

Queensland



# VALUATION OF LAND ACT 1944

**Reprinted as in force on 9 September 1996  
(includes amendments up to Act No. 57 of 1995)**

**Reprint No. 2A**

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This Act is reprinted as at 9 September 1996. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

# Queensland



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# VALUATION OF LAND ACT 1944

[as amended by all amendments that commenced on or before 9 September 1996]

**An Act to make better provision for determining the valuation of land for rating and taxing purposes, and for matters incidental thereto or consequent thereon**

## PART 1—PRELIMINARY

### Short title

1. This Act may be cited as the *Valuation of Land Act of 1944*.

### Definitions

2. In this Act—

“**agent**” includes every person who, in Queensland, for or on behalf of any person (“**the principal**”) has the control or disposal of any land belonging to the principal, or the control, receipt or disposal of any rents, issues, or proceeds derived from any such land.

“**annual valuation**” means a valuation of all lands in an area made pursuant to part 4.

“**approved form**” means a form approved by the chief executive.

“**area**” means the area of a local government (other than an Aboriginal or Torres Strait Islander local government).

“**general valuation**” means a valuation of all lands in an area made pursuant to sections 13 and 27(1).

“**improved value**” of land has the meaning given by section 4.

“**improvements**” has the meaning given by section 6.

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**“mineral”** has the meaning given by the *Mineral Resources Act 1989*.

**“mining lease”** means a mining lease to which the *Mineral Resources Act 1989* applies.

**“owner”** of land has the meaning given by section 7.

**“parcel of land”** means every part of an area of land which is separately held by any owner, or any part of an area of land which the chief executive directs should be valued as a separate parcel.

**“person”** includes—

- (a) a person or entity representing the State; and
- (b) a society, institute, partnership or other body, even if not incorporated; and
- (c) a trustee or agent.

**“petroleum lease”** means a petroleum lease under the *Petroleum Act 1923*.

**“registrar”** of the Land Court includes a deputy registrar of the Land Court.

**“return”** includes all returns, notices, declarations, statements and information prescribed or required by the chief executive to be furnished.

**“roll”** means valuation roll.

**“subdivide”** land has the meaning given by section 8.

**“trustee”** in addition to every person appointed or constituted trustee by act of parties, or by order or declaration of a court, or by operation of law, includes—

- (a) the executor or administrator, guardian, committee, receiver, or liquidator; and
- (b) every person having or taking upon himself or herself the administration or control of land affected by any express or implied trust, or acting in any fiduciary capacity, or having possession, control or management of the land owned by a person under any legal or other disability.

**“unimproved value”** of land has the meaning given by section 3.

**“valuation”** means valuation under this Act.

**“valuation for rental purposes”** means the valuation under section 15 of land in a lease, licence or permit granted or issued under the *Land Act 1994*.

**“valuation roll”** means a valuation roll under section 47(1).

**“value of improvements”** has the meaning given by section 5.

**“valuer”** means a valuer registered under the *Valuers Registration Act 1992*.

### **Meaning of “unimproved value”**

**3.(1)** For the purposes of this Act—

**“unimproved value”** of land means—

- (a) in relation to unimproved land—the capital sum which the fee simple of the land might be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller would require; and
- (b) in relation to improved land—the capital sum which the fee simple of the land might be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller would require, assuming that, at the time as at which the value is required to be ascertained for the purposes of this Act, the improvements did not exist.

**(2)** However, the unimproved value shall in no case be less than the sum that would be obtained by deducting the value of improvements from the improved value at the time as at which the value is required to be ascertained for the purposes of this Act.

**(3)** In addition, the restrictions and limitations in any deed of grant or certificate of title in respect of any racecourse shall be disregarded in ascertaining the unimproved value of the land of the racecourse concerned.

**(4)** Notwithstanding anything contained in this section, in determining the unimproved value of any land it shall be assumed that—

- (a) the land may be used, or may continue to be used, for any purpose for which it was being used, or for which it could be used, at the date to which the valuation relates; and

- (b) such improvements may be continued or made on the land as may be required in order to enable the land to continue to be so used;

but nothing in this subsection prevents regard being had, in determining that value, to any other purpose for which the land may be used on the assumption that any improvements referred to in subsection (1) had not been made.

### **Meaning of “improved value”**

4. For the purposes of this Act—

“**improved value**” means, in relation to land, the capital sum which the fee simple of the land might be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller would require.

### **Meaning of “value of improvements”**

5.(1) The “**value of improvements**” means, in relation to land, the added value which the improvements give to the land at the time as at which the value is required to be ascertained for the purposes of this Act, irrespective of the cost of the improvements, including in such added value the value of any hotel licence the value of which has been included in the improved value.

(2) However, the added value shall in no case exceed the amount that should reasonably be involved in effecting, at the time as at which the value is required to be ascertained for the purposes of this Act, improvements of a nature and efficiency equivalent to the existing improvements.

### **Meaning of “improvements”**

6.(1) “**Improvements**” means, in relation to land, improvements thereon or appertaining thereto, whether visible or invisible, and made or acquired by the owner or the owner’s predecessor in title, and includes all such destruction of suckers and seedlings as is incidental to the destruction of timber, and also includes the destruction of other vegetable growths and of animal pests on the land to the extent to which such destruction retains its

utility, but does not include the destruction by any person of any such growths or pests which are allowed to establish themselves on the land during the ownership, except to the extent (if at all) to which it restores wholly or partly so much of the utility of a previous improvement in the nature of the destruction of such growths or pests as is, by the subsequent provisions of this definition, deemed to have been lost, and any improvement consisting of the destruction of such growths or pests, by whomsoever the same may be effected, shall be deemed to have lost its utility to the extent to which, after it has been made, other growths or pests (as the case may be) are allowed to establish themselves on the land.

(2) However, in the determination of the unimproved value of land the term does not include invisible improvements, other than timber treatment, where such invisible improvements have been made by the Crown, whether in right of a State or in right of the Commonwealth, (including a statutory body representing the Crown), a local government or a harbour board except to the extent, in the case of a purchaser or lessee from the Crown, statutory body, local government or harbour board, to which the Crown, statutory body, local government or harbour board has been recouped in respect of expenditure on such invisible improvements by such purchaser or lessee otherwise than by payment of rent, rates or taxes.

### **Meaning of “owner”**

7.(1) An “owner” of land is the person who—

- (a) is entitled to receive the rent for the land; or
- (b) would be entitled to receive the rent for the land if it were leased at a rack-rent.<sup>1</sup>

(2) However, an owner does not include the State, but includes—

- (a) a registered proprietor of freehold land; and
- (b) a purchaser of land to be held as freehold land that is being purchased from the State under an Act; and
- (c) a lessee of land held from the State, and any manager, overseer or superintendent of the lessee who resides on the land; and

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<sup>1</sup> Rack-rent of land is a rent for the land that is the highest possible rent for the land. It implies that the land is leased commercially.

- (d) the holder or lawful occupier of a mining lease; and
- (e) a lessee of land held from, or the holder of a licence or permission to occupy from—
  - (i) the Coordinator-General; or
  - (ii) a port authority within the meaning of the *Transport Infrastructure Act 1994*;
  - (iii) a local government; or
  - (iv) the Minister administering the *Industrial Development Act 1963*; or
  - (v) the Primary Industries Corporation; or
  - (vi) Queensland Railways; and
- (f) the holder of—
  - (i) an occupation permit or stock grazing permit under the *Forestry Act 1959*; or
  - (ii) a permission to occupy under the *Land Act 1994*; and
- (g) a licensee under the *Land Act 1994*.

(3) A reference in subsection (2) to a lessee includes, if a person or entity representing the State is the lessee of State land, a sublessee from the person or entity.

### **Meaning of “subdivide”**

**8.(1) “Subdivide”** land means divide land into parts.

(2) Land may be divided into parts by—

- (a) sale, conveyance, transfer or partition; or
- (b) an agreement, conveyance or instrument between living persons under which a part of the land becomes immediately available for separate disposition or occupation; or
- (c) the issue of a certificate of title under the *Land Title Act 1994* for a part of the land.

(3) An agreement, conveyance or instrument mentioned in

subsection (2)(b) includes a lease only if—

- (a) the lease's term exceeds 5 years; or
- (b) the lease's term, together with any period of renewal available under the lease, exceeds 5 years.

### **Queensland Housing Commission as owner**

**9.** To remove any doubt, the Queensland Housing Commission—

- (a) is taken to be the owner of land leased by it under the *State Housing Act 1945*; and
- (b) may, under part 6, object to and appeal against the chief executive's valuation of the land.

## **PART 2—ADMINISTRATION**

### **References to Valuer-General**

**10.** A reference in any Act or document to the Valuer-General is a reference to the chief executive.

### **Secrecy**

**11.(1)** Every person employed under this Act shall maintain and aid in maintaining the secrecy of all matters which come to the person's knowledge in the performance of the person's duty, and shall not communicate, divulge, or aid in divulging any such matters to any other person except for the purpose of carrying this Act into effect.

**(2)** The chief executive, or any officer duly authorised by the chief executive shall not, either directly or indirectly, except in the performance of duties under this Act, and either while the chief executive or officer is or after the chief executive or officer ceases to be an officer, make a record of or divulge or communicate to any person any such information so acquired by the chief executive or officer.

(3) The chief executive or any officer duly authorised by the chief executive, or any witness on behalf of the chief executive or officer, shall not be required to produce in court any roll, return, notice, or any other document, or disclose to any court, the fact that the chief executive or officer has received any information, or the nature thereof, or the name of the person who gave such information, or any matter or thing coming under the chief executive's or officer's notice in the performance of duties under this Act, except when it is necessary so to do, for the purpose of carrying into effect the provisions of this Act.

Maximum penalty—10 penalty units.

### **Delegation**

12. The chief executive may delegate the chief executive's powers under this Act, or the chief executive's powers under another Act with respect to the valuation or categorisation of land, to an officer or employee of the department.

## **PART 3—VALUATIONS**

### **Chief executive to make valuation**

13. The chief executive must decide the unimproved value of the land to be valued for the Acts under which local authorities are established.

### **Deciding unimproved value of certain land**

14.(1) For the purpose of deciding the unimproved value of land that is not granted in fee simple, the land is taken to be land granted in fee simple.

(2) For the purpose of deciding the unimproved value—

- (a) of land held from the Crown for an estate of leasehold upon a tenure which is subject to any restriction, limitation, or other onerous covenant or condition; or
- (b) of land (whether freehold or land held from the Crown for an



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estate of leasehold) the unimproved value whereof is enhanced by an assignment to a sugar mill which is subject to any restriction, limitation, or other onerous covenant or condition; or

- (c) of land (whether freehold or land held from the Crown for an estate of leasehold) the use whereof is restricted or limited for that the appropriate local government has given due notice of the realignment of any road whereon that land abuts;

the unimproved value or, as the case requires, the enhancement in the unimproved value of that land shall be ascertained without regard to that restriction, limitation, or, as the case may be, other covenant or condition.

(3) A restriction or limitation imposed under the *Sugar Industry Act 1991* upon the quantity of sugar cane grown upon land assigned to a sugar mill which the holder for the time being of the assignment may deliver to that sugar mill shall not be disregarded as aforesaid but, in ascertaining the enhancement in the unimproved value of that land by the assignment proper allowance shall be made for that restriction or limitation.

(4) A valuation of the unimproved value of any land made under this part shall take into account the existence and effect of any easement, registered under any Act, in respect of which such land is the dominant tenement or the servient tenement.

(5) In making, under this part, the valuation of the unimproved value of any land—

- (a) in respect of which a stock grazing permit granted under the *Forestry Act 1959*, section 35 or the *National Parks and Wildlife Act 1975*, section 33 is in force; or
- (b) in a lease, licence, permit or permission to occupy under the *Land Act 1994* or granted or issued by the Coordinator-General or the Primary Industries Corporation; or
- (c) in a lease from Queensland Railways; or
- (d) subject to a heritage agreement under the *Queensland Heritage Act 1992*, part 6;

the unimproved value of that land shall be determined having regard to and making proper allowance for any restriction or limitation of use having regard to the purpose and conditions to which that permit, lease, licence permission to occupy or agreement is subject.

**Valuation for rental purposes**

**15.(1)** The value to be used to determine the rent applying to a lease, licence or permit under the *Land Act 1994* is the unimproved value under this Act.

**(2)** However, sections 3(4) and 25 do not apply to the determination of a valuation of land for rental purposes for the financial year starting on 1 July 1993 and subsequent years.

**(3)** For the purposes of a valuation for rental purposes, if the conditions of the lease, licence or permit are not restricted to farming or to a use as a single dwelling house as defined in section 17(2)—

- (a) section 17(1) does not apply; and
- (b) in the case of land other than land used for farming—the physical state and condition of the land at the start of the lease, licence or permit (other than improvements within the meaning of the *Land Act 1994*) is to be considered.

**Exclusion of timber and minerals**

**16.** A valuation of the unimproved value of land is not to include the value of timber or minerals on or in the land.

**Exclusive use for single dwelling house or farming**

**17.(1)** In making a valuation of the unimproved value of land exclusively used for purposes of a single dwelling house or for purposes of farming, any enhancement in that value for that the land has been subdivided by survey or has a potential use for industrial, subdivisional or any other purposes shall be disregarded irrespective of whether or not, in case of potential use as aforesaid, that potential use is lawful when the valuation is made.

**(2)** In subsection (1)—

**“a single dwelling house”** means—

- (a) a dwelling used solely for habitation by not more than 1 family;  
or
- (b) a dwelling occupied by the resident owner and used solely for

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habitation—

- (i) part of which stands converted for use as a flat; or
- (ii) part of which is used or for use as a furnished room or furnished rooms;

by a person or persons other than the owner's family; or

- (c) a building used solely for habitation and that consists of 2 flats, 1 of which is occupied by the resident owner; and

**“farming”** means—

- (a) the business or industry of grazing, dairying, pig farming, poultry farming, viticulture, orcharding, apiculture, horticulture, aquiculture, vegetable growing, the growing of crops of any kind, forestry; or
- (b) any other business or industry involving the cultivation of soils, the gathering in of crops or the rearing of livestock;

if the business or industry represents the dominant use of the land, and—

- (c) has a significant and substantial commercial purpose or character; and
- (d) is engaged in for the purpose of profit on a continuous or repetitive basis.

### **General valuation date**

**18.(1)** The chief executive shall fix, in respect of any and every general valuation, a date.

**(2)** In making the valuation all lands in the area shall be valued as at the date so fixed.

**(3)** If by reason of circumstances the chief executive deems it necessary or expedient to do so, the chief executive may alter from time to time any date fixed under subsection (1).

**(4)** A date as originally fixed or subsequently altered by the chief executive under subsection (1) or (3) shall be a date prior to the date of

issue, pursuant to section 50, of the notices of valuation in respect of the general valuation concerned.

### **Regulation to fix day of effect of general valuation**

**19.(1)** A regulation may fix a day from which a general valuation is the valuation for all land required to be valued under this Act in the area for which the valuation was made.

**(2)** The day must not be earlier than 6 months after the regulation is notified.

**(3)** The general valuation applies subject to objection or appeal under this Act.

### **Chief executive to fix date of other valuations etc.**

**20.** The chief executive shall fix the date on and after which any valuation or alteration of any valuation of any land made by the chief executive under this Act, save—

- (a) a general valuation; or
- (b) an annual valuation; or
- (c) a valuation or an alteration of a valuation the date of the coming into force whereof is fixed, or to be fixed, otherwise by or pursuant to this Act;

shall, subject to objection or appeal under part 6, be the valuation of that land and the notice of valuation shall specify that date.

### **Omissions from valuations**

**21.(1)** Where the chief executive purports to have made a general valuation or an annual valuation in respect of an area, the chief executive shall be deemed to have so made such valuation notwithstanding that the chief executive has omitted to make a valuation of any land therein.

**(2)** Where it comes to the knowledge of the chief executive that the chief executive has omitted to make a valuation of any land, the chief executive shall thereupon make a valuation of that land as at the date fixed for all lands

in the area—

- (a) in the case of a general valuation—under section 19(1);
- (b) in the case of an annual valuation—pursuant to part 4;

and the provisions of part 6 in respect of notice of valuation, objection and appeal apply and extend accordingly.

(3) The valuation of that land shall, subject to objection or appeal as aforesaid, come into force on a date fixed by the chief executive under section 20 and, unless an alteration is made under section 29, shall be in force for the balance of the period during which the general valuation or, as the case may be, annual valuation is in force in accordance with this Act.

### **Chief executive not required to value separately certain mining leases**

**22.(1)** The chief executive is not required to make a separate valuation of land that is the subject of an application for a mining lease.

(2) However, subsection (1) does not apply if the applicant for the mining lease may, under the *Mineral Resources Act 1989*, go on the land for mining purposes.

### **Chief executive may value stratum**

**23.(1)** Subject to any other Act the chief executive may make a valuation of the unimproved value of any stratum in accordance with this section.

(2) The unimproved value of a stratum is the capital sum which the fee simple of the stratum might be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller would require assuming—

- (a) that the improvements (if any) within the stratum and made or acquired by the owner or the owner's predecessor in title had not been made; and
- (b) however, where the stratum is wholly or partly in an excavation it shall be assumed that the excavation of the stratum had been made; and
- (c) that means of access to the stratum may be used, and may continue to be used, as they were being used, or could be used, on

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the date to which the valuation relates; and

- (d) that lands outside the stratum, including land of which the stratum forms part, are in the state and condition existing at the date to which the valuation relates and, in particular, without limiting the generality of this assumption, that where the stratum consists partly of a building, structure, or work or is portion of a building, structure, or work, such building, structure, or work, to the extent that it is outside the stratum, had been made.

(3) Notwithstanding anything in subsection (2), in determining the unimproved value of a stratum it shall be assumed that—

- (a) the stratum may be used, or may continue to be used, for any purpose for which it was being used, or for which it could be used, at the date to which the valuation relates; and
- (b) such improvements may be continued or made in the stratum as may be required in order to enable the stratum to continue to be so used;

but nothing in this subsection prevents regard being had, in determining that value, to any other purpose for which the stratum may be used on the assumptions set forth in subsection (2).

(4) This section does not apply to any stratum that is a mining lease.

(5) In this section—

“**stratum**” means a part of land consisting of a space or layer below, on, or above the surface of the land, or partly below and partly above the surface of the land, defined or definable by reference to improvements or otherwise, whether some of the dimensions of the space or layer are unlimited or whether all the dimensions are limited, but refers only to a stratum rateable or taxable under any Act.

### **Valuation of mining leases**

**24.(1)** The unimproved value of a mining lease shall be—

- (a) where the whole of the mining lease includes surface area—
- (i) the unimproved value of the surface area; or
- (ii) 20 times the yearly rent payable in respect of the lease;

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whichever is the less;

- (b) where part only of the mining lease includes surface area—
- (i) the unimproved value of the surface area plus 30% of the unimproved value of the surface area situated directly above the part that does not include surface area; or
  - (ii) or the sum of—
    - (A) 20 times the yearly rent payable in respect of that part of the lease that includes surface area; and
    - (B) 6 times the yearly rent payable in respect of the remainder;

whichever is the less;

- (c) where the mining lease does not include any surface area—
- (i) 30% of the unimproved value of the surface area situated directly above the lease; or
  - (ii) 6 times the yearly rent payable in respect of the lease;
- whichever is the less.

(2) Where pursuant to this or any other Act part of a mining lease is valued as a separate parcel of land by reason of the use to which it is being put—

- (a) the unimproved value of that part shall be determined as if this section had not been enacted;
- (b) the unimproved value of the remainder of the mining lease shall be an amount that bears to the unimproved value of the mining lease the same proportion as the area of the remainder bears to the area of the lease.

(3) For the purposes of this section the yearly rent payable in respect of part of a mining lease shall be a sum that bears to the yearly rent payable in respect of the lease the same proportion as the area of the part bears to the area of the lease.

(4) In this section—

“**yearly rent**” in respect of a mining lease, means the yearly rent that would have been payable under the *Mineral Resources Act 1989* if the lease

had been created on the date fixed by the chief executive pursuant to this Act as the date at which all lands in the area in which the lease is situated are required to be valued.

### **Valuation of subdivided land**

**25.(1)** Notwithstanding any other provision of this Act except subsection (3), where an owner subdivides land into 6 or more parts the parts that continue to be owned by the owner (being not less than 6) shall be deemed to form a single parcel and shall be valued as such pursuant to this Act (notwithstanding that the same may not adjoin) and in valuing that parcel any enhancement in the value by reason of works carried out by that owner on the land so subdivided shall be disregarded.

**(2)** However, the unimproved value of that parcel shall be not less than 5 times the average unimproved value of the parts continuing to be so owned and for the purpose of determining the unimproved value of each such part it shall be taken to be a part to which this section does not apply.

**(3)** Nothing in subsection (1) shall affect the operation of section 17.

### **Valuation of petroleum leases**

**26.(1)** The unimproved value of land comprised in a petroleum lease shall be—

- (a) the unimproved value of the surface area of that land; or
- (b) 6 times the yearly rent payable in respect of the lease;

whichever is the less.

**(2)** In this section—

**“yearly rent”**, in respect of a petroleum lease to which the *Petroleum Act 1923*, section 46(1) applies, means the annual rent payable pursuant to that Act as at the date at which all lands in the area in which the land comprised in the lease is situated are required to be valued.

### **Valuations at periodic intervals**

**27.(1)** General valuations may be made at periodic intervals.



(2) The period between a general valuation and the next general valuation must be not less than 5 years and not more than 8 years, calculated by reference to days fixed under section 19.

(3) A general valuation for an area is in force from a day fixed under section 19 until immediately before the earlier of the following—

- (a) the next day fixed under section 19;
- (b) the day on which an annual valuation for the area takes effect.

(4) Despite subsection (2), a regulation may specify a period of less than 5 years or more than 8 years to be the period between the last and the next valuation for an area.

### **Alteration of valuation**

**28.(1)** No alteration shall be made in the valuation of any parcel of land during the period during which any general valuation or annual valuation relating to the area in question is in force or, in the case of a general valuation or an annual valuation which has not come into force, during the period between the issuing of notice of valuation to the owner pursuant to part 6 or, as the case may be, the making available of particulars of the annual valuation pursuant to part 4 and the date of the valuation coming into force—

- (a) unless such land is subdivided during such period; or
- (b) unless where 2 or more parcels of unoccupied land adjoining each other valued as 1 portion of land and 1 or more parcels of such land is or are sold or occupied during such period; or
- (c) unless a public work, service, or undertaking is provided during such period on account of which, the chief executive is of opinion the valuation of such land has altered; or
- (d) unless by reason of flood, cyclone, or some other adverse natural cause over which the owner had no control, such land has been permanently damaged and the chief executive is of opinion that the valuation of such land has altered; or
- (e) unless the unimproved value of that parcel of land is altered by the acquisition or loss during that period of a licence, assignment to a sugar mill, or other right or privilege the value of which is

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- deemed to form part of the unimproved value of that land; or
- (f) unless, being land exclusively used for purposes of a single dwelling house or farming when valued, that land ceases to be used for either of such purposes whereby the valuation is, having regard to the provisions of section 17(1) and (2), in the opinion of the chief executive, altered; or
  - (g) unless, in the opinion of the chief executive, circumstances affecting the valuation of the land are such as to render an alteration necessary or desirable for preserving or attaining uniformity in values between that valuation and subsisting valuations of other comparable parcels of lands; or
  - (h) unless the valuation is affected by error or omission which the chief executive considers it necessary to correct; or
  - (i) unless by reason of—
    - (i) implementation of or alteration in zoning under or amendment of a planning scheme;
    - (ii) the application of an ordinance or a by-law of the local government of the area in question affecting the use of development land;
    - (iii) any other action or decision of the local government of the area in question affecting the use or development of land, the chief executive is of opinion that the valuation of such land has altered; or
  - (j) unless, being land used for commercial or industrial purposes or for purposes other than those of a single dwelling house or farming when valued, that land comes under exclusive use for purposes of a single dwelling house or farming whereby the valuation thereof is, having regard to section 17(1) and (2), in the opinion of the chief executive, altered; or
  - (k) unless—
    - (i) in the case of 2 or more parcels of adjoining land—those parcels become the subject of a common ownership during any such period, no part thereof being leased or let or all the parcels being leased or let to 1 person; or

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- (ii) in the case of 2 or more parcels of land—those parcels could, if a valuation of all lands in the area was then taking place, be included pursuant to section 34 in 1 valuation;

and the chief executive is of the opinion that, by reason of the foregoing and having regard to such other factors as the chief executive considers relevant, the several parcels of land should be included in 1 valuation; or

- (l) unless the valuation is a valuation for rental purposes of a lease, licence or permit made because—
- (i) the purpose of the lease, licence or permit has changed; or
  - (ii) the conditions of the lease, licence or permit have changed; or
  - (iii) the area of the lease, licence or permit has changed.

(2) The inclusion in 1 valuation of the several parcels of land shall be taken to represent an alteration made in the valuation of those several parcels whether or not such first mentioned valuation is the same as, or different from, the sum of the valuations of those several parcels.

(3) In subsection (1)—

“**farming**” has the meaning given by section 17(2).

“**single dwelling house**” has the meaning given by section 17(2).

(4) An alteration in a valuation must not be made under subsection (1)(d) unless the owner of the land applies to the chief executive within 6 months after the permanent damage happens.

(5) If—

- (a) an alteration is made in a valuation for rental purposes because of an event mentioned in subsection (1)(l); and
- (b) the event happened before the start of the period for which the valuation to which the alteration is made was in force; and
- (c) the valuation mentioned in paragraph (b) is an annual valuation;

the chief executive must also make an appropriate alteration to each annual valuation for rental purposes that applied from the happening of the event up to the start of the period.

(6) Each alteration mentioned in subsection (5) may be objected to and appealed under sections 42 to 46 in the same way a valuation for rental purposes may be objected to and appealed against.

(7) For the purposes of subsection (6), a rent notice mentioned in section 42(4) includes a rent notice issued after an alteration to a valuation for rental purposes.

### **Alteration of valuation**

**29.(1)** The chief executive may at any time alter the valuation of any land the valuation of which may be altered under section 28.

(2) The chief executive may include in 1 valuation the several parcels of land referred to in under section 28(1)(k).

(3) Every alteration of the valuation of any land made under this section must be taken to be a valuation and the provisions of part 6 respecting notice of valuation, objection and appeal shall apply and extend accordingly.

### **Alteration of valuation for rate adjustment under Local Government Act or City of Brisbane Act**

**29A.(1)** The chief executive may alter a valuation that was in force in the previous financial year to enable a rate adjustment to be made under the *Local Government Act 1993*, section 622 (Rate levied for a period in which a change takes effect) or the *City of Brisbane Act 1924*, section 70 (Levy of rate on alteration in unimproved value etc.).

(2) However, the chief executive may decide not to alter a valuation under subsection (1) if the chief executive is of the opinion, formed on reasonable grounds, that the rate adjustment resulting from the valuation alteration would be so small that making the alteration cannot be justified in the circumstances.

### **Valuation may be made if land becomes taxable or rateable**

**30.** Nothing in section 28 shall prevent or be deemed to prevent the chief executive from valuing any land which becomes taxable or rateable for the purposes of the *Land Tax Act 1915*, the *Local Government Act 1993*, or the *City of Brisbane Act 1924*, at any time during the period during which any

general valuation or annual valuation relating to the area in question is in force, or from deducting from the unimproved value for the purposes of the *Land Tax Act 1915*, the rateable value for the purposes of the *Local Government Act 1993* or the unimproved value for the purposes of the *City of Brisbane Act 1924*, of land the taxable or rateable value of any portion of such land which ceases to be taxable or rateable.

### **Valuation on area change**

**31.(1)** Where, subsequent to the making of a valuation under this Act of all lands in an area (whether a general valuation or an annual valuation)—

- (a) that area is abolished and the whole or any part is joined to another area; or
- (b) part of that area is excluded therefrom and included in another area;

the chief executive shall as soon as practicable thereafter again value, and to the extent deemed fit by the chief executive alter the subsisting valuation of any land and all land in that other area which has been joined or included as aforesaid so that such land is valued as at the date fixed by the chief executive as the date of valuation of all lands in that other area for the period then current, and such valuation shall be deemed to be in force on and from the date of such joinder or inclusion as aforesaid and shall continue in force for the balance of that period subject to any other alteration thereof in accordance with this Act.

**(2)** The provisions of part 6 in respect of notice of valuation, objection and appeal shall apply and extend to a valuation made by the chief executive under this section.

### **Valuation on inclusion of land in an area**

**32.(1)** Where lands not previously included in or forming part of an area are joined to an area, the chief executive shall as soon as practicable thereafter make a valuation of the same as at the date fixed by the chief executive under section 18 or part 4 as the date of valuation of all lands in that area for the period then current, and such valuation shall be deemed to be in force on and from the date of such joinder as aforesaid and shall continue in force for the balance of that period subject to any alteration

thereof in accordance with this Act.

(2) The provisions of part 6 in respect of notice of valuation, objection and appeal shall apply and extend to a valuation made by the chief executive pursuant to this section.

### **Status of valuation**

33. Any and every valuation, or alteration of the valuation, of any land made, or purporting to be made, under this Act by the chief executive shall be deemed to be correct until proved otherwise upon objection or appeal or until altered or further altered.

### **Lands to be included in 1 valuation**

34.(1) Unless the chief executive otherwise directs, there shall be included in 1 valuation—

- (a) several parcels of land which adjoin, and are owned by the same person, and where either no part is leased or all the parcels are let to 1 person;
- (b) several parcels of land in the same area which do not adjoin but are worked as 1 holding and used exclusively for the purposes of farming, and are owned by the same person and which, if let, are all let to 1 person.

(2) However, any such parcels of land shall be valued separately if buildings are erected thereon which are obviously adapted to separate occupation and which may respectively be lawfully held under separate ownerships.

(3) Despite section 35, subsection (1) applies to valuations used for rating and land tax purposes and does not apply to valuations for rental purposes.

### **Separate valuation**

35.(1) Unless the chief executive otherwise directs—

- (a) several parcels of land which are owned by the same person, but which are separately let to different persons, shall be separately

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valued; and

- (b) lands which do not adjoin or which are separated by a public road, or are separately owned, shall be separately valued; and
- (c) where land in respect of which 1 valuation would otherwise be made under this Act—
  - (i) is situated partly in 1 area and partly in another; or
  - (ii) is situated wholly in 1 area, but partly in 1 division and partly in another, and the amount of the general rate made and levied in respect of the rateable land in each division is not the same; or
  - (iii) is rateable as to part only; or
  - (iv) is being valued for rental purposes;

the parts that are in such separate areas or divisions, or the part that is rateable, or the part that is valued for rental purposes, shall be separately valued.

(2) However, the valuation for rental purposes of land in a lease, licence or permit under the *Land Act 1994* is to be a valuation of all the land even if separate valuations of parts of the land are made for another purpose.

(3) Where, by direction of the chief executive, the 1 valuation is made of any land to which subsection (1)(c) applies, that valuation shall be apportioned amongst the parts of that land specified in the applicable provisions of that subsection and, subject to this subsection, the amount of that valuation apportioned to such a part shall be deemed to be the valuation thereof made under this Act.

(4) Where in valuing land in any 1 area any 1 valuation and apportionment as aforesaid are made in respect of land situated partly in that area and partly in another area, the apportionment shall be deemed to be made solely for determining the valuation of the part of the land situated in the area being valued, and accordingly the amount apportioned to the part of that land situated outside that area shall not be or be deemed to be a valuation of that part made under this Act.

**Giving information and access**

**36.(1)** The commissioner of land tax, the Commissioner of Stamp Duties, the registrar of titles, the registrar of the Supreme Court, and every officer employed in or in connection with any department of the government, shall at the prescribed time and in the approved form, furnish to the chief executive such information in their respective offices as may be required by the chief executive.

(2) Every local government and every officer thereof shall permit any valuer or prescribed officer to take for the information of the chief executive a copy of or extract from any valuation return, rate-book, or document of the local government.

(3) Every local government shall, as and when required by the chief executive cause to be furnished to the chief executive such copies of or extracts from such valuation returns, rate-books, or documents as the chief executive requires.

(4) Every local government shall, within 1 month after submitting any land at auction for unpaid rates, furnish, as prescribed, to the chief executive or any officer authorised by the chief executive, particulars of the disposition of such land, whether it has been sold or not, and also furnish particulars, as prescribed, to the chief executive or any officer authorised by the chief executive, in respect of all lands acquired or disposed of by the local government by any process whatsoever.

(5) The chief executive, or any officer authorised by the chief executive in that behalf, shall at all times have full and free access to all lands, buildings, places, books, documents, and other papers, and to all registers of deeds or documents of title, for the purpose of valuing or inspecting any land improvements to land, stock, plant, chattels, and personal property, or any of them, or of ascertaining the ownership of any of them, and for any of those purposes may make extracts from or copies of any such books, documents, or papers.

(6) The owner or occupier of any land, the manager of any business or undertaking carried on any land, and any architect, contractor or other person engaged in or in connection with the planning, construction, alteration, renovation or repair of any structure on any land shall answer any questions put to him or her by the chief executive or any officer authorised



by the chief executive, and generally shall afford all necessary information to enable a correct valuation to be made.

## **PART 4—ANNUAL VALUATIONS**

### **Chief executive to make annual valuation**

**37.(1)** The chief executive must make annually a valuation of all land in an area in a period starting when a general valuation for the area first takes effect and ending when the next general valuation for the area has effect.

**(2)** The chief executive shall not make an annual valuation in respect of the area in any period of 12 months if the chief executive believes on reasonable grounds that a general valuation in respect thereof will first have force and effect on 30 June next occurring after that period.

**(3)** An annual valuation shall be made as at a date fixed by the chief executive in respect of that annual valuation, which date may but need not be within any particular period.

**(4)** The chief executive is not to make an annual valuation if directed by the Minister.

**(5)** If an annual valuation is not made the previous annual valuation continues in force.

### **Period for which annual valuation to have effect**

**38.** Each annual valuation shall have force and effect in respect of the land to which it relates for the period of 12 months commencing on 30 June next following its making.

### **Effect of failure to make annual valuation**

**39.** Where for any reason an annual valuation is not made as required by this part the last preceding valuation of all lands in the area in question, whether a general valuation or an annual valuation, shall continue to have

force and effect until the next such valuation commences to have force and effect.

### **Particulars of annual valuation to be available for inspection**

**40.(1)** The chief executive shall make particulars of each annual valuation available at such places as the chief executive thinks fit and in addition may cause information relating to that valuation to be given to such persons and in such manner as to the chief executive seem desirable.

**(2)** Particulars of an annual valuation may be made available pursuant to subsection (1) at any time after the making and shall be made available not less than 3 months before 30 June on which the valuation is to have force and effect.

**(3)** The failure to make available particulars of an annual valuation not less than 3 months before the date on which the valuation is to have force and effect shall not affect the validity of the valuation or the date of its coming into force.

**(4)** Particulars of each annual valuation made available pursuant to this section shall be available for inspection by any person without payment of a fee during the period of 21 days commencing on the date specified for that purpose in an advertisement under section 41(1)—

- (a)** where the particulars are made available at the office of a local government—at the times at which that office is open for the transaction of public business;
- (b)** where the particulars are made available at some other place—at the times at which the office of the district valuer for the district in which the area in respect of which the valuation was made is situated is ordinarily open for the transaction of public business.

**(5)** This section does not apply to valuations for rental purposes.

### **Advertisements**

**41.(1)** The chief executive shall, after completing an annual valuation, advertise in a newspaper circulating in the area in respect of which the valuation was made—

- (a)** that the valuation has been made;

- (b) that particulars of the valuation will be available for inspection by any person without payment of a fee during the period of 21 days commencing on a specified date and at the places and during the times specified;
- (c) that an owner who is dissatisfied with the valuation of the owner's land made by the chief executive in the course of the chief executive making the annual valuation may, within 28 days after the date referred to in paragraph (b), post to or lodge with the chief executive or with the district valuer for the district wherein that land is situated an objection in writing against that valuation.

(2) In addition to advertising the matters referred to in subsection (1) pursuant thereto the chief executive may advertise them in such manner and on such occasions as to the chief executive seem desirable.

(3) This section does not apply to valuations for rental purposes.

### **Owner may object**

**42.(1)** An owner who is dissatisfied with the valuation of the owner's land made by the chief executive in the course of the chief executive making an annual valuation may within 28 days after the date specified pursuant to section 40(4) in an advertisement under section 41(1) that relates to that annual valuation, post to or lodge with the chief executive an objection in writing against that valuation.

(2) An owner of land may object to the valuation of the land for rental purposes by the chief executive if—

- (a) the owner has not previously objected under subsection (1); or
- (b) the valuation for rental purposes differs from the valuation in subsection (1); or
- (c) the valuation for rental purposes is a valuation to which section 28(1)(l) applies.

(3) Despite subsection (2), a lessee, licensee or permittee under the *Land Act 1994* may not object to a valuation for rental purposes if the rental is not more than the minimum rent prescribed under the regulations for the lease, licence or permit.

(4) An objection must be made within 28 days after the lessee, licensee or permittee receives the rent notice.

### **Chief executive to consider objection and notify objector**

43. The chief executive shall consider an objection made under section 42 and issue to the objector written notice of the chief executive's decision thereon as soon as is reasonably practicable and may either disallow it or allow it in such manner and to such extent as the chief executive deems proper.

### **Late objection**

44. Where—

- (a) it was competent to a person to object pursuant to section 42 against a valuation of the person's land; and
- (b) the person failed to so object; and
- (c) prior to 31 March next following 30 June on which the annual valuation of which that valuation forms part first had force and effect the person objects in writing to the chief executive against that valuation; and
- (d) the person continues to be the owner of the land;

the chief executive may, in the chief executive's discretion, where the chief executive is satisfied that the person's failure to object arose through no fault of the person's own, consider that objection and where the chief executive does so the provisions of this part, in so far as they are capable of applying, shall apply as if the person had objected pursuant to section 42.

### **Appeal**

45.(1) An owner who has objected pursuant to section 42 against a valuation made by the chief executive may, if dissatisfied with the decision of the chief executive upon the objection, appeal to the Land Court against the valuation.

(2) Except as hereinafter by this section provided, an appeal shall not lie unless it is instituted within 28 days after the date of issue to the owner

concerned by the chief executive of notice of the chief executive's decision upon the objection (which date of issue shall be stated in such notice).

(3) An appeal shall be instituted by filing a notice of appeal in the Land Court registry.

(4) Such notice shall state the grounds of appeal and the appeal shall be limited to the grounds so stated and the burden of proving any and every such ground shall be upon the owner.

(5) Such notice shall also state the amount which in the opinion of the appellants should be the valuation of the subject land.

(6) The appellants shall serve a copy of the notice of appeal on the chief executive not later than 7 days after the notice is lodged in the Land Court registry.

(7) Subject to subsection (8), the jurisdiction of the Land Court under subsection (1) shall be exercised by the court sitting in chambers.

(8) The Land Court may in a particular case direct that the appeal be heard and determined in open court.

(9) Sections 57 to 68 and section 70 apply, with any necessary changes, to an appeal under this section.

(10) Until rules of court are made pursuant to section 67 as applied by subsection (9) or in so far as such rules of court do not extend, the member of the Land Court hearing an appeal under this section may, in the particular case, give such directions as the member may think fit and the directions shall, according to their tenor, have the force and effect of rules of court made for the purposes thereof.

### **Right of new owner to carry on objection or appeal**

**46.(1)** Where a change in the ownership of land occurs subsequent to the date specified pursuant to section 40(4) in an advertisement under section 41(1) that relates to the annual valuation of which the valuation of that land forms part the new owner may, subject to this section, object against that valuation and, if the new owner is dissatisfied with the decision of the chief executive upon that objection, appeal against that valuation.

(2) If an objection or appeal as aforesaid was made or instituted by the former owner prior to the change in ownership then the new owner shall

have the right to carry on in the new owner's own name that objection or appeal but the new owner shall not be entitled in that case to himself or herself make or institute a fresh objection or, as the case may be, appeal.

(3) All of the provisions of this part shall, subject to subsection (2), apply and extend for the purposes of this section excepting that any and every period of time specified in this part shall run against a fresh owner as if the fresh owner had been the owner upon the first day of that period of time.

## **PART 5—VALUATION ROLLS**

### **Valuation rolls—particulars and form**

**47.(1)** A valuation roll shall, in the approved form, be prepared for each area and such roll shall set forth, in respect of each valuation, the following particulars—

- (a) the owner's name and postal address;
- (b) situation, description, and measurement or area of the land;
- (c) unimproved value;
- (d) such additional particulars as may be prescribed.

(2) For the purpose of completing, in respect of any valuation under this Act of all lands in an area, the valuation roll for the area as soon as reasonably may be the chief executive may cause so much of that roll as relates to valuations of lands in any portion of or locality in the area to be prepared—

- (a) in the case of a general valuation—at any time after a regulation under section 19 is notified in the gazette; and
- (b) in the case of an annual valuation—at any time.

(3) Every—

- (a) valuation roll; and
- (b) copy of a valuation roll, or part or portion thereof, furnished by the chief executive;

shall for all purposes and in all proceedings be evidence of every valuation recorded therein, and of the particulars prescribed by this section to be set forth therein, and so set forth, in respect of every such valuation, and unless and until the contrary is proved every valuation recorded therein shall be presumed to have been duly made under, subject to and in accordance with this Act, and to have force according to the particulars.

### **Amendment of valuation roll**

**48.** The valuation roll shall be amended whenever—

- (a) an alteration is made, under section 29, in the valuation of any parcel of land; or
- (b) there is a change in the ownership or an alteration in any other particular recorded therein in respect of the valuation of any parcel of land; or
- (c) any parcel of land is omitted from or erroneously described in that roll or other particulars of a parcel of land or of its value have been omitted from or erroneously entered in that roll; or
- (d) the chief executive considers it necessary to correct any other error or omission in respect of any valuation in or from that roll; or
- (e) an alteration is made in the valuation of any parcel of land pursuant to a decision upon objection or appeal under part 4 or, as the case may be, part 6.

## **PART 6—NOTICE OF VALUATION, OBJECTIONS, AND APPEALS**

### **Application of part**

**49.** Except to the extent otherwise indicated in this Act, this part does not apply to or with respect to a valuation of land made pursuant to part 4.

**Notice of valuation**

**50.(1)** Notice of valuation shall be issued to the owner in the approved form, and, save in the case of a notice issued in respect of a reduction in valuation referred to in section 69, such notice shall also state that such owner may object against the valuation.

**(2)** Subject to subsection (3), notice of valuation may be issued at any time after the making thereof.

**(3)** If all land in an area is valued, a notice of valuation must be issued not earlier than the notification of the regulation fixing a day under section 19, and not later than 3 months before the day fixed.

**(4)** The failure to duly issue notice of valuation not less than 3 months before the date fixed, in accordance with the requirements of subsection (3), shall not affect the validity of the valuation of all lands in the area concerned or the date of its coming into force.

**Right of new owner to carry on objection or appeal**

**51.(1)** Where a change in the ownership of land occurs subsequent to the issuing of a notice of valuation in respect of that land the new owner may, subject to this section, object against that valuation and, if the new owner is dissatisfied with the decision of the chief executive upon that objection, appeal against that valuation.

**(2)** If an objection or appeal as aforesaid was made or instituted by the former owner prior to the change in ownership then the new owner shall have the right to carry on in the new owner's own name that objection or appeal but the new owner shall not be entitled in that case to himself or herself make or institute a fresh objection or, as the case may be, appeal.

**(3)** All of the provisions of this part shall, subject to subsection (2), apply and extend for the purposes of this section excepting that—

- (a)** the new owner shall not be entitled to be issued with a fresh notice of valuation, but the new owner shall be deemed to have received the notice of valuation issued to the former owner and to have received it when it was so issued; and
- (b)** any and every period of time specified in this part shall run



against a fresh owner as if the fresh owner had been the owner upon the first day of that period of time.

### **Objections to valuation**

**52.** An owner who is dissatisfied with the valuation made by the chief executive under this Act may, within 60 days after the date of issue of the notice of valuation (which date of issue shall be stated in such notice), post to or lodge with the chief executive an objection in writing against the valuation.

### **Consideration of objections**

**53.(1)** The chief executive shall with all reasonable dispatch consider the objection, and may either disallow it or allow it in such manner and to such extent as the chief executive deems proper.

**(2)** The chief executive and the owner may, by mutual consent, confer before the chief executive makes a decision upon the objection.

**(3)** Such conference shall not be limited to the grounds (if any) stated in the objection.

**(4)** Any such conference shall be without prejudice, and in any appeal under sections 55 to 68 evidence of the proceedings at such conference shall not be given by or on behalf of either the chief executive or the owner concerned, nor shall the chief executive or such owner, or any witness on behalf of either of them, be cross-examined on such proceedings.

**(5)** A conference between the chief executive and the owner under this section which is in respect of an objection to a valuation made in the course of a valuation of all lands in an area may, in the discretion of the Minister, be presided over by a person appointed as a chairperson.

**(6)** The Minister shall, at such time or times as the Minister considers necessary, appoint persons as chairpersons of such conferences between the chief executive and owners.

**(7)** A person appointed as chairperson shall, as far as the Minister is reasonably able to ascertain, in each case be a disinterested person as between the chief executive and the owner.

**(8)** A person appointed as a chairperson shall be—

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- (a) appointed either generally or in respect of a particular area, or part thereof, or particular areas;
- (b) appointed for such period or in respect of such conference or conferences as the Minister deems fit;
- (c) paid such remuneration or allowances as may be prescribed, and otherwise appointed subject to such terms and conditions as may be prescribed and, in so far as not prescribed, as the Minister determines.

(9) It shall be the function of a chairperson—

- (a) to do all in the chairperson's power to ensure a full, free and frank exchange of opinion between an owner and the chief executive, including full disclosure of information relevant to the matter the subject of the conference;
- (b) to make recommendations to either party concerning matters raised before the chairperson at the conference;
- (c) to report to the Minister, after the chief executive has given the objector written notice of the chief executive's decision on the objection under section 54, any conduct of either party at the conference which the chairperson considers calls for comment.

(10) A chairperson is deemed to be a person employed under this Act for the purposes of section 11.

**Notice to objector**

**54.(1)** The chief executive shall issue to the objector written notice of the chief executive's decision on the objection as soon as practicable after such decision is made and, without prejudice to the foregoing, such notice—

- (a) in the case of a valuation of all lands in an area—shall be issued not later than 12 months after the date shown in the notice of valuation issued under section 50 as the date on and after which the valuation shall have force and effect;
- (b) in every other case—shall be issued not later than 6 months after the date of issue stated in the notice of valuation issued under section 50 in respect of the valuation in question.

**(2) If—**

- (a) an owner has objected against a valuation made in the course of making a valuation of all lands in an area; and
- (b) the valuation of all lands in the area has not come into force; and
- (c) before the chief executive has issued to the owner written notice of the chief executive's decision on the objection the valuation of the land to which the objection relates is altered under section 28 or 29 and a notice of valuation is issued in accordance with this Act;

the objection shall have no further effect and the chief executive is not required to consider or further consider, as the case may be, the objection.

**(3)** Where an objection has ceased to have effect pursuant to subsection (2) the chief executive shall notify the objector in writing accordingly.

**Appeal against the chief executive's decision on an objection**

**55.(1)** An owner who has duly objected to the chief executive against a valuation made by the chief executive may, if dissatisfied with the decision of the chief executive upon the objection, appeal to the Land Court.

**(2)** Except as hereinafter in this section provided, such an appeal shall not lie unless it is instituted within 60 days after the date of issue to the owner concerned by the chief executive of notice of the chief executive's decision upon the objection (which date of issue shall be stated in such notice).

**How to start an appeal**

**56.(1)** An appeal shall be instituted by filing in the Land Court registry a notice of appeal.

**(2)** Such notice shall state the grounds of appeal and the appeal shall be limited to the grounds so stated, and the burden of proving any and every such ground shall be upon the owner.

**(3)** Such notice shall also state the amount which in the opinion of the appellant should be the valuation of the subject land.

**(4)** The appellant shall serve a copy of the notice of appeal on the chief

executive not later than 7 days after the notice is filed in the Land Court registry.

### **Late filing**

**57.(1)** Where a notice of appeal is filed in the Land Court registry but not within the time prescribed by section 55(2), the registrar of the court shall notify the owner that, as the notice of appeal was not filed in the Land Court registry within the time prescribed by section 55(2), the appeal does not lie unless the owner—

- (a) proves to the satisfaction of the court that the failure to institute the appeal within the time so prescribed was caused by undue delay in the transmission of mail in the ordinary course of post; and
- (b) notifies the registrar within 21 days of the date of the notification of the registrar to the owner of the owner's intention to endeavour to so satisfy the court as aforesaid.

**(2)** If the owner—

- (a) notifies the registrar within the time prescribed and otherwise in accordance with the provisions of subsection (1)(b); and
- (b) proves to the satisfaction of the Land Court that the failure to institute the appeal within the time prescribed by section 55(2) was caused by undue delay in the transmission of mail in the ordinary course of post;

the appeal shall lie, subject to this section, notwithstanding that it was not instituted within the time prescribed by section 55(2), but otherwise the appeal shall not lie.

**(3)** The registrar shall furnish to the chief executive a copy of a notification by the registrar to the owner and of any notification to the registrar by the owner under this section.

### **Defect in notice of appeal—action of registrar**

**58.(1)** Where it appears to the registrar of the Land Court that a notice of appeal filed in the registry does not comply in all respects with the requirements of section 56 or is otherwise defective in a material particular,

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the registrar shall issue or cause to be issued to the appellant a requisition specifying the noncompliance or defect and requiring the appellant to comply in all respects with the requirements of section 56 or remedy the defect, as the case may be, by filing in the registry within 21 days of the date of the requisition an answer to it so that the requirements of section 56 are satisfied or the defect is remedied, as the case may be.

(2) Upon an appellant complying with the requirements of the requisition to the satisfaction of the registrar within the prescribed time of 21 days as aforesaid, the answer to the requisition shall be read as one with the notice of appeal and the material constituting the answer shall for all purposes be taken to have been supplied with and to have formed part of the notice of appeal on the day such notice was filed in the Land Court registry.

(3) If the appellant does not fully comply with the requirements of the requisition to the satisfaction of the registrar within the prescribed time, the Land Court shall not proceed to hear and determine the appeal unless it is satisfied that the notice of appeal as first filed complied in all respect with the requirements of section 56 and was not defective in any material particular or that, where in its opinion a requisition was properly issued, the requirements of the requisition have been complied with to the extent that, taking such compliance into consideration in conjunction with the notice of appeal as first filed, the requirements of section 56 have been complied with and there is no defect in any material particular.

(4) The registrar shall furnish to the chief executive a copy of a requisition to an appellant and of any answer thereto by the appellant.

(5) In any case where—

- (a) a notice of appeal is filed in the Land Court registry but not within the time prescribed by section 55(2); and
- (b) it appears to the registrar of the Land Court that the notice so filed does not comply in all respect with the requirements of section 56 or is otherwise defective in a material particular;

the notification of the registrar to the owner pursuant to section 57 and the requisition to the owner pursuant to this section shall be issued together.

(6) This section applies subject to the provisions of this Act relating to the circumstances in which an appeal does not lie.

**Defect in notice of appeal—action of Land Court**

**59.(1)** Where on the hearing of an appeal it appears to the Land Court that a notice of appeal does not comply in all respects with the requirements of section 56 or is otherwise defective in a material particular, the court shall require the appellant to furnish it within 7 days with particulars the absence of which constitute the failure to comply with the requirements of section 56 or the defect in a material particular.

**(2)** If the appellant there and then satisfies the requirements of the Land Court or so satisfies them within the prescribed period of 7 days, the court shall make such order as to an adjournment or the continuation of the hearing of the appeal as it thinks fit having regard to the circumstances.

**(3)** If the appellant fails to satisfy the requirements of the Land Court under this section within the prescribed period of 7 days, the court shall strike out the appeal.

**(4)** Subsection (1) is applicable in any case—

- (a) where the registrar has not issued to the appellant a requisition pursuant to section 58 or, though the registrar issued such a requisition, it was incorrect or incomplete;
- (b) notwithstanding that the registrar, pursuant to section 58, issued or caused to be issued to the appellant a requisition that was complied with to the satisfaction of the registrar within the prescribed time of 21 days.

**Jurisdiction not affected by failure to serve chief executive**

**60.** A failure by the appellant to serve a copy of the notice of appeal on the chief executive pursuant to section 56 shall not affect the jurisdiction of the Land Court to hear and determine the appeal but in respect of any adjournment occasioned by that failure the Land Court may make such order as to costs in favour of the chief executive as it thinks fit.

**Defect in notice of appeal served on chief executive**

**61.** Where the copy of the notice of appeal served in accordance with section 56 on the chief executive is defective in that, in respect of the matters required by section 56 to be stated, it is not a true copy of the notice filed in

the Land Court registry, or where the copy of the notice of appeal is defective in some other material particular, the Land Court may proceed to hear and determine the appeal if it is satisfied that the chief executive is not disadvantaged by the defective nature of the copy served on the chief executive, and, in relation thereto, the court may make such order as to an adjournment of the hearing of the appeal as it thinks fit to ensure the chief executive is not so disadvantaged.

### **Costs of adjournment**

**62.** The Land Court may make such order as to costs in favour of the chief executive as it thinks fit in respect of any adjournment of the hearing of an appeal occasioned by the appellant filing a notice of appeal not complying in all respects with the requirements of section 56 or defective in a material particular or occasioned by the service on the chief executive of a copy of a notice of appeal that is not a true copy of the notice filed in the Land Court registry or that is defective in some other material particular.

### **Constitution of Land Court at first instance**

**63.** For the purpose of hearing and determining any appeal under section 55 the Land Court shall in the first instance be constituted by 1 member thereof sitting alone.

### **Appeal to Land Appeal Court**

**64.(1)** If aggrieved with the decision of the Land Court upon any appeal under section 55, the chief executive or the owner may appeal to the Land Appeal Court.

**(2)** Such an appeal shall be by way of a rehearing.

**(3)** The member of the Land Court who constituted such court in the first instance shall not sit upon the Land Appeal Court as constituted for such hearing.

### **Appeal to Court of Appeal**

**65.** The owner or the chief executive may appeal from the decision of the

Land Appeal Court to the Court of Appeal on the ground that the decision is erroneous in point of law or is in excess of jurisdiction.

### **Order of court**

**66.** Upon an appeal under section 55 the Land Court or, upon the rehearing of any such appeal, the Land Appeal Court may—

- (a) affirm the valuation appealed against; or
- (b) reduce or increase the amount of that valuation to the extent necessary in its opinion to determine the same correctly under, subject to, and in accordance with this Act;

and, subject to section 70, make such order as it deems fit with respect to the payment of costs.

### **Practice and procedure for appeals**

**67.(1)** The provisions of the *Land Act 1962*, part 2, divisions 5, 6 and 7, as continued by the *Land Act 1994*, and of the rules thereunder relating to the Land Court, the Land Appeal Court and appeals to the Court of Appeal must, with and subject to all necessary adaptations, apply for the purposes of an appeal under section 55, 64 or 65.

**(2)** The power to make rules shall include power to make, in relation to the Land Court, the Land Appeal Court, or appeals to the Court of Appeal under section 65, additional such rules, or rules amending or substituted for subsisting such rules, as necessary or convenient to provide for and regulate practice and procedure in respect of appeals under section 55, 64 or 65.

**(3)** The president or a judge of the Court of Appeal or a member of the Land Court shall not, by reason only that land owned by that person is subject to valuation under this Act, be deemed to be interested in or be debarred from dealing with any matter upon which that person may be called to adjudicate on an appeal under section 55, 64 or 65.

### **Alteration of valuation after notice of appeal and effect thereof**

**68.(1)** The chief executive may after receiving notice of appeal alter the valuation in accordance with the requirements of such notice and may not



less than 14 days before the commencement of the sittings of the court at which the appeal is to be heard give notice of such alteration to the appellant and to the court, as the case requires, and thereupon the appeal shall be determined.

(2) Moreover the chief executive may after receiving notice of appeal reduce the valuation and may not less than 14 days before the commencement of the sittings of the court at which the appeal is to be heard give notice of such reduction to the appellant who may not less than 7 days before the commencement of the sittings give to the chief executive and to the court, as the case requires, notice that the appellant accepts the valuation as reduced and thereupon the appeal shall be determined.

(3) If the appellant does not give such notice the valuation as reduced shall be deemed to be the valuation appealed against.

### **Restriction on objection and appeal**

69. Notwithstanding the provisions of sections 52 and 55, an owner has no right of objection or appeal under this part against an alteration in a valuation made by the chief executive under section 28(1)(g) if the alteration constitutes a reduction in the valuation.

### **Costs of appeal against valuation**

70.(1) Where the value of land as finally determined upon an appeal against the valuation is the value stated by the owner in the owner's notice of appeal against the valuation, or is nearer to that value than to the valuation appealed against, costs shall not be awarded against the owner.

(2) Otherwise costs shall not be awarded against the chief executive.

### **Objection by local government to valuation**

71.(1) Subject to the provisions of this section, any local government which is dissatisfied with the valuation of any land within its area made by the chief executive under this Act on the ground that such valuation is lower than the correct valuation may post to or lodge with the chief executive an objection in writing against the valuation, stating that ground and setting out fully and in detail the reasons for relying thereon.

(2) An objection by a local government against the valuation of any land shall be posted to or lodged with the chief executive within 60 days after that local government has been furnished by the chief executive with a copy of the valuation roll or part of the valuation roll setting forth the particulars in respect of that valuation or with the statement showing the amendment of the valuation roll or part of the valuation roll and being an alteration made in the unimproved value of that land, as the case may be.

(3) The chief executive shall with all reasonable dispatch consider the objection, and may either disallow it or allow it either wholly or in part.

(4) The chief executive shall give the local government objecting written notice of the chief executive's decision on the objection, and, if by the chief executive's decision the valuation has been altered, shall also give notice of such alteration to the owner of the land in question.

(5) The decision of the chief executive upon an objection by a local government shall, as regards the local government, be final and the local government shall have no right whatsoever of appeal against that decision.

(6) Every decision of the chief executive upon an objection made by a local government altering the valuation of any land shall, for the purposes of the provisions, other than this section, of this part, be deemed to be a fresh valuation of that land, and the provisions, other than this section, of this part shall apply and extend accordingly.

## **PART 7—USE OF VALUATION**

### **Purposes for which valuation to be used**

**72.(1)**The valuation (other than a valuation for rental purposes) of any land made under this Act shall be—

- (a) the unimproved value of that land for the purposes of the *Land Tax Act 1915*;
- (b) the unimproved value of the land for the *Local Government Act 1993*;
- (c) the unimproved value for the purposes of the *City of Brisbane Act*

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1924; and

where in any provision of any other Act, whether enacted before, on or after the enactment of this section, reference is made to the unimproved value or rateable value of land, that rateable value or unimproved value shall, if there is a subsisting valuation made under this Act of the land in question, be that valuation.

(2) The valuation for rental purposes is to be used to calculate a rent under the *Land Act 1994* if that Act provides for the use of that value.

**Supply of copies of valuation roll by chief executive**

**73.(1)** The chief executive shall, as soon as is reasonably practicable after the completion—

- (a) of the valuation roll in respect of the first or any subsequent valuation under this Act in an area; or
- (b) where the chief executive has caused to be prepared a part of any such roll (being so much as relates to valuations of lands in a portion of or locality in an area)—of that part;

and in any case not less than 3 months—

- (c) in the case of a general valuation—before the date fixed under section 19 in respect of that valuation;
- (d) in the case of an annual valuation—before the date of its first having force and effect;

furnish—

- (e) a copy of that valuation roll or part of a valuation roll, or of such portions as the commissioner may require, to the commissioner of land tax; and
- (f) a copy of that valuation roll or part of a valuation roll to the local government for the area; and
- (g) a copy of that valuation roll or part of a valuation roll, or of such portions as the authority or person may require, to any authority or person administering any Act and requiring the same for a purpose of or connected with the administration of that Act.

(2) Thereafter the chief executive shall when and so often as any

amendment of that valuation roll or part of a valuation roll (or, in the case of the commissioner of land tax or any authority or person hereinbefore specified in this subsection, any portion of such roll or part of a roll furnished to the commissioner, authority or person) is made furnish to the local government, the commissioner, and authority or persons respectively, a statement showing that amendment.

(3) Fees in respect of valuation rolls shall be payable as prescribed to the chief executive by every local government, the commissioner of land tax, and every authority or person as aforesaid.

(4) All such copies of the valuation roll or any portion thereof shall be certified by the chief executive in the approved form.

### **Other valuations**

74.(1) The chief executive may value real or personal property for a person if the person asks.

(2) The person must pay the prescribed fee for the valuation.

(3) Any valuation under this section in respect of land may be in its unimproved state, the value of improvements, or the improved value, according to the nature of the request concerned.

(4) The chief executive shall issue a certificate of valuation of any valuation made under this section.

(5) The enabling of the chief executive to make any and every valuation authorised by this section to be made by the chief executive shall be a purpose of this Act and all of the provisions of this Act shall apply and extend accordingly.

### **Chief executive may identify land for local government**

75. Where pursuant to an Act a local government has categorised the land within its area, the chief executive may at the request of the local government identify for it the land in each category and in doing so shall have regard to the criteria adopted for that purpose pursuant to that Act.

## **PART 8—MISCELLANEOUS**

### **Roll extracts and other information**

**76.(1)** The chief executive must supply a certified copy of the particulars of a valuation entered on a valuation roll, to a person who pays the prescribed fee.

**(2)** Such certified copy shall for all purposes and in all proceedings be evidence of the matters and things stated therein and that any valuation mentioned therein has been duly made under and in accordance with the provisions of this Act.

**(3)** The chief executive may supply information as to valuations to any department of the Commonwealth in the manner and to the extent and on the terms mutually agreed upon between the Governments of the State and of the Commonwealth.

**(4)** The chief executive may supply information as to valuations to any department of the State in accordance with arrangements made between that department and the chief executive and approved by the Minister.

**(5)** Upon payment of the prescribed fee the chief executive may supply to any person particulars or information contained in any notice given to the chief executive under the provisions of section 81.

**(6)** Upon the payment of such fee as the chief executive may determine the chief executive may supply to any person statistics that relate to the value of land.

### **Supply of information**

**77.(1)** Despite section 76(1) and (5), but subject to section 76(3) and (4), the chief executive may enter into an arrangement with a person to supply any information in—

- (a) a valuation roll; or
- (b) a notice under section 81;

on the terms agreed by them.

**(2)** Without limiting subsection (1), the arrangement may—

- (a) provide for the fees and charges to be paid to the chief executive for the information, the method of their calculation and the way of their payment; and
- (b) provide for the use to which the information supplied may be put.

### **Certificate in lieu of valuation of land**

**78.** Any trustee, solicitor, or agent may, despite the *Trusts Act 1973*, section 27(1) for the purposes of any investment obtain and use the certificate of valuation or any valuation made under section 74 of this Act and, unless directed by the conditions of the person's trust, retainer, or employment to ascertain in any other specified manner the value of land offered as security, shall not be chargeable with negligence or other default for failing to obtain other evidence of such value.

### **Objections or appeal not to interfere with levy etc. of land tax and of local government rates**

**79.** The fact that objection has been made or that an appeal is pending shall not in the meantime interfere with or affect the levy and recovery of land tax by the commissioner of land tax under the *Land Tax Act 1915*, or the making and levying of rates by any local government or the making or levying and recovery of any other statutory rate, charge or assessment based on the rateable value or unimproved value of land, and if the valuation is altered a due adjustment shall be made, for which purpose amounts paid in excess shall be refunded, and amounts short paid shall be recoverable as arrears.

### **Power to obtain evidence**

**80.(1)** The chief executive may by notice in writing require any person, whether an owner or not, to attend and give evidence before the chief executive, or before any officer authorised by the chief executive in that behalf, concerning any land, and to produce all books, documents, and other papers whatsoever in the person's custody or under the person's control relating thereto.

- (2) The chief executive may require the evidence to be given on oath, and

either verbally or in writing, and for such purpose the chief executive or the officer so authorised by the chief executive may administer an oath.

### **Notice of change of ownership**

**81.(1)** Whenever any person agrees to acquire or dispose of any land held in fee simple or held under lease or licence from the Crown or any share or interest in land held in fee simple or held under lease or licence from the Crown the person shall give notice in writing in, or to the effect of the approved form, of such transaction within 30 days after the execution of the instrument of transfer or agreement (as the case may be) to the chief executive.

(2) Whenever a person who is the owner of land held in fee simple or held under lease or licence from the Crown subdivides the same the person shall forthwith give notice in writing in or to the effect of the approved form, accompanied by a plan of subdivision and (where the same is required by the local government) a contour plan, to the chief executive.

(3) Whenever any person has given notice to the chief executive of any acquisition or disposal of land held in fee simple or held under lease or licence from the Crown or share or interest therein under the foregoing provisions of this section and subsequently, for any reason whatever, the transaction in question is not completed, such person shall give notice in writing in or to the effect of the approved form of the fact to the chief executive, within 30 days of the cancellation or other termination of the agreement of sale or transfer.

(4) Whenever any person transfers or forfeits any land to the Crown the person shall give notice in writing in or to the effect of the approved form of such transfer or forfeiture within 30 days after the execution of the instrument of transfer, or after such forfeiture (as the case may be) to the chief executive.

Maximum penalty—5 penalty units.

### **Use of combined form**

**82.(1)** If—

- (a) a person acquires or disposes of land; and

- (b) a properly completed combined form is lodged with the land registry with the instrument of transfer of the land before the end of the time allowed under section 81(1);

the person is taken to have complied with the subsection.

(2) In subsection (1)—

**“combined form”** means a form that provides information required under—

- (a) section 81(1); and
- (b) the *Foreign Ownership of Land Register Act 1988*; and
- (c) the *Land Tax Act 1915*; and
- (d) the *Local Government Act 1993*; and
- (e) the *Stamp Act 1894*.

## Returns

**83.(1)** Every person shall, if required by the chief executive by notice published in the gazette, furnish to the chief executive in the approved form, and in the manner required, and within the time specified in the notice, or such extended time as the chief executive may allow, a return signed by the person, setting forth a full and complete statement of every area of land and interest in land owned by the person.

(2) Every person shall, if required by the chief executive, furnish to the chief executive in the manner and within the time required by the chief executive, a return or a further or fuller return of land or interests in land owned by the person, whether on the person’s own behalf or as agent or trustee, and whether a return has or has not previously been furnished by the person.

(3) If the person so required to furnish such return is not the owner of any land or interests in land, the person shall, nevertheless, in the manner and within the time the chief executive has so required the person to make such return under subsection (2), furnish a return stating that fact, and should such person fail so to do, the person shall be deemed to have failed to duly comply with the requirement of the chief executive under subsection (2).



(4) Every person, whether a land owner or not, if required by the chief executive, shall, in the manner and within the time required by the chief executive, furnish any return or any information required by the chief executive for the purposes of this Act.

(5) The chief executive may require the returns referred to in this section to be furnished to any officer duly authorised by the chief executive in that behalf, either by delivering the same to the officer personally, or by forwarding the same to the officer by registered post.

(6) Every person shall give, upon every return furnished by the person, the person's correct postal address in Queensland for service of notices, and shall, within 1 month after any change in such address, give notice in writing to the chief executive of a new address for service in Queensland.

(7) All returns, notices, and information required under this Act shall (except, where otherwise specified by this Act) be furnished or sent to the chief executive at the chief executive's office on or before such days as may be notified or prescribed.

(8) A return, notice, or any information shall be deemed to have been not duly furnished or sent to the chief executive unless and until such return, notice, or information has been received by the officer authorised by the chief executive to have the custody of such return, notice, or information.

### **Address for service**

84. The address for service last given to the chief executive by any person shall, for all purposes under this Act and its regulations, be the person's address for service, but where no address for service has been given to the chief executive, or where the departmental records disclose that such person has subsequently changed the person's address, and the person has not notified the chief executive either in a return or by separate written advice of such change, then the address of the person as described in any record in the custody of the chief executive shall be the person's address for service.

### **Substituted service**

85. If any owner of land or other person to receive any notice or other document under this Act—

- (a) is absent from Queensland, and the records in the possession of the chief executive disclose that such owner or such other person has not any attorney or agent in Queensland to whom the same may be given; or
- (b) cannot after reasonable inquiry be found;

any such notice or other document may be given or served on the person by posting the same or a copy in a letter addressed to the person at the person's address for service under this Act, or by placing the same on a conspicuous part of the land to which the same relates, or by publishing a copy of or true abstract of the same in the gazette.

### **Right to appear**

**86.** The chief executive may appear either personally, or by counsel or solicitor, or by some officer of the public service, in any court or in any proceeding, and the statement of any such counsel, solicitor, or officer that the person so appears by the authority of the chief executive shall be accepted as sufficient evidence of such authority.

### **Regulations about times for doing acts etc.**

**87.(1)** If any act, matter, or thing prescribed to be made or done at or within a fixed time cannot be or is not so made or done, a regulation may fix a further or other time for making or doing the same, whether the time or any such further or other time within which the same ought to have been done has or has not elapsed or expired.

**(2)** Any act, matter, or thing made or done within the time or other time fixed by the regulation shall be as valid as if it had been made or done within the time prescribed.

### **Penalty for refusing information**

**88.** Any person who in any way obstructs or hinders the chief executive, valuer, or any officer in the exercise of functions under this Act, or refuses to answer any relevant questions when duly required to do so, shall be guilty of an offence against this Act.

Maximum penalty—5 penalty units.

**Failure to furnish return**

**89.(1)** Any person who fails to duly furnish any return notice or information or comply with any requirement of the chief executive as and when required by this Act or by the chief executive shall be guilty of an offence against this Act.

Maximum penalty—5 penalty units.

**(2)** Proceedings for the recovery of such penalty may be instituted within 12 months after such failure comes to the knowledge of the chief executive.

**Penalty on failure to notify change of address**

**90.** Any person who fails to duly notify the chief executive of the person's change of address, shall be guilty of an offence against this Act.

Maximum penalty—5 penalty units.

**Penalty for failure to attend**

**91.** Any person who refuses or neglects duly to attend and give evidence when required by the chief executive or any officer duly authorised by the chief executive in that behalf, or to truly and fully answer any questions put to the person, or to produce any book, document or other paper required of the person by the chief executive or any such officer shall, unless just cause or excuse for the refusal or neglect is shown by the person, be guilty of an offence against this Act.

Maximum penalty—5 penalty units.

**Order to comply with requirements**

**92.** Upon the conviction of any person for an offence against sections 80, 83, and 89, the court shall order the person, within a time specified in the order, to do the act which the person has failed or refused or neglected to do, and any person who does not duly comply with such order, shall be guilty of an offence against this Act.

Maximum penalty—5 penalty units.

**False returns or statements**

**93.(1)** Any person who makes or delivers a return or notice which to the person's knowledge is false in any particular, or makes an answer whether orally or in writing, which is to the person's knowledge false in any particular to any question put to the person by the chief executive or any officer duly authorised by the chief executive, shall be guilty of an offence against this Act.

Maximum penalty—5 penalty units.

**(2)** Proceedings for recovery of the above penalty may be instituted at any time within 1 year after such offence comes to the knowledge of the chief executive.

**Recovery of penalties and fees**

**94.** All penalties for breaches of this Act and all fees payable thereunder shall be recoverable in a summary way under the *Justices Act 1886*, upon the complaint of the chief executive, or of any person authorised by the chief executive either generally or for the purposes of any particular case.

**Place where offence committed**

**95.** Any of the following offences—

- (a) failure to duly furnish any return or information;
- (b) making or delivering a return which to the knowledge of the person making or delivering same is false in any particular, or making an answer which to the knowledge of the person making same is a false answer;
- (c) failure to comply with any requirement;

shall be deemed to have been committed either—

- (d) at the place where the return or information was furnished or should, in accordance with this Act, the regulations, or a requirement of the chief executive, or an officer authorised by the chief executive, have been furnished, or where the answer was made, or where the requirement should have been complied with;
- or

- (e) at the usual or last-known place of business or abode of the defendant;

and may be charged as having been committed at either of those places.

## **Evidence**

**96.(1)** Any valuation roll and all entries made therein or a copy of or extract from any such valuation roll or entries certified by the chief executive upon payment of the prescribed fee to be a true copy or extract, or any return, notice, or advice of any kind made by any person, or copy certified by the chief executive to be a true copy thereof by the production thereof alone, and without any further evidence shall be received as prima facie evidence of the facts therein mentioned in any proceedings under this Act.

(2) Any certificate, notice or other document bearing the written, stamped, or printed signature or the stamped or printed name of the chief executive, shall, until the contrary is proved, be deemed to have been duly signed by the chief executive.

(3) Judicial notice shall be taken of every such signature or name and of the fact that the person whose signature or name it purports to be holds or has held the office of chief executive.

(4) The production of the gazette containing any notice purporting to be published by the chief executive in pursuance of this Act or any notice of the appointment of the chief executive or of any officer or person under this Act, shall be conclusive evidence of such notice, publication, or appointment.

(5) Any map or plan purporting to be made or issued by, for, or on behalf of any department of the government or any officer thereof or any local government or any officer of a local government, and any copy of any such map or plan certified by the chief executive or any officer authorised by the chief executive to be a true copy, shall be and is hereby declared always was admissible in evidence in proceedings for the hearing and determination of any appeal against any valuation made under this Act and shall, until the contrary is proved, be evidence of the matters stated or delineated on such map, plan, or copy.

(6) Any information in writing furnished to the chief executive by any

*Valuation of Land Act 1944*

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owner or the owner's agent and duly signed by the owner or agent shall be admissible in evidence in proceedings for the hearing and determination of any such appeal and, until the contrary is proved, be evidence of the facts stated in such documents.

(7) Subsections (1) and (6) shall apply subject to subsection (8).

(8) A statement in any return, notice or advice mentioned in subsection (1), or copy certified by the chief executive to be a true copy thereof, or in any document mentioned in subsection (6), that any amount is the unimproved value of any land, or the value of the improvements or any of the improvements on any land, or the value of any other thing shall be deemed to be a statement of opinion only and shall not be evidence of the value in question.

(9) A certificate purporting to be under the hand of the chief executive stating that at the date or during the period stated therein the amount of a valuation made by the chief executive of all lands required by this Act to be valued by the chief executive in an area that is the subject of undetermined objections or appeals under part 6 exceeds or, as the case may be, does not exceed a percentage stated therein of the total amount of such valuation shall be received in evidence in any proceeding and shall be conclusive evidence of the matters so stated.

(10) The date shown in a notice of valuation or notice of decision upon objection as the date of issue shall be taken to be the date that such notice was issued by the chief executive until the contrary is proved.

(11) A certificate purporting to be under the hand of the chief executive—

- (a) stating that particulars of an annual valuation were available for inspection by any person without payment of a fee during the period, at the places and during the times specified therein;
- (b) containing a copy of an advertisement and stating—
  - (i) that the advertisement was published in a newspaper specified therein pursuant to section 41(1) on the date so specified; and
  - (ii) that such newspaper circulated in a specified area;

shall be prima facie evidence of those matters and in the absence of evidence to the contrary conclusive evidence thereof.

(12) Where pursuant to an Act a local government has categorised the land within its area a certificate purporting to be under the hand of the chief executive stating that any land within that area is of a particular category shall be prima facie evidence of that fact and in the absence of evidence to the contrary conclusive evidence thereof.

### **Chief executive may approve forms**

97. The chief executive may, by gazette notice, approve a form for the purposes of this Act.

### **Combination of forms**

98. An approved form under this Act may—

- (a) be combined with, and form part of, an approved or prescribed form under the *Foreign Ownership of Land Register Act 1988* or another Act; or
- (b) form part of a form that makes provision for the giving of information required under of for the purposes of the *Foreign Ownership of Land Register Act 1988* or any other Act.

### **Regulations**

99.(1) The Governor in Council may make regulations for the purposes of this Act.

(2) A regulation may be made with respect to—

- (a) the powers and duties of valuers; and
- (b) the form of the valuation roll; and
- (c) the fees payable under this Act; and
- (d) offences for contravention of a regulation and the maximum penalties, of not more than 1 penalty unit, for the offences.

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## ENDNOTES

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 9 September 1996. Future amendments of the Valuation of Land Act 1944 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			



## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 70 of 1993	27 January 1994
2	to Act No. 81 of 1994	2 August 1995

## 5 Tables in earlier reprints

### TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed names and titles	2
Changed citations and remade laws	2
Obsolete and redundant provisions	2
Corrected minor errors	1, 2
Renumbered provisions	1

## 6 List of legislation

### **Valuation of Land Act 1944 8 Geo 6 No. 3**

date of assent 23 November 1944

commenced 1 July 1946 (proc pubd gaz 29 June 1946 p 1688)

as amended by—

### **Valuation of Land (Temporary Provisions) Act 1946 10 Geo 6 No. 41**

date of assent 14 November 1946

commenced on date of assent

### **Valuation of Land Acts Amendment Act 1947 11 Geo 6 No. 28**

date of assent 23 October 1947

commenced on date of assent

### **Valuation of Land Acts Amendment Act 1949 13 Geo 6 No. 36**

date of assent 7 October 1949

commenced on date of assent

### **Valuation of Land Acts Amendment Act 1950 15 Geo 6 No. 4**

date of assent 13 December 1950

commenced on date of assent

- Valuation of Land Acts Amendment Act 1951 15 Geo 6 No. 43**  
date of assent 22 November 1951  
commenced on date of assent
- Valuation of Land Acts Amendment Act 1953 2 Eliz 2 No. 28**  
date of assent 18 December 1953  
commenced on date of assent
- Valuation of Land Acts Amendment Act 1958 7 Eliz 2 No. 16**  
date of assent 28 April 1958  
commenced on date of assent
- Valuation of Land Acts Amendment Act 1959 8 Eliz 2 No. 51**  
date of assent 21 December 1959  
commenced on date of assent
- Local Government Act and Another Act Amendment Act 1970 No. 14 pt 3**  
date of assent 16 April 1970  
commenced 1 July 1970 (proc pubd gaz 6 June 1970 p 840)
- Valuation of Land Act and Another Act Amendment Act 1971 No. 78 pt 2**  
date of assent 22 December 1971  
commenced 1 March 1972 (proc pubd gaz 5 February 1972 p 619)
- Valuation of Land Act Amendment Act 1974 No. 41**  
date of assent 2 May 1974  
commenced on date of assent
- Valuation of Land Act Amendment Act 1975 No. 36**  
date of assent 17 September 1975  
commenced on date of assent
- Valuation of Land Act Amendment Act 1977 No. 29**  
date of assent 21 April 1977  
commenced on date of assent
- Valuation of Land Act Amendment Act 1977 (No. 2) No. 43**  
date of assent 3 October 1977  
commenced on date of assent
- Local Government Act and Another Act Amendment Act 1980 No. 19 pt 3**  
date of assent 12 May 1980  
commenced 24 May 1980 (proc pubd gaz 24 May 1980 p 564)
- Valuation of Land Act Amendment Act 1984 No. 43**  
date of assent 9 May 1984  
commenced on date of assent
- Valuation of Land and Other Acts Amendment Act 1985 No. 21 pt 2**  
date of assent 4 April 1985  
commenced on date of assent
- Valuation of Land Act Amendment Act 1987 No. 31**  
date of assent 23 April 1987  
commenced on date of assent

- Statute Law (Miscellaneous Provisions) Act 1990 No. 88 s 3 sch**  
date of assent 6 December 1990  
commenced on date of assent
- Lands Legislation Amendment Act 1991 No. 83 ss 1–2, pts 1, 7**  
date of assent 9 December 1991  
ss 1–2 commenced on date of assent  
remaining provisions commenced 31 December 1991 (1991 SL No. 227)
- Statute Law (Miscellaneous Provisions) Act 1991 No. 97 ss 1–3, sch 1**  
date of assent 17 December 1991  
commenced on date of assent
- Valuers Registration Act 1992 No. 2 ss 1–2, 68 sch 2**  
date of assent 27 March 1992  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 May 1992 (1992 SL No. 76)
- Valuation of Land Amendment Act 1992 No. 3**  
date of assent 27 March 1992  
commenced on date of assent
- Queensland Heritage Act 1992 No. 9 ss 1–2, pt 10**  
date of assent 27 March 1992  
ss 1–2 commenced on date of assent  
remaining provisions commenced 21 August 1992 (1992 SL No. 253)
- Primary Industries Corporation Act 1992 No. 15 ss 1–2, 13 sch**  
date of assent 13 May 1992  
ss 1–2 commenced on date of assent  
remaining provisions commenced 30 September 1992 (1992 SL No. 271)
- Statute Law (Miscellaneous Provisions) Act 1992 No. 36 ss 1–2 sch 1**  
date of assent 2 July 1992  
commenced on date of assent
- Lands Legislation Amendment Act 1992 No. 64 chap 2 pt 5, ss 1–3 sch 1**  
date of assent 7 December 1992  
ss 1–2 commenced on date of assent  
remaining provisions commenced 26 March 1993 (1993 SL No. 88)
- Statute Law (Miscellaneous Provisions) Act 1993 No. 32 ss 1, 3 sch 1**  
date of assent 3 June 1993  
commenced on date of assent
- Lands Legislation Amendment Act 1993 No. 67 pts 1–3 sch 1**  
date of assent 23 November 1993  
ss 1–2 commenced on date of assent  
remaining provisions commenced 10 December 1993 (1993 SL No. 453)
- Local Government Act 1993 No. 70 ss 1–2, 804 sch**  
date of assent 7 December 1993  
ss 1–2 commenced on date of assent  
remaining provisions commenced 26 March 1994 (see s 2(5))

**Transport Infrastructure Amendment Act (No. 2) 1994 No. 49 ss 1–2, 6 sch 2**

date of assent 14 September 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 18 November 1994 (1994 SL No. 399)

**Valuation of Land Amendment Act 1994 No. 70**

date of assent 1 December 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 26 March 1994 (see s 2)

**Land Act 1994 No. 81 ss 1–2, 527 sch 5**

date of assent 1 December 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1995 (1995 SL No. 185)

**Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1**

date of assent 28 November 1995

commenced on date of assent

## 7 List of annotations

**Definitions**

- s 2** prev s 2 om 1993 No. 67 s 3 sch 1  
 pres s 2 amd 1953 2 Eliz 2 No. 28 s 2(b); 1984 No. 43 s 2(b); 1991 No. 97 s 3 sch 1; 1993 No. 67 s 3 sch 1  
 def **“annual valuation”** ins 1985 No. 21 s 5(a)  
 def **“approved form”** ins 1993 No. 67 s 3 sch 1  
 def **“area”** sub 1993 No. 67 s 3 sch 1; 1993 No. 70 s 804 sch  
 def **“chief executive”** ins 1992 No. 64 s 3 sch 1  
 om R2 (see RA s 39)  
 def **“Crown instrumentality”** om 1993 No. 67 s 3 sch 1  
 def **“District”** om 1993 No. 67 s 3 sch 1  
 def **“general valuation”** ins 1985 No. 21 s 5(b)  
 def **“improved value”** ins 1993 No. 67 s 3 sch 1  
 def **“improvements”** ins 1993 No. 67 s 3 sch 1  
 def **“land registration authority”** ins 1992 No. 36 s 2 sch 1  
 om 1992 No. 64 s 3 sch 1  
 def **“Local Authority”** om 1992 No. 64 s 3 sch 1  
 def **“mineral”** ins 1993 No. 67 s 3 sch 1  
 def **“mining lease”** ins 1993 No. 67 s 3 sch 1  
 def **“mining tenement”** ins 1984 No. 43 s 2(a)(i)  
 om 1993 No. 67 s 3 sch 1  
 def **“Minister”** om 1991 No. 97 s 3 sch 1  
 def **“owner”** sub 1950 15 Geo 6 No. 4 s 3; 1958 7 Eliz 2 No. 16 s 3  
 amd 1959 8 Eliz 2 No. 51 s 2  
 sub 1970 No. 14 s 9  
 amd 1971 No. 78 s 6(a); 1974 No. 41 s 2; 1984 No. 43 s 2(a)(ii); 1992 No. 15 s 13 sch; 1992 No. 64 s 3 sch 1  
 sub 1993 No. 67 s 3 sch 1

def **“parcel of land”** amd 1992 No. 64 s 3 sch 1  
 def **“person”** sub 1993 No. 67 s 3 sch 1  
 def **“petroleum lease”** ins 1987 No. 31 s 2  
 sub 1993 No. 67 s 3 sch 1  
 def **“Prescribed”** om 1991 No. 97 s 3 sch 1  
 def **“prescribed form”** ins 1991 No. 97 s 3 sch 1  
 amd 1992 No. 64 s 3 sch 1  
 om 1993 No. 67 s 3 sch 1  
 def **“registrar”** ins 1993 No. 67 s 3 sch 1  
 def **“return”** amd 1992 No. 64 s 3 sch 1  
 def **“roll”** ins 1993 No. 67 s 3 sch 1  
 def **“Roll”** or **“valuation roll”** sub 1947 11 Geo 6 No. 28 s 3  
 om 1993 No. 67 s 3 sch 1  
 def **“subdivide”** ins 1993 No. 67 s 3 sch 1  
 def **“subdivided”** and **“subdivide”** om 1993 No. 67 s 3 sch 1  
 def **“This Act”** om 1991 No. 97 s 3 sch 1  
 def **“unimproved value”** ins 1993 No. 67 s 3 sch 1  
 def **“valuation for rental purposes”** ins 1991 No. 83 s 100  
 amd 1993 No. 67 s 3 sch 1  
 def **“valuation roll”** ins 1993 No. 67 s 3 sch 1  
 def **“value of improvements”** ins 1993 No. 67 s 3 sch 1  
 def **“valuer”** amd 1953 2 Eliz 2 No. 28 s 2(a)  
 sub 1971 No. 78 s 6(b); 1984 No. 43 s 2(a)(iii); 1992 No. 2 s 68 sch 2  
 amd 1993 No. 67 s 3 sch 1

**Meaning of “unimproved value”**

**prov hdg** sub 1993 No. 67 s 3 sch 1  
**s 3** prev s 3 amd 1946 10 Geo 6 No. 41 s 3; 1947 11 Geo 6 No. 28 s 2; 1950  
 15 Geo 6 No. 4 s 2; 1951 15 Geo 6 No. 43 s 2; 1958 7 Eliz 2 No. 16 s 2;  
 1971 No. 78 s 5  
 om 1992 No. 3 s 3  
 pres s 3 (prev s 12(1)–(1A)) amd 1958 7 Eliz 2 No. 16 s 5; 1971 No. 78  
 s 13  
 renum 1993 No. 67 s 3 sch 1

**Meaning of “improved value”**

**s 4** prev s 4 amd 1985 No. 21 s 4  
 om 1991 No. 97 s 3 sch 1  
 pres s 4 (prev s 12(2)(a)) renum 1993 No. 67 s 3 sch 1

**Meaning of “value of improvements”**

**s 5** (prev s 12(2)(b)) renum 1993 No. 67 s 3 sch 1

**Meaning of “improvements”**

**s 6** (prev s 12(2)(c)) amd 1974 No. 41 s 4(1); 1984 No. 43 s 6  
 renum 1993 No. 67 s 3 sch 1

**Meaning of “owner”**

**s 7** prev s 7 amd 1953 2 Eliz 2 No. 28 s 3; 1971 No. 78 s 8  
 om 1992 No. 64 s 17  
 pres s 7 ins 1993 No. 67 s 3 sch 1  
 amd 1994 No. 49 s 6 sch 2; 1995 No. 57 s 4 sch 1

**Appointment of other valuers in certain circumstances**

**s 7A** ins 1971 No. 78 s 9  
 amd 1992 No. 2 s 68 sch 2  
 om 1992 No. 64 s 17

**Meaning of “subdivide”**

**s 8** ins 1993 No. 67 s 3 sch 1

**Queensland Housing Commission as owner**

**s 9** ins 1993 No. 67 s 3 sch 1

**References to Valuer-General**

**s 10** prev s 10 om 1993 No. 67 s 22  
 pres s 10 amd 1971 No. 78 s 7  
 sub 1992 No. 64 s 17

**Secrecy**

**s 11** amd 1947 11 Geo 6 No. 28 s 4; 1953 2 Eliz 2 No. 28 s 4; 1971 No. 78  
 ss 10, 25; 1977 No. 29 s 2; 1984 No. 43 s 3  
 sub 1991 No. 83 s 101  
 amd 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1

**Delegation**

**s 12** prev s 12 renum as ss 5A–5D 1993 No. 67 s 3 sch 1  
 pres s 12 amd 1953 2 Eliz 2 No. 28 s 5; 1971 No. 78 s 11; 1977 No. 29 s 2;  
 1984 No. 43 s 3  
 sub 1991 No. 83 s 101; 1992 No. 64 s 3 sch 1

**PART 3—VALUATIONS**

**pt hdg** prev pt 3 hdg om 1993 No. 67 s 22

**Chief executive to make valuation**

**prov hdg** amd 1992 No. 64 s 3 sch 1

**s 13** (prev s 11(1)) amd 1947 11 Geo 6 No. 28 s 5(a); 1950 15 Geo 6 No. 4 s 4;  
 1953 2 Eliz 2 No. 28 s 6(a)–(b); 1971 No. 78 s 12(1)(a); 1974 No. 41  
 s 3(a); 1977 No. 29 s 3; 1984 No. 43 s 4; 1985 No. 21 s 6(a); 1987  
 No. 31 s 3; 1991 No. 83 s 102; 1992 No. 9 s 71; 1992 No. 64 s 3 sch 1  
 sub as s 11 1993 No. 67 s 3 sch 1  
 prev s 11(2)–(5) renum as s 11AA(2)–(5) 1993 No. 67 s 3 sch 1  
 prev s 11(6)–(27) renum as ss 11AB–11AH 1993 No. 67 s 3 sch 1  
 prev s 11(28)–(29) om 1993 No. 67 s 3 sch 1

**Deciding unimproved value of certain land**

**s 14** pres s 11AA(1) ins 1993 No. 67 s 3 sch 1  
 pres 11AA(2)–(5) (prev s 11(2)–(5)) amd 1947 11 Geo 6 No. 28  
 s 5(b)–(e); 1949 13 Geo 6 No. 36 s 2; 1953 2 Eliz 2 No. 28 s 6(c);  
 1958 7 Eliz 2 No. 16 s 4(a)–(d); 1971 No. 78 s 12(1)(b)–(c); 1974 No.  
 41 s 3(b); 1975 No. 36 s 2(1); 1977 No. 43 s 2; 1985 No. 21 s 6(b)–(c);  
 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1  
 renum 1993 No. 67 s 3 sch 1  
 amd 1993 No. 67 s 3 sch 1; 1995 No. 57 s 4 sch 1

**Valuation for rental purposes**

- s 15** (prev s 11(6)–(7)) amd 1993 No. 32 s 3 sch 1  
renum 1993 No. 67 s 3 sch 1  
amd 1993 No. 67 s 3 sch 1; 1994 No. 81 s 527 sch 5

**Exclusion of timber and minerals**

- s 16** (prev s 11(8)) renum 1993 No. 67 s 3 sch 1

**Duty of chief executive**

- prov hdg** amd 1992 No. 64 s 3 sch 1  
**s 16A** ins 1985 No. 21 s 9  
amd 1992 No. 64 s 3 sch 1  
om 1993 No. 67 s 3 sch 1

**Exclusive use for single dwelling house or farming**

- s 17** (prev s 11(9)–(10)) renum 1993 No. 67 s 3 sch 1  
amd 1993 No. 67 s 3 sch 1  
def “**a single dwelling house**” sub 1993 No. 67 s 3 sch 1  
def “**farming**” ins 1993 No. 67 s 3 sch 1

**General valuation date**

- s 18** (prev s 11(11)–(14)) renum 1993 No. 67 s 3 sch 1  
amd 1993 No. 67 s 3 sch 1

**Regulation to fix day of effect of general valuation**

- s 19** (prev s 11(15)–(23)) sub as 11AF 1993 No. 67 s 3 sch 1

**Chief executive to fix date of other valuations etc.**

- s 20** (prev s 11(24)) renum 1993 No. 67 s 3 sch 1

**Omissions from valuations**

- s 21** (prev s 11(25)–(27)) renum 1993 No. 67 s 3 sch 1  
amd 1993 No. 67 s 3 sch 1

**Chief executive not required to value separately certain mining leases**

- prov hdg** amd 1992 No. 64 s 3 sch 1  
**s 22** ins 1984 No. 43 s 5  
amd 1992 No. 64 s 3 sch 1  
sub 1993 No. 67 s 3 sch 1

**Chief executive may value stratum**

- prov hdg** amd 1992 No. 64 s 3 sch 1  
**s 23** prev s 23 amd 1953 2 Eliz 2 No. 28 s 15; 1980 No. 19 s 23  
om 1985 No. 21 s 17  
pres s 23 ins 1984 No. 43 s 5  
amd 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1

**Valuation of mining leases**

- prov hdg** sub 1993 No. 67 s 3 sch 1  
**s 24** prev s 24 om 1953 2 Eliz 2 No. 28 s 16  
pres s 24 ins 1985 No. 21 s 7  
amd 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1

**Valuation of subdivided land**

**s 25** ins 1985 No. 21 s 7  
amd 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1; 1993 No. 70 s 804 sch

**Valuation of petroleum leases**

**s 26** ins 1987 No. 31 s 4  
def “**yearly rent**” ins 1987 No. 31 s 4  
amd R2 (see RA s 37)

**Valuations at periodic intervals**

**prov hdg** amd 1971 No. 78 s 14(a)  
**s 27** prev s 13(1)–(1C) amd 1947 11 Geo 6 No. 28 s 6(a); 1958 7 Eliz 2 No. 16  
s 6(a); 1971 No. 78 s 14(b)–(c); 1875 No. 36 s 3; 1984 No. 43 s 7(a);  
1985 No. 21 s 8(a)–(d); 1992 No. 64 s 3 sch 1  
sub as s 13 1993 No. 67 s 3 sch 1  
prev s 13(2)–(2A) renum as s 13A 1993 No. 67 s 3 sch 1  
prev s 13(2B)–(2D) renum as s 13B 1993 No. 67 s 3 sch 1  
prev s 13(3) renum as s 13C 1993 No. 67 s 3 sch 1  
prev s 13(4) renum as s 13D 1993 No. 67 s 3 sch 1  
prev s 13(5) renum as s 13E 1993 No. 67 s 3 sch 1  
prev s 13(6) om 1993 No. 67 s 3 sch 1  
prev s 13(7) renum as s 13F 1993 No. 67 s 3 sch 1

**Alteration of valuation**

**prov hdg** ins 1993 No. 63 s 23(2)  
**s 28** (prev s 13(2)–(2A)) amd 1947 No. 28 s 6(b); 1950 No. 4 s 5; 1958 No. 16  
s 6(b)–(d); 1971 No. 78 s 14(d); 1977 No. 43 s 3; 1984 No. 43 s 7(b);  
1985 No. 21 s 8(e); 1992 No. 64 s 3 sch 1; 1993 No. 67 s 23(3)–(6)  
renum 1993 No. 67 s 23(7)  
amd 1993 No. 67 s 23(8)–(9)  
def “**farming**” ins 1993 No. 67 s 23(9)  
def “**single dwelling house**” ins 1993 No. 67 s 23(9)

**Alteration of valuation**

**prov hdg** ins 1993 No. 67 s 3 sch 1  
**s 29** (prev s 13(2B)–(2D)) amd 1993 No. 67 s 3 sch 1  
renum 1993 No. 67 s 3 sch 1

**Alteration of valuation for rate adjustment under Local Government Act or City of Brisbane Act**

**s 13BA** ins 1993 No. 70 s 804 sch  
om 1994 No 70 s 4

**Alteration of valuation for rate adjustment under Local Government Act or City of Brisbane Act**

**s 29A** ins 1994 No. 70 s 4

**Valuation may be made if land becomes taxable or rateable**

**prov hdg** ins 1993 No. 67 s 3 sch 1  
**s 30** (prev s 13(3)) amd 1974 No. 41 s 7(1)  
sub 1977 No. 29 s 4  
amd 1984 No. 43 s 12(a); 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1  
renum 1993 No. 67 s 3 sch 1



**Valuation on area change**

- prov hdg** ins 1993 No. 67 s 3 sch 1  
**s 31** (prev s 13(4)) ins 1984 No. 43 s 12(b)  
 amd 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1  
 renum 1993 No. 67 s 3 sch 1

**Valuation on inclusion of land in an area**

- prov hdg** ins 1993 No. 67 s 3 sch 1  
**s 32** (prev s 13(5)) ins 1984 No. 43 s 12(b)  
 amd 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1  
 renum 1993 No. 67 s 3 sch 1

**Status of valuation**

- prov hdg** ins 1993 No. 67 s 3 sch 1  
**s 33** prev s 33 om 1992 No. 64 s 3 sch 1  
 pres s 33 (prev s 13(7)) amd 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1  
 renum 1993 No. 67 s 3 sch 1

**Lands to be included in 1 valuation**

- s 34** amd 1953 2 Eliz 2 No. 28 s 8; 1984 No. 43 s 8; 1992 No. 64 s 3 sch 1;  
 1993 No. 32 s 3 sch 1

**Separate valuation**

- s 35** amd 1947 11 Geo 6 No. 28 s 7  
 sub 1953 2 Eliz 2 No. 28 s 9;  
 amd 1958 7 Eliz 2 No. 16 s 7; 1984 No. 43 s 9; 1990 No. 88 s 3 sch; 1991  
 No. 83 s 103; 1992 No. 64 s 3 sch 1; 1993 No. 67 s 24

**Giving information and access**

- prov hdg** sub 1993 No. 67 s 3 sch 1  
**s 36** amd 1953 2 Eliz 2 No. 28 s 10; 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3  
 sch 1

**PART 4—ANNUAL VALUATIONS**

- pt hdg** ins 1985 No. 21 s 9

**Chief executive to make annual valuation**

- prov hdg** amd 1992 No. 64 s 3 sch 1  
**s 37** ins 1985 No. 21 s 9  
 amd 1991 No. 83 s 104; 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1

**Period for which annual valuation to have effect**

- s 38** ins 1985 No. 21 s 10

**Effect of failure to make annual valuation**

- s 39** ins 1985 No. 21 s 10

**Particulars of annual valuation to be available for inspection**

- s 40** ins 1985 No. 21 s 11  
 amd 1992 No. 64 s 3 sch 1; 1993 No. 67 s 25

**Advertisements**

- s 41** ins 1985 No. 21 s 11  
 amd 1992 No. 64 s 3 sch 1; 1993 No. 67 s 26

**Owner may object**

- s 42** ins 1985 No. 21 s 12  
 amd 1991 No. 83 s 105; 1992 No. 64 s 3 sch 1; 1993 No. 67 s 27; 1994  
 No. 81 s 527 sch 5

**Chief executive to consider objection and notify objector**

- prov hdg** amd 1992 No. 64 s 3 sch 1  
**s 43** ins 1985 No. 21 s 12  
 amd 1991 No. 83 s 106; 1992 No. 64 s 3 sch 1

**Late objection**

- s 44** ins 1985 No. 21 s 12  
 amd 1992 No. 64 s 3 sch 1

**Appeal**

- s 45** ins 1985 No. 21 s 13  
 amd 1987 No. 31 s 5; 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1

**Right of new owner to carry on objection or appeal**

- s 46** ins 1985 No. 21 s 13  
 amd 1992 No. 64 s 3 sch 1

**Valuation rolls—particulars and form**

- s 47** amd 1947 11 Geo 6 No. 28 s 8; 1949 13 Geo 6 No. 36 s 4; 1958 7 Eliz 2  
 No. 16 s 8; 1971 No. 78 s 15; 1985 No. 21 s 14; 1992 No. 64 s 3 sch 1;  
 1993 No. 67 s 3 sch 1

**Amendment of valuation roll**

- s 48** sub 1950 15 Geo 6 No. 4 s 6  
 amd 1958 7 Eliz 2 No. 16 s 9; 1971 No. 78 s 16; 1985 No. 21 s 15; 1992  
 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1; 1994 No. 81 s 527 sch 5

**Application of part**

- s 49** ins 1985 No. 21 s 16

**Notice of valuation**

- s 50** amd 1949 13 Geo 6 No. 36 s 5; 1950 15 Geo 6 No. 4 s 7; 1958 7 Eliz 2  
 No. 16 s 10; 1971 No. 78 s 17; 1974 No. 41 s 6; 1977 No. 43 s 4; 1984  
 No. 43 s 10; 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1

**Right of new owner to carry on objection or appeal**

- s 51** ins 1950 15 Geo 6 No. 4 s 8  
 amd 1953 2 Eliz 2 No. 28 s 11; 1984 No. 43 s 11; 1992 No. 64 s 3 sch 1;  
 1993 No. 67 s 3 sch 1

**Objections to valuation**

- s 52** (prev s 20(1)) amd 1958 7 Eliz 2 No. 16 s 11; 1959 8 Eliz 2 No. 51 s 3(a);  
 1971 No. 78 s 18(a); 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1  
 prev s 20(2)–(2A) renum as s 20A 1993 No. 67 s 3 sch 1  
 prev s 20(3)–(5) renum as s 20B 1993 No. 67 s 3 sch 1

**Consideration of objections**

**s 53** (prev s 20(2)–(2A)) amd 1959 8 Eliz 2 No. 51 s 3(b); 1971 No. 78 s 18(b)–(c); 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1  
renum 1993 No. 67 s 3 sch 1

**Notice to objector**

**s 54** (prev s 20(3)–(5)) amd 1974 No. 41 s 7(1); 1977 No. 29 s 4; 1984 No. 43 s 12(a)–(b); 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1  
renum 1993 No. 67 s 3 sch 1

**Appeal against the chief executive's decision on an objection**

**prov hdg** amd 1992 No. 64 s 3 sch 1

sub 1994 No. 81 s 527 sch 5

**s 55** (prev s 21(1)–(2)) sub 1953 2 Eliz 2 No. 28 s 12(a)–(b)  
amd 1958 7 Eliz 2 No. 16 s 12(a); 1959 8 Eliz 2 No. 51 s 4; 1971 No. 78 s 19(a); 1975 No. 36 s 4(a); 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1

prev s 21(3) renum as s 21AA 1993 No. 67 s 3 sch 1

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prev s 21(5) renum as s 21AI 1993 No. 67 s 3 sch 1

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prev s 21(8) renum as 21AL 1993 No. 67 s 3 sch 1

prev s 21(9) renum as s 21AJ(3) 1993 No. 67 s 3 sch 1

prev s 21(10) ins 1959 8 Eliz 2 No. 51 s 4

om 1971 No. 78 s 19(c)

prev s 21(11) ins 1959 8 Eliz 2 No. 51 s 4

om 1971 No. 78 s 19(c)

**How to start an appeal**

**prov hdg** ins 1993 No. 67 s 3 sch 1

**s 56** (prev s 21(3)) sub 1953 2 Eliz 2 No. 28 s 12(a); 1958 7 Eliz 2 No. 16 s 12(c); 1959 8 Eliz 2 No. 51 s 4  
amd 1975 No. 36 s 4(b); 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1  
renum 1993 No. 67 s 3 sch 1

**Late filing**

**prov hdg** ins 1993 No. 67 s 3 sch 1

**s 57** (prev s 21(3A)) ins 1975 No. 36 s 4(c)  
amd 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1  
renum 1993 No. 67 s 3 sch 1

**Defect in notice of appeal—action of registrar**

**prov hdg** ins 1993 No. 67 s 3 sch 1  
**s 58** (prev s 21(3B)) ins 1975 No. 36 s 4(c)  
 amd 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1  
 renum 1993 No. 67 s 3 sch 1

**Defect in notice of appeal—action of Land Court**

**prov hdg** ins 1993 No. 67 s 3 sch 1  
**s 59** (prev s 21(3C)) ins 1975 No. 36 s 4(c)  
 amd 1993 No. 67 s 3 sch 1  
 renum 1993 No. 67 s 3 sch 1

**Jurisdiction not affected by failure to serve chief executive**

**prov hdg** ins 1993 No. 67 s 3 sch 1  
**s 60** (prev s 21(3D)) ins 1975 No. 36 s 4(c)  
 sub 1984 No. 43 s 13  
 amd 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1  
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**Defect in notice of appeal served on chief executive**

**prov hdg** ins 1993 No. 67 s 3 sch 1  
**s 61** (prev s 21(3E)) ins 1975 No. 36 s 4(c)  
 amd 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1  
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**prov hdg** ins 1993 No. 67 s 3 sch 1  
**s 62** (prev s 21(3F)) ins 1975 No. 36 s 4(c)  
 amd 1992 No. 64 s 3 sch 1; 1993 No. 67 s 3 sch 1  
 renum 1993 No. 67 s 3 sch 1

**Constitution of Land Court at first instance**

**prov hdg** ins 1993 No. 67 s 3 sch 1  
**s 63** (prev s 21(4)) amd 1947 11 Geo 6 No. 28 s 9; 1953 2 Eliz 2 No. 28  
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**prov hdg** ins 1993 No. 67 s 3 sch 1  
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 amd 1975 No. 36 s 4(d); 1992 No. 64 s 3 sch 1  
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**Order of court**

- prov hdg** ins 1993 No. 67 s 3 sch 1  
**s 66** (prev s 21(7)) ins 1959 8 Eliz 2 No. 51 s 4  
 amd 1971 No. 78 s 19(b); 1993 No. 67 s 3 sch 1  
 renum 1993 No. 67 s 3 sch 1

**Practice and procedure for appeals**

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**s 67** (prev s 21(8)) ins 1959 8 Eliz 2 No. 51 s 4  
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 renum 1993 No. 67 s 3 sch 1  
 amd 1994 No. 81 s 527 sch 5

**Alteration of valuation after notice of appeal and effect thereof**

- s 68** ins 1947 11 Geo 6 No. 28 s 10  
 amd 1953 2 Eliz 2 No. 28 s 13; 1992 No. 64 s 3 sch 1

**Restriction on objection and appeal**

- s 69** ins 1974 No. 41 s 8  
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**Chief executive may identify land for local government**

- prov hdg** amd 1992 No. 64 s 3 sch 1  
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