

Queensland



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

Queensland



NATURAL RESOURCES AND OTHER LEGISLATION AMENDMENT BILL 2004

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2004

A BILL

FOR

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

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The Parliament of Queensland enacts— 1

PART 1—PRELIMINARY 2

Clause 1 Short title 3

This Act may be cited as the *Natural Resources and Other Legislation
Amendment Act 2004*. 4
5

**PART 2—AMENDMENT OF ACQUISITION OF LAND
ACT 1967** 6
7

Clause 2 Act amended in pt 2 8

This part amends the *Acquisition of Land Act 1967*. 9

Clause 3 Amendment of s 2 (Definitions) 10

Section 2, definition “constructing authority”, paragraph (b)— 11

omit, insert— 12

‘(b) a local government; or 13

(c) a person authorised by an Act to take land for any purpose.’ 14

PART 3—AMENDMENT OF FORESTRY ACT 1959 15

Clause 4 Act amended in pt 3 16

This part amends the *Forestry Act 1959*. 17

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Clause 5	Amendment of s 61J (Agreement about natural resource products)	1 2
	(1) Section 61J—	3
	<i>insert—</i>	4
	‘(1A) However, if the land is land held under the <i>Land Act 1994</i> , 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.’.	5 6 7 8
	(2) Section 61J(4), ‘the <i>Land Title Act 1994</i> ’—	9
	<i>omit, insert—</i>	10
	‘the <i>Land Act 1994</i> or the <i>Land Title Act 1994</i> ’.	11
	(3) Section 61J(5), from ‘the <i>Land</i> ’—	12
	<i>omit, insert—</i>	13
	‘the <i>Land Act 1994</i> or the <i>Land Title Act 1994</i> . ¹ ’.	14
	(4) Section 61J(7), definition “owner”—	15
	<i>omit.</i>	16
	(5) Section 61J(7)—	17
	<i>insert—</i>	18
	‘ “land” means—	19
	(a) land held under the <i>Land Act 1994</i> under a lease that allows the land to be used for agricultural or timber plantation purposes; or	20 21
	(b) land held under the <i>Land Title Act 1994</i> .	22
	“owner” means—	23
	(a) for land held under the <i>Land Act 1994</i> —the lessee of the land; or	24
	(b) for land held under the <i>Land Title Act 1994</i> —the registered owner of the land.’.	25 26

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).

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PART 4—AMENDMENT OF LAND ACT 1994

	1
Clause 6 Act amended in pt 4	2
This part amends the <i>Land Act 1994</i> .	3
Clause 7 Amendment of s 5 (Land to which Act applies)	4
Section 5(2), from ‘dealt with’—	5
<i>omit, insert—</i>	6
‘dealt with under this Act.’ ² .	7
Clause 8 Amendment of s 26 (Minister may decide boundaries of reservations)	8
(1) Section 26(1) and (2)(c), ‘in the deed of grant’—	10
<i>omit, insert—</i>	11
‘in the lease, deed of grant’.	12
(2) Section 26(2), (3) and (4), ‘registered owner’—	13
<i>omit, insert—</i>	14
‘lessee, registered owner’.	15
Clause 9 Amendment of s 33 (Revocation of reserves)	16
Section 33(1)—	17
<i>insert—</i>	18
‘(c) the Minister is satisfied a different tenure would be more appropriate for the purpose for which the land is used.’.	19 20
Clause 10 Amendment of s 38 (Cancelling a deed of grant in trust)	21
(1) Section 38—	22

² However, see section 14(3).

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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).

Clause 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.’.

Clause 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

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- (c) the trust is at an end; and 1
- (d) all appointments of trustees for the land and all trustee leases and trustee permits over the land are cancelled. 2
3

‘(4) If the Minister has allowed improvements to be removed from the surrendered land— 4
5

- (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 6
7
8
- (b) if the improvements are not removed within the time stated in the notice, they become the property of the State. 9
10

‘(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. 11
12

‘(6) No person has a right to claim compensation from the Minister or the State for a surrender under subsection (1).’ 13
14

Clause 13 Amendment of s 57 (Trustee leases) 15

Section 57— 16

insert— 17

‘(5) If the trustee lease is for only part of the trust land, the appropriate form for the trustee lease must also include— 18
19

- (a) a sketch plan the chief executive is satisfied identifies the land being leased; or 20
21
- (b) if required by the chief executive—a plan of survey identifying the land being leased. 22
23

‘(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.’ 24
25
26

Clause 14 Insertion of new s 57A 27

After section 57— 28

insert— 29

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‘57A Amending a trustee lease	1
‘(1) A registered trustee lease may, with the Minister’s approval, be amended by registering an amendment of the trustee lease.	2 3
‘(2) However, the document of amendment must not—	4
(a) increase or decrease the area leased; or	5
(b) add or remove a party to the lease; or	6
(c) increase the term of the lease.’.	7
Clause 15 Amendment of s 58 (Other transactions a trustee may allow)	8
(1) Section 58, heading—	9
<i>omit, insert—</i>	10
‘58 Other transactions relating to trustee leases’.	11
(2) Section 58—	12
<i>insert—</i>	13
‘(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.’.	14 15 16 17
(3) Section 58—	18
<i>insert—</i>	19
‘(6) Section 342 applies, with necessary changes, to the release of a mortgage of a trustee lease or sublease of a trustee lease.’.	20 21
(4) Section 58(4A) to (6)—	22
<i>renumber</i> as section 58(5) to (7).	23
Clause 16 Amendment of s 101 (Minister to consider objections)	24
Section 101(2)—	25
<i>omit, insert—</i>	26
‘(2) The Minister may approve the road closure application, with or without conditions, or refuse the application.’.	27 28

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Clause 17	Replacement of s 105 (Cancellation or surrender of road licence)	1
	Section 105—	2
	<i>omit, insert—</i>	3
	‘105 Cancellation or surrender of road licence	4
	‘(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.	5 6
	‘(2) No compensation is payable for the cancellation of a road licence.	7
	‘(3) A licensee, with the Minister’s written approval, may surrender all or part of a road licence.	8 9
	‘(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.	10 11
	‘(5) However, the Minister may allow the licensee to remove any improvements within the time stated on the cancellation notice or the surrender approval.	12 13 14
	‘(6) If a road licence is cancelled or surrendered, the road remains temporarily closed.’.	15 16
 Clause 18	 Amendment of s 122 (Deeds of grant of unallocated State land)	 17
	(1) Section 122—	18
	<i>insert—</i>	19
	‘(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.’.	20 21 22
	(2) Section 122(1A) to (3)—	23
	<i>renumber</i> as section 122(2) to (4).	24
 Clause 19	 Amendment of s 123 (Priority criteria)	 25
	(1) Section 123, definition “priority criteria”—	26
	<i>insert—</i>	27
	‘(ba) the applicant held a significant interest in the land before it became unallocated State land; or	28 29

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<i>Example of significant interest—</i>	1
a deed of grant in trust or a long term lease’.	2
(2) Section 123, definition “priority criteria”, paragraphs (ba) and (c)—	3
<i>renumber</i> as paragraphs (c) and (d).	4
Clause 20 Amendment of s 160 (Written notice of Minister’s decision)	5
(1) Section 160(1)—	6
<i>omit.</i>	7
(2) Section 160(2), ‘offers a new lease, the notice must state’—	8
<i>omit, insert—</i>	9
‘decides to offer a new lease, the applicant must be given written notice	10
of’.	11
(3) Section 160(3), ‘the Minister must give the applicant’—	12
<i>omit, insert—</i>	13
‘the applicant must be given’.	14
(4) Section 160(2) to (4)—	15
<i>renumber</i> as section 160(1) to (3).	16
Clause 21 Amendment of s 163 (Land not included in the offer)	17
Section 163, from ‘on surrender’—	18
<i>omit, insert—</i>	19
‘on surrender of the lease—	20
(a) if the lease was over a reserve—remains a reserve; or	21
(b) otherwise—becomes unallocated State land.’.	22
Clause 22 Amendment of s 168 (Written notice of Minister’s decision)	23
(1) Section 168(1) and (2)—	24
<i>omit, insert—</i>	25

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	‘(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.’.	1 2 3
	(2) Section 168(5), ‘the Minister must give the applicant’— <i>omit, insert—</i>	4 5
	‘the applicant must be given’.	6
	(3) Section 168(3) to (6)— <i>renumber</i> as section 168(2) to (5).	7 8
Clause 23	Amendment of s 174 (Freeholded lease may not be transferred without approval)	9 10
	Section 174(5)— <i>omit, insert—</i>	11 12
	‘(5) The applicant must be given written notice of the Governor in Council’s decision about the removal of the covenant.’.	13 14
Clause 24	Amendment of s 177 (Chief executive may issue permit)	15
	Section 177— <i>insert—</i>	16 17
	‘(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.’.	18 19
Clause 25	Amendment of s 196 (Minister may take action for non-payment)	20
	Section 196, from ‘may’— <i>omit, insert—</i>	21 22
	‘may do 1 or more of the following—	23
	(a) take action in a court of competent jurisdiction to recover the rent, instalments, penalty interest or deferred interest owing;	24 25
	(b) forfeit the lease under chapter 5, part 4;	26
	(c) cancel the licence or permit.’.	27

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Clause 26	Amendment of s 197 (Notice of intention to cancel)	1
	Section 197(1), from ‘take action’—	2
	<i>omit, insert—</i>	3
	‘take action to do either or both of the following—	4
	(a) recover the rent, instalments, penalty interest or deferred interest;	5
	(b) cancel the licence or permit. ³ ’.	6
 Clause 27	 Amendment of s 203 (Typical conditions)	 7
	(1) Section 203—	8
	<i>insert—</i>	9
	‘(ca) about the transfer or sublease of the lease;’.	10
	(2) Section 203(ca) to (f)—	11
	<i>renumber</i> as section 203(d) to (g).	12
 Clause 28	 Amendment of s 211 (Conditions must be reviewed)	 13
	(1) Section 211(1), ‘issue’—	14
	<i>omit, insert—</i>	15
	‘start’.	16
	(2) Section 211(2), ‘issuing’—	17
	<i>omit, insert—</i>	18
	‘starting’.	19
	(3) Section 211(4), ‘issued’—	20
	<i>omit, insert—</i>	21
	‘starting’.	22
 Clause 29	 Amendment of s 246 (Application of division)	 23
	Section 246—	24

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

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	<i>insert—</i>	1
	‘(d) that has been the subject of a deed of grant in trust if—	2
	(i) the deed of grant in trust has been cancelled; and	3
	(ii) the improvements on the land have been made by the trustee or a person with the trustee’s authority.’.	4 5
Clause 30	Amendment of s 247 (Application of payment for improvements by incoming lessee or buyer)	6 7
	Section 247(1)—	8
	<i>insert—</i>	9
	‘(d) for a deed of grant in trust—the person who owned the improvements on the land.’.	10 11
Clause 31	Amendment of s 274A (Compliance notice)	12
	Section 274A—	13
	<i>insert—</i>	14
	‘(12) A tree planted in compliance with the compliance notice is not a natural resource owned by the lessee as an improvement.’.	15 16
Clause 32	Amendment of s 322 (Requirements for transfers)	17
	Section 322—	18
	<i>insert—</i>	19
	‘(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.’.	20 21 22
Clause 33	Amendment of s 328 (Surrender of subleases)	23
	Section 328(1), after ‘sublease’—	24
	<i>insert—</i>	25
	‘or part of a sublease’.	26

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Clause 34	Amendment of s 336 (Amending a sublease)	1
	Section 336—	2
	<i>insert—</i>	3
	‘(3) Sections 332 and 333 apply to an amendment of a sublease as if the amendment were a sublease.	4
	’	5
	‘(4) Before an amendment of a sublease is registered, the amendment must be endorsed with, as appropriate—	6
	’	7
	(a) the Minister’s approval under section 332, as applied; or	8
	(b) the Minister’s general authority to amend under section 333, as applied.’.	9
		10
Clause 35	Amendment of s 362 (Easements may be created only by registration)	11
	Section 362(1), after ‘over’—	12
	<i>insert—</i>	13
	‘land granted in trust or’.	14
		15
Clause 36	Amendment of s 363 (Registration of easement)	16
	Section 363(5), definition “owner of the land”, from ‘lessee’—	17
	<i>omit, insert—</i>	18
	‘trustee of land granted in trust, lessee and licensee.’.	19
Clause 37	Amendment of s 368 (Same person becoming lessee, licensee or permittee of benefited and burdened lands)	20
	Section 368, ‘lessee, licensee or permittee’—	21
	<i>omit, insert—</i>	22
	‘trustee, lessee or licensee’.	23
		24
Clause 38	Amendment of s 369B (Transfer of benefited land)	25
	Section 369B(3), definition “owner”—	26

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	<i>omit, insert—</i>	1
	‘ “owner” , of land, includes—	2
	(a) for land granted in trust—the trustee of the land; and	3
	(b) otherwise—a registered owner, lessee or licensee of the land.’.	4
Clause 39	Amendment of s 371 (Surrendering an easement)	5
	Section 371(6), definition “owner of the land”, from ‘lessee’—	6
	<i>omit, insert—</i>	7
	‘trustee of land granted in trust, lessee and licensee.’.	8
Clause 40	Amendment of s 372 (End and continuation of easements)	9
	(1) Section 372(1)—	10
	<i>omit, insert—</i>	11
	‘(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.’.	12 13 14
	(2) Section 372(2), after ‘when the’—	15
	<i>insert—</i>	16
	‘deed of grant in trust.’.	17
Clause 41	Insertion of new ch 6, pt 4, div 8B	18
	Chapter 6, part 4, after section 373D—	19
	<i>insert—</i>	20
	<i>‘Division 8B—Profits a prendre</i>	21
	‘373E Application of div 8B	22
	‘This division applies to a profit a prendre relating to a natural resource—	23 24
	(a) on land subject to a lease; and	25
	(b) owned by the lessee of the land as an improvement.	26

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‘373F Definitions for div 8B	1
‘In this division—	2
‘ “lease” means a lease that allows the land held under the lease to be used for agricultural or timber plantation purposes.	3 4
“natural resource” means a tree or vegetation other than a tree planted to comply with a compliance notice.	5 6
‘373G Profit a prendre by registration	7
‘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.	8 9 10
‘373H Profit a prendre affecting freehold land and a lease	11
(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—	12 13 14
(a) benefits another lease; or	15
(b) benefits freehold land; or	16
(c) burdens another lease; or	17
(d) burdens freehold land; or	18
(e) has effect in any combination of paragraphs (a) to (d).	19
(2) The document must be registered in the appropriate registers.	20
(3) Further dealings affecting the profit a prendre must also be registered in the appropriate registers.	21 22
‘373I Requirements of document creating profit a prendre	23
(1) A document creating a profit a prendre must—	24
(a) be validly executed; and	25
(b) include a description sufficient to identify the lease the subject of the profit a prendre; and	26 27

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(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.	1 2 3
‘(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.	4 5 6
‘(3) The period mentioned in subsection (1)(c) must not be longer than the term of the lease.	7 8
‘373J Particulars to be registered	9
‘When a document creating a profit a prendre is registered, the following particulars must be recorded in the appropriate registers—	10 11
(a) the lease burdened by the profit a prendre;	12
(b) any lease benefited by the profit a prendre;	13
(c) any freehold land benefited or burdened by the profit a prendre.	14
‘373K Profit a prendre benefiting and burdening same person’s lease or freehold land	15 16
‘A document creating a profit a prendre may be registered even if—	17
(a) the lease or freehold land benefited and the lease burdened by the profit a prendre are owned by the same person; or	18 19
(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.	20 21 22
‘373L Same person becoming lessee of benefited and burdened leases	23
‘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—	24 25 26
(a) the lessee asks the chief executive to extinguish the profit a prendre; or	27 28
(b) the leases are amalgamated under division 6.	29

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‘373M Owner of benefited lease acquiring interest in burdened lease	1
‘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.	2 3 4
‘373N Amending a profit a prendre	5
‘(1) A profit a prendre may be amended by registering a document amending the profit a prendre.	6 7
‘(2) However, the document must not—	8
(a) increase or decrease the area of land the subject of the profit a prendre; or	9 10
(b) add or remove a party to the profit a prendre.	11
‘373O Releasing or removing a profit a prendre	12
‘(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.	13 14 15
‘(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.	16 17 18
‘(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—	19 20 21
(a) the period of time for which the profit a prendre was intended to subsist has ended; or	22 23
(b) the event upon which the profit a prendre was intended to end has happened.	24 25
‘373P Effect of surrender of lease on profit a prendre	26
‘(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).	27 28 29

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‘(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.’

Clause 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.’

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

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

omit, insert—

‘this Act’.

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

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

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Clause 44	Amendment of s 481 (Cancellation or surrender of occupation licence)	1 2
	(1) Section 481(1), after ‘may cancel’—	3
	<i>insert—</i>	4
	‘all or part of’.	5
	(2) Section 481(3), after ‘surrender’—	6
	<i>insert—</i>	7
	‘all or part of’.	8
 Clause 45	 Amendment of sch 2 (Original decisions)	 9
	(1) Schedule 2, ‘160(4)’—	10
	<i>omit, insert—</i>	11
	‘160(3)’.	12
	(2) Schedule 2, ‘168(6)’—	13
	<i>omit, insert—</i>	14
	‘168(5)’.	15
 Clause 46	 Amendment of sch 6 (Dictionary)	 16
	Schedule 6, definition “statutory body”, after ‘a local government’—	17
	<i>insert—</i>	18
	‘, a local government owned corporation’.	19
	 PART 5—AMENDMENT OF LAND PROTECTION (PEST AND STOCK ROUTE MANAGEMENT) ACT 2002	 20 21
 Clause 47	 Act amended in pt 5	 22
	This part amends the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> .	23 24

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Clause 48	Amendment of s 25 (Local governments to have pest management plan)	1 2
	Section 25(1), ‘1 year’—	3
	<i>omit, insert—</i>	4
	‘2 years’.	5
Clause 49	Amendment of s 105 (Local governments to have stock route network management plan)	6 7
	Section 105(1), ‘1 year’—	8
	<i>omit, insert—</i>	9
	‘2 years’.	10
	PART 6—AMENDMENT OF LAND TITLE ACT 1994	11
Clause 50	Act amended in pt 6	12
	This part amends the <i>Land Title Act 1994</i> .	13
Clause 51	Insertion of new s 97EA	14
	After section 97E—	15
	<i>insert—</i>	16
	‘97EA Profit a prendre affecting a lot and non-freehold land	17
	‘(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—	18 19
	(a) benefits another lot; or	20
	(b) benefits non-freehold land; or	21
	(c) burdens another lot; or	22
	(d) burdens non-freehold land; or	23
	(e) has effect in any combination of paragraphs (a) to (d).	24

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‘(2) The instrument must be registered in the appropriate registers.	1
‘(3) Further dealings affecting the profit a prendre must also be registered in the appropriate registers.’.	2 3
Clause 52 Amendment of s 97G (Particulars to be registered)	4
Section 97G—	5
<i>insert—</i>	6
‘(c) any lease of non-freehold land benefited or burdened by the profit a prendre.’.	7 8
Clause 53 Insertion of new s 97M	9
After section 97L—	10
<i>insert—</i>	11
‘97M Effect of surrender of lot on profit a prendre	12
‘(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 <i>Land Act 1994</i> , section 358(5).	13 14 15
‘(2) If a lot subject to a profit a prendre is surrendered absolutely, the profit a prendre is an interest that, under the <i>Land Act 1994</i> , section 331(2), is extinguished from the day the surrender is registered.’.	16 17 18
PART 7—AMENDMENT OF VALUATION OF LAND ACT 1944	19 20
Clause 54 Act amended in pt 7	21
This part amends the <i>Valuation of Land Act 1944</i> .	22
Clause 55 Amendment of s 14 (Deciding unimproved value of certain land)	23
(1) Section 14(5)—	24

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	<i>insert—</i>	1
	‘(e) to which a determination of native title or an indigenous land use agreement, under the <i>Native Title Act 1993</i> (Cwlth), relates;’.	2 3
	(2) Section 14(5), ‘permission to occupy or agreement’—	4
	<i>omit, insert—</i>	5
	‘permission to occupy, agreement or determination’.	6
Clause 56	Amendment of s 28 (Alteration of valuation in force or to come into force)	7 8
	Section 28(1)—	9
	<i>insert—</i>	10
	‘(m) unless the land becomes the subject of a determination of native title or an indigenous land use agreement, under the <i>Native Title Act 1993</i> (Cwlth).’.	11 12 13
	PART 8—MINOR AMENDMENTS	14
Clause 57	Acts amended in schedule	15
	The schedule amends the Acts it mentions.	16

SCHEDULE	1
MINOR AMENDMENTS OF ACTS	2
<i>section 57</i>	3
ABORIGINAL LAND ACT 1991	4
1 Section 44, paragraphs (a) to (d), all bracketed section heading references—	5
<i>omit.</i>	6
<i>omit.</i>	7
2 Section 138, heading—	8
<i>omit, insert—</i>	9
‘138 Regulation-making power’.	10
ACQUISITION OF LAND ACT 1967	11
1 Section 42, heading—	12
<i>omit, insert—</i>	13
‘42 Regulation-making power’.	14

SCHEDULE (continued)

EXPLOSIVES ACT 1999	1
1 Section 6(2), definition “Act about mining”, paragraphs (a) and (b)—	2 3
<i>omit, insert—</i>	4
‘(a) the <i>Coal Mining Safety and Health Act 1999</i> ; or	5
(b) the <i>Mining and Quarrying Safety and Health Act 1999</i> ; or’.	6
2 Part 9, heading, ‘and consequential amendments’—	7
<i>omit.</i>	8
3 Schedule 2, definition “government magazine”—	9
<i>omit, insert—</i>	10
‘ “government magazine” means a place declared to be a government magazine under section 46(1).’.	11 12
FOREIGN GOVERNMENTS (TITLES TO LAND) ACT 1948	13 14
1 Section 7, heading—	15
<i>omit, insert—</i>	16
‘7 Regulation-making power’.	17

SCHEDULE (continued)

FOSSICKING ACT 1994	1
<p>1 Sections 34(3), 85(1)(a), 88(c) and (d), 93, 99(2)(c) and 104(1), all bracketed section heading references—</p> <p><i>omit.</i></p>	2 3 4
<p>2 Section 107, heading—</p> <p><i>omit, insert—</i></p> <p>‘107 Regulation-making power’.</p>	5 6 7
LAND ACT 1994	8
<p>1 Section 448, heading—</p> <p><i>omit, insert—</i></p> <p>‘448 Regulation-making power’.</p>	9 10 11
<p>2 Sections 2(3), 487(2) and 520(a) and (b), all bracketed section heading references—</p> <p><i>omit.</i></p>	12 13 14
LAND TITLE ACT 1994	15
<p>1 Section 50(g)(iii), ‘part 4’—</p> <p><i>omit, insert—</i></p> <p>‘part 3’.</p>	16 17 18

SCHEDULE (continued)

2	Section 115T(3), ‘section 69 or 70’—	1
	<i>omit, insert—</i>	2
	‘section 72 or 74’.	3
3	Section 115U(2)(b), ‘section 75(2)’—	4
	<i>omit, insert—</i>	5
	‘section 78(2)’.	6
4	Section 115U(4), definition “termination issues”, ‘schedule 4’—	7
	<i>omit, insert—</i>	8
	‘schedule 6’.	9
5	Section 115W(2)(b)(ii), ‘section 82(3)’—	10
	<i>omit, insert—</i>	11
	‘section 85(3)’.	12
6	Section 115Y(2)(b)(ii), ‘section 86C(2)’—	13
	<i>omit, insert—</i>	14
	‘section 91(2)’.	15
7	Section 115Y(3)(b), ‘section 55’—	16
	<i>omit, insert—</i>	17
	‘section 62’.	18
8	Section 115Y(3)(b), ‘section 54’—	19
	<i>omit, insert—</i>	20
	‘section 60’.	21

SCHEDULE (continued)

9	Schedule 2, definition, “body corporate”, ‘schedule 4’—	1
	<i>omit, insert—</i>	2
	‘schedule 6’.	3
10	Schedule 2, definition, “community management statement”, ‘section 13’—	4 5
	<i>omit, insert—</i>	6
	‘section 12’.	7
11	Schedule 2, definition, “contribution schedule lot entitlement”, ‘section 44’—	8 9
	<i>omit, insert—</i>	10
	‘section 46’.	11
12	Schedule 2, definition, “interest schedule lot entitlement”, ‘section 44’—	12 13
	<i>omit, insert—</i>	14
	‘section 46’.	15
13	Schedule 2, definition, “utility infrastructure”, ‘schedule 4’—	16
	<i>omit, insert—</i>	17
	‘schedule 6’.	18
14	Schedule 2, definition, “utility service”, ‘schedule 4’—	19
	<i>omit, insert—</i>	20
	‘schedule 6’.	21

SCHEDULE (continued)

MINERAL RESOURCES ACT 1989	1
<p>1 Section 4(5), definition “offshore area”, from ‘in’—</p> <p><i>omit, insert—</i></p> <p>‘in the schedule.’.</p>	<p>2</p> <p>3</p> <p>4</p>
<p>2 Schedule, definitions “chief executive (planning)” and “planning scheme”, ‘Local Government (Planning and Environment) Act 1990’—</p> <p><i>omit, insert—</i></p> <p>‘Integrated Planning Act 1997’.</p>	<p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p>
<p>3 Schedule, definition “reserve” paragraph (b), ‘6’—</p> <p><i>omit, insert—</i></p> <p>‘3’.</p>	<p>10</p> <p>11</p> <p>12</p>
 TORRES STRAIT ISLANDER LAND ACT 1991	 13
<p>1 Sections 3, definition “native title interests” and 41, paragraphs (a) to (d), all bracketed section heading references—</p> <p><i>omit.</i></p>	<p>14</p> <p>15</p> <p>16</p>
<p>2 Section 135, heading—</p> <p><i>omit, insert—</i></p> <p>‘135 Regulation-making power’.</p>	<p>17</p> <p>18</p> <p>19</p>

SCHEDULE (continued)

VALUATION OF LAND ACT 1944	1
1 Section 17(1), ‘in that value for that the land’—	2
<i>omit, insert—</i>	3
‘in value because the land’.	4
 VALUERS REGISTRATION ACT 1992	 5
1 Section 3, definition “specialist retail valuer” and section 42H(1) and (2), all bracketed heading references—	6 7
<i>omit.</i>	8
2 Section 66, heading—	9
<i>omit, insert—</i>	10
‘66 Regulation-making power’.	11
 WATER ACT 2000	 12
1 Section 98(2), ‘; and’—	13
<i>omit, insert—</i>	14
‘;’.	15
2 Schedule 4, definition “registered professional engineer”,	16
<i>omit, insert—</i>	17

SCHEDULE (continued)

‘ “registered professional engineer” see the <i>Professional Engineers Act 2002</i> , schedule 2.’	1
	2