



Speech by  
**Mr DENVER  
BEANLAND**

**MEMBER FOR INDOOROOPILLY**

---

Hansard 29 February 2000

**LAND COURT BILL**

**Mr BEANLAND** (Indooroopilly—LP) (4.13 p.m.): At the outset, Mr Deputy Speaker, may I congratulate you upon your appointment to the high office of Deputy Speaker of this House.

The Land Court is a very significant court for the people of this State. It has a major effect on the everyday lives of Queenslanders, no matter where they reside in this great State and no matter whether they own land or not. There are two reasons for this. The first issue concerns valuations. When valuations are carried out by the Department of Natural Resources through its State Valuation Service, the citizen has an avenue of appeal.

Valuations are important in three areas. First of all, valuations are used as the basis for land tax. Secondly, valuations are used by local government for the purpose of rating. Valuations are also used where minimum rates are fixed with regard to water and related matters. Valuations also have an effect on property sales.

Another important matter is the issue of compensation as a consequence of land acquisition. I think it is fair to say that this aspect affects a great number of citizens of this State. People are affected by the construction of roads and dams. Another area of concern is the provision of corridors for such things as gas pipelines.

There are two major reasons why this Bill is so important. The Land Court is a specialised court. It has been with us for decades. In spite of attempts to abolish it, we find that the Land Court is still with us. At one stage in the early 1990s there was talk of abolishing the Land Court and setting up in its place a development, environmental and land tribunal. That concept further developed into proposals for a land, planning and environment court. However, those proposals have not seen the light of day. We are keeping the specialised Land Court and the specialised Planning and Environment Court. There are considerable differences between the two courts. They make decisions in regard to completely different matters. I believe both courts work extremely well under the current arrangements.

Many citizens appear in person before the Land Court in regard to valuations. Sometimes they may need to be accompanied by a valuer, but the people are able to understand the proceedings of the Land Court. I believe that the procedures which are now being implemented will greatly simplify the situation. I refer in particular to the Uniform Court Procedure Rules. The simplification of procedures will instil greater confidence in people who find it necessary to appear in court, particularly in an era when people say, "The legal process is too complex. We have to resort to lawyers and experts. Why can't we represent ourselves?"

This is an area in which people can quite effectively represent themselves. There have been many instances when a citizen has been awarded judgment against the Valuer-General's Department in the Land Court. The public feel very close to these issues because valuations affect property sales. Some properties finish up with very low valuations. I will not take time at this stage to discuss the southern Moreton Bay islands, but a valuation of \$60,000 today can drop to \$500 or \$1,000 in six months' time. People look at the valuation notices and ask, "What gives? Are there other reasons? Why has the valuation changed?"

We all know that the valuation is supposed to be based on the unimproved value of the land. Relevant sales in the neighbourhood are taken into account. I have had a great deal to do with this issue over many years. I had dealings with these matters when I was formerly an alderman of the Brisbane City Council. So I think that this is a very important issue for the people of Queensland. I think that it is fair to say that local governments like to blame the Valuer-General for increased valuations, thereby getting themselves off the hook. There is no doubt that, at times, valuations go up very significantly. Nevertheless, local governments can assess that themselves and can reduce the rate in the dollar considerably so that, in the end, the increased valuation will have little effect. Although there are some hiccups in the system that are very hard to iron out, generally local government can level out those increases in valuations.

As I said, there is also the issue of compensation in relation to corridors which, as we all know, is a growing concern. People tend to feel badly done by. In some cases they are; in some cases they are not. However, in relation to large-scale acquisition by the Crown to build a dam, to construct roads or transport corridors, for corridors for natural resources generally or for some other State purpose such as the acquisition of land for the South Bank precinct—for whatever reason—some people feel aggrieved and wish to go before the Land Court. I must say that having experts in the Land Court, having the system of appeal to a Supreme Court judge and then, if necessary, the right of appeal to the Court of Appeal for technical legal reasons provides people with the ability to see that they are getting some justice out of the system.

Over recent years, preliminary conferences have been held in relation to dispute matters. In fact, I am going to assist a constituent with one in the near future prior to this legislation taking effect. However, this legislation takes the process further and includes case management and alternative dispute resolution, which are offered by the Supreme, District and Magistrates Courts. It is good to see that this legislation will enable those further steps to occur. We all know that, at the end of the day, it does not matter how strong people believe their cases to be, for all sorts of reasons when they go to court they can just as easily lose the case as win it. Therefore, I think it is important to offer people both case management and then alternative dispute resolution so that they can try to iron out matters which in many instances do not necessarily involve matters of great moment but are merely misconceptions. In that way, an agreement can be reached to the satisfaction of both parties. That procedure enables the courts to reduce their workload and their backlog. It is a far better situation than those people having to go to court, with the expense and uncertainty that that involves.

I notice on page 2 of the Explanatory Notes reference to uniform time limits of 42 days for the lodgment of appeals under the various Acts conferring jurisdiction. I think that is great. Whatever the time limit, when everything is all over the place and no-one is too sure, the situation becomes very difficult. I can assure the Minister that, even with that uniform time limit, some people will still end up getting it wrong. I know that the Minister has done the best he can. However, I ask the Minister: why has Treasury requested a 30-day limit to remain in regard to any appeals to the court from Acts that it administers? I notice in the consequential amendments at the back of the Explanatory Notes it states—

"First, a uniform time period (42 days) in which to lodge appeals is provided (except with Land Tax Act where the limit of 30 days is retained)."

Perhaps the Minister might give me the reasons for that in his reply.

I understand that the Land Tax Act is a very significant piece of legislation that comes within the ambit of the Land Court. It affects many members of the public. However, I think we ought to have tried to include that Act in the 42-day time limit. Perhaps there is good reason for exempting the Breakwater Island Casino Agreement Act 1984, the Central Queensland Coal Associates Agreement Act and the Queensland Nickel Agreement Act, but I do not think that the same can be said for the Land Tax Act. In that regard, I can see some confusion occurring. I do not see a very good reason for not bringing that Act in with the rest of the legislation. We all know that at times Treasury likes to be different, but I do not believe that there is justification for exempting the Land Tax Act.

The legislation is designed to modernise the laws that govern the powers, jurisdiction and the composition itself of the Land Court. As the Explanatory Notes set out, this legislation will provide a basis for the use of new rules and procedures to streamline the functions of the court. The former coalition Government undertook a major updating and modernising of the operations of the Supreme, District and Magistrates Courts rules, which came into effect on 1 July last year. In many instances, these new uniform civil procedure rules will be used as well as case management and alternative dispute resolution. There will have to be some amendments made to those procedures, and that was always envisaged. I must say that, when I thought about those procedures, I envisaged that they would apply eventually to the Land Court but that there would have to be some amendments. I see that that will be worked out between the president of the Land Court and the Chief Justice—which is reasonable—as other court rules go through that process.

It is good to see that we are bringing in uniform civil court rules and procedures into this area as they apply to the three main courts of this State—the Supreme, District and Magistrates Courts. I believe that great benefits flow from the changes to those rules. Of course, those benefits are not only the simplification, updating and modernisation of processes that will allow the public generally greater access to the courts but also the introduction of judicial registrars. I believe that that will free up the time of the members of the Land Court. Those members are paid salaries under the Judges Salaries and Allowances Tribunal. Their conditions also fall within the provisions of the Judges (Pensions and Long Leave) Act. So similar provisions apply to these judges and members of the Land Court, except for the superannuation provisions that apply to judges of the Supreme Court and District Court of Queensland. I have noticed that the same situation applies with respect to the dismissal procedures, which need a resolution of the Parliament. The one difference is that members here, as distinct from Supreme Court judges, are appointed for 15-year terms. I recollect that was the situation previously.

My comments highlight the independence of the Land Court. I believe it is terribly important to ensure that this court maintains its independence if it is to continue the great work which it has done in the past and if it is to continue to have the confidence of the general public. At the end of the day, it is terribly important that that occur. Once tribunals or courts lack the confidence of the general public, one finds that they tend to fall into disrepute, whatever one does to try to overcome that situation.

The member for Warrego, who did a lot of work when he was Minister to update and modernise this legislation, tried to overcome the then huge backlogs in the court. Certainly, with all the procedures that are now in place, there should not be any justification for any backlog. Perhaps the Minister can give the House an indication of the current situation. I understand that there are virtually no delays at the moment, but I would like to hear from the Minister in relation to that. My information might be wrong and I stand to be corrected if that is not the case.

There is certainly a need to have speedy access to the court. As I am sure the Minister and you are aware, Mr Deputy Speaker, one of the worst things one has to face is a constituent who is very angry or unhappy over his or her valuation or a compensation matter and who wants to get to the Land Court to have the case heard but cannot do so because of delays. Constituents can become very concerned. I look forward to a response from the Minister in relation to those matters that I have raised.

As I said at the outset, I believe this legislation will be of significant assistance in streamlining and modernising this whole process. It is in the interests of the people of Queensland, whether or not they happen to be landowners and irrespective of what direction they are coming from. At the end of the day, this legislation will streamline and improve those processes as far as the public is concerned.

---