



Queensland

Valuation of Land Amendment Bill 2008



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2008

A Bill

for

***An Act to amend the Valuation of Land Act 1944 and the
Valuation of Land Regulation 2003***

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Valuation of Land Amendment Act 2008*. 4
5

Clause 2 Commencement 6

(1) Part 2, other than division 3, is taken to have commenced on 1 July 2002. 7
8

(2) Part 3 is taken to have commenced on 31 August 2003. 9

Part 2 Amendment of Valuation of Land Act 1944 10
11

Division 1 Preliminary 12

Clause 3 Act amended in pt 2 13

This part amends the *Valuation of Land Act 1944*. 14

Division 2 Amendments taken to have commenced on 1 July 2002 15
16

Clause 4 Amendment of s 2 (Definitions) 17

Section 2— 18

<i>insert—</i>	1
<i>‘development approval</i> see the <i>Integrated Planning Act 1997</i> , schedule 10.	2 3
<i>hotel licence</i> means a licence under the <i>Liquor Act 1992</i> .	4
<i>local planning instrument</i> see the <i>Integrated Planning Act</i> <i>1997</i> , schedule 10.	5 6
<i>property identification number</i> , for a parcel of land, means the property identification number assigned to the parcel in the valuation roll.’.	7 8 9

Clause 5	Amendment of s 3 (Meaning of <i>unimproved value</i>)	10
(1)	Section 3—	11
	<i>insert—</i>	12
‘(2A)	The assumption mentioned in subsection (1), definition <i>unimproved value</i> , paragraph (b) is limited to the notional removal of the improvements only as at the time of valuation.	13 14 15
‘(2B)	For subsections (1) and (2), the unimproved value of land includes any increase in the value of the land that has happened in connection with—	16 17 18
	(a) the making or use of an improvement to the land; or	19
	(b) a local planning instrument; or	20
	(c) a development approval or other approval or authority under an Act, other than a hotel licence, relating to the land or an improvement of the land.	21 22 23
‘(2C)	Nothing in subsection (1) or (2) requires an assumption, in relation to improved land, that the improvements have never been made.’.	24 25 26
(2)	Section 3(4)—	27
	<i>insert—</i>	28
	‘(c) there is no risk in realising the use of the land, or continuing the use of the land, for any purpose for which	29 30

[s 6]

	it is being used at the date to which the valuation relates;’.	1 2
Clause 6	Amendment of s 5 (Meaning of <i>value of improvements</i>)	3
	Section 5(2), ‘amount’—	4
	<i>omit, insert</i> —	5
	‘cost’.	6
Clause 7	Amendment of s 23 (Chief executive may value stratum or volumetric lot)	7 8
	(1) Section 23(2)(a), ‘had not been made’—	9
	<i>omit, insert</i> —	10
	‘did not exist’.	11
	(2) Section 23—	12
	<i>insert</i> —	13
	‘(2A) The assumption mentioned in subsection (2)(a) is limited to the notional removal of the improvements only as at the time of valuation.	14 15 16
	‘(2B) The unimproved value of a stratum or volumetric lot includes any increase in the value of the stratum or volumetric lot that has happened in connection with—	17 18 19
	(a) the making or use of an improvement to the stratum or volumetric lot; or	20 21
	(b) a local planning instrument; or	22
	(c) a development approval or other approval or authority under an Act, other than a hotel licence, relating to the stratum or volumetric lot or an improvement of the stratum or volumetric lot.’.	23 24 25 26

Clause 8	Amendment of s 47 (Valuation rolls—particulars and form)	1 2
	(1) Section 47(1)(d)—	3
	<i>renumber</i> as section 47(1)(e).	4
	(2) Section 47(1)—	5
	<i>insert</i> —	6
	‘(d) a property identification number for each parcel of land;’.	7 8
Division 3	Amendments commencing on assent	9 10
Clause 9	Insertion of new s 27	11
	After section 26C—	12
	<i>insert</i> —	13
‘27	Valuation of prescribed land	14
	‘(1) When issuing an annual valuation for prescribed land, its unimproved value must be calculated by multiplying its current unimproved value by the commercial land index.	15 16 17
	‘(2) When issuing an alteration of a valuation for prescribed land because of a change in its area, its unimproved value must be calculated by changing its current unimproved value by an amount proportionate to the change in area.	18 19 20 21
	‘(3) For the first time on or after the commencement day that the unimproved value of prescribed land is calculated under subsection (1) or (2), its current unimproved value (that is, the value that is multiplied by the commercial land index under subsection (1) or changed under subsection (2)) is taken to be the amount calculated by—	22 23 24 25 26 27
	(a) starting with—	28

[s 9]

- (i) if the land was prescribed land on 30 June 2003—its unimproved value effective immediately before that day; or
- (ii) otherwise—the first unimproved value to have effect for the land after it became prescribed land; and
- (b) for the period on and from 30 June 2003 until immediately before the commencement day—
- (i) when an annual valuation for the land was issued—multiplying the current unimproved value by the commercial land index; and
- (ii) when an alteration of a valuation for the land was issued because of a change in the area of the land—changing the current unimproved value by an amount proportionate to the change in area.
- (4) For subsection (1) or (3)(b)(i), the commercial land index applying to prescribed land when an annual valuation for the land is issued is the number calculated, to 2 decimal places, using the formula—
- $$\frac{A}{B}$$
- where—
- A** is the total unimproved value of all local commercial land under the new annual valuation as at the day of issue.
- B** is the total unimproved value of the same local commercial land effective as at the day of issue.
- Example—*
- On 20 February, the chief executive issues an annual valuation for particular prescribed land (*parcel X*).
- The only local commercial land on 20 February consists of parcels Y and Z. The total unimproved value of parcels Y and Z effective on 20 February is \$100 million. The total unimproved value of parcels Y and Z under the new annual valuation, as at 20 February, is \$105 million.

The commercial land index is 105 million divided by 100 million, which is 1.05. So the new annual valuation for parcel X must be calculated by multiplying its existing unimproved value by 1.05.

‘(5) The reference in subsection (3)(b)(i) to an annual valuation does not include an annual valuation issued under section 102, for the period of 12 months starting on 30 June 2004, for use only for land tax purposes.

‘(6) To remove any doubt, it is declared that this section does not affect the unimproved value of any land that was effective at any time before the commencement day.

‘(7) In this section—

commencement day means the day this section commences.

commercial land means freehold land, other than prescribed land, valued as commercial land under the valuation roll.

issue an annual valuation or alteration of valuation means give a notice of valuation for the annual valuation or alteration of valuation.

local commercial land, in relation to prescribed land, means commercial land situated in the same local government area as the prescribed land.

prescribed land means land that, under the schedule, is prescribed land.’.

Clause 10 Amendment of s 67 (Practice and procedure for appeals)

(1) Section 67(2) and (3)—

renumber as section 67(3) and (4).

(2) Section 67—

insert—

‘(2) The *Land Court Act 2000*, section 74(2) does not apply to an appeal under section 65.’.

[s 11]

Clause 11	Replacement of s 70 (Costs of appeal against valuation)	1
	Section 70—	2
	<i>omit, insert—</i>	3
'70	Costs of appeal against valuation	4
	'(1) Subject to subsection (2), each party to an appeal must bear the party's own costs for the appeal.	5 6
	'(2) The court may only order costs for an appeal, including allowances for witnesses attending for giving evidence at the appeal, as it considers appropriate in the following circumstances—	7 8 9 10
	(a) the court considers the appeal, or part of the appeal, to be have been frivolous or vexatious;	11 12
	(b) a party has not been given reasonable notice of intention to apply for an adjournment of the appeal;	13 14
	(c) a party has incurred costs because the party is required to apply for an adjournment because of the conduct of the other party;	15 16 17
	(d) a party has incurred costs because another party has defaulted in the court's procedural requirements;	18 19
	(e) without limiting paragraph (c), a party has incurred costs because another party has introduced, or sought to introduce, new material;	20 21 22
	(f) a party does not properly discharge the party's responsibilities in the appeal.'	23 24
Clause 12	Amendment of pt 9 hdg (Transitional provisions)	25
	Part 9, heading, after 'Transitional'—	26
	<i>insert—</i>	27
	'and declaratory'.	28
Clause 13	Insertion of new pt 9, divs 2 and 2A	29
	Part 9—	30

<i>insert—</i>	1
‘Division 2 Declaration about non-commencement of legislation	2 3
‘101 Non-commencement of legislation	4
‘(1) The Valuation of Land Amendment Act 2003 No. 35 is taken to have never commenced.	5 6
‘(2) Subsection (1)—	7
(a) does not apply for the purpose of a legal proceeding decided before the commencement of this section; and	8 9
(b) otherwise applies for all purposes, including an objection or decision made, or legal proceeding (including an appeal from a legal proceeding mentioned in paragraph (a)) started but not decided, before the commencement of this section.	10 11 12 13 14
‘(3) The Natural Resources and Other Legislation Amendment Act 2004 No. 4, section 56C is taken to have never commenced.	15 16 17
‘Division 2A Transitional provision for Valuation of Land Amendment Act 2008	18 19
‘101A Past valuations of part 1 prescribed land	20
‘(1) This section applies to part 1 prescribed land in relation to the period on and from 30 June 2003 until immediately before the commencement day (the <i>prescribed period</i>).	21 22 23
‘(2) On the issue, during the prescribed period, of an annual valuation for part 1 prescribed land, the unimproved value of the land is taken to have been whichever of the following is less—	24 25 26 27
(a) the annual valuation that was issued;	28
(b) the indexed valuation for the land.	29

[s 13]

- ‘(3) On the issue, during the prescribed period, of an alteration of a valuation for part 1 prescribed land because of a change in its area, the unimproved value of the land is taken to have been whichever of the following is less—
- (a) the alteration that was issued;
 - (b) the indexed valuation for the land.
- ‘(4) For subsection (2)(b) or (3)(b), the indexed valuation for part 1 prescribed land is calculated by—
- (a) starting with an indexed valuation of the land equal to—
 - (i) if the land was part 1 prescribed land on 30 June 2003—its unimproved value effective immediately before that day; or
 - (ii) otherwise—the first unimproved value to have effect for the land after it became part 1 prescribed land; and
 - (b) for the prescribed period—
 - (i) when an annual valuation for the land was issued—multiplying the indexed valuation by the commercial land index; and
 - (ii) when an alteration of a valuation for the land was issued because of a change in the area of the land—changing the indexed valuation by an amount proportionate to the change in area.
- ‘(5) The commercial land index applying to part 1 prescribed land when an annual valuation for the land was issued is the number calculated, to 2 decimal places, using the formula—
- $$\frac{A}{B}$$
- where—
- A** is the total unimproved value of all local commercial land under the new annual valuation as at the day of issue.
- B** is the total unimproved value of the same local commercial land effective as at the day of issue.

-
- ‘(6) A reference in subsection (2) or (4)(b)(i) to an annual valuation does not include an annual valuation issued under section 102, for the period of 12 months starting on 30 June 2004, for use only for land tax purposes.
- ‘(7) If subsection (2)(b) or (3)(b) applies in relation to an annual valuation or alteration of valuation—
- (a) as soon as is practicable after the commencement day, the chief executive must give a notice under section 41A or 50 stating the unimproved value that applies under subsection (2)(b) or (3)(b); and
 - (b) the chief executive must make an appropriate amendment of the valuation roll; and
 - (c) there is taken to have been an alteration of the land’s valuation that enables an adjustment to be made to rates payable under the *Local Government Act 1993* or the *City of Brisbane Act 1924*, rental payable under the *Land Act 1994* or land tax payable under the *Land Tax Act 1915*.
- ‘(8) For subsection (7)(a), a notice may be given under section 41A despite the time within which a notice is otherwise required to be given under section 41A(1).
- ‘(9) Subsections (2) and (3) do not limit the provisions of this Act about objections or appeals that apply in relation to an annual valuation or alteration.
- ‘(10) Section 33 applies to an annual valuation or alteration of valuation that is given effect under this section.
- ‘(11) In this section—
- commencement day*** means the day this section commences.
- commercial land*** means freehold land, other than prescribed land, valued as commercial land under the valuation roll.
- issue*** an annual valuation or alteration of valuation means give a notice of valuation for the annual valuation or alteration of valuation.

[s 14]

local commercial land, in relation to part 1 prescribed land, 1
means commercial land situated in the same local government 2
area as the part 1 prescribed land. 3

part 1 prescribed land means land that, under the schedule, is 4
part 1 prescribed land. 5

prescribed land means land that, under the schedule, is 6
prescribed land.’. 7

Clause 14 Insertion of new schedule 8

After part 9— 9

insert— 10

‘Schedule Prescribed land 11

sections 27 and 101A 12

Notes to schedule 13

- 1 The table below lists particular shopping centres and, for each 14
shopping centre, states— 15
 - (a) in column 2—the property identification number or 16
numbers that, on the commencement day, are assigned 17
the parcel or parcels comprising the land on which the 18
shopping centre is situated; and 19
 - (b) in column 3—any other property identification numbers 20
that, during the prescribed period, were assigned to 21
parcels comprising the land on which the shopping 22
centre was situated. 23
- 2 For section 27, the following land is prescribed land— 24
 - (a) land comprised of a parcel that, on the commencement 25
day, has a property identification number listed in 26
column 2; 27
 - (b) land that, under this Act, is included in the same 28
valuation as land mentioned in paragraph (a). 29

- 3 For section 27, land mentioned in note 2(a) continues to be 1
prescribed land even if, after the commencement day, it is 2
comprised of a parcel with a different property identification 3
number to the number listed in column 2. 4
- 4 For section 27(3), land is taken to be prescribed land at a 5
particular time during the prescribed period if, at that time, it 6
was comprised of a parcel with a property identification 7
number mentioned in column 2 or 3. 8
- 5 For section 101A, land is taken to be part 1 prescribed land at 9
a particular time during the prescribed period if, at that time, it 10
was comprised of a parcel with a property identification 11
number mentioned in part 1, column 2 or 3. 12
- 6 In this schedule— 13
- commencement day* means the day this schedule commences. 14
- prescribed period* means the period on and from 30 June 2003 15
until immediately before the commencement day. 16

[s 14]

Part 1

1

Column 1 Shopping centre	Column 2 Property identification number on the commencement day	Column 3 Previous property identification numbers
Australia Fair Shopping Centre	40364674, 40364676, 40147558	7049020, 40147559
Centro Toombul	1204243	
Grand Central	3416302	
Grand Plaza Shopping Centre	144937	
Indooroopilly Shopping Centre	40769274, 30000325, 1307756	1311823
Mt Ommaney Shopping Centre	9102283	
Pacific Fair Shopping Centre	593499	
Robina Town Centre	7022433	
Runaway Bay Shopping Village	7031810	
Stockland Townsville	5132554	
Westfield Chermside	40763582	40163530
Westfield Garden City	40334384	

Part 2

1

Column 1 Shopping centre	Column 2 Property identification number on the commencement day	Column 3 Previous property identification numbers
Aspley Hypermarket	1162924	
Brookside Shopping Centre	1249656	
Cairns Central Shopping Centre	40003491	
Caneland Central	884587	
Capalaba Central Shopping Centre	8015934	
Capalaba Park Shopping Centre	216209	
Logan Hyperdome Shopping Centre	113605	
Morayfield Shopping Centre	40016409	
Noosa Civic Shopping Centre	40772565	
Redbank Plaza	40723840	354220
Smithfield Shopping Centre	5232215	
Stockland Cairns	5014425	
Stockland Rockhampton	789067	
Sunshine Plaza Shopping Centre	40223774, 24000701, 2018551, 40335637	

[s 15]

Column 1 Shopping centre	Column 2 Property identification number on the commencement day	Column 3 Previous property identification numbers
Toowong Village Shopping Centre	1225197	
Westfield Carindale	40258073	
Westfield Helensvale	40733383	40617291, 24001240, 40287327, 40388949
Westfield Strathpine	40282064'.	

Part 3	Amendment of Valuation of Land Regulation 2003	1 2
Clause 15	Regulation amended in pt 3 This part amends the <i>Valuation of Land Regulation 2003</i> .	3 4
Clause 16	Omission of s 3 (Non-physical improvements that are intangible improvements—Act, s 6(5)) Section 3— <i>omit.</i>	5 6 7 8
Clause 17	Omission of s 5 (Valuing intangible improvements—Act, s 35A) Section 5— <i>omit.</i>	9 10 11 12