

Leaseholder Guide – Rent Determination Objections

This guide provides information about the Crown lease rent review objection process, including the options available to leaseholders who disagree with a determination of current market rent.

What happens if I disagree with my rent determination?

The *Crown Land Management Act 2009* provides a review process for lessees who are dissatisfied with a determination of current market rent.

The review process is sequential between Stage 1 and Stage 2, meaning a Stage 2 Valuation Review cannot be sought until a Stage 1 Ministerial Review has been completed. Following Stage 1, lessees may choose to apply for a Stage 2 Valuation Review or apply to SACAT for an independent review.

Stage 1 – Ministerial Review

If you disagree with your current market rent determination, you may apply to the Minister for a review under section 65(1)(a) of the *Crown Land Management Act 2009*.

A Stage 1 review application:

- Must be made in writing.
- Must be lodged within **28 days** of the date of the determination letter.
- Must be accompanied by the prescribed application fee of \$296.
- Must be submitted using the **Application for Review of Mark Rent Determination (Stage 1)**.

Your application should clearly explain why you disagree with the market rent determination and include any information or evidence you consider relevant.

The Minister must determine the review within 28 days after the application is lodged. If the review is not determined within that 28-day period, the Minister is taken to have confirmed the determination that is the subject of the review.

Stage 2 – Valuation Review

If you remain dissatisfied following the Minister's review under section 65, you may apply for a further review under section 66 of the Act. The valuation review involves a reassessment of the valuation information used to determine the current market rent.

A Stage 2 review:

- Must be made in writing
- Must be lodged within 21 days of:
 - Receiving notice of the Minister's determination of your Stage 1 review; or
 - If the Minister did not determine your Stage 1 review within 28 days, the date on which the Minister is taken to have confirmed the original determination
- Can only be lodged after the Stage 1 review process has been completed.
- Must be accompanied by the prescribed application fee of \$296.

- Must be submitted using the **Application for Valuation Review of Market Rent Determination (Stage 2)**.

Upon receipt of a valid Stage 2 review application, the Minister must refer the matter to the Valuer-General for review in accordance with section 66(4)(a) of the *Crown Land Management Act 2009*.

Please include:

- Comparable rental evidence
- Independent valuation information
- Information about the land that may be relevant to its value
- Details of factors that may affect the market value of the land
- Any other information you believe should be considered

Following the valuation review, the valuation and resulting market rent may be:

- Confirmed
- Increased; or
- Decreased

Please note that an increase to the rent determination can occur only as a result of the Stage 2 valuation review.

South Australian Civil and Administrative Tribunal (SACAT)

If you remain dissatisfied following a review under section 65 or section 66 of the *Crown Land Management Act 2009*, you may apply to the South Australian Civil and Administrative Tribunal (SACAT) for an independent review under section 34 of the South Australian Civil and Administrative Tribunal Act 2013.

Frequently Asked Questions

Can I object because I cannot afford the rent increase?

The review process is primarily concerned with the determination of market rent. Personal financial circumstances will not generally affect whether the market rent has been correctly determined. If you are experiencing financial hardship, payment arrangements may be available. Please contact the Crown Lands Program for further information.

Can someone act on my behalf?

Yes. You may appoint a representative, such as a valuer, solicitor or other authorised person, to act on your behalf during the review process.

Who undertakes the valuation review?

Reviews are undertaken in accordance with the *Crown Land Management Act 2009*.

Depending on the stage of the review process, a review may be undertaken by:

- The Minister for Climate, Environment and Water
- The Valuer-General; or

- The South Australian Civil and Administrative Tribunal (SACAT), where applicable.

Can my rent increase after the review?

Yes. At Stage 2 only, the reviewer may confirm, increase or decrease the valuation and resulting market rent after considering all relevant information provided as part of the review.

How long does the valuation review process take?

Timeframes vary depending on the complexity of the matter, the volume of applications received, whether additional information is required and whether a site inspection is necessary.

Reviews undertaken by the Valuer-General are generally intended to be completed within approximately six weeks, where possible.

Who should I contact if I have questions?

If you have questions about the objection process, please contact the below.

Email: dewshacks@sa.gov.au

Phone: 8204 1910 (Press 3 when prompted)

Before lodging an objection

Please ensure you have:

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Completed all sections of the Stage 1 or Stage 2 Form if applicable.

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Included your lease number and property details.

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Included your current contact details.

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Signed and dated the form.