

Queensland



**NATURAL RESOURCES AND
OTHER LEGISLATION
AMENDMENT ACT 2004**

Act No. 4 of 2004

Queensland



NATURAL RESOURCES AND OTHER LEGISLATION AMENDMENT ACT 2004

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Queensland



**Natural Resources and Other Legislation
Amendment Act 2004**

Act No. 4 of 2004

**An Act to amend legislation about natural resources, and for other
purposes**

[Assented to 6 May 2004]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Natural Resources and Other Legislation Amendment Act 2004*.

1A Commencement

Part 3A is taken to have commenced on 11 September 2003.

PART 2—AMENDMENT OF ACQUISITION OF LAND ACT 1967

2 Act amended in pt 2

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

3 Amendment of s 2 (Definitions)

Section 2, definition “constructing authority”, paragraph (b)—
omit, insert—

‘(b) a local government; or

(c) a person authorised by an Act to take land for any purpose.’.

PART 3—AMENDMENT OF FORESTRY ACT 1959

4 Act amended in pt 3

This part amends the *Forestry Act 1959*.

5 Amendment of s 61J (Agreement about natural resource products)

(1) Section 61J—

insert—

‘(1A) However, if the land is land held under the *Land Act 1994*, the owner may enter into an agreement only if the natural resource product is owned by the owner as an improvement, within the meaning of that Act, on the land.’.

(2) Section 61J(4), ‘the *Land Title Act 1994*’—

omit, insert—

‘the *Land Act 1994* or the *Land Title Act 1994*’.

(3) Section 61J(5), from ‘the *Land*’—

omit, insert—

‘the *Land Act 1994* or the *Land Title Act 1994*.’¹.

(4) Section 61J(7), definition “owner”—

omit.

(5) Section 61J(7)—

insert—

‘**“land”** means—

- (a) land held under the *Land Act 1994* under a lease that allows the land to be used for agricultural or timber plantation purposes; or
- (b) land held under the *Land Title Act 1994*.

¹ See the *Land Act 1994*, chapter 6, part 4, division 8B (Profits a prendre) or the *Land Title Act 1994*, part 6, division 4B (Profits a prendre).

“owner” means—

- (a) for land held under the *Land Act 1994*—the lessee of the land; or
- (b) for land held under the *Land Title Act 1994*—the registered owner of the land.’.

PART 3A—AMENDMENT OF IRVINEBANK STATE TREATMENT WORKS REPEAL ACT 2003

5A Act amended in pt 3A

This part amends the *Irvinebank State Treatment Works Repeal Act 2003*.

5B Amendment of s 2 (Definitions)

(1) Section 2, definition “relevant authority”, ‘, but does not include the permit mentioned in section 4’—

omit.

(2) Section 2, definition “site”, ‘19’—

omit, insert—

‘18, 19’.

(3) Section 2, definition “the land”—

omit.

5C Omission of s 4 (Permit to occupy the land to be issued to purchaser)

Section 4—

omit.

5D Amendment of s 7 (Purchaser’s liability for actions etc. relating to works)

Section 7, from ‘relating to’—

omit, insert—

‘relating to the occupation or operation of the works by the purchaser.’.

5E Omission of schedule

Schedule—

omit.

PART 4—AMENDMENT OF LAND ACT 1994

6 Act amended in pt 4

This part amends the *Land Act 1994*.

7 Amendment of s 5 (Land to which Act applies)

Section 5(2), from ‘dealt with’—

omit, insert—

‘dealt with under this Act.’².

8 Amendment of s 26 (Minister may decide boundaries of reservations)

(1) Section 26(1) and (2)(c), ‘in the deed of grant’—

omit, insert—

‘in the lease, deed of grant’.

(2) Section 26(2), (3) and (4), ‘registered owner’—

omit, insert—

‘lessee, registered owner’.

² However, see section 14(3).

9 Amendment of s 33 (Revocation of reserves)

Section 33(1)—

insert—

‘(c) the Minister is satisfied a different tenure would be more appropriate for the purpose for which the land is used.’.

10 Amendment of s 38 (Cancelling a deed of grant in trust)

(1) Section 38—

insert—

‘(3A) Each person who has a registered interest in the land must be given—

- (a) a copy of the gazette notice; and
- (b) if the Minister has allowed improvements to be removed—written notice of the time by which the person must remove the improvements.

‘(3B) If the improvements are not removed within the time stated in the notice, they become the property of the State.’.

(2) Section 38—

insert—

‘(5) No person has a right to claim compensation for a cancellation under subsection (1).’.

(3) Section 38(3A) to (5)—

renumber as section 38(4) to (7).

11 Amendment of s 45 (Details of trustees)

Section 45(1) and (2)—

omit, insert—

‘(1) The names of all trustees appointed under this Act, and any change to a name, must be recorded in the appropriate register.

‘(2) A trustee must advise the chief executive of the trustee’s address and any change to the address.’.

12 Amendment of s 55 (Power to surrender)

Section 55—

insert—

‘(3) For land that is surrendered—

- (a) the land is released from the trust and all encumbrances and interests; and
- (b) the land may be dealt with as unallocated State land; and
- (c) the trust is at an end; and
- (d) all appointments of trustees for the land and all trustee leases and trustee permits over the land are cancelled.

‘(4) If the Minister has allowed improvements to be removed from the surrendered land—

- (a) the trustee and each person who has a registered interest in the land must be given written notice of the time by which the trustee or person must remove the improvements; and
- (b) if the improvements are not removed within the time stated in the notice, they become the property of the State.

‘(5) Every cancellation of trustees, a trustee lease or trustee permit over a deed of grant in trust must be registered in the appropriate register.

‘(6) No person has a right to claim compensation from the Minister or the State for a surrender under subsection (1).’.

13 Amendment of s 57 (Trustee leases)

Section 57—

insert—

‘(5) If the trustee lease is for only part of the trust land, the appropriate form for the trustee lease must also include—

- (a) a sketch plan the chief executive is satisfied identifies the land being leased; or
- (b) if required by the chief executive—a plan of survey identifying the land being leased.

‘(6) However, the chief executive may allow the land being leased to be identified by a description alone if the chief executive is satisfied the land is adequately identified by the description.’.

14 Insertion of new s 57A

After section 57—

insert—

‘57A Amending a trustee lease

‘(1) A registered trustee lease may, with the Minister’s approval, be amended by registering an amendment of the trustee lease.

‘(2) However, the document of amendment must not—

- (a) increase or decrease the area leased; or
- (b) add or remove a party to the lease; or
- (c) increase the term of the lease.’.

15 Amendment of s 58 (Other transactions a trustee may allow)

(1) Section 58, heading—

omit, insert—

‘58 Other transactions relating to trustee leases’.

(2) Section 58—

insert—

‘(4A) All or part of a trustee lease or a sublease of a trustee lease may be surrendered only if each registered mortgagee and registered sublessee of the interest being surrendered has given written agreement to the surrender.’.

(3) Section 58—

insert—

‘(6) Section 342 applies, with necessary changes, to the release of a mortgage of a trustee lease or sublease of a trustee lease.’.

(4) Section 58(4A) to (6)—

renumber as section 58(5) to (7).

16 Amendment of s 101 (Minister to consider objections)

Section 101(2)—

omit, insert—

‘(2) The Minister may approve the road closure application, with or without conditions, or refuse the application.’.

17 Replacement of s 105 (Cancellation or surrender of road licence)

Section 105—

omit, insert—

‘105 Cancellation or surrender of road licence

‘(1) The Minister may cancel all or part of a road licence after giving the licensee reasonable written notice of the Minister’s intention to cancel.

‘(2) No compensation is payable for the cancellation of a road licence.

‘(3) A licensee, with the Minister’s written approval, may surrender all or part of a road licence.

‘(4) If a road licence is cancelled or surrendered, any improvements on the road become the property of the State and no compensation is payable.

‘(5) However, the Minister may allow the licensee to remove any improvements within the time stated on the cancellation notice or the surrender approval.

‘(6) If a road licence is cancelled or surrendered, the road remains temporarily closed.’.

18 Amendment of s 122 (Deeds of grant of unallocated State land)

(1) Section 122—

insert—

‘(1A) A deed of grant of unallocated State land may be granted without competition to a local government if the Minister decides the land is needed for a public purpose.’.

(2) Section 122(1A) to (3)—

renumber as section 122(2) to (4).

19 Amendment of s 123 (Priority criteria)

(1) Section 123, definition “priority criteria”—

insert—

‘(ba)the applicant held a significant interest in the land before it became unallocated State land; or

Example of significant interest—

a deed of grant in trust or a long term lease’.

(2) Section 123, definition “priority criteria”, paragraphs (ba) and (c)—
renumber as paragraphs (c) and (d).

20 Amendment of s 160 (Written notice of Minister’s decision)

(1) Section 160(1)—

omit.

(2) Section 160(2), ‘offers a new lease, the notice must state’—

omit, insert—

‘decides to offer a new lease, the applicant must be given written notice of’.

(3) Section 160(3), ‘the Minister must give the applicant’—

omit, insert—

‘the applicant must be given’.

(4) Section 160(2) to (4)—

renumber as section 160(1) to (3).

21 Amendment of s 163 (Land not included in the offer)

Section 163, from ‘on surrender’—

omit, insert—

‘on surrender of the lease—

(a) if the lease was over a reserve—remains a reserve; or

(b) otherwise—becomes unallocated State land.’.

22 Amendment of s 168 (Written notice of Minister's decision)

(1) Section 168(1) and (2)—

omit, insert—

‘(1) If the Minister decides to offer a new lease or a deed of grant, the applicant must be given written notice of the conditions on which the offer is made.’.

(2) Section 168(5), ‘the Minister must give the applicant’—

omit, insert—

‘the applicant must be given’.

(3) Section 168(3) to (6)—

renumber as section 168(2) to (5).

23 Amendment of s 174 (Freeholded lease may not be transferred without approval)

Section 174(5)—

omit, insert—

‘(5) The applicant must be given written notice of the Governor in Council’s decision about the removal of the covenant.’.

24 Amendment of s 177 (Chief executive may issue permit)

Section 177—

insert—

‘(6) A permit for a period of not more than 3 months is not a tenure that may be recorded in the land registry under chapter 6.’.

25 Amendment of s 196 (Minister may take action for non-payment)

Section 196, from ‘may’—

omit, insert—

‘may do 1 or more of the following—

- (a) take action in a court of competent jurisdiction to recover the rent, instalments, penalty interest or deferred interest owing;
- (b) forfeit the lease under chapter 5, part 4;
- (c) cancel the licence or permit.³.

26 Amendment of s 197 (Notice of intention to cancel)

Section 197(1), from ‘take action’—

omit, insert—

‘take action to do either or both of the following—

- (a) recover the rent, instalments, penalty interest or deferred interest;
- (b) cancel the licence or permit.³’.

27 Amendment of s 203 (Typical conditions)

(1) Section 203—

insert—

‘(ca) about the transfer or sublease of the lease;’.

(2) Section 203(ca) to (f)—

renumber as section 203(d) to (g).

28 Amendment of s 211 (Conditions must be reviewed)

(1) Section 211(1), ‘issue’—

omit, insert—

‘start’.

(2) Section 211(2), ‘issuing’—

omit, insert—

‘starting’.

(3) Section 211(4), ‘issued’—

3 See section 235 for notice of intention to forfeit a lease.

omit, insert—

‘starting’.

29 Amendment of s 246 (Application of division)

Section 246—

insert—

‘(d) that has been the subject of a deed of grant in trust if—

- (i) the deed of grant in trust has been cancelled; and
- (ii) the improvements on the land have been made by the trustee or a person with the trustee’s authority.’.

30 Amendment of s 247 (Application of payment for improvements by incoming lessee or buyer)

Section 247(1)—

insert—

‘(d) for a deed of grant in trust—the person who owned the improvements on the land.’.

31 Amendment of s 274A (Compliance notice)

Section 274A—

insert—

‘(12) A tree planted in compliance with the compliance notice is not a natural resource owned by the lessee as an improvement.’.

32 Amendment of s 322 (Requirements for transfers)

Section 322—

insert—

‘(1A) However, a lease, licence or sublease may not be transferred if a provision of this Act or a condition of the lease, licence or sublease prohibits the transfer.’.

33 Amendment of s 328 (Surrender of subleases)

Section 328(1), after ‘sublease’—

insert—

‘or part of a sublease’.

34 Amendment of s 336 (Amending a sublease)

Section 336—

insert—

‘(3) Sections 332 and 333 apply to an amendment of a sublease as if the amendment were a sublease.

‘(4) Before an amendment of a sublease is registered, the amendment must be endorsed with, as appropriate—

- (a) the Minister’s approval under section 332, as applied; or
- (b) the Minister’s general authority to amend under section 333, as applied.’.

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

Section 362(1), after ‘over’—

insert—

‘land granted in trust or’.

36 Amendment of s 363 (Registration of easement)

Section 363(5), definition “owner of the land”, from ‘lessee’—

omit, insert—

‘trustee of land granted in trust, lessee and licensee.’.

37 Amendment of s 368 (Same person becoming lessee, licensee or permittee of benefited and burdened lands)

Section 368, ‘lessee, licensee or permittee’—

omit, insert—

‘trustee, lessee or licensee’.

38 Amendment of s 369B (Transfer of benefited land)

Section 369B(3), definition “owner”—

omit, insert—

‘**“owner”**, of land, includes—

- (a) for land granted in trust—the trustee of the land; and
- (b) otherwise—a registered owner, lessee or licensee of the land.’.

39 Amendment of s 371 (Surrendering an easement)

Section 371(6), definition “owner of the land”, from ‘lessee’—

omit, insert—

‘trustee of land granted in trust, lessee and licensee.’.

40 Amendment of s 372 (End and continuation of easements)

(1) Section 372(1)—

omit, insert—

‘(1) An easement over land granted in trust, a lease, a licence or a reserve ends when the deed of grant in trust, lease or licence ends or the reserve is revoked.’.

(2) Section 372(2), after ‘when the’—

insert—

‘deed of grant in trust.’.

41 Insertion of new ch 6, pt 4, div 8B

Chapter 6, part 4, after section 373D—

insert—

‘Division 8B—Profits a prendre

‘373E Application of div 8B

‘This division applies to a profit a prendre relating to a natural resource—

- (a) on land subject to a lease; and
- (b) owned by the lessee of the land as an improvement.

‘373F Definitions for div 8B

‘In this division—

‘**“lease”** means a lease that allows the land held under the lease to be used for agricultural or timber plantation purposes.

“natural resource” means a tree or vegetation other than a tree planted to comply with a compliance notice.

‘373G Profit a prendre by registration

‘With the Minister’s written approval, a lease may be made the subject of a profit a prendre by registering the document creating the profit a prendre over the lease.

‘373H Profit a prendre affecting freehold land and a lease

‘(1) This section applies if a document creating a profit a prendre is registered under section 373G in relation to a lease and the profit a prendre also—

- (a) benefits another lease; or
- (b) benefits freehold land; or
- (c) burdens another lease; or
- (d) burdens freehold land; or
- (e) has effect in any combination of paragraphs (a) to (d).

‘(2) The document must be registered in the appropriate registers.

‘(3) Further dealings affecting the profit a prendre must also be registered in the appropriate registers.

‘373I Requirements of document creating profit a prendre

‘(1) A document creating a profit a prendre must—

- (a) be validly executed; and
- (b) include a description sufficient to identify the lease the subject of the profit a prendre; and
- (c) include a description of the profit a prendre to which the lease is subject, including the period for which the profit a prendre is to be enjoyed.

‘(2) Subsection (1) does not limit the matters that the appropriate form for a document creating a profit a prendre may require to be included in the document.

‘(3) The period mentioned in subsection (1)(c) must not be longer than the term of the lease.

‘373J Particulars to be registered

‘When a document creating a profit a prendre is registered, the following particulars must be recorded in the appropriate registers—

- (a) the lease burdened by the profit a prendre;
- (b) any lease benefited by the profit a prendre;
- (c) any freehold land benefited or burdened by the profit a prendre.

‘373K Profit a prendre benefiting and burdening same person’s lease or freehold land

‘A document creating a profit a prendre may be registered even if—

- (a) the lease or freehold land benefited and the lease burdened by the profit a prendre are owned by the same person; or
- (b) the lessee of the lease, or registered owner of the freehold land, benefited by the profit a prendre holds an interest in the lease burdened by the profit a prendre.

‘373L Same person becoming lessee of benefited and burdened leases

‘If the same person becomes the lessee of the lease benefited and the lease burdened by a profit a prendre, the profit a prendre is extinguished only if—

- (a) the lessee asks the chief executive to extinguish the profit a prendre; or
- (b) the leases are amalgamated under division 6.

‘373M Owner of benefited lease acquiring interest in burdened lease

‘If a lease is benefited by a profit a prendre, the profit a prendre is not extinguished only because the lessee of the lease acquires an interest, or a greater interest, in the lease burdened by the profit a prendre.

‘373N Amending a profit a prendre

‘(1) A profit a prendre may be amended by registering a document amending the profit a prendre.

‘(2) However, the document must not—

- (a) increase or decrease the area of land the subject of the profit a prendre; or
- (b) add or remove a party to the profit a prendre.

‘373O Releasing or removing a profit a prendre

‘(1) On lodgment of a document releasing a profit a prendre to which a lease is subject, the chief executive may register the release to the extent shown in the document.

‘(2) On registration of the document, the profit a prendre is discharged, and the lease is released from the profit a prendre, to the extent shown in the document.

‘(3) Also, the chief executive may remove a profit a prendre from a lease if a request to remove the profit a prendre is lodged, and the request clearly establishes that—

- (a) the period of time for which the profit a prendre was intended to subsist has ended; or

- (b) the event upon which the profit a prendre was intended to end has happened.

‘373P Effect of surrender of lease on profit a prendre

‘(1) If a lease subject to a profit a prendre is surrendered, other than absolutely, the profit a prendre is an interest in the lease that continues under section 331(1).

‘(2) If a lease subject to a profit a prendre is surrendered absolutely, the profit a prendre is an interest that, under section 331(2), is extinguished from the day the surrender is registered.

‘373Q Dealing with a profit a prendre

‘(1) A profit a prendre over a lease may be sold, mortgaged, given to another person or pass by will or intestacy to a beneficiary.

‘(2) Divisions 1 and 4⁴ and sections 377 to 380⁵ apply, with necessary changes, to a dealing with a profit a prendre under subsection (1) as if the profit a prendre were a lease.

‘(3) Without limiting subsection (2), for applying the provisions mentioned to a profit a prendre, a reference to a lessee is a reference to the holder of the benefit of a profit a prendre.’.

42 Insertion of new s 393A

After section 393—

insert—

‘393A Departmental officer may give notices for this Act

‘If a provision of this Act requires a notice to be given for any purpose and the provision does not state who is to give the notice, it is sufficient if the notice is given by an officer of the department.’.

4 Part 4 (Dealings affecting land), divisions 1 (Transfers) and 4 (Mortgages)

5 Sections 377 to 380 are provisions relating to deceased estates.

43 Amendment of s 443 (No deed of grant until fees paid)

Section 443, ‘the *Land Title Act 1994*’—

omit, insert—

‘this Act’.

44 Amendment of s 481 (Cancellation or surrender of occupation licence)

(1) Section 481(1), after ‘may cancel’—

insert—

‘all or part of’.

(2) Section 481(3), after ‘surrender’—

insert—

‘all or part of’.

45 Amendment of sch 2 (Original decisions)

(1) Schedule 2, ‘160(4)’—

omit, insert—

‘160(3)’.

(2) Schedule 2, ‘168(6)’—

omit, insert—

‘168(5)’.

46 Amendment of sch 6 (Dictionary)

Schedule 6, definition “statutory body”, after ‘a local government’—

insert—

‘, a local government owned corporation’.

PART 5—AMENDMENT OF LAND PROTECTION (PEST AND STOCK ROUTE MANAGEMENT) ACT 2002

47 Act amended in pt 5

This part amends the *Land Protection (Pest and Stock Route Management) Act 2002*.

48 Amendment of s 25 (Local governments to have pest management plan)

Section 25(1), ‘1 year’—

omit, insert—

‘2 years’.

49 Amendment of s 105 (Local governments to have stock route network management plan)

Section 105(1), ‘1 year’—

omit, insert—

‘2 years’.

PART 6—AMENDMENT OF LAND TITLE ACT 1994

50 Act amended in pt 6

This part amends the *Land Title Act 1994*.

51 Insertion of new s 97EA

After section 97E—

insert—

‘97EA Profit a prendre affecting a lot and non-freehold land

‘(1) This section applies if an instrument of profit a prendre is registered under section 97E in relation to a lot and the profit a prendre also—

- (a) benefits another lot; or
- (b) benefits non-freehold land; or
- (c) burdens another lot; or
- (d) burdens non-freehold land; or
- (e) has effect in any combination of paragraphs (a) to (d).

‘(2) The instrument must be registered in the appropriate registers.

‘(3) Further dealings affecting the profit a prendre must also be registered in the appropriate registers.’.

52 Amendment of s 97G (Particulars to be registered)

Section 97G—

insert—

- ‘(c) any lease of non-freehold land benefited or burdened by the profit a prendre.’.

53 Insertion of new s 97M

After section 97L—

insert—

‘97M Effect of surrender of lot on profit a prendre

‘(1) If a lot subject to a profit a prendre is surrendered to the State, other than absolutely, the profit a prendre is a transaction that must be recorded on the new deed of grant under the *Land Act 1994*, section 358(5).

‘(2) If a lot subject to a profit a prendre is surrendered absolutely, the profit a prendre is an interest that, under the *Land Act 1994*, section 331(2), is extinguished from the day the surrender is registered.’.

PART 6A—AMENDMENT OF MINERAL RESOURCES ACT 1989

53A Act amended in pt 6A

This part amends the *Mineral Resources Act 1989*.

53B Insertion of new s 418D

Part 11, after section 418C—

insert—

‘418D Particular mineral development licences and mining leases

‘(1) A mineral development licence or a mining lease granted before the commencement of this section wholly or partly in respect of relevant land for an exploration permit is taken to have been validly granted.

‘(2) An application for a mineral development licence or a mining lease to the extent the application is in respect of relevant land for an exploration permit is taken to have been validly made if the application—

- (a) was lodged before the commencement of this section; and
- (b) would have complied with the Act in all respects if the relevant land had not been excluded from the exploration permit.

‘(3) In this section—

“**relevant land**”, for an exploration permit, means land that was excluded under a condition of the permit to the effect that land subject to native title is excluded from the permit.’.

53C Amendment of s 722A (Definitions for pt 18A)

Section 722A, definition “prescribed day”, ‘1 July 2004’—

omit, insert—

‘31 December 2004’.

PART 6B—AMENDMENT OF PETROLEUM ACT 1923

53D Act amended in pt 6B

This part amends the *Petroleum Act 1923*.

53E Amendment of s 151 (Definitions for pt 10)

Section 151, definition “prescribed day”, ‘1 July 2004’—

omit, insert—

‘31 December 2004’.

PART 7—AMENDMENT OF VALUATION OF LAND ACT 1944

54 Act amended in pt 7

This part amends the *Valuation of Land Act 1944*.

55 Amendment of s 14 (Deciding unimproved value of certain land)

(1) Section 14(5)—

insert—

‘(e) to which a determination of native title or an indigenous land use agreement, under the *Native Title Act 1993* (Cwlth), relates;’.

(2) Section 14(5), ‘permission to occupy or agreement’—

omit, insert—

‘permission to occupy, agreement or determination’.

56 Amendment of s 28 (Alteration of valuation in force or to come into force)

Section 28(1)—

insert—

‘(m) unless the land becomes the subject of a determination of native title or an indigenous land use agreement, under the *Native Title Act 1993* (Cwlth).’.

56A Replacement of s 37 (Chief executive to make annual valuation)

Section 37—

omit, insert—

‘37 Chief executive to make annual valuation

‘(1) The chief executive must make annually a valuation of all land in an area unless—

- (a) subsection (2) applies; or
- (b) the chief executive makes a decision under subsection (3).

‘(2) The chief executive is not required to make an annual valuation of land in an area if the chief executive considers it is not possible to make the valuation because of unusual circumstances.

Examples of unusual circumstances—

civil disturbance, extreme climatic conditions, industrial action, changes in the way valuations are made, computer failure

‘(3) The chief executive may decide not to make an annual valuation of land in an area after considering the following—

- (a) a market survey report for the area;
- (b) the results of consultation with the local government for the area and appropriate local groups and industry groups;

Example of local group—

the local Chamber of Commerce

Examples of industry groups—

AgForce, Queensland Industrial Union of Employers, Queensland Canegrowers Organisation Limited

- (c) the impact that not making an annual valuation may have on valuations used for land tax or rental purposes;
- (d) the length of time since a valuation was carried out;

- (e) the relativity of valuations of land in the area with valuations for land in adjacent local government areas;
- (f) the overall program for annual valuations over the next 5 year period.

‘(4) However, the chief executive must not decide, under subsection (3), not to make an annual valuation of land in an area if the most recent valuation of the land was made more than 4 years ago.

‘(5) In this section—

“**market survey report**”, for an area, means a report to the chief executive giving—

- (a) details of sales of land in the area since the last annual valuation was made; and
- (b) the probable impact of the sales on the unimproved value of land in the area, if an annual valuation were to be made.’.

56B Replacement of pt 9, hdg (Transitional provision for Natural Resources and Other Legislation Amendment Act 2001)

Part 9, heading—

omit, insert—

‘PART 9—TRANSITIONAL PROVISIONS

‘Division 1—Transitional provision for Natural Resources and Other Legislation Amendment Act 2001’.

56C Replacement of pt 10, hdg (Transitional provision for Valuation of Land Amendment Act 2003)

Part 10, heading—

omit, insert—

‘Division 2—Transitional provision for Valuation of Land Amendment Act 2003’.

56D Insertion of new pt 9, div 3

After section 101—

insert—

‘Division 3—Transitional provision for Natural Resources and Other Legislation Amendment Act 2004

‘102 Valuations affected by unusual circumstances

‘(1) Section 37(2), as in force immediately after the commencement of section 56A of the amending Act, is taken to have applied to the making of annual valuations having force and effect for the period of 12 months commencing on 30 June 2004.

‘(2) If, because of unusual circumstances, the chief executive did not, before 1 April 2004, make an annual valuation of land in an area having force and effect for the period of 12 months commencing on 30 June 2004, the chief executive is not stopped from making the valuation, to be used only for land tax purposes, if the unusual circumstances no longer exist.

‘(3) For making the valuation—

- (a) sections 40 and 41(1)(b) do not apply;
- (b) section 41A(1) does not apply, to the extent it requires notice to be given no later than 31 March 2004;
- (c) section 41A(1)(a) requires notice to be given only to an owner whose land in the area has been valued for land tax purposes;
- (d) section 73(1) does not apply, to the extent it requires a copy of the valuation roll to be given not less than 3 months before 30 June 2004.

‘(4) The valuation is taken to have force and effect, for land tax purposes only, for the period of 12 months commencing on 30 June 2004.

‘(5) However, the last preceding valuation of the land continues to have force and effect for rating and rental purposes until—

- (a) an annual valuation having force and effect for the period commencing on 30 June 2005 is made; or
- (b) the valuation is sooner altered under this Act.

‘(6) Subsection (1) does not otherwise affect the operation of section 37 as in force before the commencement of section 56A of the amending Act.

‘(7) In this section—

“**amending Act**” means the *Natural Resources and Other Legislation Amendment Act 2004*.’.

PART 8—MINOR AMENDMENTS

57 Acts amended in schedule

The schedule amends the Acts it mentions.

SCHEDULE

MINOR AMENDMENTS OF ACTS

section 57

ABORIGINAL LAND ACT 1991

- 1 Section 44, paragraphs (a) to (d), all bracketed section heading references—**

omit.

- 2 Section 138, heading—**

omit, insert—

‘138 Regulation-making power’.

ACQUISITION OF LAND ACT 1967

- 1 Section 42, heading—**

omit, insert—

‘42 Regulation-making power’.

SCHEDULE (continued)

EXPLOSIVES ACT 1999

- 1 Section 6(2), definition “Act about mining”, paragraphs (a) and (b)—**
omit, insert—
(a) the *Coal Mining Safety and Health Act 1999*; or
(b) the *Mining and Quarrying Safety and Health Act 1999*; or’.
- 2 Part 9, heading, ‘and consequential amendments’—**
omit.
- 3 Schedule 2, definition “government magazine”—**
omit, insert—
‘**“government magazine”** means a place declared to be a government magazine under section 46(1).’.

**FOREIGN GOVERNMENTS (TITLES TO LAND) ACT
1948**

- 1 Section 7, heading—**
omit, insert—
‘7 Regulation-making power’.

SCHEDULE (continued)

FOSSICKING ACT 1994

- 1 Sections 34(3), 85(1)(a), 88(c) and (d), 93, 99(2)(c) and 104(1), all bracketed section heading references—**

omit.

- 2 Section 107, heading—**

omit, insert—

‘107 Regulation-making power’.

LAND ACT 1994

- 1 Section 448, heading—**

omit, insert—

‘448 Regulation-making power’.

- 2 Sections 2(3), 487(2) and 520(a) and (b), all bracketed section heading references—**

omit.

LAND TITLE ACT 1994

- 1 Section 50(g)(iii), ‘part 4’—**

omit, insert—

‘part 3’.

SCHEDULE (continued)

- 2 Section 115T(3), ‘section 69 or 70’—**
omit, insert—
‘section 72 or 74’.
- 3 Section 115U(2)(b), ‘section 75(2)’—**
omit, insert—
‘section 78(2)’.
- 4 Section 115U(4), definition “termination issues”, ‘schedule 4’—**
omit, insert—
‘schedule 6’.
- 5 Section 115W(2)(b)(ii), ‘section 82(3)’—**
omit, insert—
‘section 85(3)’.
- 6 Section 115Y(2)(b)(ii), ‘section 86C(2)’—**
omit, insert—
‘section 91(2)’.
- 7 Section 115Y(3)(b), ‘section 55’—**
omit, insert—
‘section 62’.
- 8 Section 115Y(3)(b), ‘section 54’—**
omit, insert—
‘section 60’.

SCHEDULE (continued)

- 9 Schedule 2, definition, “body corporate”, ‘schedule 4’—**
omit, insert—
‘schedule 6’.
- 10 Schedule 2, definition, “community management statement”, ‘section 13’—**
omit, insert—
‘section 12’.
- 11 Schedule 2, definition, “contribution schedule lot entitlement”, ‘section 44’—**
omit, insert—
‘section 46’.
- 12 Schedule 2, definition, “interest schedule lot entitlement”, ‘section 44’—**
omit, insert—
‘section 46’.
- 13 Schedule 2, definition, “utility infrastructure”, ‘schedule 4’—**
omit, insert—
‘schedule 6’.
- 14 Schedule 2, definition, “utility service”, ‘schedule 4’—**
omit, insert—
‘schedule 6’.

SCHEDULE (continued)

MINERAL RESOURCES ACT 1989

- 2** Schedule, definitions “chief executive (planning)” and “planning scheme”, ‘*Local Government (Planning and Environment) Act 1990*’—

omit, insert—

‘*Integrated Planning Act 1997*’.

- 3** Schedule, definition “reserve” paragraph (b), ‘6’—

omit, insert—

‘3’.

TORRES STRAIT ISLANDER LAND ACT 1991

- 1** Sections 3, definition “native title interests” and 41, paragraphs (a) to (d), all bracketed section heading references—

omit.

- 2** Section 135, heading—

omit, insert—

‘135 Regulation-making power’.

SCHEDULE (continued)

VALUATION OF LAND ACT 1944

1 Section 17(1), ‘in that value for that the land’—

omit, insert—

‘in value because the land’.

VALUERS REGISTRATION ACT 1992

1 Section 3, definition “specialist retail valuer” and section 42H(1) and (2), all bracketed heading references—

omit.

2 Section 66, heading—

omit, insert—

‘66 Regulation-making power’.

WATER ACT 2000

1 Section 98(2), ‘; and’—

omit, insert—

‘;’.

2 Schedule 4, definition “registered professional engineer”,

omit, insert—

SCHEDULE (continued)

‘**“registered professional engineer”** see the *Professional Engineers Act 2002*, schedule 2.’.

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