

government is broke and cannot afford to even pay the interest on its debt, let alone pay down the debt itself.

~~I refer back to my contributions to the Valuation of Land Amendment Bill in March 2008 and the Valuation of Land and Other Legislation Amendment Bill in March 2010. On both occasions I asked the minister in this House how much it had cost the government in court costs in land tax adjudication cases. I never received an answer and I am still waiting. I suppose the lack of reply means that it is very significant. I presume that many millions of dollars of taxpayers' dollars have been wasted by the government's inability to develop and implement suitable legislative reforms. On page 4 the explanatory notes state —~~

~~The State has been exposed to a number of complex and costly appeals, particularly related to large commercial and highly improved shopping centres where the definition of unimproved value has been heavily challenged.~~

~~It goes on to say —~~

~~The government's costs for making and defending valuations in high-profile Court proceedings have increased substantially, with concurrent risks associated with reduced land tax revenue for the State and rating revenue for local governments.~~

~~I ask the minister again: what is the total legal cost outlay that the government has incurred in these cases?~~

~~Every step of the way I have advised the House, free of charge and the government of the money gouging intentions of this government's reform process to the land tax system. If the Bligh government had genuinely wanted reform of the valuation system for the betterment of the system in terms of equity and application, it would have initiated a process of consultation and discussion with impacted stakeholders. It would have included representatives of residential property owners who will be affected by these significant changes when the attempts to change a 60-year-old system were first mooted in 2008. Did the Bligh government try to deliver a better system as a proactive response to industry and political concern and there was a lot of political concern from this side of the House back in 2008? The answer is unequivocally, no. It just rammed unlawful legislation through this House to stitch up a few shopping centres and jack up its land tax take to try to pay off Labor's obscene debt.~~

~~The land tax revenue collected by the state government since 2000-01 has increased by \$800 million, or 355 per cent, which is unbelievable. We all know the government needs to find revenue from every area to help try to pay off the massive debt into which it has plunged Queensland. This is a money grabbing exercise by a desperate government. I cannot believe this government expects the LNP to support this radical, new valuation system imposed by this legislation without giving full, open and accountable costings as to the ramifications of this legislation on the approximately 52,000 land tax paying constituents of Queensland. This legislation will also have resultant effects on property valuations throughout the state, which will have serious long-term effects on every residential property owner in Queensland. Of course, we understand that rates charged by local councils are a matter about which the ratepayers can deal with their local councils. We have been warned that some ratepayers can expect valuation rises of between 20 per cent to 30 per cent. In many cases this will be an incredible burden on pensioners and other asset rich, income poor ratepayers. I have no doubt that the blame for these increases will be sheeted home by councils to the state government and its new formula for property valuations.~~

~~How am I supposed to support legislation that, at this point, cannot identify the increased burden of land tax as a result of this changed valuation process? How am I supposed to support legislation that cannot identify how many individual property owners will be adversely affected by this legislation? On other occasions, Treasury advice on a bill that contains particularly sensitive financial ramifications has been provided to the opposition, but on this occasion it is a case of, 'Trust us, we're the Labor government,' and nobody trusts the Labor government anymore. We are happy to further explore matters in relation to a fairer, more equitable and more easily applicable valuation system. However, the mushroom treatment — that is, being kept in the dark and being fed government fertiliser — that we have received in relation to the financial ramifications of this legislation gives us no option but to oppose this bill.~~

~~Sitting suspended from 6.30 pm to 7.30 pm.~~

~~Debate, on motion of Mr Choi, adjourned.~~

046

JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

First Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (7.30 pm): I present a bill for an act to amend the Acts Interpretation Act 1954, Anti-Discrimination Act 1991, Appeal Costs Fund Act 1973, Appeal Costs Fund Regulation 2010, Bail Act 1980, Child Employment Act 2006, Childrens Court Act 1992, Civil Liability Act 2003, Classification of Films Act 1991, Commissions of Inquiry Act 1950, Contract Cleaning Industry (Portable Long Service Leave) Act

2005, Criminal Code, Criminal Proceeds Confiscation Act 2002, Director of Public Prosecutions Act 1984, Disability Services Act 2006, District Court of Queensland Act 1967, Drug Court Act 2000, Drugs Misuse Act 1986, Electoral Act 1992, Electoral Regulation 2002, Electronic Transactions (Queensland) Act 2001, Evidence Act 1977, Family Responsibilities Commission Act 2008, Financial Transaction Reports Act 1992, Guardianship and Administration Act 2000, Industrial Relations Act 1999, Industrial Relations (Tribunals) Rules 2000, Invasion of Privacy Act 1971, Judges (Pensions and Long Leave) Act 1957, Judicial Review Act 1991, Jury Act 1995, Justices Act 1886, Justices of the Peace and Commissioners for Declarations Act 1991, Law Reform Act 1995, Legal Aid Queensland Act 1997, Legal Profession Act 2007, Limitation of Actions Act 1974, Magistrates Act 1991, Magistrates Courts Act 1921, Maintenance Act 1965, Oaths Act 1867, Ombudsman Act 2001, Payroll Tax Act 1971, Penalties and Sentences Act 1992, Personal Injuries Proceedings Act 2002, Professional Standards Act 2004, Property Law Act 1974, Public Trustee Act 1978, Queensland Civil and Administrative Tribunal Act 2009, Queensland Civil and Administrative Tribunal Regulation 2009, Recording of Evidence Act 1962, Referendums Act 1997, Reprints Act 1992, State Penalties Enforcement Act 1999, Supreme Court Act 1995, Supreme Court of Queensland Act 1991, Torres Strait Islander Land Act 1991, Transport Operations (Passenger Transport) Act 1994, Uniform Civil Procedure (Fees) Regulation 2009 and Workers' Compensation and Rehabilitation Act 2003 for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Tabled paper: Justice and Other Legislation Amendment Bill 2010.

Tabled paper: Justice and Other Legislation Amendment Bill 2010, explanatory notes.

Second Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (7.34 pm): I move—

That the bill be now read a second time.

The main objective of the bill is to provide for a number of minor, technical or other amendments to a range of statutes within my portfolio. As well, the bill amends one statute within the portfolio of each of the honourable Treasurer and Minister for Employment and Economic Development, the honourable Minister for Local Government and Aboriginal and Torres Strait Islander Partnerships, the honourable Minister for Transport and the honourable Minister for Disability Services and Multicultural Affairs.

As the Attorney-General and Minister for Industrial Relations, I am responsible for the administration of approximately 140 statutes. For the most part, the amendments contained in this bill are of a technical, discrete or minor nature and do not modify the philosophy or underlying policy intent of the statutes concerned.

The amendments of this nature generally are made to: deliver operational efficiencies to different areas of the justice system; clarify the existing law; and remove obsolete or redundant provisions. Some of the more technical matters include amendments to: the Acts Interpretation Act 1954 to clarify parliament's powers to make laws extending to coastal areas as prescribed by the Commonwealth Coastal Waters (State Powers) Act 1980 and the Commonwealth Coastal Waters (State Titles) Act 1980; the Bail Act 1980 to allow police to grant watch-house bail where the defendant is charged or held in custody for a Bail Act offence, so that this power is consistent with other provisions in the Bail Act; the Childrens Court Act 1992 and the Justices Act 1886 to allow access to court records for approved research in circumstances where the use of the information will not lead to identification of any persons; the Drugs Misuses Act 1986 to allow the minister to delegate the power to appoint a drug analyst to the chief executive or another suitable officer with the department who has the qualifications, experience or standing necessary to perform the function; the Guardianship and Administration Act 2000 to allow the Queensland Civil and Administrative Tribunal to obtain copies of documents without charge from a court; the Judges (Pensions and Long Leave) Act 1957 to remove the requirement for Governor in Council approval of the long leave or deferment of leave for the Chief Judge and the Chief Magistrate; the Justices Act 1886 to allow a police officer to serve a notice of intention to allege previous convictions in the same manner as a notice to appear, where the proceeding is commenced through a notice to appear; the Justice of the Peace and Commissioners for Declarations Act 1991, to allow the registrar to withhold the contact details of a justice of the peace or commissioner for declarations from inspection if the registrar considers it is necessary to do so to protect the safety or wellbeing of that person or a relative of that person; and the Penalties and Sentences Act 1992 to allow offenders charged with an offence under section 10(1) of the Drugs Misuse Act 1986 to be eligible for drug diversion, where the thing used in the commission of the offence is for personal use.

Turning to the more substantial amendments in this bill, the Magistrates Act 1991 is amended to extend the compulsory retirement age for magistrates, acting magistrates and judicial registrars from 65 years to 70 years. The bill includes amendments to the Magistrates Courts Act 1921, the District Court of Queensland Act 1967, the Supreme Court of Queensland Act 1991 and the Uniform Civil Procedure (Fees) Regulation 2009 to remove provisions about the court's management of mediators, case appraisers and the ADR register. The court's management of mediators, case appraisers and the ADR register is no longer required because in practice parties to proceedings nominate the mediator or case appraiser they intend to use and do not use the court approved mediators or case appraisers.

The Magistrates Courts Act 1921 and the Queensland Civil and Administrative Tribunal Act 2009 are amended to provide for the permanency of judicial registrars by removing the provisions that provide for the expiry of the judicial registrars scheme. Judicial registrars were initially appointed under a pilot scheme held in Brisbane, Southport and Townsville. Judicial registrars have presided over a total of 7,549 matters from January 2008 to June 2008, 14,532 matters from July 2008 to June 2009 and 15,506 matters from June 2009 to July 2010. Due to the success of the pilot it was decided to make the positions in Southport and Townsville permanent.

The amendments to the Electoral Act 1992 provide that electoral roll information is no longer available for purchase by any person. The electoral rolls will still be available for inspection. These amendments will not change the availability of electoral rolls to candidates for election, registered political parties, members of the Legislative Assembly, local governments, departments or state public authorities. The amendments are consistent with the 2004 amendments to the Commonwealth Electoral Act 1918 which were made to close a loophole that allowed roll information to be used for commercial and other unintended uses, such as direct marketing or debt collection. These amendments will enhance the protection of the privacy of persons whose personal particulars are entered on electoral rolls.

The bill includes a number of amendments to the State Penalties Enforcement Act 1999 to improve the operations of the State Penalties Enforcement Registry, some of which include: allowing the registrar to extend the time a debtor may apply for the cancellation of an enforcement order when satisfied there is a reasonable cause for delay; and lowering the minimum total debt that a debtor must owe before the registrar may register an interest in a motor vehicle from \$1,000 to \$500. While the last mentioned amendment to the act will increase the enforcement options available against debtors who owe smaller amounts, the registrar is able to exercise discretion in the way debts are enforced to avoid hardship in exceptional circumstances.

The bill also includes amendments to the Industrial Relations Act 1999 to: allow a person to apply for parental leave for children born as a result of an altruistic surrogacy arrangement made under the Surrogacy Act 2010; provide for part-time appointments for current and future tribunal members including the president and the Queensland Workplace Rights Ombudsman subject to ministerial approval; allow the Ombudsman to concurrently work as a commissioner and as the Ombudsman, subject to agreement by the president, the Ombudsman and the minister; allow an Ombudsman, who is also a commissioner on a part-time basis, to be able to revert to being a commissioner on a full-time basis when the appointment as Ombudsman ends; simplify the leave approval process for commission members; simplify the appointment of associates to the commission; clarify the administrative powers of the vice-president of the commission; amend the Ombudsman's reporting frequency to the minister from quarterly to annually; and facilitate the making of a mandatory code of practice for clothing outworkers.

047 The bill amends the Queensland Civil and Administrative Tribunal Act 2009 so that the Governor in Council may allow a person to hold the positions of both an adjudicator and ordinary member of QCAT. The bill also amends the Family Responsibilities Commission Act 2008 to provide for the commission's more effective and efficient operation during its trial period that ends on 31 December 2011. The amendments allow three local commissioners to constitute the commission where the expected outcome of a conference is a referral to services; ensure a case plan is no longer necessary where an agreement or order includes those matters the act requires be in a case plan; reduce the notice period for a show cause hearing from at least 28 days to at least 14 days to support more timely service delivery and responses to breaches of referrals to services; enable the commissioner to dismiss frivolous or vexatious applications to amend or end agreements or orders; and extend the act's confidentiality provisions to persons engaged by a community support service who gain confidential information in relation to commission clients.

The bill includes amendments to the Disability Services Act 2006, an act administered by the Minister for Disability Services and Multicultural Affairs, as well as the Guardianship and Administration Act 2000. These amendments provide that a short-term approval can be made, or continue to apply, in certain circumstances where a guardian for a restrictive practice matter is appointed and is yet to consent to a plan. An amendment will also be made to the Disability Services Act 2006 to allow for an extension of the transitional period for a further six months.

Finally, the bill also includes an amendment to the Transport Operations (Passenger Transport) Act 1994, an act administered by the Minister for Transport, to validate the Transport Legislation Amendment (Postponement) Regulation (No. 1) 2008. I commend the bill to the House.

Debate, on motion of Dr Flegg, adjourned.

~~LAND VALUATION BILL~~

~~Second Reading~~

~~Resumed from p. 3443, on motion of Mr Robertson~~

~~That the bill be now read a second time.~~

~~Mr CHOI (Capalaba—ALP) (7.41 pm): Earlier this year the government announced a range of reforms to the valuation system in Queensland, including the introduction of the new site value methodology for non-rural land in 2011. A clear commitment was also given at the time that in implementing these reforms and introducing site value the government would closely consult with industry stakeholders on any reforms before introducing this bill to parliament. This government has done that. This bill was developed through extensive consultation with key industry stakeholders through a Valuations Reform Reference Group. The members of this group are representatives of commercial, industrial and residential development sectors, local government, rural producers, tourism, mining, law and property valuation professionals with an interest in statutory land valuations.~~

~~The organisations represented included the Property Council of Australia, the Shopping Centre Council of Australia, the Queensland Tourism Industry Council, the Urban Development Institute of Queensland, the Queensland Resources Council, the Australian Property Institute, the Queensland Law Society, AgForce, the Queensland Farmers Federation, the Real Estate Institute of Queensland and the Local Government Association of Queensland. Every aspect of this bill has been considered carefully and reviewed by the reference group and the bill is supported in relation to the new provisions for introducing site value for non-rural land in 2011. The strategies to transition landowners across the new methodology and the reforms to the valuation system which include an enhanced objection process and the establishment of the position of Valuer General are also supported. I met with the group on behalf of the minister and I want to take this opportunity to thank it for its hard work and advice to the minister.~~

~~The existing act, which has not been changed in the last 65 years in any major way, is being repealed. The bill introduces the Land Valuation Act 2010. Considering the major changes to how valuations will be prepared in the future, it is only appropriate that a new act be introduced to move forward these significant reforms. As we all know, the State Valuation Service within the Department of Environment and Resource Management provides valuations to property owners across Queensland on an annual basis. These valuations are used by local and state governments for the assessment of rates, land tax and state land rental. Until now all statutory valuations in Queensland have been issued using the unimproved value as the basis for the value of the land. Unimproved value represents the market value of the land in its natural state. That means when determining the value the valuer does not take into account any site works such as clearing and levelling. From 2011 statutory valuations for rural land in Queensland will continue to be valued using the unimproved value methodology.~~

~~The bill provides for site value to be introduced for the first time for non-rural land from 2011. Site value is already being used in other Australian jurisdictions and is more aligned with market value of land in its current state, making the valuation simpler and easier to understand for everyone. From now on when the State Valuation Service values non-rural land the value will include works which have been done to the land such as field clearing and drainage. What has not changed with the introduction of the new methodology is that a valuer will continue to disregard work that has been undertaken on the land such as buildings and fences. A statutory valuation is about the value of the land, not what is on it. Under the site value definition a valuer will also not take into account any excavation that has been undertaken and is required for the specific building on the land such as footings and foundations for buildings or underground car parks. Such excavation is undertaken for the specific building development and is considered to merge with the building, not the land, when the building construction is completed.~~

~~One of the most contentious parts of the existing act for property owners was the consideration of intangible elements in determining the value of the land. Both the site value and unimproved methodologies defined in the bill do not include intangible elements such as leases, agreements to lease, development approvals and infrastructure charges. These provisions have been removed from the definition and will not be considered by a valuer when determining the value of the land. To distinguish which land will be valued as unimproved and which land is valued as site value, the bill introduces provisions to determine which land is rural and which land is nonrural. Land that is zoned rural under a state endorsed planning scheme or equivalent local planning instrument will be determined to be rural and continue to be valued under the unimproved value methodology. It should be noted that rural land does not include land zoned as rural residential or equivalent. All other land will be~~