

# **VALUATION OF LAND AND OTHER LEGISLATION AMENDMENT BILL 1998**

## **EXPLANATORY NOTES**

### **OBJECTIVES**

The Bill makes amendments to the *Valuation of Land Act 1944* (the Act), the *Land Title Act 1994* and a number of other Acts to:

- remove a requirement for the owner of land held in subdivision to apply for a concession in the valuation for local government rating and land tax granted under section 25 of the Act;
- ensure that invisible improvements on land owned by Government Owned Corporations are included in the term “improvements” in the definitions in the Act;
- allow a later valuation of land or part of the land to be altered, if an earlier valuation had been changed following an objection or Land Court appeal decision, and, if that later valuation was also affected by a mistake in law or fact;
- clarify the operation of section 77 of the Act in the provision of bulk valuation data to wholesalers;
- to ensure instruments which are inconsistent with another Act or law will not be registered by merely complying with the *Land Title Act 1994*; and
- correct references, replace an order in council, make minor wording changes or make changes which are consequential to these amendments.

### **HOW POLICY OBJECTIVES WILL BE ACHIEVED**

The amendments to the Acts in this Bill will allow administrative changes to remove an unnecessary application form and a decision making process. Other changes allow a more equitable approach to some valuation matters and clarify the Department’s powers to supply bulk valuation data to wholesalers. The amendment to the *Land Title Act 1994* will ensure requirements of other legislation are still relevant to land title registration.

## **ADMINISTRATIVE COST TO GOVERNMENT**

There are administrative savings for government with these amendments.

## **CONSISTENCY WITH FUNDAMENTAL LEGISLATIVE PRINCIPLES**

The Bill conforms to fundamental legislative principles.

## **CONSULTATION**

The amendments to the Act have been discussed with relevant stakeholders including the development industry, the Local Government Association of Queensland and other government departments. No major concerns have been raised.

## **NOTES ON CLAUSES**

### **PART 1 - PRELIMINARY**

*Clause 1* sets out the short title of the Act.

*Clause 2* provides for the commencement of the Act.

### **PART 2 – AMENDMENT OF THE VALUATION OF LAND ACT 1944**

*Clause 3* identifies the Act being amended.

*Clause 4* deletes unnecessary definitions of “approved subdivider” and “approved subdivider’s certificate”.

*Clause 5* inserts a proviso in section 6 to ensure the term “improvements” includes invisible improvements such as land fill, drainage etc on land owned by a GOC. A GOC is defined in the *Acts Interpretation Act 1954* as a Government Owned Corporation.

*Clause 6* amends section 25 to remove a reference to “an approved subdivider” and to provide for a change of the term “vacant” to that of “not developed” and to define the term “developed land”. The definition of “developed land” includes “a facility” reasonably capable of being used

such as a golf course or a tennis court.

*Clause 7* amends the heading of section 28 and adds a circumstance that a valuation may be changed under section 28A to include the reason of an error of law or mistake of fact.

*Clause 8* inserts a new section to provide for altering a later valuation in certain circumstances.

*Clause 9* changes the heading of section 29 and includes a reference to the new section 28A.

*Clause 10* adds a proviso to section 29A limiting the chief executive's power not to alter a valuation for rate adjustment in some circumstances only to an alteration permitted under section 28 (not the new section 28A).

*Clause 11* corrects a reference in section 75G(1).

*Clause 12* redrafts section 77 to clarify that the chief executive may enter into contracts to supply bulk valuation data. Definitions of "bulk data", "microfiche data", "section 81 information" and "valuation roll information" have also been added.

*Clause 13* omits sections 96A and 96B dealing with the application and decision making process for an approved subdivider certificate.

### **PART 3 – AMENDMENT OF THE *LAND TITLE ACT 1994***

*Clause 14* names the Act to be amended.

*Clause 15* amends section 30(1) to ensure that instruments, which are inconsistent with another Act or law will not be registered merely through complying with the *Land Title Act 1994*.

*Clause 16* amends section 203(d) by changing an incorrect reference.

### **PART 4 – MINOR AMENDMENTS OF OTHER LEGISLATION**

*Clause 17* is a schedule of other minor amendments to various Acts.

#### ***Acquisition of Land Act 1967***

Amendment 1 updates references to local authorities to references to local governments.

Amendments 2 to 4 update references to certain Acts.

Amendments 5 to 8 amend the subsection and paragraphing arrangements for section 17 of the Act to the extent necessary to clarify the operation of a proviso contained in the section.

Amendment 9 updates a reference.

### ***Gladstone Area Water Board Act 1984***

Amendments 1 to 4 adjust section 106 of the Act in light of the repeal of the *Insurance Act 1960*.

### ***Land Act 1994***

Amendment 1 removes an unnecessary conjunctive.

Amendments 2 and 3 are adjustments to gender neutral language.

Amendment 4 removes an unnecessary conjunctive.

Amendment 5 removes a redundant definition.

Amendments 6 to 8 are adjustments to gender neutral language.

Amendment 9 inserts an omitted conjunctive.

Amendment 10 amends section 506P(1) to clarify the effect of a previous amendment.

Amendment 11 removes a redundant part heading.

Amendment 12 allows all the Land Court provisions of the *Land Act 1962* still continuing to have effect under section 521 to be located in the one section.

Amendment 13 complements amendment 12 by completing the repeal of the *Land Act 1962*, and obviating the necessity for a further proclamation to complete the commencement of section 524.

### ***Land Tax Act 1915***

*Amendments 1 to 4 are amendments consequential to the Clauses 4, 6 and 13 of this Bill, which amend the Valuation of Land Act 1944 regarding “Valuation—discounting subdivided land”.*

### ***Registration of Plans (H.S.P.(Nominees) Pty.Limited) Enabling Act 1980 (HSP Act)***

Amendments 1 and 2 preserve the effect of the order in council made

under the HSP Act. The order in council was preserved from expiry for 12 months from 1 July 1998. However its effect is still required after its expiry. The new section in the HSP Act will be taken to have commenced as if the section was always in the Act.

### ***Statute Law (Miscellaneous Provisions) Act 1994***

Amendments 1 to 3 correct references to provisions consequential on the renumbering of the provisions.

### ***Surveyors Act 1977***

Amendment 1 updates a reference to the name of an Act.

### ***Water Resources Act 1989***

Amendment 1 provides for the replacement of a definition and is made necessary by the repeal of the *Local Government (Planning and Environment) Act 1990* and the commencement of the *Integrated Planning Act 1997*.

Amendment 2 updates an Act reference.