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COMPROMISE AGREED ON Q'LAND LAND VALUATION DISPUTE

On Monday 8 March the Queensland Premier, The Hon Anna Bligh MP, negotiated a compromise to end the dispute over the [Valuation of Land and Other Legislation Bill 2010](#) ([Shop Talk 12/2](#), [19/2](#), [26/2](#) & [5/3/10](#)). Political compromises are never elegant or wholly satisfactory but this resolves most concerns over the Bill. First, the contentious new valuation methodology is confined to only one round of valuations – for the 2010 valuations – and, in reality, will have little impact since the vast bulk of valuations were done by the traditional methodology and finalised well in advance of the Bill being introduced. Second, the Premier has given an undertaking that the move to a system of site valuations next year (similar to NSW and Victoria) will “exclude the valuation of the business, rather than the land, in its approach to goodwill, leases and other items which are derived from business effort.” Third, the amendments to the *Valuation of Land Act* have a ‘sunset clause’ and will automatically lapse in June 2011 after the move to site valuations in 2011. The amended Bill was [passed](#) the following day.

While the Premier’s intervention was welcome it is important to stress that this Bill (and this dispute) was unnecessary. The notion that there was \$900 million in rates and land tax at risk if the Bill was not passed - which ‘spooked’ the Government into approving the Bill - was a fiction. It was prompted by people whose real motivation was to radically change the land valuation methodology in Queensland by misrepresenting the effects of the decision of the Court of Appeal in the Pacific Fair case ([Shop Talk 29/1/10](#) & [12/2/10](#)). While we don’t believe any revenue was ever at risk as result of the Pacific Fair decision, we provided the Government with an alternative means of ensuring this was the case, thereby removing any need for retrospectivity. In the light of the so-called justification for this Bill, the Government’s associated decision to reinstate the position of Valuer-General, and to reform the State Valuation Service, is welcome.

FEDERAL GOVT RELEASES UNCONSCIONABLE CONDUCT REPORT

The Federal Government has announced it will introduce changes to the unconscionable conduct provisions of the *Trade Practices Act* following the release of the [report](#) of the expert panel established in November 2009 ([Shop Talk 4/12/09](#) & [5/2/10](#)). The expert panel rejected the inclusion in the Act of a list of examples of unconscionable conduct but did recommend that four principles be added to the Act to aid understanding and assist enforcement. The Minister for Competition Policy, Dr Craig Emerson MP, has announced the Government will adopt this recommendation. The four principles, in summary, are: that courts can examine both the terms of a contract and behaviour during the life of a contract; that courts can look at systemic conduct or patterns of behaviour; there is no need to establish a special disadvantage between the parties; and that it be made clear that unconscionable conduct under the *Trade Practices Act* can be interpreted more broadly than under existing case law. Dr Emerson has said these will be reviewed after three to five years of operation.

SUNDAY TRADING TO BEGIN IN TOOWOOMBA ON 16 MAY 2010

Sunday trading begins in Toowoomba on 16 May 2010 after the Queensland Industrial Relations Commission [approved](#) an application by the National Retail Association (NRA), on behalf of the Shopping Centre Council of Australia, Coles and Woolworths. This will benefit shopping centres owned by SCCA members: Grand Central and Garden Town (QIC), Clifford Gardens (CFS Retail Property Trust) and Toowoomba Kmart Plaza (ISPT.) The QIRC has also approved trading on most public holidays. The decision follows the QIRC’s approval of Sunday trading for Rockhampton ([Shop Talk 5/2/10](#)).