



Friday 12 February 2010

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QLD INTRODUCES BILL TO OVERTURN PAC FAIR COURT RULING

The Queensland Government has refused to accept a decision by the highest Court in Queensland. Yesterday the Minister for Natural Resources, the [Hon Stephen Robertson MP](#), introduced the [Valuation of Land and Other Legislation Bill 2010](#), which retrospectively overturns the decision handed down in December 2009 by the Queensland Court of Appeal in what is known as the [Pacific Fair Case](#) (*Shop Talk 29/01/10*). The Court of Appeal's decision confirmed what the law in relation to the valuation of land has always been in Queensland. It is dishonest for the Government to claim that the Court of Appeal had got it wrong and that the Court had ignored decades of valuation practice in Queensland. If the Government believed that the Court was incorrect, it could have appealed the decision in the High Court. The fact that the Government did not appeal the decision demonstrates that its own legal advisers believe the Court of Appeal was correct in its interpretation of the law.

This Bill, if passed, will massively increase the cost of doing business in Queensland. It will increase costs for all businesses, not just for shopping centres or commercial offices. No longer can Queensland claim to be a low land tax State. The Government is gathering additional land tax revenue (and councils will gain additional rate revenue) by stealth by massively and artificially boosting the value of the land on which all successful businesses are located. The decision to make the legislation retrospective is unfair and unjust and contrary to all principles of good government. All businesses now face the prospect of laws being changed retrospectively if the Queensland Government does not like the decisions handed down by the Courts.

Mr Robertson has justified the retrospective legislation by suggesting that, without government action, local governments would have to refund rates of over \$600 million to businesses in Queensland and the Queensland Government would have to hand back hundreds of millions in land tax. This ignores the fact that, according to the highest legal authority in Queensland, this money was collected illegally. It is an action completely without principle for the Queensland Government to now retrospectively legislate to ensure that money raised illegally is now to be confiscated.

FURTHER ACCC UNDERTAKINGS ON RESTRICTIVE COVENANTS

Earlier this week, ACCC Chairman, Graeme Samuel, [announced](#) further undertakings from supermarket operators to phase out restrictive provisions in supermarket leases. The new undertakings with ALDI, Franklins, SPAR Australia, Australian United Retailers (trading as Foodworks) and Metcash, reflect the existing undertakings made by Coles and Woolworths, announced by the Minister for Competition and Consumer Affairs, Craig Emerson MP, and the ACCC, on 18 September last year ([Shop Talk, 25/09/09](#)). Minister Emerson and Mr Samuel signalled their intentions to seek these additional undertakings as part of last year's announcement.

TRADING HOURS RESTRICTIONS OVER EASTER AND ANZAC DAY

We have prepared, for the benefit of the industry, a summary of public holiday trading restrictions around Australia over the Easter and Anzac Day weekends. For technical reasons this can't be posted on our website until early next week but if anyone needs this urgently please email scca@scca.org.au and we will send a copy direct. Please note that the trading restrictions in Queensland are particularly complex because of the large number of trading hours zones in the State.