

Queensland



LAND LEGISLATION AMENDMENT ACT 2003

Act No. 20 of 2003

Queensland



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Land Legislation Amendment Act 2003

Act No. 20 of 2003

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

[Assented to 9 May 2003]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Land Legislation Amendment Act 2003*.

2 Commencement

Sections 22 to 26 commence on a day to be fixed by proclamation.

PART 2—AMENDMENT OF ABORIGINAL LAND ACT 1991

3 Act amended in pt 2

This part amends the *Aboriginal Land Act 1991*.

4 Insertion of new s 137AB

After section 137A—

insert—

‘137AB Confirmation of status of particular land

‘(1) To remove any doubt, it is declared that—

- (a) the sales permit does not create, and never has created, for the purposes of section 19, an interest in land; and
- (b) the amending regulation was valid.

‘(2) In this section—

“amending regulation” means the *Aboriginal Land Amendment Regulation (No. 1) 2002*.

“**sales permit**” means Sales Permit No. 004490, dated 18 October 1990, issued under the *Forestry Act 1959*.’.

PART 3—AMENDMENT OF LAND ACT 1994

5 Act amended in pt 3

This part amends the *Land Act 1994*.

6 Amendment of sch 6 (Dictionary)

Schedule 6—

insert—

‘**“agriculture”** means the cultivation of land including, for example, the following—

- (a) farming;
- (b) crop-raising;
- (c) forestry.’.

PART 4—AMENDMENT OF MINERAL RESOURCES ACT 1989

7 Act amended in pt 4

This part amends the *Mineral Resources Act 1989*.

8 Insertion of new s 418C

Part 11—

insert—

‘418C Cancellation of Shelburne Bay mining leases

‘(1) On and from the commencement of this section—

- (a) the relevant mining leases are cancelled; and
- (b) without limiting paragraph (a), and despite any entitlement there may otherwise be under this Act for the renewal of the relevant mining leases—
 - (i) any application made before the commencement for the renewal of the leases must not be further dealt with under this Act; and
 - (ii) the Minister must not recommend to the Governor in Council to grant a renewal of the leases; and
 - (iii) the Governor in Council must not grant a renewal of the leases.

‘(2) No compensation is payable to any person because of the operation of subsection (1).

‘(3) Subsection (2) applies despite any other provision of this Act and despite any other Act or law.

‘(4) In subsection (1)—

“**relevant mining leases**” means mining leases 5940 and 5941 over land situated in the Mareeba Mining District.’.

PART 5—AMENDMENT OF VALUATION OF LAND ACT 1944

9 Act amended in pt 5

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

10 Amendment of s 2 (Definitions)

Section 2—

insert—

‘**“Sun Water”**’ means the entity corporatised under the *Government Owned Corporations (State Water Projects Corporatisation) Regulation 2000*.

“water authority” means a water authority established under the *Water Act 2000*.’.

11 Amendment of s 6 (Meaning of “improvements”)

Section 6(2) and (3)—

omit, insert—

‘(2) In deciding the unimproved value of land, the term does not include invisible improvements, other than timber treatment, made by the State, the Commonwealth, a local government or a GOC unless the expenditure on the invisible improvements has been recouped, other than by the payment of rent, rates or taxes—

- (a) from a purchaser from the State, the Commonwealth or a local government; or
- (b) from a lessee of land from the State, the Commonwealth, a local government or a GOC.

‘(3) However, the term includes invisible improvements, other than timber treatment, on land if a GOC is the owner of the land for rating and land tax purposes.

‘(4) In this section, a reference to the State or the Commonwealth includes a reference to a statutory body representing the State or Commonwealth.’.

12 Amendment of s 7 (Meaning of “owner”)

(1) Section 7(2)(e)(ii)—

omit, insert—

‘(ii) a GOC; or’.

(2) Section 7(2)(e)(vi)—

omit, insert—

‘(vi) a water authority; and’.

13 Amendment of s 8 (Meaning of “subdivide”)

(1) Section 8(2)(c)—

omit, insert—

‘(c) the registration of a plan of subdivision, for the land, in the land registry kept under the *Land Title Act 1994*.’.

(2) Section 8(3), from ‘only if’—

omit, insert—

‘only if—

- (a) the lease’s term, or the term together with any period of renewal available under the lease, is longer than 5 years; or
- (b) the lease is from a GOC, of land leased by the GOC—
 - (i) from the State; or
 - (ii) from a lessee of the State; or
- (c) the lease is from a department of the State or an entity representing the State, of land leased by the department or entity from the State.

‘(4) Otherwise, subsection (2)(b) does not include a lease of land from the State.’.

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

(1) Section 14(2)—

omit, insert—

‘(2) In deciding the unimproved value of land held under a lease from the State that is subject to a restriction, limitation or other onerous covenant or condition, the chief executive must not take into account the restriction, limitation, covenant or condition.’.

(2) Section 14(5)(c)—

omit, insert—

‘(c) in a lease, licence or permit from Queensland Rail, SunWater or a water authority; or’.

15 Amendment of s 20 (Chief executive to fix date of other valuations or alterations of valuations)

Section 20, heading, ‘**other**’—
omit.

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

Section 28(5) and (6)—
omit.

17 Amendment of s 29 (Chief executive may alter valuation)

Section 29(1), ‘28 or 28A’—
omit, insert—
‘28, 28A or 30(3)’.

18 Amendment of s 29A (Alteration of valuation for rate adjustment under Local Government Act or City of Brisbane Act)

(1) Section 29A, heading—
omit, insert—

‘29A Alteration of valuation for rate, rental or land tax adjustment’.

(2) Section 29A(1)—
omit, insert—

‘(1) The chief executive may alter any valuation in force at any time during the period starting 3 years immediately before, and continuing since, the effective date of the current valuation, to enable an adjustment to be made to rates payable under the *Local Government Act 1993* or the *City of Brisbane Act 1924*, rental payable under the *Land Act 1994* or land tax payable under the *Land Tax Act 1915*.

‘(1A) An alteration made under subsection (1) is effective from—

- (a) if the event that requires the alteration to be made happened during the period mentioned in subsection (1)—the date of the event; and

- (b) if the event happened before the period began—the beginning of the period.’.

(3) Section 29A(2), ‘rate’—

omit, insert—

‘rate, rental or land tax’.

(4) Section 29A(3), after ‘28’—

insert—

‘or 30(3)’.

19 Replacement of s 30 (Valuation may be made if land becomes taxable or rateable)

Section 30—

omit, insert—

‘30 Valuation may be made if land becomes, or ceases to be, subject to rates, rental or land tax

‘(1) The chief executive may make a valuation of any of the following land (“**relevant land**”)—

- (a) land that has become subject to the payment of rates under the *Local Government Act 1993* or the *City of Brisbane Act 1924* but that is not currently the subject of a valuation for that purpose;
- (b) land that has become subject to rental under the *Land Act 1994* but that is not currently the subject of a valuation for that purpose;
- (c) land that has become subject to land tax under the *Land Tax Act 1915* but that is not currently the subject of a valuation for that purpose.

‘(2) A valuation of land made under subsection (1) is effective from—

- (a) if the land became relevant land during the period starting 3 years immediately before, and continuing since, the effective date of the current valuation of land in the area in which the relevant land is situated—the date the land became relevant land; and
- (b) if the land became relevant land before the period mentioned in paragraph (a) began—the beginning of the period.

‘(3) The chief executive may, under section 29 or 29A, alter a valuation of land if part of the land ceases to be land for which a valuation is required.’.

20 Amendment of s 34 (Lands to be included in 1 valuation)

Section 34—

insert—

‘(2A) Subsection (2) applies to—

- (a) a lease from a GOC, of land leased by the GOC—
 - (i) from the State; or
 - (ii) from a lessee of the State; and
- (b) a lease from a department of the State or an entity representing the State, of land leased by the department or entity from the State.

‘(2B) Otherwise, subsection (2) does not apply to a lease of land from the State.’.

21 Amendment of s 35 (Separate valuation)

(1) Section 35(1)(c)(ii), after ‘division’—

insert—

‘or category’.

(2) Section 35(1)(c), ‘areas or divisions,’—

omit, insert—

‘areas, divisions or categories.’.

(3) Section 35—

insert—

‘(1A) Subsection (1)(a) applies to—

- (a) a lease from a GOC, of land leased by the GOC—
 - (i) from the State; or
 - (ii) from a lessee of the State; and

- (b) a lease from a department of the State or an entity representing the State, of land leased by the department or entity from the State.

‘(1B) Otherwise, subsection (1)(a) does not apply to a lease of land from the State.’.

(4) Section 35(2), ‘However, the’—

omit, insert—

‘The’.

(5) Section 35—

insert—

‘(5) In subsection (1)—

“**category**”, in relation to land in an area, means a category of rateable land decided by the local government for the area for levying a differential general rate.’.

22 Amendment of s 40 (Particulars of annual valuation to be available for inspection)

Section 40(5), after ‘rental’—

insert—

‘or land tax’.

23 Amendment of s 41 (Advertisements)

Section 41(3), after ‘rental’—

insert—

‘or land tax’.

24 Amendment of s 41A (Notice to owners about valuations)

(1) Section 41A(1), ‘land for rental purposes,’—

omit, insert—

‘land for rental or land tax purposes,’.

(2) Section 41A(1)(a) and (b), from ‘notice’ to ‘about’—

omit, insert—

‘notice about’.

(3) Section 41A(1)(b), after ‘rental’—

insert—

‘or land tax’.

(4) Section 41A(2), words before paragraph (a)—

omit, insert—

‘(2) The notice must—’.

25 Amendment of s 42 (Owner may object)

Section 42(2) to (4)—

omit, insert—

‘(2) An owner of land may object to the valuation, by the chief executive, of the land for rental or land tax purposes if—

- (a) the owner has not previously objected under subsection (1); and
- (b) the valuation differs from the valuation mentioned in subsection (1).

‘(3) An objection under subsection (2) must be made within 42 days after the owner receives the notice of valuation.

‘(4) Subsection (5) applies if the chief executive has made a valuation of the same amount for—

- (a) an annual valuation; and
- (b) a valuation for either rental or land tax purposes.

‘(5) An objection to a valuation mentioned in subsection (4)(a) or (b) is taken to be an objection to both valuations.’.

26 Amendment of s 44 (Late objection)

Section 44(1)(b)(i) and (ii), after ‘rental’—

insert—

‘or land tax’.

27 Amendment of s 77 (Supply of bulk data or microfiche data)

Section 77—

insert—‘**(3A)** A contract for the supply of information must include—

- (a) a provision allowing the chief executive to exclude, from information supplied under the contract, particulars of valuation roll information or section 81 information for a parcel of land if the chief executive is satisfied, on reasonable grounds, that inclusion of the particulars may result in the particulars being inappropriately disclosed or used; and
- (b) a provision allowing the chief executive to prohibit disclosure, or limit distribution or use, of particulars mentioned in paragraph (a) that have already been supplied by the chief executive.’

PART 6—AMENDMENT OF VALUERS REGISTRATION ACT 1992**28 Act amended in pt 6**This part amends the *Valuers Registration Act 1992*.**29 Amendment of s 3 (Definitions)**

Section 3—

insert—‘**“criminal history”**, of a person, has the meaning given by the *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 3, but does not include convictions for which the rehabilitation period has expired, and has not been revived, under that Act.’**30 Insertion of new ss 10A and 10B**

After section 10—

insert—

‘10A Investigations about eligibility for appointment

‘(1) The chief executive may make investigations about a person, whose name has been submitted for appointment as a member or assistant member, to decide whether the person is eligible for appointment.

‘(2) Without limiting subsection (1), the chief executive may ask the commissioner of the police service for a written report about the criminal history of the person.

‘(3) The commissioner must give the report to the chief executive.

‘(4) However, the report is required to contain only criminal history in the commissioner’s possession or to which the commissioner has access.

‘10B Criminal history is confidential document

‘(1) An officer, employee or agent of the department must not, directly or indirectly, disclose to anyone else a report, or information contained in a report, given under section 10A.

Maximum penalty for subsection (1)—100 penalty units.

‘(2) However, the officer, employee or agent does not contravene subsection (1) if—

- (a) disclosure of the report or information to someone else is authorised by the chief executive to the extent necessary to perform a function under or in relation to this Act; or
- (b) the disclosure is otherwise required or permitted by law.

‘(3) The chief executive must destroy the report as soon as practicable after considering the person’s eligibility for appointment.’.