

# LANDS LEGISLATION AMENDMENT BILL 1992

## EXPLANATORY NOTES

The objectives of the Bill are:

1. To abolish the statutory offices of the Land Administration Commission, Surveyor-General and Valuer-General, assigning all relevant authorities and powers of these statutory offices, including the power to delegate, to the chief executive of the department administered by the Minister administering the *Land Act 1962*, *Surveyors Act 1977* and the *Valuation of Land Act 1944* respectively (the exception to this is where the authorities and powers relate to the professional registration board of surveyors). The Bill will also make the necessary consequential amendments.

2. To streamline the operations of land related registrations and recordings by establishing a “land registry”. The land registry will comprise registers currently maintained by the Registrar of Titles (for example, the real property registers and the Crown leasehold registers), and other prescribed registers and compilations of land-related material. The land registry will be established and maintained by the chief executive of the department administered by the Minister administering the *Real Property Act 1861*. The land registry will eliminate the need for either specifically legislated local registries (Townsville and Rockhampton) or Deputy Registrars. Thus the land registry will be a framework for grouping and referring to land related registers and recordings.

3. To make changes to that section of the *Land Act 1962* dealing with permits to destroy trees in a way which will provide for appropriate control and management of the clearing of trees on Crown leases, licenses, reserves and deeds of grant in trust, while also providing for general exemptions to the need for a permit for routine rural operations.

4. To implement reviewed penalties for offences in various Lands legislation; converting to penalty units which reflect current community values.

5. To provide for more efficient administration for various procedures under the *Land Act 1962* including miscellaneous issues flowing from the *Lands Legislation Amendment Act 1991*, by implementing a number of amendments to the *Land Act 1962*, the *Miners' Homestead Leases Act 1913*, the *Mining Titles Freeholding Act 1980*, and the *Forestry Act 1959*.

Details of specific clause notes are as follows:—

## **CHAPTER 1—PRELIMINARY**

*Clause 1* Short Title.

*Clause 2* Commencement; on a day or days to be proclaimed, except for the list of repealed Acts (Schedule 2) which commences on Assent of the Bill.

*Clause 3* Amended Acts; each Act in Schedule 1 is amended as set out in Schedule 1.

*Clause 4* Schedule 2 contains a list of Acts to be repealed.

*Clause 5* Consequential repeals can be found in Schedule 3.

## **CHAPTER 2—STATUTORY OFFICES**

### **PART 1—AMENDMENT OF BRIGALOW AND OTHER LANDS DEVELOPMENT ACT 1962**

*Clause 6* This clause allows for amendments to the *Brigalow and Other Lands Development Act 1962* consequent upon the abolition of the Land Administration Commission.

*Clause 7* The Land Administration Commission is constituted as a corporation under this Act for the purposes of administering the Fitzroy Brigalow Land Development Trust Fund and Agreement. The fund and agreement are still operational, therefore it is necessary to replace the

Corporation of the Land Administration Commission with an appropriate body. This replacement body is to be called the Brigalow Corporation.

This clause omits section 4 of the Act (relating to the Corporation), replacing it with provisions which outline the new Corporation. The clause also omits section 5 of the Act (relating to the acquisition of land under the Act) as it is no longer required because no more land is being acquired under the Brigalow scheme.

The clause allows for the Brigalow Corporation to be a body corporate, established as a corporation sole, and for the chief executive to constitute the Corporation.

This clause also allows for references in any Acts or documents to the Corporation of the Land Administration Commission, to be taken as a reference to the Brigalow Corporation, also providing for the Corporation to have the functions and the powers conferred on it by the Act, in addition allowing for the delegation of the chief executive's powers.

## **PART 2—AMENDMENT OF LAND ACT 1962**

*Clause 8* This clause allows for amendments to the *Land Act 1962* consequent upon the abolition of the Land Administration Commission.

*Clause 9* The Land Administration Commission is responsible to the Minister for the administration of the *Land Act 1962*. The *Land Act 1962* establishes the Land Administration Commission and outlines its membership and responsibilities. This clause omits those provisions, and provides for the new administrative arrangements.

The new administrative arrangements set out in this clause are that the Act is administered by the Minister, and subject to the Minister, by the chief executive. The clause also allows for delegation of the Minister's and the chief executive's powers to officers of the department.

This clause also allows for a reference in any Act or document to the Land Administration Commission, the Chief Commissioner of Lands, or the Secretary of the Land Administration Commission to be taken to be a reference to the chief executive.

## PART 3—AMENDMENT OF REAL PROPERTY ACT 1861

*Clause 10* This clause allows for amendments to the *Real Property Act 1861* consequent upon the fulfilment of Objective 2, stated at the beginning of these Explanatory Notes.

*Clause 11* This clause:

— omits provisions no longer required or necessary. These include provisions relating to the appointment and functions of the Registrar-General (when used in a real property sense. This office of Registrar-General was changed to Registrar of Titles by the *Registrar of Titles Act* in 1884 but not all occurrences of the title were amended). The clause also allows for a reference to the Registrar-General (when used in the real property sense) to be a reference to the Registrar of Titles (previously covered in the *Registrar of Titles Act 1884*).

— establishes the Registrar of Titles. The Registrar of Titles is currently established in the *Registrar of Titles Act 1884*, which will be repealed by this Bill. The Registrar of Titles is to have a seal of office (as before) and is to be appointed and hold office under the *Public Service Management and Employment Act 1988*. The clause also allows for the Registrar of Titles to delegate the Registrar’s powers and duties, and for the Registrar to be subject to the chief executive.

— establishes a land registry. The land registry is to comprise of current registers maintained by the Registrar of Titles under an Act, prescribed registers relating to interests in land, and other land-related prescribed compilations. It also provides for the locations of offices at which documents may be lodged and for the documents that may be or may not be lodged at those offices, to be specified in Regulation. The land registry is to be established and maintained by the chief executive.

— provides for a reference in any Act or document to the “office of the Registrar of Titles” (that is, the office or bureau as distinct from the statutory office or appointment) to be a reference to the land registry.

— provides the chief executive with the power to delegate the chief executive's powers under the Act.

## **PART 4—AMENDMENT OF SURVEYORS ACT 1977**

*Clause 12* This clause allows for amendments to the *Surveyors Act 1977* consequent upon the abolition of the office of Surveyor-General.

*Clause 13* This clause restructures the Surveyors Board as a consequence of the abolition of the Surveyor-General.

Whereas at present the Board consists of nine members: being the Surveyor-General, two nominees of the Surveyor-General, and six other nominees, this clause allows for eight members: being two nominees of the chief executive, and the six other nominees as before.

In addition, whereas at present the Surveyor-General's nominees both had to be surveyors; the clause allows for one of the chief executive's nominees to be a non-surveyor. This introduces the ability to have a non-surveyor member of the Board.

*Clause 14* This clause allows for the appointment of members of the board by the Governor in Council. An officer of the public service may be a member of the board.

*Clause 15* This clause allows for the Governor in Council to appoint a member of the board who is a licensed surveyor, to be President of the board. It also allows for resignation of, and reappointment to, the President's position.

## **PART 5—AMENDMENT OF VALUATION OF LAND ACT 1944**

*Clause 16* This clause allows for amendments to the *Valuation of Land Act 1944* consequent upon the abolition of the office of Valuer-General.

*Clause 17* This clause omits provisions in the Act for: the appointment of the Valuer-General and Deputy Valuers-General; the administration of the Act by the Valuer-General (subject to the Minister); and the appointment of valuers required in the administration of the Act.

The appointment under the Act of valuers is not necessary. The staff necessary for the administration of the Act are appointed through the normal public service appointments to the department, or employed through contracts as appropriate.

This clause also allows for a reference in any Act or document to the Valuer-General, to be a reference to the chief executive.

## **CHAPTER 3—TREE CLEARING—AMENDMENT OF LAND ACT 1962**

*Clause 18* This clause allows for amendments to the *Land Act 1962* consequent upon the fulfilment of Objective 3, stated at the beginning of these Explanatory Notes.

*Clause 19* This clause provides for an overhaul of section 250 of the Act, regarding tree clearing. The clause:

- changes the name to tree clearing permit;
- defines critical area, lease, lessee (defining those who are subject to the requirement to obtain a permit), tree clearing permit and tree management plan;
- includes the requirement for trustees of land granted in trust or reserves to apply for a permit. Trustees of Aboriginal and Torres Strait Islander deeds of grant in trust are exempt from the need to obtain a permit;
- provides for penalties for clearing without a permit or for a breach of permit conditions;
- enables the chief executive to require a tree management plan or a map clearly delineating the area to be cleared, to accompany an application;
- provides for a maximum term of 5 years for a permit;

- provides for the extension of the term of a permit if it is less than 5 years up to a maximum of 5 years;
- provides for the various conditions to which a tree clearing permit may be subject;
- provides for the conditions upon which a permit may be transferred with a lease;
- allows for the cancellation of a permit;
- allows for the exemption of the requirement for a permit for clearing that is for prescribed routine rural management purposes. The exemptions for prescribed routine management purposes will not allow trees cleared to be removed from the lease, the destruction of prescribed species or the clearing of trees in prescribed critical areas;
- allows for the exemption of prescribed trustees of land granted in trust and reserves, from the necessity to obtain a permit and consequently the exemption from the liability for an offence of clearing trees without a permit.

## **CHAPTER 4—MISCELLANEOUS**

### **PART 1—AMENDMENT OF FORESTRY ACT 1959**

*Clause 20* This clause allows for amendments to the *Forestry Act 1959* consequent upon the fulfilment of Objective 5, stated at the beginning of these Explanatory Notes.

*Clause 21* This clause omits definitions no longer required or necessary (*Acts Interpretation Act 1954*). It includes a definition of chief executive (lands) as the chief executive within the meaning of the *Land Act 1962*, and provides for new definitions of a Crown holding and freeholding lease, to be consistent with provisions in the *Land Act 1962*.

### **PART 2—AMENDMENT OF LAND ACT 1962**

*Clause 22* This clause allows for amendments to the *Land Act 1962* consequent upon the fulfilment of Objective 5 stated at the beginning of these Explanatory Notes.

*Clause 23* This clause provides for all sales of an estate in fee simple or leases containing a freeholding purchase arrangement to be subject to the payment of the prescribed deed fees and assurance fees under the *Real Property Act 1861* as part of the purchase arrangements, thus ensuring that they will proceed to a deed of grant.

*Clause 24* This clause provides for a lessee of an auction perpetual lease used exclusively for residential purposes, to apply for a reduction in the annual instalments on the grounds of hardship. It also provides for the prescribed guidelines and machinery for an application.

If a reduction is amended or cancelled, the remaining instalments are to be adjusted to ensure the purchase price is paid in full. A reduction does not reduce the purchase price.

The clause also renumbers an existing section as a consequence of the amendments.

*Clause 25* This clause provides for the lessee of an auction perpetual lease (converted) used exclusively for residential purposes, to apply for a reduction in the annual instalment on the grounds of hardship. It also provides for the prescribed guidelines and machinery for an application.

If a reduction is amended or cancelled, the remaining instalments are to be adjusted to ensure the purchase price is paid in full. A reduction does not reduce the purchase price.

*Clause 26* This clause provides for a special lease to be reassessed for rent at the periods set out in the original offer of that lease despite the possibility of the actual lease document being silent on reassessment of rent or rental periods.

*Clause 27* This clause relating to remissions of rent is now removed as it is redundant. Remissions have been modified to include residential leases outside towns and cities and are now incorporated into the various sections dealing with remissions of rent for residential leases.



*Clause 28* This clause provides for the lessee of a special lease used exclusively for residential purposes to apply for a reduction in the annual rent on the grounds of hardship. It also provides for the prescribed guidelines and machinery for an application.

If a reduction is granted, the reduced rent may be payable from the day of the effect or the beginning of the annual rental period.

A reduction may be amended or cancelled in changed circumstances.

*Clause 29* Under this clause, when the lessee of a non-competitive lease is a charitable organisation, sporting or recreational organisation or the like, the Minister may set a concessional rent. This is already the case for Special Leases.

This clause also provides for a lessee of a non-competitive lease used exclusively for residential purposes to apply for a reduction in the annual rent on the grounds of hardship. It provides for the prescribed guidelines and machinery for an application.

If a reduction is granted, the reduced rent may be payable from the day of the effect or the beginning of the annual rental period.

A reduction may be amended or cancelled in changed circumstances.

## **SCHEDULE 1**

### **CONSEQUENTIAL AND MINOR AMENDMENTS LANDS LEGISLATION AMENDMENT BILL 1992**

#### **EXPLANATORY NOTES**

##### **ABORIGINAL LAND ACT 1991**

Amendments that:

— remove reference to the Land Administration Commission, and in doing so also remove reference to the Registrar of Titles being required to give something to the Registrar of Titles. This is consequent upon this Bill as well as a consequence of the transfer of the duties of the Registrar of Dealings to the Registrar of Titles in the *Lands Legislation Amendment Act 1991*.

##### **ACQUISITION OF LAND ACT 1967**

Amendments that:

— omit sections no longer necessary, that deal with savings and repeals and the divisions of the Act, in line with current drafting practice;

— define chief executive and chief executive (surveys), and omit definitions no longer required or necessary (*Acts Interpretation Act 1954*). Other definitions are re-drafted into plain English;

— allow for the substitution of “the office of Registrar of Titles” with “the land registry”, or words to the same effect;

— allow for the substitution of Surveyor-General with chief executive (surveys).

## **ACTS INTERPRETATION ACT 1954**

Amendments that:

- include in the section on meanings of commonly used words and expressions, the expression “land registry”.

## **BRIGALOW AND OTHER LANDS DEVELOPMENT ACT 1962**

Amendments that:

- allow for the substitution of chief executive for Land Administration Commission;
- omit definitions no longer required or necessary, define chief executive, and amend the definition of “Corporation” to mean the Brigalow Corporation instead of the Corporation of the Land Administration Commission;
- omit provisions no longer necessary, in line with normal drafting practice. No new land is being released under this Act, therefore sections relating to the acquisition of land for the purposes of the Act, the opening of land for selection and the refusal of applications for land are no longer necessary. Sections duplicating *Land Act 1962* provisions are also omitted.

## **BUILDING UNITS AND GROUPS TITLES ACT 1980**

Amendments that:

- allow for the substitution of “the office of Registrar of Titles” with “the land registry”, or words to the same effect;
- provide for an abbreviated manner of referring to the “chief executive within the meaning of the *Valuation of Land Act 1944*”: that is, as the “chief executive (valuations)” and allow for the substitution of chief executive (valuations) for Valuer-General;

- omit references to Acts to be repealed in the Bill.

### **CITY OF BRISBANE ACT 1924**

Amendments that:

- define chief executive (valuations) as the chief executive within the meaning of the *Valuation of Land Act 1944*;
- allow for the substitution of chief executive (valuations) for valuation authority.

### **FOREIGN OWNERSHIP OF LAND REGISTER ACT 1988**

Amendments that:

- omit definitions no longer required or necessary;
- define Registrar and allow delegation of the Registrar's powers;
- omit references to the Registrar of Dealings;
- update a penalty for an offence.

### **FORESTRY ACT 1959**

Amendments that:

- allow for freeholding lease in the definitions of owner and quarry materials;
- allow for the definition of and substitution of chief executive (lands) for Land Administration Commission;
- delete redundant or non-applicable tenures, redrafting relevant sections in modern drafting style;

- delete subsections relating to use of quarry materials that are inappropriate for sections dealing with Crown land, and instead insert appropriate provisions in the subsection relating to the use of quarry products by an owner of a deed of grant or freeholding lease, making the same conditions apply to deeds of grant and freeholding leases;
- make provisions in the Act for leases subject to timber agreements under the *Land Act 1962*.

## LAND ACT 1962

### Amendments that:

- Omit definitions and provisions no longer required or necessary (*Acts Interpretation Act 1954*);
- define chief executive, chief executive (surveys), chief executive (valuations), authorised officer and other definitions specifically relating to tree clearing;
- allow for the substitution of chief executive for Land Administration Commission, member of the Commission, Chief Commissioner of Lands and Secretary of the Land Administration Commission (or words that effect the same end), and necessary consequential changes;
- allow for the substitution of chief executive (surveys) for Surveyor-General;
- allow for the substitution of chief executive (valuations) for Valuer-General;
- omit the ability to set up a Commission of Inquiry;
- allow for the substitution of “the office of the Registrar of Titles” with “the land registry” or words to a similar effect;
- omit references to minimum penalties;
- update penalties and convert dollar penalties to penalty units for offences;
- provide for timber purchases that existed prior to the commencement of the *Lands Legislation Amendment Act 1991* (31

December 1991) not to be subject to the minimum instalments introduced in the *Lands Legislation Amendment Act 1991*;

— provide for the method of payment of the purchasing price of a *Land Act 1962* section 205 lease to be set forth in the conditions of that lease;

— correct a referencing error in the Act;

— provide transitional provisions necessary for the proper operation of the amended section 250 of the Act, until such time as the *Nature Conservation Act 1992* commences.

### **LAND SALES ACT 1984**

Amendments that:

— Omit definitions no longer required or necessary;

— allow for the substitution of land registration authority or appropriate register with the land registry or department as appropriate, or words to a similar effect.

### **LANDS LEGISLATION AMENDMENT ACT 1991**

Amendments that:

— amend wording in the Act to make it clear that the Minister and the Land Court are empowered to determine rentals for periods commencing prior to 1 July 1993, up to that date, and in the transition period after that date, until such time as the annual rental determinations have been implemented;

— allow for the retention of terms and discounts for conversion of grazing homestead perpetual leases, on applications received prior to 5 February 1990. The exclusion was an oversight in the Act;

— correct minor grammatical errors.

## **LOCAL GOVERNMENT ACT 1936**

Amendments that:

- omit definitions no longer required or necessary;
- define chief executive (valuations);
- allow for the substitution of chief executive (valuations) for valuation authority;
- allow for the substitution of land registration authority with the land registry or department as appropriate, or words to a similar effect.

## **MINERS' HOMESTEAD LEASES ACT 1913**

Amendments that:

- define chief executive and omit definitions and sections no longer required or necessary (*Acts Interpretation Act 1954*);
- allow for the substitution of chief executive for Land Administration Commission, member of the Commission, Chief Commissioner of Lands and Secretary of the Land Administration Commission (or words that effect the same end);
- change a reference to the “Director-General, Department of Lands” to a reference to the “chief executive”;
- substitute a reference to the Registrar of Dealings with a reference to the Registrar of Titles or land registry as appropriate;
- omit the existing delegation provisions and substitute new delegation clauses in modern drafting style;
- omit the provision in the Act for maximum areas of blocks that may be held as a Residence Area, a Business Area or a Market Garden Area. Some such blocks may fall above the maximum area, as they were unsurveyed at the time of allocation. Therefore this clause removes a barrier to freeholding such Areas, if all other assessment criteria indicate that they would be suitable for freeholding.

## **MINING TITLES FREEHOLDING ACT 1980**

Amendments that:

- allow for the substitution of chief executive for Land Administration Commission, member of the Commission, Chief Commissioner of Lands and Secretary of the Land Administration Commission (or words that effect the same end);
- provide for an abbreviated manner of referring to the “chief executive within the meaning of the *Valuation of Land Act 1944*”: that is, as the “chief executive (valuations)”, and allow for the substitution of “chief executive (valuations)” or “valuation under the *Valuation of Land Act 1944*” for Valuer-General (as appropriate to the context);
- substitute a reference to the Registrar of Dealings with a reference to the Registrar of Titles or land registry as appropriate;
- omit the ability to set up a Commission of Inquiry;
- define chief executive and omit definitions no longer required or necessary (*Acts Interpretation Act 1954*);
- complement amendments to the *Miners Homestead Leases Act 1913*, so that reference to a section of that Act, which by the amendments of this Bill will no longer exist, is omitted;
- provide for all leases containing a freeholding purchase arrangement to be subject to the payment of the prescribed deed fees and assurance fees under the *Real Property Act 1861* as part of the purchase arrangements, thus ensuring that a deed of grant issues;
- substitute “the business of primary production” with “farming” (as a consequence of the *Lands Legislation Amendment Act 1991*);
- omit the existing delegation section and substitutes new delegation clauses in modern drafting style.

## **PROPERTY LAW ACT 1974**

Amendments that:



- omit references to the deputy registrars;
- allow for the substitution of “the office of the Registrar of Titles” with “the land registry” or words to a similar effect;
- omit definitions or provisions no longer required or necessary;
- substitute a reference to the Registrar of Dealings with a reference to the Registrar of Titles or land registry as appropriate;
- omit or amend provisions relating to locations for registration of documents, as these locations will now be found in Regulations;
- include new definitions for the Real Property Acts and Registrar which omit references to Acts to be repealed in this Bill.

## **QUEENSLAND PLACE NAMES ACT 1988**

Amendments that:

- omit definitions and sections no longer required or necessary (*Acts Interpretation Act 1954*) and include a definition of chief executive;
- substitute references to the Surveyor-General with references to the chief executive;
- omit the existing delegation section and substitutes a new delegation clause which allows the chief executive to delegate powers under the Act.

## **REAL PROPERTY ACT 1861**

Amendments that:

- omit definitions no longer required or necessary (*Acts Interpretation Act 1954*) and include a definition of chief executive;
- substitute a reference to the Registrar-General with a reference to the Registrar of Titles or land registry as appropriate, and any

consequential amendments;

- allow for the substitution of “the office of the Registrar of Titles” with “the land registry” or words to a similar effect;
- re-draft the Regulations provisions in modern drafting style, taking into account the land registry;
- update penalties and convert dollar penalties to penalty units for offences.

### **REAL PROPERTY ACT 1877**

Amendments that:

- substitute a reference to the Registrar-General with a reference to the Registrar of Titles or land registry as appropriate;
- allow for the substitution of “the office of the Registrar of Titles” with “the land registry” or words to a similar effect.

## **REAL PROPERTY ACTS AMENDMENT ACT 1952**

Amendments that:

- update the list of Acts with which the Act should be read as one, by deleting the Acts which this Bill repeals;
- omit the reference to where applications may be lodged. These will now be prescribed.

## **REAL PROPERTY ACTS AMENDMENT ACT 1956**

Amendments that:

- omit the reference to where applications may be lodged. These will now be prescribed.

## **RURAL LAND PROTECTION ACT 1985**

Amendments that:

- update penalties and convert dollar penalties to penalty units for offences;
- omit definitions no longer required or necessary (*Acts Interpretation Act 1954*), and include an abbreviated manner of referring to the “chief executive within the meaning of the *Land Act 1962*”: that is, as the “chief executive (lands)”;
- omit the current delegation provisions and substitute clear English delegation powers in modern drafting style. The delegation powers remain essentially unchanged;
- substitute the chief executive (lands) or the chief executive (lands)’s nominee, for the Chief Commissioner of Lands, as an ex officio member of the Rural Lands Protection Board.

## **STATE HOUSING ACT 1945**

Amendments that:

- provide for an abbreviated manner of referring to the “chief executive within the meaning of the *Valuation of Land Act 1944*”: that is, as the “chief executive (valuations)”;
- allow for the substitution of “chief executive (valuations)” or “valuation under the *Valuation of Land Act 1944*” for Valuer-General (as appropriate to the context);
- substitute a reference to the Registrar of Dealings with a reference to the Registrar of Titles or land registry as appropriate.

## **STATE HOUSING (FREEHOLDING OF LAND) ACT 1957**

Amendments that:

- allow for the substitution of “chief executive (valuations)” or “valuation under the *Valuation of Land Act 1944*” for Valuer-General (as appropriate to the context);
- substitute a reference to the Registrar of Dealings with a reference to the Registrar of Titles or land registry as appropriate.

## **SURVEY CO-ORDINATION ACT 1952**

Amendments that:

- allow for the substitution of chief executive for Surveyor-General (or words that effect the same end);
- include a definition of chief executive and omit definitions no longer required or necessary (*Acts Interpretation Act 1954*);
- substitute a reference to the office of the Registrar of Titles with a reference to the land registry;

- update a penalty for an offence;
- allow for the chief executive to delegate the chief executive's powers under the Act to an officer or employee of the department.

## **SURVEYORS ACT 1977**

### Amendments that:

- omit references to the ex officio member of the Surveyors Board and his nominee. The Surveyor-General is an ex officio member of the Board and President. Alternatively, the Surveyor-General is able to nominate a replacement surveyor to be a member of the Board and President. When there is no longer a Surveyor-General there will therefore no longer be an ex officio member of the Board or his nominee;
- allow for the substitution of chief executive for Surveyor-General where appropriate (or words that effect the same end). Those instances where it is not appropriate have been discussed in the main body of the Explanatory Notes;
- change the long title, in line with the amendments to the Act;
- define chief executive and omit definitions and provisions no longer required or necessary (*Acts Interpretation Act 1954*);
- allow for the chief executive to delegate the chief executive's powers under the Act, or under another Act with respect to surveys of land, to an officer or employee of the department, and omit current delegation provisions;
- facilitate the possibility of a non-surveyor member of the Board;
- allow for changes as a consequence of the *Supreme Court of Queensland Act 1991*;
- substitute a reference to the office of the Registrar of Titles with a reference to the land registry;
- omit references to the Registrar of Dealings;
- update penalties and convert dollar penalties to penalty units for offences;

- re-write in modern drafting style sections of the Act setting out the requirements for qualification as a surveyor, a surveying graduate and a surveying associate, appointment to Committees, and other miscellaneous sections. The sense of these sections has not been changed;
- allow for a reference in any Act or document to the Surveyor-General, to be taken to be a reference to the chief executive.

### **TORRES STRAIT ISLANDER LAND ACT 1991**

Amendments that:

- allow for substitution of the Secretary of the Land Administration Commission with the chief executive.

### **VALUATION OF LAND ACT 1944**

Amendments that:

- allow for the substitution of chief executive for Valuer-General (or words that effect the same end);
- renumber various sections in the Act for increased clarity, with consequential amendments to references throughout;
- replace outdated phraseology with clear English, particularly as related to the renumbering;
- allow for changes as a consequence of the *Supreme Court of Queensland Act 1991*;
- substitute “the business of primary production” with “farming” (as a consequence of the *Lands Legislation Amendment Act 1991*);
- substitute a reference to the land registration authority with a reference to the land registry;
- update penalties and convert dollar penalties to penalty units for

offences;

— define chief executive and omit definitions no longer required or necessary (*Acts Interpretation Act 1954*);

— omit the existing delegation powers and allow for the chief executive to delegate the chief executive's powers under the Act, or under another Act with respect to valuations or categorisation of land, to an officer or employee of the department.

## **VALUERS REGISTRATION ACT 1992**

Amendments that:

— update penalties for offences.

## **SCHEDULE 2**

### **CONSEQUENTIAL AND MINOR AMENDMENTS LANDS LEGISLATION AMENDMENT BILL 1992**

## **EXPLANATORY NOTES**

### **REPEALS**

This schedule repeals Acts no longer relevant or necessary as the action for which they were enacted has taken place; for example, the validation of certain organisations or actions, or the amendment of various Acts.

## **SCHEDULE 3**

# CONSEQUENTIAL AND MINOR AMENDMENTS LANDS LEGISLATION AMENDMENT BILL 1992

## EXPLANATORY NOTES

### CONSEQUENTIAL REPEALS

This schedule repeals Acts no longer required consequent upon the inclusion in this Bill of the establishment of the Registrar of Titles in the *Real Property Act 1861*, and upon the ability under this Bill for “local” registries to be prescribed through the land registry provisions.

Thus it repeals:

- the *Registrar of Titles Act 1884*, and
- the *Real Property Act (Local Registries) Act 1887*.