

Queensland



ANNO VICESIMO TERTIO

ELIZABETHAE SECUNDAE REGINAE

No. 41 of 1974

An Act to amend the Valuation of Land Act 1944–1971 in certain particulars and to make provision for matters incidental to such amendments

[ASSENTED TO 2ND MAY, 1974]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title and citation. (1) This Act may be cited as the *Valuation of Land Act Amendment Act 1974*.

(2) The *Valuation of Land Act 1944–1971* is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Valuation of Land Act 1944–1974*.

2. Amendment of s. 5. Section 5 of the Principal Act is amended by, in the meaning of the term "Owner" in subsection (1),—

(a) omitting the word "and" occurring between subparagraphs (g) and (h);

(b) inserting after subparagraph (h) the following subparagraphs:—

- “;
- (i) in the case of any land in respect of which a lease, license or permission to occupy has been granted to any person or corporation by the Harbours Trust or a Harbour Board within the meaning of the *Harbours Act* 1955–1972, such person or corporation;
 - (j) in the case of any land in respect of which a lease, license or permission to occupy has been granted to any person or corporation by the Co-ordinator-General, such person or corporation; and
 - (k) in the case of any land in respect of which a lease, license or permission to occupy has been granted to any person or corporation by The Minister for Industrial Development of Queensland under the *Industrial Development Act* 1963–1973, such person or corporation.”;

(c) inserting after the paragraph concluding with subparagraph (k) as inserted by this Act and before the paragraph commencing with the words “The Queensland Housing Commission” the following paragraph:—

“In this definition “lessee” includes, where a Crown instrumentality is a lessee of Crown land, a sublessee from the lessee as sublessor.”.

3. Amendment of s. 11. Section 11 of the Principal Act is amended by—

(a) in subsection (1), inserting after paragraph (vii) the following paragraph:—

“(viii) In making, pursuant to this subsection, the valuation of the unimproved value of all land in respect of which a lease, license or permission to occupy has been granted according to law by the Co-ordinator-General or the Commissioner of Irrigation and Water Supply, the unimproved value of that land shall be determined having regard to and making proper allowance for any restriction or limitation to which such lease, license or permission is subject in any case where the use of the land is so restricted or limited to use or in its use for purposes of primary production.”;

(b) in subsection (2)—

(i) omitting the word “ten” wherever occurring in paragraph (v) and substituting the word “fifteen” in each case;

(ii) adding the following subparagraphs as subparagraphs of paragraph (v):—

“Where there is an alteration of the boundaries of an Area at a time when the said amount exceeds fifteen per centum of the total amount of the valuation, the percentage of undetermined objections or appeals shall be thereafter calculated with reference to the boundaries of the Area as so altered:

Provided that a valuation as aforesaid that has force and effect in an Area shall continue to have force and effect notwithstanding any alteration in the percentage of undetermined objections or appeals in that Area as a result of any alteration of the boundaries as aforesaid of that Area.

If in any case at the commencement of the *Valuation of Land Act Amendment Act* 1974 the said amount exceeds ten per centum of the total amount of the valuation but does not exceed fifteen

per centum thereof (including any case where the percentage of undetermined objections or appeals is calculated having regard to the provisions of the last preceding subparagraph), the valuation shall have force and effect on and after the thirtieth day of June next following the commencement of the said Amendment Act if such date is a date not earlier than the date fixed by the Governor in Council pursuant to the provisions of paragraph (ii) of this subsection and if it is not earlier than the date specified in the Proclamation referred to in paragraph (iv) of this subsection where there has been a postponement to that date under that paragraph, and such date shall be taken to be the date fixed by the Governor in Council pursuant to paragraph (ii) of this subsection.”.

4. Amendment of s. 12. (1) Section 12 of the Principal Act is amended by inserting at the end of paragraph (c) of subsection (2) the following proviso to that paragraph:—

“ :

Provided that 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 (including a statutory body representing the Crown), a Local Authority or a Harbour Board except to the extent, in the case of a purchaser or lessee from the Crown, statutory body, Local Authority or Harbour Board, to which the Crown, statutory body, Local Authority 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.”.

(2) The proviso to section 12 (2) (c) of the Principal Act inserted by subsection (1) shall apply in each Area to the next valuation of all lands in that Area in respect of which notices are issued by the Valuer-General under section 19 of the Principal Act after the commencement of this Act and to every valuation of land in that Area made by the Valuer-General under the Principal Act in respect of which a notice of valuation is issued under the said section 19 after the date of issue of notices of valuation of all lands in the Area as aforesaid.

5. Amendment of s. 13. (1) Section 13 of the Principal Act is amended by—

(a) omitting subsection (4) and substituting the following subsection:—

“(4) Where, subsequent to the making of a valuation under this Act of all lands in an Area—

(a) that Area is abolished and the whole or any part thereof is joined to another Area; or

(b) part of that Area is excluded therefrom and included in another Area,

the Valuer-General shall as soon as practicable thereafter, notwithstanding any other provision of this section, again value, and to the extent deemed fit by him alter the subsisting valuation of, any and all land in that other Area which has been joined thereto or included therein as aforesaid so that such land is valued as at the date fixed by the Valuer-General 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.

The provisions of this Act in respect of notice of valuation, objection and appeal shall apply and extend to a valuation made by the Valuer-General pursuant to this subsection.”

(b) omitting subsection (5) and substituting the following subsection:—

“(5) Where lands not previously included in or forming part of an Area are joined to an Area, the Valuer-General shall as soon as practicable thereafter make a valuation of the same as at the date fixed by him 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.

The provisions of this Act in respect of notice of valuation, objection and appeal shall apply and extend to a valuation made by the Valuer-General pursuant to this subsection.”

(2) Any valuation made by the Valuer-General prior to the commencement of this Act that, if made after such commencement, would have been validly made pursuant to the provisions of subsection (4) or subsection (5) of section 13 of the Principal Act, inserted by subsection (1) of this section, shall, without prejudice to any rights that accrue or may have accrued under Part VI of the Principal Act, be deemed to be made and to have always been made as validly and effectually as if the provisions of the subsection in question were in operation at the time such valuation was made.

6. Amendment of s. 19. Section 19 of the Principal Act is amended by—

(a) inserting after the words “prescribed form, and” the words “, save in the case of a notice issued in respect of a reduction in valuation referred to in section 21B.”;

(b) omitting the word “then” where twice occurring and substituting the word “than” in each case.

7. Amendment of s. 20. (1) Section 20 of the Principal Act is amended by, in subsection (3), inserting after the words “on the objection” the words “as soon as practicable after such decision is made and in any case not later than twelve months after the date shown in the notice of valuation given under section 19 as the date on and after which the valuation shall have force and effect without reference to any postponement of such date pursuant to the provisions of paragraphs (iv) and (v) of subsection (2) of section 11.”

(2) Subsection (3) of section 20 of the Principal Act, as it is amended by subsection (1), shall apply in respect of every valuation, notice of which shows as the date on and after which such valuation shall have force and effect the 30th June 1975 or any date thereafter.

8. New s. 21B. The Principal Act is amended by inserting after section 21A the following section:—

“**21B. Restriction on objection and appeal.** Notwithstanding the provisions of sections 20 and 21 of this Act, an owner has no right of objection or appeal under this Part against an alteration

in a valuation made by the Valuer-General pursuant to paragraph (g) of subsection (2) of section 13 of this Act where such alteration constitutes a reduction in the valuation.”.

9. Amendment of s. 28. Section 28 of the Principal Act is amended by inserting after subsection (2) the following subsection:—

“(2A) The Valuer-General may supply information as to valuations to any department of the State in accordance with arrangements made between that department and the Valuer-General and approved by the Minister.”.

10. Amendment of s. 46. Section 46 of the Principal Act is amended by inserting after subsection (6) the following subsection:—

“(7) A certificate purporting to be under the hand of the Valuer-General stating that at the date or during the period stated therein, whether before or after the commencement of the *Valuation of Land Act Amendment Act 1974*, the amount of a valuation made by the Valuer-General of all lands required by this Act to be valued by him in an Area that is the subject of undetermined objections or appeals under Part VI of this Act 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.”.