

# LAND AMENDMENT BILL 1996

## EXPLANATORY NOTE

### GENERAL OUTLINE

#### **Objectives of the Legislation**

The principal objective of this legislation is to introduce a range of important amendments which will not only improve the effectiveness of the existing legislation but also remove doubt as to the future status of the Land Court.

#### **The Reasons for the Bill**

The Bill makes provision for amendments to the *Land Act 1994*, which will:

- a. introduce greater flexibility to the leasehold rental system by granting the accountable Minister the power to set rentals at the quantum of the previous rental period where the Minister considers that the rental calculated using the most recently made valuation for rental purposes would result in an undue rental increase;
- b. extend the investigative powers of the chief executive of the responsible department by giving that officer the discretion to consider the content of an approved Broadscale Tree Clearing Policy where no local guidelines exist; and
- c. repeal an existing provision which established 30 June 1997 as the expiry date for the continuation of the Land Court and Land Appeal Court.

## **Estimated Cost for Government Implementation**

The amount of rental foregone by the implementation of the rental amendment for leases in the Grazing and Agricultural lease category for the 1996/97 rental period is approximately \$1.3M. However, this amount will be offset by a range of increases to the rentals of leases in the other 9 lease categories.

There are no appreciable costs involved in the implementation of the amendments relating to tree clearing matters and the continuation of the Land Court.

## **Consultation**

The following groups have been consulted on matters relating to the Bill:

- Cattlemen's Union and the United Graziers' Association
- Queensland Conservation Council; Department of Primary Industries, Fisheries and Forestry; Department of Environment and the Department of Natural Resources
- Queensland Treasury
- Australian Institute of Valuers and Land Economists and the Department of Justice

## **FUNDAMENTAL LEGISLATIVE PRINCIPLES**

This Bill does not breach any fundamental legislative principles.

## **NOTES ON PROVISIONS**

*Clause 1* contains the short title.

*Clause 2* indicates that this Bill amends the *Land Act 1994*.

*Clause 3* This clause amends Section 183 of the Act by relocating the provisions establishing the circumstances in which rent is determined and payable under special cases to the new Section 183A which specifically addresses these issues.

*Clause 4* The new Section 183A combines the existing special circumstances when a "set rent" may be applied by the accountable

Minister with additional provisions (new sub-sections (1) and (2)) which allow the accountable Minister to set a rent for a defined group of leases, licences or permits at the amount determined for the previous rental period if the Minister considers that the rent calculated using the most recently made valuation for rental purposes would result in an undue increase in the rent for a rental period.

*Clause 5* This clause amends Section 262(2) of the Act to provide that when evaluating applications for tree clearing permits over areas of leasehold land for which local guidelines do not exist, the chief executive of the responsible department should have regard to any broadscale tree clearing policy document.

*Clause 6* This clause amends Section 392(4) of the Act by adding the decision to set a rent under new Section 183A(1) to the list of Ministerial powers which may not be delegated to the chief executive or an officer or employee of the responsible department.

*Clause 7* This clause removes a provision which established 30 June 1997 as the expiry date for the continuation of certain provisions of the repealed *Land Act 1962* about the Land Court. In effect, the removal of this provision secures the continuation of the Land Court and Land Appeal Court as independent tribunals.

*Clause 8* This clause deletes the existing definition of a “set rent” in the Dictionary of the Act and adds a new definition to comply with the amendments contained in Clauses 3 and 4 of the Bill.