



Friday 5 March 2010

[Archive](#)

NEGOTIATIONS CONTINUE ON QUEENSLAND VALUATION BILL

Negotiations continue with the Queensland Government to seek amendments to its *Valuation of Land Amendment Bill 2010*, which was deferred in Parliament last week to enable industry consultation ([Shop Talk 26/02/10](#)). A key issue with the Bill remains the amended definition of unimproved value, which seeks to incorporate entrepreneurial efforts (such as goodwill, business contracts, leases etc) in the underlying value of the land.

Eight industry associations, including the National Retail Association, the Motor Trades Association and the Queensland Hotels Association, have today taken out a full-page advertisement in the *Courier Mail* newspaper, to debunk the Government's most persistent claims made in relation to the Bill. In relation to the claim that the Bill only affects the 'big end of town', the advertisement points out that this Bill will be applied equally to smaller 'mum and dad' investors, including people with small businesses, investment properties and farms. The Government has also claimed that the Bill reinstates valuation law that has been in place for 70 years. This is not the case, and legal and valuation experts agree that the Bill proposes a radical change to the valuation system (namely, the new definition of unimproved value). In response to the claim that the proposed objection and appeal process is fair and modern, the advertisement sites the Queensland Law Society's view that the Bill contains: "disturbing clauses which infringe on the rights and liberties of individuals". The Government has also claimed that commercial property owners will receive a massive discount on rates and land tax. The advertisement points out that there are no discounts available to commercial property owner in the current legislation and that it has been demonstrated to the Government (with detailed modelling) that the taxable value of land will increase under the Bill, if it is passed. Updated information on the campaign continues to be available at www.fightthelandtaxgrab.com.au.

UNJUSTIFIED CLAIMS NSW ADT DISADVANTAGES TENANTS

Associate Professor Frank Zumbo has claimed that retail tenancy disputes heard by the NSW Administrative Decisions Tribunal take too long and work to the disadvantage of tenants. He argues that a retail ombudsman should be appointed instead (*Financial Review 23/2/10 p.50*). But the dispute he uses as an example – one with which he is very familiar – does not support his claim. The major delays were caused by the tenant, not by the landlord or the ADT. It was the tenant who applied to vacate agreed hearing dates after she changed lawyers (something she did several times, including twice during the hearings). It was the tenant who then took nearly a year to finish filing evidence of her claims and then filed several amended pleadings, thus changing the way the case was run. And it was the tenant who, after 15 hearing days and the formal closure of both parties' cases, abandoned substantial components of her claims against the landlord, which were clearly without substance. Associate Professor Zumbo's other claim – that: "people struggle to get to the ADT" is also nonsense. More than 80% of retail tenancy disputes are successfully mediated without need for arbitration. The small number that go forward to the ADT are generally determined quickly.

SOUTH AUSTRALIAN TRADING HOURS OVER ANZAC WEEKEND

Clarification of trading hours in Adelaide over the Anzac weekend has been caught up in the South Australian election campaign. At this stage trading hours for non-exempt shops on Anzac Day itself (Sunday 25 April) are still those for a normal Sunday (11am-5pm) and trading is not permitted on the additional public holiday (Monday 26 April.) However, it is possible that after the election (20 March) the government, of whichever party, will gazette trading hours on Sunday 25 April as 12 noon – 5pm.