

Queensland



**NATURAL RESOURCES
LEGISLATION AMENDMENT
ACT 2001**

Act No. 33 of 2001

Queensland



**NATURAL RESOURCES LEGISLATION
AMENDMENT ACT 2001**

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Queensland



Natural Resources Legislation Amendment Act 2001

Act No. 33 of 2001

**An Act to amend certain Acts administered by the Minister for Natural
Resources and Minister for Mines**

[Assented to 7 June 2001]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Natural Resources Legislation Amendment Act 2001*.

PART 2—AMENDMENT OF ABORIGINAL LAND ACT 1991

2 Act amended in pt 2

This part amends the *Aboriginal Land Act 1991*.

3 Amendment of s 90 (Appointment of members)

Section 90(2), ‘on a full-time basis’—

omit, insert—

‘on a part-time or full-time basis’.

PART 3—AMENDMENT OF ACQUISITION OF LAND ACT 1967

4 Act amended in pt 3

This part amends the *Acquisition of Land Act 1967*.

5 Amendment of s 23 (Advance against compensation)

(1) Section 23(1), ‘as the owner of the land taken’—

omit.

(2) Section 23(2), ‘as owner of the land taken’—

omit.

**PART 4—AMENDMENT OF COAL MINING SAFETY
AND HEALTH ACT 1999****6 Act amended in pt 4**

This part amends the *Coal Mining Safety and Health Act 1999*.

7 Insertion of new s 288A

After section 288—

insert—

‘288A Existing accreditation

‘(1) This section applies to an accreditation, to provide mines rescue services, in force under the former Act immediately before its repeal.

‘(2) The accreditation is taken to have continued as if the former Act had not been repealed, until the accreditation is replaced with accreditation under section 227 of this Act.’.

PART 5—AMENDMENT OF EXPLOSIVES ACT 1999**8 Act amended in pt 5**

This part amends the *Explosives Act 1999*.

9 Amendment of s 140 (Existing regulations)

Section 140(5), ‘30 June 2001’—

omit, insert—

‘30 June 2002’.

PART 6—AMENDMENT OF LAND ACT 1994

10 Act amended in pt 6

This part amends the *Land Act 1994*.

11 Insertion of new div 3A

After section 290—

insert—

‘Division 3A—Explanatory format plans

‘290A Explanatory format plan

‘(1) Despite section 286, the chief executive may approve the lodging of a plan other than a plan of survey (an **“explanatory format plan”**) if the chief executive is satisfied the land to which the plan relates may be accurately defined using—

- (a) information already held in the land registry; or
- (b) other information the chief executive considers gives a high level of accuracy about the extent of the interest.

‘(2) The chief executive may give directions about the form of an explanatory format plan.

‘(3) An explanatory format plan must be in the form directed by the chief executive.

‘(4) Lodging an explanatory format plan, approved under this section, is sufficient compliance with a requirement under this Act to lodge a plan of survey.’.

12 Amendment of s 362 (Easements may be created only by registration)

Section 362—

insert—

‘(5) A document creating a public utility easement for water storage above a weir must show the part of the land over which water above the weir may be stored.’.

13 Amendment of s 363 (Registration of easement)

Section 363(1)(a), ‘the proposed easement’—

omit, insert—

‘the easement’.

14 Amendment of s 365 (Particulars to be registered)

Section 365—

insert—

‘(2A) A public utility easement for water storage burdens the whole of the land any part of which may be affected by the storage.’.

15 Amendment of s 369 (Public utility easements)

Section 369(2)—

insert—

‘(d) water storage.’.

16 Insertion of new s 389A

Chapter 6, part 4, division 11—

insert—

‘389A Effect on writ of execution of transfer after sale by mortgagee

(1) Subsection (2) applies if—

(a) a mortgage is registered over a lease; and

(b) a writ of execution is later registered in relation to the lease.

‘(2) If the mortgagee of the lease signs a transfer of the lease after exercising power of sale under the mortgage—

(a) registration of the writ of execution does not prevent registration of the transfer; and

(b) on registration of the transfer, the chief executive must cancel registration of the writ of execution.’.

17 Amendment of s 504 (Changing tenures of port lands)

(1) Section 504(1), after ‘port authority’, second mention—

insert—

‘or another body’.

(2) Section 504(2), after ‘port authority’—

insert—

‘or other body’.

18 Amendment of sch 6 (Dictionary)

Schedule 6—

insert—

‘**“explanatory format plan”** see section 290A.’.

PART 7—AMENDMENT OF LAND COURT ACT 2000

19 Act amended in pt 7

This part amends the *Land Court Act 2000*.

20 Amendment of s 16 (Appointment of president and other members of Land Court)

Section 16—

insert—

‘(3A) Appointment as a member, other than a member appointed under section 17, must be on a full-time basis.’.

21 Amendment of s 17 (Appointment of members of land tribunal as members)

Section 17(2)—

omit, insert—

‘(2) A member of a land tribunal appointed to the Land Court—

(a) if the member is the chairperson—may be appointed on a part-time or full-time basis; and

(b) in any other case—must be appointed on a part-time basis.’.

22 Amendment of s 19 (Appointment of acting members)

Section 19(2), ‘appointed for the term’—

omit, insert—

‘appointed on a part-time or full-time basis for the term’.

PART 8—AMENDMENT OF LAND TITLE ACT 1994

23 Act amended in pt 8

This part amends the *Land Title Act 1994*.

24 Amendment of s 7 (Land registry)

(1) Section 7(3)(a), after ‘land registry’—

insert—

‘or other places’.

(2) Section 7(3)(b), after ‘land registry’—

insert—

‘or other place’.

25 Insertion of new div 2B

After section 48D—

insert—

‘Division 2B—Explanatory format plans

‘48E Explanatory format plan

‘(1) The registrar may approve the lodging of a plan other than a plan of survey in standard, building or volumetric format (an **“explanatory format plan”**) if the registrar is satisfied the land to which the plan relates may be accurately defined using—

- (a) information already held in the land registry; or
- (b) other information giving a high level of accuracy about the extent of the interest.

‘(2) The registrar may give directions about the form of an explanatory format plan.

‘(3) An explanatory format plan must be in the form directed by the registrar.

‘(4) Lodging an explanatory format plan, approved under this section, is sufficient compliance with a requirement under this Act to lodge a plan of survey in standard, building or volumetric format.’.

26 Insertion of new s 49E

After section 49D—

insert—

‘49E Division of lot on standard format plan of subdivision

‘(1) This section applies if a building or volumetric format plan of subdivision divides a lot on a standard format plan of subdivision (a **“standard lot”**), creating 2 or more lots.

‘(2) If, after the division, a created lot continues to be defined using a horizontal plane and references to marks on the ground, the created lot is a standard lot.’.

27 Amendment of s 65 (Requirements of instrument of lease)

Section 65(2)(a), ‘sketch’—

omit.

28 Amendment of s 82 (Creation of easement by registration)

Section 82—

insert—

‘(3) An instrument creating a public utility easement for water storage above a weir must show the part of the land over which water above the weir may be stored.’.

29 Amendment of s 85A (Particulars to be registered)

Section 85A—

insert—

‘(2) A public utility easement for water storage burdens the whole of the land any part of which may be affected by the storage.’.

30 Amendment of s 89 (Easements for public utility providers)

Section 89(2)(a)—

insert—

‘(iv) water storage.’.

31 Insertion of new s 120A

Part 7, division 1—

insert—

‘120A Effect on writ of execution of transfer after sale by mortgagee

(1) Subsection (2) applies if—

- (a) a mortgage is registered over a lot; and
- (b) a writ of execution is later registered in relation to the lot.

‘(2) If the mortgagee of the lot signs a transfer of the lot after exercising power of sale under the mortgage—

- (a) registration of the writ of execution does not prevent registration of the transfer; and
- (b) on registration of the transfer, the registrar must cancel registration of the writ of execution.’.

32 Amendment of s 124 (Effect of lodging caveat)

(1) Section 124(1), ‘another instrument’—

omit, insert—

‘an instrument’.

(2) Section 124—

insert—

‘(5) Lodgment of a caveat does not create in the caveator a registrable interest in the lot affected by the caveat.’.

33 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘**“area”** includes the volume of a lot on a volumetric format plan of subdivision.

“explanatory format plan” see section 48E.’.

PART 9—AMENDMENT OF TORRES STRAIT ISLANDER LAND ACT 1991

34 Act amended in pt 9

This part amends the *Torres Strait Islander Land Act 1991*.

35 Amendment of s 87 (Appointment of members)

Section 87(2), ‘on a full-time basis’—

omit, insert—

‘on a part-time or full-time basis’.