

Queensland



Subordinate Legislation 1991 No. 228

Land Act 1962

Lands Legislation Amendment Act 1991

Miners' Homestead Leases Act 1913

Mining Titles Freeholding Act 1980

LANDS LEGISLATION AMENDMENT REGULATION 1991

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PART 1—PRELIMINARY**Short title**

1. This regulation may be cited as the *Lands Legislation Amendment Regulation 1991*.

Commencement

2.(1) Subject to subsection (2), this regulation commences on 31 December 1991.

(2) Section 15 commences on 1 July 1992.

PART 2—AMENDMENTS OF LAND REGULATION 1988

Amended regulation

3. The *Land Regulation 1988* is amended as set out in this Part.

Omission of ss.3 and 4

4. Sections 3 and 4—
omit.

Amendment of s.5 (Interpretation)

5. Section 5—
insert—

‘**“prescribed form”** means a form approved by the chief executive;’.

Replacement of s.6 (Forms)

6. Section 6—
omit, insert—

‘Forms

‘6. An instrument of title under the Act, or a document dealing with land that is required or permitted to be used under the Act, must be in the prescribed form.’.

Omission of s.7 (Annexure)

7. Section 7—
omit.

Amendment of s.13 (Numbering of applications for pastoral leases)

8.(1) Section 13(1)—

omit ‘by the Land Agent’.

(2) Section 13(2)—

omit ‘maintained by the Land Agent’.

Amendment of s.14 (Numbering of applications for selections)

9.(1) Section 14(1)—

omit, insert—

‘(1) All simultaneous applications to select land under any class of selection tenure under the selective method of application must be given an application serial number.’.

(2) Section 14(2)—

omit ‘by an officer in the office in Brisbane of the Department’, *insert* ‘for that purpose’.

Omission of s.19 (Details to Secretary)

10. Section 19—

omit.

Amendment of s.25 (Priority of registration)

11.(1) Section 25(2)—

omit ‘Registrar of Dealings’, *insert* ‘Registrar of Titles’.

(2) Section 25(3)—

omit ‘Registrar of Dealings’, *insert* ‘Registrar of Titles’.

(3) Section 25(4)(a)—

omit ‘Registrar of Dealings’, *insert* ‘Registrar of Titles’.

Replacement of s.26 (Journal of Dealings)

12. Section 26—

omit, insert—

‘Record of dealings lodged

‘26. Particulars of all dealings produced for, or withdrawn from, registration must be recorded in a way approved by the Registrar of Titles.’.

Amendment of s.28 (Withdrawal from registration)

13.(1) Section 28(2)(a)—

omit.

(2) Section 28(2)(b)—

omit ‘Registrar of Dealings’, *insert* ‘Registrar of Titles’.

Amendment of s.29 (Search)

14. Section 29(c)(ii)—

omit ‘Registrar of Dealings’, *insert* ‘Registrar of Titles’.

Replacement of s.30 (Request for transmission (s.289))

15. Section 30—

omit, insert—

‘Value of estate—s.290 of the Act

‘30. The prescribed amount under section 290(3)(b)(ii) of the Act is \$100 000.’.

Omission of ss.31 to 36

16. Sections 31 to 36—

omit.

Replacement of s.37 (Designation of leases and licences)

17. Section 37—

omit, insert—

‘Designation of leases, licences and permits

‘37. All leases, licences and permits to occupy must be identified in a way approved by the chief executive.’.

Amendment of s.38 (Lot on Plan number)

18.(1) Section 38(1)—

omit ‘Department of Geographic Information’, *insert* ‘department’.

(2) Section 38(2)—

omit ‘Registrar of Dealings’, *insert* ‘Registrar of Titles’.

Omission of ss.41 and 42

19. Sections 41 and 42—

omit.

Replacement of s.43 (Value of purchasing price or total rent commitment)

20. Section 43—

omit, insert—

‘Value of purchasing price

‘43. The amount payable to complete a purchase under section 125(3) of the Act must be calculated under Schedule 4.’.

Replacement of s.44 (Warrants and order)

21. Section 44—

omit , insert—

‘Interest rates

‘44.(1) The prescribed interest rate on the balance of survey fees under sections 60(1) and 104(1) of the Act is 12.38%.

‘(2) The prescribed interest rate on excess rent under sections 61B(9), 131(12), 204B(9) and 212(13) of the Act is 8.38%.

‘(3) The prescribed interest rate on the unpaid principal of a purchasing

price under sections 123(4), 176(5), 194(6) and 207L(7) of the Act is 12.38%.

‘(4) If in the Minister’s opinion a lease has a value higher than that associated with grazing or agriculture, the prescribed interest rate on the unpaid principal of the purchasing price under section 144A(6) of the Act is 12.38%.

‘(5) If subsection (4) does not apply, the prescribed interest rate on the unpaid principal of the purchasing price under section 144A(6) of the Act is 6.00%.

‘(6) The prescribed interest rate to be included in the instalments in the payment of the market value of timber under sections 147(3), 196(4) and 207M(5) of the Act is 12.38%.

‘Minimum instalments

‘45.(1) The prescribed amount of the minimum instalment of a survey fee under sections 60(3) and 104(3) of the Act is \$200.

‘(2) The prescribed amount of the minimum instalment of a purchasing price (other than for residential purposes) under sections 123(5), 144A(7), 176(7), 194(7) and 207L(6) of the Act is \$500.

‘(3) The prescribed amount of the minimum instalment of a purchasing price (for residential purposes) under sections 176(7), 194(7) and 207L(6) of the Act is \$200.

‘(4) The prescribed amount of the minimum instalments in the payment of the market value of timber under sections 147(5), 196(5) and 207M(4) of the Act is \$500.

‘Minimum instalments—PLS and APL

‘46.(1) The prescribed amount of the minimum instalment of a purchasing price under section 127(4) of the Act is \$500.

‘(2) The prescribed amount of the minimum instalment of a purchasing price (other than for residential purposes) under section 188(4) of the Act is \$500.

‘(3) The prescribed amount of the minimum instalment of a purchasing price (for residential purposes) under section 188(4) of the Act is \$200.

‘Purchasing price—1 payment

‘47. The prescribed amount under sections 123(2), 144A(4), 194(4) and 207L(4) of the Act is \$1 000.

‘Minimum rents

‘48.(1) The prescribed amount of the minimum rent under sections 61B(6), 131(9) and 212(10) of the Act is \$100.

‘(2) The prescribed amount of the minimum rent under section 204B(6) of the Act is \$50.

‘Hardship—s.248A of the Act

‘49.(1) The prescribed interest rate under section 248A(4) of the Act is—

(a) if—

(i) the purpose specified in the lease is grazing or agriculture—7%; or

(ii) no purpose is specified in the lease and in the Minister’s opinion the highest and best use of the lease is grazing or agriculture—7%; or

(b) if paragraph (a) does not apply—12.38%.

‘(2) The prescribed day under section 248A(6) is 1 January 1992.

‘Penalty interest rates—s.249 of the Act

‘50.(1) The prescribed interest rate under section 249(1)(a), (1)(b) and (2) of the Act is 14.88%.

‘(2) The prescribed day under section 249(4) of the Act is 1 January 1992.’.

Omission of Schedule 1 (Forms)

22. Schedule 1—

omit.

Replacement of Schedule 4 (Land Agent District Numbers)

23. Schedule 4—

omit, insert—

‘SCHEDULE 4*Table of Payments*

Land Act 1962 (s.125(3))

Land Regulation 1988 (s.43)

1. If in the Minister’s opinion the lease has a value higher than that associated with grazing or agriculture, the amount payable is the balance of the purchasing price.

2. If clause 1 does not apply, the amount payable is an amount equal to the prescribed percentage of the balance of the purchasing price.

3. In clause 2—

“the prescribed percentage” is the percentage specified in Column 2 of the following Table set out opposite the balance of the term of years specified in Column 1 of the Table—

TABLE

Column 1 Balance of term	Column 2 %	Column 1 Balance of term	Column 2 %
1	97.25	16	82.26
2	95.95	17	81.55
3	94.70	18	80.86
4	93.50	19	80.21
5	92.34	20	79.59
6	91.23	21	78.99
7	90.16	22	78.42
8	89.13	23	77.87
9	88.14	24	77.34
10	87.20	25	76.84
11	86.29	26	76.36
12	85.41	27	75.90
13	84.57	28	75.46
14	83.77	29	75.04
15	83.00	30	74.64

PART 3—AMENDMENTS OF MINERS’ HOMESTEAD LEASES REGULATION 1989

Amended regulation

24. The *Miners’ Homestead Leases Regulation 1989* is amended as set out in this Part.

Omission of s.1 (Repeal)

25. Section 1—

omit.

Insertion of new s.5

26. After section 4—

insert—

‘Value of estate—s.39 of the Act

‘5. The prescribed amount under section 39(3)(b)(ii) of the Act is \$100 000.’.

Replacement of s.6 (Forms)

27. Section 6—

omit, insert—

‘Forms

‘6.(1) An instrument of title, or document dealing with a lease or area that is required or permitted to be used under the Act, must be in the prescribed form.

‘(2) In this section—

“prescribed form” means a form approved by the chief executive.’.

Omission of Schedule 2 (Forms)

28. Schedule 2—

omit.

**PART 4—AMENDMENTS OF MINING TITLES
FREEHOLDING REGULATIONS 1989****Amended regulations**

29. The *Mining Titles Freeholding Regulations 1989* are amended as set out in this Part.

Omission of s.1 (Repeal)

30. Section 1—

omit.

Replacement of s.2 (Name of Regulations)

31. Section 2—

omit, insert—

‘Short title

‘2. This regulation may be cited as the *Mining Titles Freeholding Regulation 1989*.’.

Replacement of s.6 (Forms)

32. Section 6—

omit, insert—

‘Forms

‘6.(1) An appeal under section 11 of the Act must be in the prescribed form.

‘(2) A prescribed form that is required or permitted to be used under the Act, or this Regulation, must be in the form approved by the chief executive.’.

Omission of Schedule 3 (Forms)

33 . Schedule 3—

omit.

PART 5—TRANSITIONAL AND SAVINGS

Definition

34. In this Part—

“**the Act**” means the *Lands Legislation Amendment Act 1991*.

Interest rate

35. The prescribed interest rate on excess rent under section 110(8) of the Act is 8.38%.

Minimum instalments

36.(1) For the purposes of section 113(4) of the Act, the increase in instalments for leases used for residential purposes is payable as follows—

- (a) if the increase does not exceed \$50—when the first instalment after 31 December 1991 is payable; or
- (b) if the increase exceeds \$50 but does not exceed \$100—
 - (i) \$50 when the first instalment after 31 December 1991 is payable; and
 - (ii) the balance when the second instalment after that day is payable; or
- (c) if the increase exceeds \$100 but does not exceed \$150—

- (i) \$50 when each of the first and second instalments after 31 December 1991 are payable; and
 - (ii) the balance when the third instalment after that day is payable; or
 - (d) if the increase exceeds \$150—one third of the increase when each of the first, second and third instalments after 31 December 1991 are payable.
- (2) For the purposes of section 113(5) of the Act, the increase in instalments for leases not used for residential purposes is payable as follows—
- (a) if the increase does not exceed \$100—when the first instalment after 31 December 1991 is payable; or
 - (b) if the increase exceeds \$100 but does not exceed \$200—
 - (i) \$100 when the first instalment after 31 December 1991 is payable; and
 - (ii) the balance when the second instalment after that day is payable; or
 - (c) if the increase exceeds \$200 but does not exceed \$300—
 - (i) \$100 when each of the first and second instalments after 31 December 1991 are payable; and
 - (ii) the balance when the third instalment after that day is payable; or
 - (d) if the increase exceeds \$300—one third of the increase when each of the first, second and third instalments after 31 December 1991 are payable.

ENDNOTES

1. Made by the Governor in Council on 19 December 1991
2. Published in the Gazette on 21 December 1991
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Lands.