

Law Reform Commission

REPORT 23 (1975) - LAND AND VALUATION COURT

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Preface

The Law Reform Commission is constituted by the Law Reform Commission Act, 1967. The Commissioners are-

Chairman

The Honourable Mr Justice C. L. D. Meares.

Deputy Chairman

Mr R. D. Conacher.

His Honour Judge R. F. Loveday, Q.C.

Mr C. R. Allen.

Mr D. Gressier.

The offices of the Commission are in the Goodsell Building, 8-12 Chifley Square, Sydney. Letters should be addressed to the Secretary.

This is the twenty-third report of the Commission on a reference from the Attorney General. Its short citation is L.R.C. 23.

REPORT 23 (1975) - LAND AND VALUATION COURT

Report

The Honourable J. C. Maddison, B.A., LL.B., M.L.A.,
Attorney General and Minister of Justice,
Department of the Attorney General and of Justice, Sydney

PART 1.-INTRODUCTION

1.1 By letter dated 26th March, 1975, you referred to us a proposal for the replacement of the Land and Valuation Court by the Supreme Court. The circumstances referred to in your letter indicated a degree of urgency in relation to the matter. We have accordingly given priority to our consideration of this proposal and now submit our Report.

PART 2.-SUMMARY OF RECOMMENDATIONS

2.1 Our recommendations, and the reasons therefor, are set out in this Report and are expressed in legislative form in the Draft Bill annexed. The main recommendations may be summarized as follows-

- (a) that the Land and Valuation Court, constituted by the Land and Valuation Act, 1921, be abolished;
- (b) that the jurisdiction now exercised by that Court be conferred-
 - (i) as regards appeals to that Court pursuant to section 118 of the Local Government Act, 1919, on the District Court;
 - (ii) as regards all other matters, on the Supreme Court.

PART 3.-A SHORT HISTORY OF THE LAND AND VALUATION COURT

3.1 The Crown Lands Act of 1884 established local land boards to decide and to report to the Minister upon various matters assigned to the boards by that Act. Parties to any proceedings before a local land board were given a right to appeal from any adjudication or decision of the board to the Minister for Lands, who was directed to hear and determine the appeals as in open court.

3.2 The Crown Lands Act of 1889 substituted for this ministerial court a Land Court consisting of three members appointed by the Governor, one of whom was made the President. The Land Court heard all appeals and all matters referred to it by the Minister or by a local land board, making orders or awards which were conclusive on the parties and had the force of a common law judgment of the Supreme Court. Questions of law arising in cases in the Land Court could be referred to the Supreme Court in the form of a stated case, on the request of any party or of the Court's own motion.

3.3 The Crown Lands Consolidation Act, 1913, abolished the Land Court and constituted the Land Appeal Court consisting of three members, one of whom was the President. The jurisdiction of the Land Appeal Court was similar to that of its predecessor, the Land Court, and again provision was made for the stating and submitting of a case for the decision of the Supreme Court on any question of law.

3.4 The death of the President and the advancing ages of the two members of the Land Appeal Court furnished a suitable opportunity in 1921 for recasting the constitution of that court. This was effected by the Land and Valuation Court Act, 1921, which dissolved the Land Appeal Court and constituted the Land and Valuation Court.

3.5 The new Court was constituted by a judge having the same rank, title, status, and precedence and the same salary and rights as judges of the Supreme Court. Jurisdiction was conferred on the Court to

hear and determine matters which had previously been within the jurisdiction of the Land Appeal Court and in addition the Court was given jurisdiction to hear objections to and appeals against valuations of land, the levying of rates or charges and the assessment of rateable property under various Acts, and claims made for compensation by reason of the acquisition of land under the Public Works Act, 1912, where such claim exceeded £100. The right of appeal by way of case stated for the decision of the Supreme Court was retained.

3.6 The Land and Valuation Court has been invested with additional jurisdiction under many statutes¹ and has been divested of some of its jurisdiction under others. Important changes were as follows:

(1) In 1937 jurisdiction was conferred on the Court to hear appeals in relation to the value of land resumed under the Closer Settlement Acts.²

(2) In 1945 the Court was substituted for the District Court as the appellate tribunal to bear appeals from local councils regarding applications to erect buildings, to open new public roads and to subdivide land.³

(3) In 1945 the Court was made the tribunal to hear claims for compensation exceeding £100 made in respect of the operation of prescribed planning schemes and to hear planning appeals from councils exercising functions as responsible authorities under such schemes.⁴

(4) In 1958 Boards of Appeal were substituted for the Court as the tribunals to hear appeals from councils on building and subdivision applications leaving only a right of appeal from a Board to the Court by special case on a question of law.⁵

(5) In 1962 valuation boards of review were constituted to hear objections against valuations of land made under the Valuation of Land Act, 1916, that were formerly heard by the Court,⁶ saving however a right of appeal from and reference by a valuation board to the Court.

(6) In 1972 the Local Government Appeals Tribunal was constituted to hear planning and development appeals formerly heard by the Court.⁷

3.7 The first judge of the Court was the Honourable Mr Justice Pike, who held office from 21st December, 1921 to 24th May, 1937. The present judge of the Court is the Chief Justice the Honourable Mr Justice L. W. Street, who was appointed Judge of the Court on 28th October, 1974. He succeeded the Honourable Mr Justice Else-Mitchell who retired on 1st October, 1974. The Honourable Mr Justice Waddell was appointed an additional Judge of the Court for a period of 6 months on 28th October, 1974, and this period has been extended for a further 6 months.

PART 4.-THE PRESENT BUSINESS OF THE COURT

4.1 During the year 1973 and until his retirement on 1st October, 1974, the Honourable Mr Justice Else-Mitchell was the sole Judge of the Court. In addition to his other duties, in that period he delivered forty-two Judgments relating to thirty-six matters in the Court. These matters comprised ten claims for compensation for resumption of land, twelve appeals or references from local land boards under the Crown Lands Consolidation Act, 1913, the Western Lands Act of 1901 and the Public Roads Act, 1902, eight appeals and references from valuation boards of review, four appeals pursuant to the Local Government Act, 1919 (three under section 133 and one under section 118 of that Act), one claim for compensation made pursuant to section 342AC (1) (f) of the Local Government Act, 1919, and one arbitrations.⁸

4.2 New matters listed in 1975 and awaiting hearing in the Court on 29th April, 1975, indicate a recent change in the nature of the business of the Court. They comprise 181 appeals lodged pursuant to the Local Government Act, 1919 (177 under section 118 and four under section 133), seven claims for compensation for resumption, eight appeals lodged pursuant to section 38 of the Valuation of Land Act, 1916, from valuation boards of review, two claims for compensation lodged pursuant to -section 342AC (1) of the Local Government Act, 1919, and ten references under the Crown Lands Consolidation Act,

1913, by the Minister from local land boards. The appeals lodged pursuant to section 118 of the Local Government Act, 1919, all appear to involve the determination of a factual issue, namely whether the land, the subject of the appeal, is wholly or mainly used by the occupier for carrying on one or more of the agricultural pursuits set out in the section.

PART 5.-LAND AND VALUATION COURTS IN OTHER AUSTRALIAN STATES AND NEW ZEALAND

5.1 No consistent pattern is evident in the legislative provisions of other States and New Zealand.

5.2 In Victoria, disputes about compensation for, or valuation of land acquired by an authority, and appeals following objections to valuations for rating and taxing purposes are heard by either a Land and Valuation Board of Review or the Supreme Court, depending on the amount of compensation claimed or the amount of the disputed valuation.

5.3 In South Australia the Land and Valuation Court is a division of the Supreme Court. It exercises the jurisdiction conferred on it under certain listed Acts and any additional jurisdiction under other Acts with all the powers and authority of the Supreme Court.

5.4 In Western Australia disputed claims for compensation for resumption of land are dealt with by a Compensation Court presided over by a Supreme Court Judge or a stipendiary magistrate depending on the amount of the claim.

5.5 In Tasmania the Land Valuation Court, constituted by commissioners, one of whom is appointed chairman, has jurisdiction to hear objections to valuations. This, however, a right of appeal to the Supreme Court by way of rehearing by a judge. In certain circumstances objections may also be summarily removed into the Supreme Court by order of the Supreme Court or a Judge thereof.

5.6 In Queensland the Land Court hears matters relating to Crown land and objections to valuations made by the Valuer-General. The Land Appeal Court, consisting of a Supreme Court Judge and two members of the Land Court (excluding the member whose decision is the subject of the appeal), hears appeals from the Land Court by way of rehearing. More than one Judge may sit (with two members of the Land Court) at the one time to hear appeals.

5.7 In New Zealand a Land Valuation Court was established in 1948. In 1968, however, this Court was abolished and its jurisdiction was transferred to the Administrative Division of the Supreme Court.

PART 6.-THE NEED FOR A SPECIAL COURT

6.1 Advantages of having a special court to deal with land and valuation matters have been said to be-

- (a) greater consistency of decisions;⁹ and
- (b) greater efficiency by reason of a developed expertise of the judge of the court in the complexities of land laws and principles of valuation.¹⁰

6.2 The main disadvantage of a special court appears to us to be lack of flexibility in its ability to handle its workload. Insufficient work for the court means that an expensive public utility is not being fully used. Too much work may cause serious hardship to litigants through delays. A single court, for example, can only hear one urgent case at the one time.¹¹ The great fluctuations in the volume of business of the court over the years demonstrates the seriousness of this criticism.

PART 7.-OUR RECOMMENDATIONS AND REASONS THEREFOR

7.1 In our view the advantages of consistency of decisions and expertise of the judge of the Land and Valuation Court may be retained otherwise than by the retention of a separate court. If the Supreme Court were invested with the jurisdiction and the work assigned to a Division, a judge of that Division would ordinarily deal with the work and would be available for other work when there was insufficient

land and valuation business. On the other hand if there were more urgent land or valuation work than he could manage he would be able to call on other judges for assistance. In our view this would result in better use of judicial time and also of court staff. ¹²

7.2 Accordingly, we recommend the abolition of the Land and Valuation Court and the transfer of jurisdiction exercised by that Court to the Supreme Court, with one exception.

7.3 The exception is the hearing and determination of appeals pursuant to section 118 of the Local Government Act, 1919, against decisions of local councils that land is not "rural land" for rating purposes. At present the Act gives a right of appeal to the nearest court of petty sessions where the value of the land does not exceed \$10,000 and a right of appeal to the Land and Valuation Court where it exceeds that sum. The issue involved in these appeals is usually a factual one. The determination of the appeals does not require any special expertise and there is no special need for consistency beyond that which might be expected generally from court decisions. In addition, as we have pointed out, they have recently become numerous. In our view the right of appeal to the Land and Valuation Court in these matters should be transferred to the District Court without, however, interfering with the right of appeal to petty sessions courts. There is at present a right of appeal to the Supreme Court on questions of law from petty sessions courts hearing appeals under section 118 of the Local Government Act, 1919, and we recommend that this right be also available in relation to appeals to the District Court under the section.

7.4 In addition to the appeals under section 118 of the Local Government Act there are, in our opinion, a number of matters now dealt with by the Land and Valuation Court that are more appropriate for an inferior court than the Supreme Court. These are, however, not susceptible of easy classification and we include recommendations in relation to them in a later report.

7.5 The Draft Bill annexed to this report proposes amendments to a number of Acts, including the Public Works Act, 1912, dealing with resumption of land. We have read a report of a departmental committee set up to consider procedures for land acquisition ¹³ and we agree with that committee on the need for improvement in those procedures. However, we regard a consideration of measures for improvement as being outside the terms of our reference except in so far as they relate to court procedure. We note that our recommendation to the effect that the jurisdiction to hear and determine disputed claims for compensation following a resumption of land be vested in the Supreme Court, is in accord with the views of that committee. However, we also recommend that a petty sessions court constituted by a stipendiary magistrate be given jurisdiction to hear and determine such claims where the amount of the claim does not exceed \$500. ¹⁴ We also recommend amendments to the Public Works Act, 1912, relating to procedure with which the committee appears to agree in principle. They involve-

- (a) widening the powers of the court hearing a compensation claim; ¹⁵
- (b) repealing -the special cost provisions in the Public Works Act (and the State Coal Mines Act, 1912) under which a claimant, even though successful in being awarded by the court more compensation than he, had been offered, is nevertheless usually entitled only to portion of his legal Costs. ¹⁶ In our view a claimant whose land has been resumed and who has been compelled to seek the assistance of the court to establish the full measure of his entitlement should be in no worse position than any other successful litigant.

7.6 Section 12 of the Land and Valuation Court Act, 1921, gives the Crown a right to appear before the court in any case in which the public interest or any right or interest of the Crown may be affected or involved. The section had its origin in s. 8 of the Crown Lands Act of 1889 under which the Crown was given a right to appear in all proceedings in the Land Court "in which its rights, interests, or revenues may be concerned". The importance of decisions of the Land Court in relation to revenue and land tenure was no, doubt much greater in 1889 than is now the case but even if this were not so we see no logical reason for continuing the Crown's absolute right of appearance in all matters dealt with by the Land and Valuation Court and not granting the Crown a similar right in all private litigation the result of which may affect or involve the public interest or the interest of the Crown. We therefore do not recommend the re-enactment of s. 12 on transfer of jurisdiction of the court to the Supreme Court and

District Court. We do not anticipate that this will occasion much concern since, so far as we are aware, the right has been exercised infrequently.

PART 8.-TRANSITION

8.1 The Draft Bill provides for the termination of the appointment of the Judge and the additional Judge of the Court. Their other appointments as Chief Justice and as a puisne judge of the Supreme Court respectively, are preserved.

8.2 The Draft Bill also provides for the termination of appointment of the officers of the Court who are-

- (a) the Registrar, who is also the Prothonotary of the Common Law Division and the Registrar of the Admiralty Division of the Supreme Court and the Registrar of the Court of Criminal Appeal; and
- (b) the Deputy Registrar, who is also the Deputy Registrar of the Court of Appeal, a Deputy Prothonotary of the Common Law Division and Deputy Registrar of the Admiralty Division of the Supreme Court and Deputy Registrar of the Court of Criminal Appeal.

The other appointments of these officers will not be affected.

8.3 Office staff of the Court comprises a clerical officer and a typist, both of whom will be absorbed in the Supreme Court staff.

8.4 Records of pending proceedings are required by the Bill to be handed over to and filed in the court invested with jurisdiction under the Bill.

8.5 Rules will need to be made under s. 124 of the Supreme Court Act, 1970, and s. 161 of the District Court Act, 1973, to provide for procedure relating to the new jurisdiction conferred on the Supreme Court and District Court under the Bill. The Bill therefore provides that the commencing date of the Act shall be appointed by the Governor and notified in the Gazette.

8.6 The references in the Schedule to the Draft Bill are to legislation enacted before 1st January, 1975.

C. L. D. MEARES
Chairman

R. F. LOVEDAY
Commissioner

30th June, 1975.

FOOTNOTES

1. See the various Acts referred to in the Schedule to the Draft Bill.
2. The Closer Settlement (Amendment) Act, 1937.
3. The Local Government (Amendment) Act, 1945.
4. The Local Government (Town and Country Planning) Amendment Act, 1945. Claims for compensation for injurious affection which were lodged in large numbers were however mostly abandoned following upon the decision of the Court in *Baker v. Cumberland County Council* (1 L.G.R.A. 321).
5. The Local Government (Amendment) Act, 1958.
6. The Valuation of Land and Local Government (Further Amendment) Act, 1961. The boards did not function until 1964. Appeals against valuations of land not valued under the Valuation of Land Act, 1916, are still dealt with by the Court pursuant to Schedule 3 of the Local Government Act, 1919. An objection may only be referred at the request of a person appearing and the Valuer General.
7. The Local Government (Appeals) Amendment Act, 1971.

8. These figures relate to contested matters.
9. Differences in the views of District Court judges regarding valuation standards was the main reason for transferring objections to valuations to the Land and Valuation Court in 1921-see Legislative Assembly Debates 1921, p. 1372.
10. See, for example, South Australian Legislative Council Debates (1969) p. 2481.
11. The Land and Valuation Court Act, 1921, provides for the temporary appointment of additional judges by the Governor but there are practical limitations to this procedure.
12. This was the objective of the abolition of the New Zealand Land Valuation Court and the transfer of the Court's business to the Administrative Division of the Supreme Court on the retirement of the Judge of the Court. See New Zealand Parliamentary Debates 1968, p. 3090.
13. Interim Report of Committee set up to consider procedures for the resumption of land and related issues made to the Public Service Board, April, 1970.
14. Petty sessions courts presently have such jurisdiction, provided the claim does not exceed \$200. The limit we recommend, \$500, is the limit of jurisdiction fixed under the Courts of Petty Sessions (Civil Claims) Act, 1970. See generally the amendments to the Public Works Act, 1912, and to the Growth Centres (Land Acquisition) Act, 1974, noted in the Schedule to the Draft Bill.
15. Except in relation to "Growth Centre" acquisitions the Land and Valuation Court has no jurisdiction to determine whether the plaintiff is entitled to the interest he is claiming. The court assesses the amount of compensation and refers its order back to the Supreme Court where judgment is signed. The claimant must, however, still prove his title. The wider powers we propose will enable the court to determine the nature of the claimant's estate or interest and will also enable the court to make orders that will overcome many of the difficulties posed as a result of the decision of the High Court in *Rosenbaum v. The Minister* (114 C.L.R. 424). The wider powers are similar to those given the court determining the amount of compensation payable pursuant to the Growth Centres (Land Acquisition) Act, 1974.
16. The Public Works Act, 1912, s. 106, and the State Coal Mines Act, 1912, s. 9.

Appendix A - Draft Land and Valuation Court Abolition Bill, 1975

A BILL

To abolish the Land and Valuation Court; to enlarge the jurisdictions of the Supreme Court and the District Court; to repeal the Land and Valuation Court Act, 1921; to amend the Australian Oil Refining Limited Agreement Ratification Act, 1954, and certain other Acts; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advance and consent of the Legislative Council and Leaislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows : -

1. This Act may be cited as the "Land and Valuation Court Abolition Act, 1975". Short title.
2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette. Commencement.
3. In this Act, except in so far as the context or subject matter otherwise indicates or requires, "Court" means the Land and Valuation Court constituted by the Land and Valuation Court Act, 1921. Interpretation.
4. The Court is hereby abolished. Abolition of the Court.
5. (1) The appointments of the Judge of the Court and of the additional Judge of the Court are hereby terminated. Termination of appointments of judges.

(2) This section does not affect, the rank, title, status, precedence, salary, or other rights and privileges of the Judge of the Court or of the additional Judge of the Court as the holders, respectively, of the offices of Chief Justice and Judge of the Supreme Court.
6. (1) The appointments of the registrar, assistant registrar and other officers of the Court are hereby terminated. Termination of appointment of officers.

(2) This section does not affect any salary or other rights. or privileges under the Public Service Act, 1902, or any other Act, of the registrar, assistant registrar and other officers of the Court.
7. (1) Subject to subsection (2) a decision or order made by the Court or a Judge, Deputy Judge or additional Judge of the Court and in force immediately before the commencement of this Act shall after that commencement have effect as if it were a decision or order made by the Supreme Court. Transitional provision.

(2) Where, immediately before the commencement of this Act, a person had the right to have a case stated under section 17 of the Land and Valuation Court Act, 1921, in respect of a decision or order of the Court he shall be entitled to appeal from the decision or order as if it were a decision or order of the Supreme Court.
8. Subject to this Act, the jurisdiction of the Court under any Act other than the Land and Valuation Court Act, 1921, immediately before the commencement of this Act is hereby conferred Jurisdiction of the Supreme Court.

upon the Supreme Court.

9. (1) Subject to subsection (2), upon the commencement of this Act any proceedings pending in the Court shall be continued in and disposed of by the Supreme Court. Pending proceedings.

(2) Upon the commencement of this Act any proceedings pending in the Court under section 118 of the Local Government Act, 1919, shall be continued in and disposed of by, the District Court.

10. All documents filed or deposited in the Office of the Court in connection with proceedings before the Court shall be handed over to the Court in which, by virtue of this Act, the proceedings are to be continued. Documents.

11. A reference to the Court in- References to the Court.

(a) an Act passed before the commencement of this Act, not being the Land and Valuation Court Act, 1921, nor an Act specified in the first column of the Schedule;

(b) an instrument made under an Act and made before the commencement of this Act; or

(c) a contract made or other thing done before the commencement of this Act,

shall, in relation to events happening after the commencement of this Act, and in relation to rights, privileges, obligations or liabilities existing at or accruing after the commencement of this Act, but except in so far as the context or subject matter otherwise indicates or requires, be read

(d) so far as the reference affects or relates to the operation of section 118 of the Local Government Act, 1919, as a reference to the District Court; and

(e) so far as the reference affects or relates to any other matter as a reference to the Supreme Court.

12. The Land and Valuation Court Act, 1921, is hereby repealed. Repeal.

13. Each Act specified in the First Column of the Schedule to this Act is amended as specified opposite that Act in the Second Column of that Schedule. Amendments.

<i>Year and number of Act.</i>	<i>Short title or subject of Act.</i>	<i>Section, etc., to be amended.</i>	<i>Amendment</i>
No.34, 1954	Australian Oil Refining Limited Agreement Ratification Act, 1954	Section 7	Omit "Land and Valuation Court" where first appearing; insert instead "Supreme Court".
			Omit "office of the Registrar of the Land and Valuation Court"; insert instead "Supreme Court".
		Section 7(4)	Omit "Land and Valuation Court and the Judge thereof"; insert instead "Supreme Court".
No.11, 1950	Broken Hill Proprietary Company Limited (Reclamation and Exchange) Agreement Ratification Act, 1950	Section 15(3)	Omit "Land and Valuation Court" where first appearing; insert instead "Supreme Court".
			Omit "office of the Registrar of the Land and Valuation Court"; insert instead "Supreme Court".

		Section 15(4)	Omit "Land and Valuation Court and the Judge thereof"; insert instead "Supreme Court".
		Section 20(1)	Omit "Land and Valuation Court"; insert instead "Supreme Court".
		Section 20(2)	Omit "Land and Valuation Court is given to the Registrar of the said Court"; insert instead "Supreme Court is filed in the Court".
		Section 20(3)	Omit the subsection; insert instead the following subsection: (3) The Supreme Court shall have power to hear and determine all matters so referred to it.
No.12, 1950	Broken Hill Proprietary Company Limited (Steelworks) Agreement Ratification Act, 1950	Section 10(3)	Omit "Land and Valuation Court" where first appearing; insert instead "Supreme Court". Omit "office of the Registrar of the Land and Valuation Court"; insert instead "Supreme Court".
		Section 10(4)	Omit "Land and Valuation Court and the Judge thereof"; insert instead "Supreme Court".
No.20, 1938	Broken Hill Water and Sewerage Act, 1938	Section 26(5)	Omit "under the provisions of the Land and Valuation Court Act, 1921,". After "Public Works Act, 1912"; insert "by notification published in the Gazette".
No.3, 1941	Casino to Bonalbo Railway (Repeal) Act, 1941	Section 5	Omit everything appearing after "Public Works Act, 1912"; insert instead "by notification published in the Gazette".
No.8, 1950	Church and School Lands (Grace Bros. Pty. Limited) Act, 1950	Section 2(4)	Omit everything appearing after "reference"; insert instead "to the Supreme Court".
No.37, 1904	Closer Settlement Act, 1904	Section 18(3)	Omit "Land and Valuation Court constituted by the Land and Valuation Court Act, 1921"; insert instead "Supreme Court".
		Sections 28, 35, 42 and 52	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.12, 1907	Closer Settlement (Amendment) Act, 1907	Sections 4(4)(b)(ii) and (5), 5(7), 9, 10 and 10A.	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.74, 1912	Closer Settlement (Amendment) Act, 1912	Section 4	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.7, 1914	Closer Settlement (Amendment) Act,	Section 7	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".

1914

No.38, 1943	Closer Settlement (Amendment) Act, 1943	Section 3	Omit "Land and Valuation Court"; insert instead "Supreme Court".
No.14, 1927	Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1927	Section 2(9)	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.44, 1946	Coal Industry Act, 1946	Sections 26 and 27	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.41, 1964	Cobar to Wilcannia Railway (Repeal) Act, 1964	Section 6	Omit everything appearing after "Public Works Act, 1912"; insert instead "by notification published in the Gazette".
No.44, 1963	Cobar Water Supply Act, 1963	Section 13(3)	Omit "under the provisions of the Land and Valuation Court Act, 1921, as amended by subsequent Acts,". Insert after "Public Works Act, 1912", "by notification published in the Gazette".
No.7, 1913	Crown Lands Consolidation Act, 1913	Sections 4, 5, 12, 14(7) and (8), 16(1), 17(1), 18, 19, 20, 59(3A), 114(3), 125(1), 136B(1), 145(4), 145B(1B), 147A, 153, 166, 173F(2), 173G, 173H, 197(1) and (3), 208, 209, 246 and 280. Section 22	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court". Omit the heading and the section. Substitute the following new heading and section: <i>General powers and procedures of Supreme Court.</i> 22. The Supreme Court - Jurisdiction of the Court. shall have power to hear and determine all appeals and all matters referred to the court by the Minister or by a local land board or chairman and to make any order or decision which the nature of the case may require including an order remitting the appeal or matter to a land board for such action as may be directed and in that event the land board shall be empowered and bound to act accordingly.
		Section 173F(1)	Omit "Land and Valuation Court constituted by the Land and Valuation Court Act, 1921"; insert instead "Supreme Court".
		Section 246	Omit "Land and Valuation Court"; insert instead "Supreme Court on appeal or reference from a local land board".
No.29, 1970	Dairy Industry	Section 57	Omit "Land and Valuation Court" wherever appearing;

	Authority Act, 1970		insert instead "Supreme Court".
No.58, 1935	Fisheries and Oyster Farms Act, 1935	Section 76(6)	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.1, 1974	Growth Centres (Land Acquisition) Act, 1974	Section 2(1)	Omit the definition of "appropriate court"; insert instead the following definition: "appropriate court" means the Supreme Court and, in any case where the claim does not exceed five hundred dollars, a court of petty sessions held before a stipendiary magistrate. Omit definition of "Land and Valuation Court".
		Section 10(2)(c)	Omit "\$200"; insert instead \$500.
		Section 10(4)	Omit the subsection; insert instead the following subsection: "(4) Proceedings instituted under subsection (2) shall, subject to the succeeding provisions of this section, be dealt with as if they were proceedings to determine a claim for compensation by reason of the acquisition of land for public purposes under the Public Works Act, 1912, and for the purpose only of such proceedings, a person against whom the proceedings are instituted and who, before the institution of those proceedings has not served a notice in writing on the Constructing Authority under section 102 of the Public Works Act, 1912, shall be deemed to have made a claim for compensation for an amount that exceeds \$500."
		Section 10(5)	Omit "Upon remission to the Land and Valuation Court of proceedings instituted under subsection (2) in respect of a resumption, that Court may"; insert instead "The Supreme Court, in determining proceedings instituted under subsection (2), may".
		Section 10(6), (8)	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
		Section 10(7)	Omit the subsection.
		Section 10(9)	Omit the subsection; insert instead the following subsection: (9) Nothing in subsection (2) affects the rule making powers conferred by the Supreme Court Act, 1970.
		Section 10(4)	Omit the subsection; insert instead the following subsection: "(4) Proceedings instituted under subsection (2) shall, subject to the succeeding provisions of this section, be dealt with as if they were proceedings to determine a claim for compensation by reason of the acquisition of land for public purposes under the Public Works Act, 1912, and for the purpose only of such proceedings, a person against whom the proceedings are instituted and who, before the institution of those proceedings has not served a notice in writing on the Constructing Authority

			under section 102 of the Public Works Act, 1912, shall be deemed to have made a claim for compensation for an amount that exceeds \$500.”
		Section 10(5)	Omit “Upon remission to the Land and Valuation Court of proceedings instituted under subsection (2) in respect of a resumption, that Court may”; insert instead “The Supreme Court, in determining proceedings instituted under subsection (2), may”.
		Section 10(6), (8)	Omit “Land and Valuation Court” wherever appearing; insert instead “Supreme Court”.
		Section 10(7)	Omit the subsection.
		Section 10(9)	Omit the subsection; insert instead the following subsection: (9) Nothing in subsection (2) affects the rule making powers conferred by the Supreme Court Act, 1970.
No.7, 1912	Housing Act, 1912	Section 4C(4)	Omit everything appearing after “Public Works Act, 1912”; insert instead “by notification published in the Gazette.”
No.11, 1938	Hunter District Water, Sewerage and Drainage Act, 1938	Section 32(5)	Omit everything appearing after “shall be dealt with”; insert instead “as if it were a case in which a claim for compensation had been made by reason of the acquisition of land for public purposes under the Public Works Act, 1912, by notification published in the Gazette.”
		Section 101B(8)	Omit “Land and Valuation Court as constituted by the Land and Valuation Court Act, 1921”; insert instead “Supreme Court”.
No.34, 1950	Hunter Valley Conservation Trust Act, 1950	Sections 28(6), (7) and (8) and 54	Omit “Land and Valuation Court” wherever appearing; insert instead “Supreme Court”.
No.10, 1956	Hunter Valley Flood Mitigation Act, 1956	Sections 22, 30(2) and (3), 31(3), (4), 33 and 35	Omit “Land and Valuation Court” wherever appearing; insert instead “Supreme Court”.
No.73, 1912	Irrigation Act, 1912	Sections 5G, 11C(3)(f), 11E and 20(5)	Omit “Land and Valuation Court” wherever appearing; insert instead “Supreme Court”.
No.3, 1927	Land Agents Act, 1927	Section 3	Omit definition of “Court”; insert instead the following new definition: “Court” means the Supreme Court. Omit “Land and Valuation Court” from the definition of “Land Agent”; insert instead “Supreme Court”. Omit “court” from definition of “Registrar”; insert instead “Division of the Supreme Court to which proceedings by way of appeal under the Crown Lands Acts have been assigned.”

No.18, 1971	Land Aggregation Tax Management Act, 1971	Section 59(1)	Omit "Land and Valuation Court constituted by the Land and Valuation Court Act, 1921"; insert instead "Supreme Court".
		Sections 59(2), 60 and 61	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.22, 1970	Land Development Contribution Management Act, 1970	Section 3	Omit definition of "Land and Valuation Court".
		Section 22(5)	Omit everything appearing after "as an appeal"; insert instead "to the Supreme Court".
		Section 22(6)	Omit the subsection; insert instead the following subsection: (6) The Supreme Court shall have jurisdiction to hear and determine appeals forwarded to it under subsection five of this section.
		Section 24(3)	Omit "Land and Valuation Court"; insert instead "Supreme Court".
		Section 24(4)	Omit the subsection.
		Section 24A(7), (9)	Omit "Land and Valuation Court"; insert instead "Supreme Court".
		Section 24A(8)	Omit the subsection.
		Section 40(2)	Omit "Land and Valuation Court"; insert instead "Supreme Court".
		Section 48	Omit "Land and Valuation Court"; insert instead "Supreme Court".
		Section 49(1)	Omit "Land and Valuation Court" where first appearing; insert instead "Supreme Court". Omit everything appearing after "section forty-eight"; insert instead a full stop.
		Section 49(3)	Omit "Land and Valuation Court"; insert instead "Supreme Court".
		Section 50(1)	Omit "The judge of the Land and Valuation Court"; insert instead "the Supreme Court".
Section 50(2)	Omit "The registrar of the Land and Valuation Court"; insert instead "The registrar of the Division of the Supreme Court to which appeals under this Part are assigned".		
Section 53	Omit "the judge of the Land and Valuation Court"; insert instead "the Supreme Court".		

No.26, 1956	Land Tax Management Act, 1956	Section 59(1)	Omit "Land and Valuation Court constituted by the Land and Valuation Act, 1921, as amended by subsequent Acts"; insert instead "Supreme Court".
		Sections 59(2), 60 and 61	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.42, 1919	Liquor (Amendment) Act, 1919	Section 24	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.41, 1919	Local Government Act, 1919	Section 118	Omit subsection (7); insert instead the following new subsections: (7) The onus of proof that land is rural land shall lie upon the ratepayer and the council's decision with regard thereto may be the subject of an appeal by him, within the time and in the manner provided by this section, to the nearest court of petty sessions where the valuation of the unimproved capital value of the land does not exceed ten thousand dollars, or to the District Court where such valuation exceeds ten thousand dollars. (8) Within thirty days after the prescribed notice to pay the general rate on the land has been served on the ratepayer in accordance with this Act or within such further time as the court may allow, the ratepayer desiring to appeal shall file in the appropriate court and serve on the council a notice of appeal. (9) The court of petty sessions or the District Court, as the case may be, shall have jurisdiction to hear and determine the appeal and to make such orders thereon, including orders for costs, as the nature of the case may require. (10) An order for costs made under this section may be enforced in the same manner as a judgment under the District Court Act, 1973, or the Courts of Petty Sessions (Civil Claims) Act, 1970, as the case may be. (11) Any person dissatisfied with the decision of the District Court or any court of petty sessions as being erroneous in point of law may appeal therefrom to the Supreme Court in the manner provided by rules of that Court.
		Section 133(3)	Omit "Land and Valuation Court as constituted by the Land and Valuation Court Act, 1921"; insert instead "Supreme Court".
		Section 133(4)	Omit "Land and Valuation Court"; insert instead "Supreme Court".
		Section 171(3)	Omit "Land and Valuation Court"; insert instead "Supreme Court".
		Section 171(4)	Omit the subsection; insert instead the following

subsection:

(4) Any person dissatisfied with the decision of any court of petty sessions as being erroneous in point of law may appeal therefrom to the Supreme Court in the manner provided by rules of that court.

		Section 342AC(5)(a)	Omit "by the Land and Valuation Court" and everything appearing thereafter; insert instead "by the Supreme Court".
		Section 342AC(5)(c)	Omit "Land and Valuation Court"; insert instead "Supreme Court".
		Section 342AC(5)(c)	Omit the paragraph.
		Section 342AC(6)(a), (b) and (c)	Omit "Land and Valuation Court", wherever appearing; insert instead "Supreme Court".
		Section 342AC(6)(d)	Omit the paragraph.
		Section 342AC(7) and (8)	Omit the subsections.
		Section 342AC(9)	Omit ", the Land and Valuation Court".
		Section 417A	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
		Section 536C	Omit "106,".
		Section 53D	Omit "in section 9 of the Land and Valuation Court Act, 1921-1940"; insert instead "by the Public Works Act, 1912".
		Section 536DA(4)	Omit "in section 9 of the Land and Valuation Court Act, 1921, as amended by subsequent Acts"; insert instead "by the Public Works Act, 1912."
		Schedule 3, Section 19	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.21, 1958	Local Government (Amendment) Act, 1958	Section 7(8)	Omit "Land and Valuation Court"; insert instead "Supreme Court".
No.39, 1953	Lord Howe Island Act, 1953	Section 24	Omit "Land and Valuation Court"; insert instead "Supreme Court".
No.24, 1924	Main Roads Act, 1924	Section 27C(5)(b)	Omit "Land and Valuation Court under the Land and Valuation Court Act, 1921"; insert instead "Supreme Court".
No.50, 1924	Metropolitan Water, Sewerage and Drainage Act, 1924	Section 32(5)	Omit everything appearing after "shall be dealt with"; insert instead "as if it were a case in which a claim for compensation had been made by reason of the acquisition of land for public purposes under the Public

			Works Act, 1912, by notification published in the Gazette".
		Section 97B(8)	Omit "Land and Valuation Court as constituted by the Land and Valuation Court Act, 1921"; insert instead "Supreme Court".
No.22, 1961	Mine Subsidence Compensation Act, 1961	Section 12(4)(a)	Omit "Land and Valuation Court"; insert instead "Supreme Court".
No.42, 1910	Murrumbidgee Irrigation Act, 1910	Section 6(2B)	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.35, 1934	Pastures Protection Act, 1934	Sections 42, 134, 137 and 138	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
		Section 139	Omit the section.
No.90, 1967	Pipelines Act, 1967	Sections 16(4) and 22A(4)	Omit everything appearing after "determined"; insert instead "as if it were a case in which a claim for compensation had been made by reason of the acquisition of land for public purposes under the Public Works Act, 1912, by notification published in the Gazette".
No.43, 1955	Port Kembla Inner Harbour Construction and Ratification Act, 1955	Section 12(3)	Omit "Land and Valuation Court" where first appearing; insert instead "Supreme Court".
			Omit "office of the Registrar of the Land and Valuation Court"; insert instead "Supreme Court".
		Section 12(4)	Omit "Land and Valuation Court and the Judge thereof "; insert instead "Supreme Court".
No.31, 1924	Prickly-pear Act, 1924	Sections 15(4), 21A(5)(f) and 22(3)	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.47, 1973	Private Irrigation Districts and Water (Amendment) Act, 1973	Sections 12, 45 and 46	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
43 Vic. No.23	Public Instruction Act of 1880	Section 4A(5)	Omit everything appearing after the words "subsequent Acts, "; insert instead "by notification published in the Gazette".
No.95, 1902	Public Roads Act, 1902	Sections 13(1A) and 34(1)	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.45, 1912	Public Works Act, 1912	Section 104	Insert after "Court", "or, where the amount of the claim does not exceed \$500, in a court of petty sessions,".

Insert after subsection (1) the following new subsections:

(2) The Court or a court of petty sessions, as the case may be, shall have jurisdiction to determine the nature of the estate or interest of the claimant in the subject land

and the amount of compensation, if any, to which he is entitled and may make such orders including orders as to costs as the nature of the case requires.

(3) In the exercise of its jurisdiction under this section the Court, or a court of petty sessions, as the case may be, may order that any other person who claims to have had or who may have had an estate or interest in the subject land at the date of resumption be joined as a party to the proceedings and may then proceed to determine the nature of the estate or interest of that person and the amount of compensation, if any, to which he is entitled and may make such orders including orders as to his costs as the nature of the case requires.

(4) The jurisdiction conferred on a court of petty sessions by this section shall not be exercised except by a stipendiary magistrate sitting alone.

		Section 105 and 106	Omit the sections.
No.37, 1930	Reclamation Act, 1930	Section 12	Omit "Land and Valuation Court"; insert instead "Supreme Court".
No.21, 1016	Returned Soldiers Settlement Act, 1916	Sections 5 and 19(3B)	Omit "Land and Valuation Court"; insert instead "Supreme Court".
No.20, 1948	Rivers and Foreshores Improvement Act, 1948	Sections 6(2), 7 and 14	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.10, 1938	Soil Conservation Act, 1938	Section 22(2) and (4)	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.16, 1946	State Brickworks Act, 1946	Section 8(4)	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.70, 1912	State Coal Mines Act, 1912	Section 7(5) and (7)	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
		Section 9	Omit the section.
No.29, 1947	State Tileworks Act, 1947	Section 8(3)	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.52, 1970	Supreme Court Act, 1970	Section 24(6)(c)	Omit the paragraph.
		Section 48(1)(a)(i)	Omit the subparagraph.
		Section 124(1)(e) and (f)	Omit "(other than the Judge of the Land and Valuation Court)".
No.3, 1929	Surveyors Act, 1929	Section 26(1)	Omit "Land and Valuation Court"; insert instead "Supreme Court".

		Section 26(5)	Omit "Land and Valuation Court"; insert instead "Division of the Supreme Court to which proceedings by way of appeal under the provisions of the Crown Lands Consolidation Act, 1913 have been assigned".
No.72, 1974	Technical and Further Education act, 1974	Section 29(6)	Omit the subsection; insert instead the following subsection: (6) A claim for compensation under this Act, shall be dealt with as if it were a case in which a claim for compensation had been made by reason of the acquisition of land for public purposes under the Public Works Act, 1912 by notification published in the Gazette.
No.18, 1930	Transport Act, 1930	Section 36(2)	Omit "the judge of the Land and Valuation Court"; insert instead "the Supreme Court".
		Section 160	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.2, 1916	Valuation of Land Act, 1916	Section 37	Omit "Land and Valuation Court as constituted by the Land and Valuation Court Act, 1921,"; insert instead "Supreme Court".
No.48, 1948	War Service Land Settlement (Amendment) Act, 1948	Section 9(5)	Omit "Land and Valuation Court"; insert instead "Supreme Court".
No.44, 1912	Water Act, 1912	Sections 11(4) and (6), 12(1) and (2), 13A(4), (5) and (6), 14(1) and (2).	Omit "Land and Valuation Court"; insert instead "Supreme Court".
		Section 14(5)	Omit the subsection; insert instead the following subsection: (5) An appeal under this section shall be heard at a venue convenient to the parties and to the court. Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.57, 1940	Water (Amendment) Act, 1940	Section 4(4)	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".
No.70, 1901	Western Lands Act, 1901	Sections 9(3), (6), 10B, 18C, 18G (1A), 26(4), 27	Omit "Land and Valuation Court" wherever appearing; insert instead "Supreme Court".