



Speech by

**Hon. R. WELFORD**

**MEMBER FOR EVERTON**

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Hansard 10 November 1998

**VALUATION OF LAND AND OTHER LEGISLATION AMENDMENT BILL**

**Hon. R. J. WELFORD** (Everton—ALP) (Minister for Environment and Heritage and Minister for Natural Resources) (3.12 p.m.): I move—

"That the Bill be now read a second time."

In introducing this Bill to the House, I would point out that the Bill makes amendments principally to the Valuation of Land Act 1944 and the Land Title Act 1994. The Schedule to the Act also makes minor amendments for a number of other Acts both within the Natural Resources portfolio and in some associated portfolios. As the amendments to the principal Acts cover five particular issues, I will briefly describe the background to these changes.

The Department of Natural Resources has been approached by wholesalers who wish to purchase certain bulk electronic valuation and historical sales data held on microfiche. When the department was preparing to negotiate contracts with these brokers, legal advice suggested that the power to enter into these types of arrangements, including fees under section 77 of the Valuation of Land Act, needed to be clarified. To ensure these contracts were not subject to the statutory fees under section 76 for the normal across-the-counter supply of data, I have brought forward these amendments to secure the flexibility for the department to supply the data to wholesalers in contracts tailored to meet their particular needs. This will result in a wider range and more accessible information products being available for the benefit of all the users.

Another amendment to section 25 of the Valuation of Land Act will reduce paperwork and red tape by removing the need for an owner of subdivided land to apply for a concession in the valuation for rates and land tax. It will also save my department from having to process these applications. In the future, the concessions will flow automatically from the valuation of each lot in the plan of subdivision that will be triggered by the registration of the new plans in the Land Registry. I am particularly pleased to introduce this amendment which resulted from fruitful consultation with the industry, in particular with the Urban Development Institute of Australia.

A technical amendment is included in the definition of "improvements" in the Act to ensure invisible improvements such as landfill on land owned by a Government owned corporation are allowed for in the unimproved valuation process on the same basis as that of other privately owned lands. This levels the playing field for the valuation of these lands and is of particular assistance to the various port authority owned lands.

The final main amendment to the Valuation of Land Act will benefit owners of land by removing the requirement to renew an objection to a valuation of land where it has already been objected to or appealed against in a previous valuation. The change will allow later valuations to be adjusted where the earlier determination has revealed an error of law or a mistake of fact.

The amendment to the Land Title Act 1994 will prevent instruments lodged for registration from being registered if the instruments are inconsistent with another Act or law. Many of the documents registered under the Land Title Act have their basis at law under other State and Federal Acts, for example, the Property Law Act 1974, the Trusts Act 1973 or the Corporations Law. The legislation will correct the present situation by placing the onus of ensuring that the documents comply with all other Acts and laws with the persons concerned with the documents. It will also limit the State's liability to

claims for damages where the Registrar of Titles is unable to register documents due to the requirements of other Acts and laws.

Other minor amendments in the Bill change the Valuation of Land Act 1944, the Land Title Act 1994 and a number of other Acts. The clauses correct references, replace an expiring Order in Council, make amendments consequential to the changes in this Bill, and make minor wording changes to update the statute book. I commend this Bill to the House.

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