of the Committee) must not, without the consent in writing of the witness and the authority of the Committee under subsection (7), | 28
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| | disclose or publish the whole or a part of that evidence. | 31 |
| | Maximum penalty: 20 penalty units or imprisonment for 3 months, or both. | 32
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| (6) | If evidence is taken by the Joint Committee in private otherwise than at the request of a witness, a person (including a member of the Committee) must not, without the authority | 34
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| of the Committee under subsection (7), disclose or publish the whole or a part of that evidence. | 1
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| Maximum penalty: 20 penalty units or imprisonment for 3 months, or both. | 3
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| (7) The Joint Committee may, in its discretion, disclose or publish or, by writing under the hand of the Chairperson, authorise the disclosure or publication of evidence taken in private by the Committee, but this subsection does not operate so as to affect the necessity for the consent of a witness under subsection (5). | 5
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| (8) Nothing in this section prohibits: | 11 |
| (a) the disclosure or publication of evidence that has already been lawfully published, or | 12
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| (b) the disclosure or publication by a person of a matter of which the person has become aware otherwise than by reason, directly or indirectly, of the giving of evidence before the Joint Committee. | 14
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| (9) This section has effect despite section 4 of the <i>Parliamentary Papers (Supplementary Provisions) Act 1975</i> . | 18
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| (10) If evidence taken by the Joint Committee in private is disclosed or published in accordance with this section: | 20
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| (a) sections 5 and 6 of the <i>Parliamentary Papers (Supplementary Provisions) Act 1975</i> apply to and in relation to the disclosure or publication as if it were a publication of that evidence under the authority of section 4 of that Act, and | 22
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| (b) Division 5 of Part 3 of, and Schedule 2 to, the <i>Defamation Act 1974</i> apply to and in relation to that evidence as if it were taken by the Committee in public. | 27
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| 93 Application of certain Acts etc | 30 |
| For the purposes of the <i>Parliamentary Evidence Act 1901</i> and the <i>Parliamentary Papers (Supplementary Provisions) Act 1975</i> and for any other purposes: | 31
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| (a) the Joint Committee is to be regarded as a joint committee of the Legislative Council and Legislative Assembly, and | 34
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- (b) the proposal for the appointment of the Joint Committee is to be regarded as having originated in the Legislative Assembly.

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94 Validity of certain acts or proceedings

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Any act or proceeding of the Joint Committee is, even though at the time when the act or proceeding was done, taken or commenced there was:

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- (a) a vacancy in the office of a member of the Committee, or
- (b) any defect in the appointment, or any disqualification, of a member of the Committee,

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as valid as if the vacancy, defect or disqualification did not exist and the Committee were fully and properly constituted.

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95 Expiry of Part

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This Part expires on the day following the commencement of this Part on which the Legislative Assembly is next dissolved or next expires by the effluxion of time.

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