

SOUTH AUSTRALIA



STATE TAXATION OFFICE

**Stamp Duties**

**Circular No. 135**

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

The Stamp Duties (Valuations - Objections and Appeals) Amendment Act 1995 came into operation on 30 November 1995.

Prior to the Amendment Act coming into effect, the Stamp Duties Act 1923 did not provide for an objection or appeal to be made on the ground that there has been an incorrect determination of market value of the property upon which duty had been assessed.

The Amendment Act addresses this problem by permitting an objection and appeal in respect of the valuation of the property.

The Treasurer on receiving an objection may:-

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

The Treasurer or the Court (in the case of appeals) will be able to alter an assessment of duty if it is found that there has in fact been an incorrect determination of market value.

**Limitation of Objections and Appeals**

An objection or appeal cannot be made on the grounds that there has been an incorrect determination of the market value of the property if the consideration for sale has been treated as the market value for the purposes of the assessment of duty. The reason for this is that the amount used in calculating the assessment of duty in the case of a conveyance on sale is the amount determined and agreed by the parties to be the value of the relevant property.

**Frivolous Appeals**

The amendment provides the Court with the power to dismiss or determine proceedings (with costs against the appellant) if it appears that either :-

- the proceedings are frivolous
- or
- there is no significant issue on which to dispute the determination of market value.

**Valuations of the Valuer General**

A finding that there has been an incorrect determination of market value will not affect any valuation of the Valuer General for the purposes of any other Act.

**Enquiries**

Enquiries relating to the contents of this circular may be made to the State Taxation Office on **(08) 226 3733**

December 1995

**COMMISSIONER OF STAMPS**

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