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No. 16.  
THE  
VALUATION OF  
LAND ACTS  
AMENDMENT  
ACT OF 1958.

## An Act to Amend "The Valuation of Land Acts, 1944 to 1953," in certain particulars.

[ASSENTED TO 28TH APRIL, 1958.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

- Short title.        1. (1.) This Act may be cited as "*The Valuation of Land Acts Amendment Act of 1958.*"
- Principal Act.        (2.) \*"*The Valuation of Land Acts, 1944 to 1953,*" are in this Act referred to as the Principal Act.
- Collective title.        (3.) The Principal Act and this Act may be collectively cited as "*The Valuation of Land Acts, 1944 to 1958.*"
- Amendment of s. 3 (4).        2. Subsection four of section three of the Principal Act is amended by adding to the fourth subparagraph of paragraph (d) of that subsection (being the subparagraph commencing with the words "Subsection two of section twenty-four") the words "save that paragraph (i.) of the said subsection two shall be deemed so to have continued and to continue in force with the omission therefrom of the words "in the year of the making of a fresh valuation or of any alteration or amendment of the valuation of any parcel of land, as the case may be,"".
- Amendment of s. 5 (1).        3. Subsection one of section five of the Principal Act is amended by repealing therein the definition "Owner" and inserting, in lieu of that repealed definition, the following definition:—
- Owner.        " "Owner"—The person other than Her Majesty who for the time being is entitled to receive the rent of any land, or who, if the same were let to a tenant at a rack-rent, would be entitled to receive the rent thereof: The term includes any lessee from the Crown, and any superintendent, overseer or manager for such lessee residing on the holding, and in the case of a gold field or mineral

\* 8 G. 6 No. 3 and amending Acts.

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field also includes the holder of a mining lease or miner's homestead lease and the lawful occupier of a business area or residence area under the laws for the time being in force relating to mining and, as respects any land leased to any person or corporation by the Commissioner for Railways or by a Local Authority, such lessee ;”.

4. Section eleven of the Principal Act is amended—Amendments of s. 11.

(a) By repealing in the last subparagraph of paragraph (i.) of subsection two thereof the word “earlier” and inserting, in lieu of that repealed word, the words “not later” ;

(b) By repealing, in the first subparagraph of paragraph (ii.) of subsection two thereof, the words “first valuation” and inserting, in lieu of those repealed words, the words “any valuation” ;

(c) By repealing, in the second subparagraph of paragraph (ii.) of subsection two thereof, the words “first valuation” and inserting, in lieu of those repealed words, the words “valuation in question” ;

(d) By adding to subsection two thereof the following paragraph :—

“ (iii.) The Valuer-General shall fix the date on and after which any valuation or alteration of any valuation of any land made by him under this Act, save—

(a) A valuation of all lands in an Area ; or

(b) A valuation or an alteration of a valuation the date of the coming into force whereof is fixed, or to be fixed, otherwise by or pursuant to this Act,

shall, subject to objection or appeal under this Act, be the valuation of that land and the notice of valuation shall specify that date.” ;

(e) By repealing the words “valuation in any Area” where those words appear in subsection three thereof, and inserting, in lieu of those repealed words, the words “first valuation made by the Valuer-General of all lands in any Area”.

Amendment  
of s. 12.

**5.** Section twelve of the Principal Act is amended by repealing in subsection one thereof the words “ For the purposes of making the valuation ” and inserting, in lieu of those repealed words, the words “ For the purposes of this Act ”.

Amendments  
of s. 13.

**6.** Section thirteen of the Principal Act is amended—

(a) By repealing subsection one thereof and inserting, in lieu of that repealed subsection, the following subsection :—

“(1.) Subject to this subsection, valuations of all lands in an Area may be made under, subject to and in accordance with this Act at periodic intervals.

The period intervening between one and the next succeeding valuation of all lands in an Area shall be not less than five years nor more than eight years calculated by reference to the dates respectively proclaimed under paragraph (ii.) of subsection two of section eleven of this Act in relation thereto.

Every valuation of all lands in an Area shall be in force during the period on and from the date proclaimed under the said paragraph (ii.) in relation thereto and thereafter to and including the day preceding the date proclaimed under the said paragraph (ii.) in relation to the next succeeding valuation of all lands in the Area in question, and no longer.” ;

(b) By repealing in the first paragraph of subsection two thereof the words “ during the period of five years aforesaid ” and inserting, in lieu of those repealed words, the words “ during the period during which any valuation of all lands in the Area in question is in force ” ;

(c) By adding to the first paragraph of subsection two thereof the following subparagraph :—

“ or (h) Unless the valuation is affected by error or omission which the Valuer-General considers it necessary to correct.” ;

(d) By adding to subsection two thereof the following paragraph :—

“ Every alteration of the valuation of any land made pursuant to this subsection shall be deemed to be a valuation and the provisions of this Act respecting notice of valuation, objection and appeal shall apply and extend accordingly.” ;

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(e) By repealing in subsection three thereof the words "within the period of five years aforesaid" and inserting, in lieu of those repealed words, the words "during the period during which any valuation of all lands in the Area in question is in force";

(f) By repealing subsection five thereof and inserting in lieu of that repealed subsection, the following subsection:—

"(5.) In addition to his powers under subsection four of this section, the Valuer-General may, at any time during the period during which any valuation of all the lands in an Area is in force, make a valuation of all the lands which he is authorised by this Act to value in any other Area or part of any other Area (being in either such case another Area in respect of which the Valuer-General has not theretofore made under this Act a valuation of all lands therein) which during that period is joined to or included in the Area first mentioned in this subsection, and for the purpose of making such valuation the Valuer-General may alter to the extent deemed fit by him the subsisting valuation of all or any of those lands, and nothing in this section or in any other provision of this Act shall prevent or be deemed to prevent him from so doing.

Any and every valuation of land made pursuant to this subsection shall, subject to objection or appeal under this Act, be deemed to be in force on and from the date of the joinder or inclusion as aforesaid of the Area or part of an Area wherein the same is situate and, subject to subsection two of this section, shall continue in force until the expiration of the period hereinbefore mentioned in this subsection." ; and

(g) By adding thereto the following subsections:—

"(6.) Paragraph (d) of subsection two of this section applies subject to this subsection.

An alteration in the valuation of any land shall not be made pursuant to the said paragraph (d) save upon application in that behalf made by the owner in writing within six months after the occurrence of the alleged permanent damage.

(7.) Any and every valuation, or alteration of the valuation, of any land made, or purporting to be made, under this Act by the Valuer-General shall be deemed

to be correct until proved otherwise upon objection or appeal or until altered or further altered pursuant to a provision of this section."

Amendment  
of s. 15 (2).

7. Subsection two of section fifteen of the Principal Act is amended by inserting, before the words " subsection one " in subsection two thereof, the words " paragraph (c) of ".

Amendments  
of s. 17.

8. Section seventeen of the Principal Act is amended—

(a) By repealing the second paragraph (being the paragraph commencing with the words " For the purpose of completing ") thereof and inserting, in lieu of that repealed paragraph, the following paragraph :—

" For the purpose of completing, in respect of any valuation under this Act of all lands in an Area, the valuation roll for the Area as soon as reasonably may be the Valuer-General may cause so much of that roll as relates to valuations of lands in any portion of or locality in the Area to be prepared at any time after the Governor in Council has, pursuant to paragraph (ii.) of subsection two of section eleven of this Act, fixed in respect of those lands the date mentioned in the said paragraph (ii.)." ;

(b) By renumbering that section subsection one ; and

(c) By adding to that section the following subsection :—

" (2.) Every—

(a) Valuation roll ; and

(b) Copy of a valuation roll, or part or portion thereof, furnished by the Valuer-General,

shall for all purposes and in all proceedings be evidence of every valuation recorded therein, and of the particulars prescribed by this section to be set forth therein, and so set forth, in respect of every such valuation, and unless and until the contrary is proved every valuation recorded therein shall be presumed to have been duly made under, subject to and in accordance with this Act, and to have force according to the particulars thereof therein."

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**9.** Section eighteen of the Principal Act is amended— Amendments of s. 18.

(a) By repealing therein the figures and brackets “(1.)”; and

(b) By repealing subsection two thereof.

**10.** Section nineteen of the Principal Act is amended Amendment of s. 19. by repealing, in the second paragraph thereof, the words “in the case of a first valuation under this Act” and inserting, in lieu of those repealed words, the words “in the case of a valuation of all lands in the Area”.

**11.** Subsection one of section twenty of the Principal Act is amended— Amendments of s. 20 (1).

(a) By inserting after the word “Valuer-General” where that word secondly appears in that subsection, the words “or District Valuer for the District wherein the subject land is situate”; and

(b) By adding to that subsection the words “and the amount which, in his opinion, should be the valuation of the subject land”.

**12.** Section twenty-one of the Principal Act is amended— Amendments of s. 21.

(a) By repealing the first paragraph of subsection one thereof and inserting, in lieu of that repealed paragraph, the following paragraph:—

“Subject to this section an owner who has duly objected to the Valuer-General against a valuation made by the Valuer-General may, if dissatisfied with the decision of the Valuer-General upon the objection, appeal—

(a) To a Valuation Court constituted by a Stipendiary Magistrate or acting Stipendiary Magistrate sitting alone; or

(b) If the valuation as determined by the Valuer-General pursuant to his decision upon the objection is ten thousand pounds or more, and if the owner has not instituted as prescribed an appeal under this section to a Valuation Court, to a Judge of the Supreme Court sitting in Court.”;

(b) By adding to the last paragraph of subsection one thereof the words “and the burden of proving any and every ground alleged in the objection, shall be upon the owner”;

(c) By repealing subsection three thereof and inserting, in lieu of that repealed subsection, the following subsection:—

“(3.) Upon an appeal under this subsection to a Judge of the Supreme Court he may—

(a) Affirm the valuation appealed against; or

(b) Reduce or increase the amount of that valuation to the extent necessary in his opinion to determine the same correctly under, subject to, and in accordance with this Act,

and, subject to section twenty-two of this Act, make such order as he deems fit with respect to the payment of costs.

The decision of the Judge shall be subject to appeal to the Full Court of the Supreme Court on the ground of error or mistake in law but not on the ground of error or mistake in fact.

If the Full Court upholds the appeal it shall refer the matter back to the Judge for rehearing according to law.”;

(d) By repealing paragraph (vi.) of subsection four thereof and inserting, in lieu of that repealed paragraph, the following paragraph:—

“(vi.) A Valuation Court may—

(a) Affirm any valuation appealed against to that Court; or

(b) Reduce or increase the amount of such valuation to the extent necessary in its opinion to determine the same correctly under, subject to, and in accordance with this Act,

and, subject to section twenty-two of this Act, make such order as the Court deems fit with respect to the payment of costs.”; and

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(e) By repealing paragraph (iii.) of subsection five thereof and inserting, in lieu of that repealed paragraph, the following paragraph :—

“(iii.) Every such Order to Review shall be made returnable before a Judge sitting in Court who shall hear and determine the same in all respects as if it were an appeal under this section to a Judge of the Supreme Court in the first instance :

Provided that unless the Judge orders or the parties agree that the appeal be by way of rehearing, it shall be heard and determined by the Judge upon the evidence and proceedings before the Valuation Court.”

**13.** Subsection two of Section thirty-one of the Principal Act is amended by inserting, after the words “ plan of subdivision ” therein, the words and brackets “ and (where the same is required by the Local Authority) a contour plan ”. Amendment of s. 31 (2).

**14.** Section forty-six of the Principal Act is amended by adding thereto the following subsections :— Amendment of s. 46.

“(5.) Any map or plan purporting to be made or issued by, for, or on behalf of any Department of the Government or any officer thereof or any Local Authority or any officer of a Local Authority, and any copy of any such map or plan certified by the Valuer-General or any officer authorised by him to be a true copy thereof, shall be and is hereby declared always was admissible in evidence in proceedings for the hearing and determination of any appeal against any valuation made under this Act and shall, until the contrary is proved, be evidence of the matters stated or delineated on such map, plan, or copy thereof. Any information in writing furnished to the Valuer-General by any owner or his agent and duly signed by the said owner or agent shall be admissible in evidence in proceedings for the hearing and determination of any such appeal and, until the contrary is proved, be evidence of the facts stated in such documents.

(6.) Subsections one and five of this section shall apply subject to this subsection.

A statement in any return, notice or advice mentioned in subsection one of this section, or copy thereof certified by the Valuer-General to be a true copy thereof, or in any document mentioned in subsection five of this section, that any amount is the unimproved value of any land, or the value of the improvements or

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any of the improvements on any land, or the value of any other thing shall be deemed to be a statement of opinion only and shall not be evidence of the value in question."

Pending  
appeals.

15. The provisions relating to appeals against valuations of the Principal Act in force immediately prior to the date of the passing of this Act shall be deemed to continue in force as if this Act had never been passed in respect of any and every appeal against a valuation made by the Valuer-General instituted before but not finally determined as at the date of the passing of this Act.

## LANDLORD AND TENANT.

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No. 35.  
THE  
LANDLORD  
AND TENANT  
ACTS  
AMENDMENT  
ACT OF 1957.

### An Act to Amend "The Landlord and Tenant Acts, 1948 to 1954," in certain particulars.

[ASSENTED TO 17TH DECEMBER, 1957.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. (1.) This Act may be cited as "*The Landlord and Tenant Acts Amendment Act of 1957.*"

Principal Act.

(2.) \*"*The Landlord and Tenant Acts, 1948 to 1954,*" are in this Act referred to as the Principal Act.

Collective title.

(3.) The Principal Act and this Act may be collectively cited as "*The Landlord and Tenant Acts, 1948 to 1957.*"

New s. 4A inserted.

2. The following section is inserted after section four of the Principal Act:—

Certain premises excluded from operation of the Act.

"[4A.] (1.) The provisions of this Act other than this section shall not apply—

(a) To any premises leased for the first time after the first day of December, one thousand nine hundred and fifty-seven; or

(b) To any premises leased after the first day of December, one thousand nine hundred and fifty-seven, and which were not leased at any time during the period of three years ending on that date.

\* 12 G. 6 No. 31 and amending Acts.