

Queensland



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

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LEGISLATION AMENDMENT BILL 1998**

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1998

A BILL

FOR

An Act to amend the *Valuation of Land Act 1944*, and for other purposes

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The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause **1.** This Act may be cited as the *Valuation of Land and Other Legislation Amendment Act 1998*.

4

5

Commencement

6

Clause **2.** This Act commences on a day to be fixed by proclamation.

7

**PART 2—AMENDMENT OF VALUATION OF LAND
ACT 1944**

8

9

Act amended in pt 2

10

Clause **3.** This part amends the *Valuation of Land Act 1944*.

11

Amendment of s 2 (Definitions)

12

Clause **4.** Section 2, definitions “**approved subdivider**” and “**approved subdivider’s certificate**”—

13

14

omit.

15

Amendment of s 6 (Meaning of “improvements”)

16

Clause **5.** Section 6—

17

insert—

18

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‘(3) Despite subsection (2), the term does include invisible improvements, other than timber treatment, if the owner is a GOC.’. 1
2

Amendment of s 25 (Valuation—discounting for subdivided land) 3

Clause **6.(1)** Section 25(1)(b) and (c)— 4

omit, insert— 5

‘(b) the person who subdivided the land (the “**subdivider**”) is the owner of the parcel; and 6
7

(c) the parcel is not developed land.’. 8

(2) Section 25(7)— 9

insert— 10

‘**“developed land”** means land improved by the construction of a building or other facility reasonably capable of being used.’. 11
12

(3) Section 25(7), definition “**discounted valuation period**”, paragraph (c)— 13
14

omit, insert— 15

‘(c) the day the parcel becomes developed land.’. 16

Amendment of s 28 (Alteration of valuation) 17

Clause **7.(1)** Section 28, heading— 18

omit, insert— 19

‘**Alteration of valuation in force or to come into force**’. 20

(2) Section 28(1)(h), after ‘correct’— 21

insert— 22

‘, other than an error of law or mistake of fact that may be corrected under section 28A’. 23
24

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	Insertion of new s 28A	1
Clause	8. After section 28—	2
	<i>insert—</i>	3
	‘Alteration of valuation made after appeal or objection to earlier valuation	4
		5
	‘28A.(1) This section applies if—	6
	(a) a valuation (the “first valuation”) is made; and	7
	(b) the first valuation is the subject of an objection or appeal under part 4 or 6; and	8 9
	(c) before the objection or appeal is finalised, another valuation (the “later valuation”) of all or part of the land valued by the first valuation is made; and	10 11 12
	(d) the outcome of the objection or appeal is that the first valuation is altered because of an error of law or mistake of fact affecting the valuation.	13 14 15
	‘(2) The later valuation may be altered if the chief executive considers that—	16 17
	(a) the later valuation is also affected by the error of law or mistake of fact; and	18 19
	(b) it is necessary to correct the error of law or mistake of fact for the later valuation.’.	20 21
	Amendment of s 29 (Alteration of valuation)	22
Clause	9.(1) Section 29, heading—	23
	<i>omit, insert—</i>	24
	‘Chief executive may alter valuation’.	25
	(2) Section 29(1), after ‘section 28’—	26
	<i>insert—</i>	27
	‘or 28A’.	28

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Amendment of s 29A (Alteration of valuation for rate adjustment under Local Government Act or City of Brisbane Act)

Clause **10.** Section 29A—

insert—

‘(3) The chief executive may alter a valuation of land under subsection (1) only if the alteration is because of an alteration of a valuation permitted under section 28.’.

Amendment of s 75G (Action pending outcome of appeal)

Clause **11.** Section 75G(1), ‘75(1)(b)’—

omit, insert—

‘75F(1)(b)’.

Replacement of s 77 (Supply of information)

Clause **12.** Section 77—

omit, insert—

‘Supply of bulk data or microfiche data

‘77.(1) The chief executive may enter into a contract to supply information in the form of bulk data or microfiche data.

‘(2) If the chief executive supplies information under subsection (1)—

- (a) section 76(1) and (5) does not apply to the supply of the information; and
- (b) the fees and charges applying for the supply of the information are the fees and charges agreed to in the contract; and
- (c) without limiting paragraph (b), the contract may also state—
 - (i) how the fees and charges are to be calculated; and
 - (ii) how payment of the fees and charges is to be made.

‘(3) Without limiting subsection (1), a contract for the supply of information in the form of bulk data or microfiche data may limit the use to

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	which the information supplied may be put.	1
	‘(4) Nothing in this section limits section 76(3) or (4).’	2
	‘(5) In this section—	3
	“ bulk data ” means—	4
	(a) valuation roll information for at least 20% of all parcels of land in the State; or	5 6
	(b) at least 20% of all section 81 information for parcels of land in the State.	7 8
	“ microfiche data ” means information in notices given under section 81 in relation to parcels of land, whether or not including the most recent notices given under section 81 in relation to the parcels, held in microfiche form by the chief executive, and capable of being copied for delivery in microfiche form to a purchaser.	9 10 11 12 13
	“ section 81 information ”, for a parcel of land, means the information in the most recent notice given under section 81 in relation to the parcel, held in electronic form by the chief executive, and capable of electronic transfer to a purchaser.	14 15 16 17
	“ valuation roll information ”, for a parcel of land, means the particulars included in a valuation roll about the parcel, held in electronic form by the chief executive, and capable of electronic transfer to a purchaser.’.	18 19 20
	Omission of ss 96A and 96B	21
Clause	13. Sections 96A and 96B— <i>omit.</i>	22 23
	 PART 3—AMENDMENT OF LAND TITLE ACT 1994	24
	Act amended in pt 3	25
Clause	14. This part amends the <i>Land Title Act 1994</i> .	26

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	Amendment of s 30 (Registrar must register instruments)	1
Clause	15. Section 30(1)—	2
	<i>omit, insert—</i>	3
	‘ 30.(1) On lodgment of an instrument, the registrar must register the instrument if—	4
		5
	(a) the person who lodged it complies with the requirements of this Act for its registration; and	6
		7
	(b) the instrument is not inconsistent with another Act or law.’.	8
	 Amendment of s 203 (Effect of repeal by this Act)	 9
Clause	16. Section 203(d), ‘94 (Registration of plan showing proposed easement)’—	10
		11
	<i>omit, insert—</i>	12
	‘83A ¹ ’.	13
	 PART 4—MINOR AMENDMENTS OF OTHER LEGISLATION	 14
		15
	 Acts amended—schedule	 16
Clause	17. The schedule amends the Acts mentioned in it.	17
		18

¹ Section 83A (Registration of plan showing proposed easement)

SCHEDULE

SCHEDULE	1
MINOR AMENDMENTS OF OTHER ACTS	2
section 17	3
ACQUISITION OF LAND ACT 1967	4
1. Sections 2, definition “constructing authority”, 5(1), 9, 10, 15(3), 23(7), 32(2)(b) and 35, ‘local authority’—	5
<i>omit, insert—</i>	6
<i>omit, insert—</i>	7
‘local government’.	8
2. Sections 6(2), 7(4) and (6), definition “owner”, 12(2A) and (2B) and 18(4), ‘Real Property Act 1861’—	9
<i>omit, insert—</i>	10
<i>omit, insert—</i>	11
‘Land Title Act 1994’.	12
3. Section 9(2), definition “Minister”, paragraph (b), ‘Main Roads Act 1920’—	13
<i>omit, insert—</i>	14
<i>omit, insert—</i>	15
‘Transport Infrastructure Act 1994’.	16
4. Sections 12(3), 18(6) and 31, ‘Building Units Titles Act 1965’—	17
<i>omit, insert—</i>	18
<i>omit, insert—</i>	19
‘Building Units and Group Titles Act 1980’.	19

SCHEDULE (continued)

- | | |
|---|----------|
| 5. Section 17(2)(b), ‘therein.’— | 1 |
| <i>omit, insert—</i> | 2 |
| ‘therein; and’. | 3 |
|
6. Section 17(2)(b), proviso, ‘Provided that such’— |
4 |
| <i>omit, insert—</i> | 5 |
| ‘Subject to subsection (2)(a), for subsection (2)(b) the’. | 6 |
|
7. Section 17(2)(b), proviso, ‘revested; and’— |
7 |
| <i>omit, insert—</i> | 8 |
| ‘revested.’. | 9 |
|
8. Section 17(2)(b), proviso— |
10 |
| <i>relocate and renumber as subsection 17(2A).</i> | 11 |
|
9. Section 41(1), ‘Valuer-General’— |
12 |
| <i>omit, insert—</i> | 13 |
| ‘chief executive of the department in which the <i>Valuation of Land Act 1944</i> is administered’. | 14
15 |

GLADSTONE AREA WATER BOARD ACT 1984	16
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- | | |
|---------------------------|----|
| 1. Section 106(1)— | 17 |
| <i>omit.</i> | 18 |

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SCHEDULE (continued)

2. Section 106(2), ‘holding a current licence’ to ‘to carry’—	1
<i>omit, insert—</i>	2
‘carrying’.	3
3. Section 106(3) to (5), ‘subsection (2)’—	4
<i>omit, insert—</i>	5
‘subsection (1)’.	6
4. Section 106(2) to (8)—	7
<i>renumber</i> as section 106(1) to (7).	8
LAND ACT 1994	
1. Section 40(1)(a)(iii), ‘and’—	9
<i>omit.</i>	10
2. Section 452A(1), ‘his’—	11
<i>omit, insert—</i>	12
‘the person’s’.	13
3. Section 452A(1), ‘he’—	14
<i>omit, insert—</i>	15
‘the person’.	16
	17

SCHEDULE (continued)

4. Section 503I(1)(a), ‘and’—	1
<i>omit.</i>	2
5. Section 506A, definition “Land Act”—	3
<i>omit.</i>	4
6. Section 506E, ‘him of the lease, a’—	5
<i>omit, insert—</i>	6
‘a successful applicant of the lease, the’.	7
7. Section 506E, ‘by him’—	8
<i>omit, insert—</i>	9
‘by the successful applicant’.	10
8. Section 506H(1)(a)—	11
<i>omit, insert—</i>	12
‘(a) satisfying the Minister that all the developmental or improvement conditions of the lease have been performed; and’.	13 14
9. Section 506H(1)(b), ‘Act;’—	15
<i>omit, insert—</i>	16
‘Act; and’.	17
10. Section 506P(1), from ‘under a’—	18
<i>omit, insert—</i>	19
‘under a regulation, to purchase leases issued under the repealed Act.’.	20

SCHEDULE (continued)

11. Chapter 8, part 8, heading—	1
<i>omit.</i>	2
12. Section 521—	3
<i>insert—</i>	4
‘(1A) The following provisions of the repealed Act continue to have effect—	5
• section 383A	6
• any provision of the repealed Act to the extent it is relevant to the operation of section 383A.’	7
	8
	9
13. Chapter 9, part 2—	10
<i>omit, insert—</i>	11
‘PART 2—REPEAL	12
‘Completion of repeal	13
‘522. To the extent it was not already repealed immediately before the commencement of this section, the <i>Land Act 1962</i> is repealed.’	14
	15
LAND TAX ACT 1915	16
1. Section 3CA(1)(b)—	17
<i>omit, insert—</i>	18
‘(b) the person who subdivided the land (the “ subdivider ”) was, when the land was subdivided, the owner of the parcel; and’	19
	20

SCHEDULE (continued)

2. Section 3CA(1)(c) and (d)(ii), ‘vacant land’—	1
<i>omit, insert—</i>	2
‘not developed land’.	3
3. Section 3CA(6), definitions “approved subdivider” and “approved subdivider’s certificate”—	4
<i>omit.</i>	5
	6
4. Section 3CA(6)—	7
<i>insert—</i>	8
‘ “developed land” means land improved by the construction of a building or other facility reasonably capable of being used.’.	9
	10
REGISTRATION OF PLANS (H.S.P. (NOMINEES) PTY. LIMITED) ENABLING ACT 1980	11
	12
1. Section 6—	13
<i>insert—</i>	14
‘(2A) In respect of each of the following—	15
(a) the upper plan of parcel 1 and the upper plan of parcel 2;	16
(b) the upper plan of parcel 1 and the lower plan of parcel 2;	17
(c) the upper plan of parcel 2 and the lower plan of parcel 1;	18
(d) the lower plan of parcel 1 and the lower plan of parcel 2;	19
the easements implied between proprietors of lots under the <i>Building Units and Group Titles Act 1980</i> , section 17, must also be implied between—	20
	21

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SCHEDULE (continued)

(e) each of the bodies corporate of the plans referred to in paragraph (a), (b), (c) or (d) as if in each case both bodies corporate were proprietors of lots in the one building units plan under that Act; and	1 2 3 4
(f) the proprietors of the lots of both plans referred to in paragraph (a), (b), (c) or (d) as if in each case they were the proprietors of lots in the one building units plan under that Act.’.	5 6 7
2. Section 6—	8
<i>insert—</i>	9
‘(4) Subsection (2A) is taken to have always had effect.’.	10
 STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT 1994	 11 12
1. Schedule 1, amendments of <i>Brisbane Forest Park Act 1977</i>—	13
<i>insert—</i>	14
‘2A. Section 7(3A)—	15
<i>omit.’.</i>	16
2. Schedule 1, amendments of <i>Brisbane Forest Park Act 1977</i>, amendment 3, ‘(1st sentence)’—	17 18
<i>omit.</i>	19

SCHEDULE (continued)

3. Schedule 1, amendments of <i>Brisbane Forest Park Act 1977</i>, amendment 4—	1 2
<i>omit, insert—</i>	3
‘4. Section 8(2A)—	4
<i>omit.’.</i>	5

SURVEYORS ACT 1977 6

1. Section 68, ‘<i>Survey Co-ordination Act 1952</i>’—	7
<i>omit, insert—</i>	8
<i>‘Survey Coordination Act 1952’.</i>	9

WATER RESOURCES ACT 1989 10

1. Section 2(1), definition “subdivision”—	11
<i>omit, insert—</i>	12
‘ “subdivision” , of land, includes reconfiguring a lot under the <i>Integrated Planning Act 1997</i> .’.	13 14

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SCHEDULE (continued)

2. Section 119(14), ‘Local Government (Planning and Environment) Act 1990’—	1
<i>omit, insert—</i>	2
<i>‘Integrated Planning Act 1997’.</i>	3
	4
	5