

Land Valuation Bill 2010

Explanatory Notes for Amendments to be moved During Consideration in Detail by the Minister for Natural Resources, Mines and Energy and Minister for Trade, the Honourable Stephen Robertson MP

Title of the Bill

Land Valuation Bill 2010.

Objectives of the Amendments

The objectives of the amendments are to ensure the desired policy objectives can be achieved in full and as intended, correct certain incorrect cross references and make minor typographical corrections.

Achievement of Objectives

The objectives are achieved by making minor and technical amendments to the Land Valuation Bill 2010 (the Bill) as outlined below.

Alternatives Ways of Achieving the Policy Objectives

There are no viable alternatives that would achieve the Governments policy objectives.

Estimated for Government for Implementation

There will no additional administrative cost to the Government for implementing the amendments to the Bill.

Consistency with Fundamental Legislative Principles

The amendments to the Bill do not infringe fundamental legislative principles.

Consultation

The Shopping Centre of Council raised concerns with clause 158(2)(b), whilst noting that a Court would interpret the intent of the clause, the amendment would clarify the meaning of the clause without any requirement to interpret.

Consistent with the minor and technical nature of the amendments, there has been no community consultation on the other amendments. Limited consultation with relevant Government stakeholders has occurred.

Notes on Provisions

Amendment 1 amends the definition of ‘Queensland planning provisions’ in clause 10(5) (Zoned rural land) to correct an incorrect reference to a section in the *Sustainable Planning Act 2009* (the Planning Act). The section in the Planning Act that contains the planning scheme provisions referred to in the definition is section 54 not section 53.

Amendment 2 amends subclause 158(2)(b) to clarify the intention of clause 158(2) which is that the Land Court can only hear an appeal if the notice of appeal was filed less than 1 year after the objection decision notice was issued and the appellant satisfies the court that there was a reasonable excuse for not filing the notice within the appeal period. The amendment rectifies two minor issues:

1. the word ‘not’ has been included; and
2. the subclause refers to ‘the period’, a term that is not defined. The amendment makes it clear that the period referred to is the ‘appeal’ period.

Amendment 3 amends subclause 207(1) (General functions and powers) to add ‘and’ at the end of paragraphs (a). The amendment, together with amendments 4 and 5, clarify that the valuer-general has all of the functions listed.

Amendment 4 amends subclause 207(1) (General functions and powers) to add ‘and’ at the end of paragraphs (b). The amendment, together with

amendments 3 and 5, clarify that the valuer-general has all of the functions listed.

Amendment 5 amends subclause 207(1) (General functions and powers) to add ‘and’ at the end of paragraphs (c). The amendment, together with amendments 3 and 4, clarify that the valuer-general has all of the functions listed.

Amendment 6 amends the definition of ‘appropriately qualified’ in subclause 214(2) (Delegation). Under clause 214 the valuer-general may delegate the valuer-general’s functions to an appropriately qualified person (which includes having the qualifications, experience or standing appropriate to perform the functions or exercise the power). The amendment removes the words ‘or exercise the power’ because they are not needed. The term ‘function’ is defined in subclause 214(2) to include ‘powers’.

Amendment 7 amends the heading to clause 246 (Requirement to fix defective change of ownership notice) to read ‘requirement to fix defective ownership change notice because ‘ownership change notice’ is a term defined in Schedule 2 (Dictionary).

Amendment 8 amends subclause 265(5) of the Bill (Regulation-making power). The subclause currently provides that a regulation fixing a further or other period for making or doing a matter may be made only because of unusual circumstances or because a strict application of the fixed period would lead to a harsh or unjust result. The amendment replaces reference to ‘fixed period’ with ‘required period’ because the latter is a term defined in clause 265(3) of the Bill.

Amendment 9 amends Schedule 1, part 2 (Consequential and minor amendments – other amendments) to replace references in the following sections of the *Valuers Registration Act 1992* to the ‘chief executive’ with references to the ‘valuer-general’:

- 10A (Investigations about eligibility for appointment) which enables an investigation to be made about a person whose name has been submitted for appointment as a member or assistant member of the Valuers Registration Board of Queensland (the Board);
- 10B (Criminal history is confidential document), which provides that an officer, employee or agent of the department must not directly or indirectly, disclose to anyone else a report, or information contained in a report given under section 10A unless disclosure is authorised by the

chief executive. The section further requires the chief executive to destroy the report as soon as practicable after considering the person's eligibility for appointment; and

- 15 (Who may act as member in absence of chief executive's nominee) which empowers the chief executive to authorise a valuer who is an officer of the department to act as a member during an absence of the chief executive's nominee.

The amendment to *Valuers Registration Act 1992* already in the Schedule provides that the board will contain a nominee, who is a valuer, of the valuer-general (formerly a nominee of the chief executive) to reflect the creation by this Bill of the position of valuer-general. It is appropriate that the other functions above, that relate to the board also be transferred to the valuer-general.

Amendment 10 amends Schedule 1, part 2 (Consequential and minor amendments – other amendments) to replace reference in section 15 of the *Valuers Registration Act 1992* (Who may act as member in absence of chief executive's nominee) to the 'chief executive's' with references to the 'valuer-general's'. The amendment complements the amendment to section 15 being made by amendment 9 above and is being made because it is appropriate that the function, which relates to the board, also be transferred to the valuer-general.