



Queensland

Land and Other Legislation Amendment Regulation (No. 1) 2011

Subordinate Legislation 2011 No. 131

made under the

Land Act 1994

Land Title Act 1994

Water Act 2000

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Land and Other Legislation Amendment Regulation (No. 1) 2011*.

2 Commencement

This regulation commences on 1 July 2011.

Part 2 Amendment of Land Regulation 2009

3 Regulation amended

This part amends the *Land Regulation 2009*.

4 Amendment of s 27 (Categories for rent assessment—Act, s 182)

Section 27(g) to (i)—

omit, insert—

‘(g) category 15.2—communication sites (limited commercial service activities—rural);

(h) category 15.3—communication sites (limited commercial service activities—urban);

(i) category 15.4—communication sites (non-community service activities—rural);

(j) category 15.5—communication sites (non-community service activities—urban);

(k) category 16—divestment.’.

[s 5]

5 Amendment of s 33 (Category 15.1, 15.2 or 15.3 lease)

(1) Section 33, heading, ‘15.2 or 15.3’—

omit, insert—

‘15.2, 15.3, 15.4 or 15.5’.

(2) Section 33(4)—

renumber as section 33(6).

(3) Section 33(2) and (3)—

omit, insert—

‘(2) A lease is a category 15.2 lease if—

(a) the lease may be used for, or it is being used for, the provision, relay or transmission of telephonic, television, radio or other electronic communication services for a limited commercial service activity; and

(b) the lease land is in a rural area.

‘(3) A lease is a category 15.3 lease if—

(a) the lease may be used for, or it is being used for, the provision, relay or transmission of telephonic, television, radio or other electronic communication services for a limited commercial service activity; and

(b) the lease land is in an urban area.

‘(4) A lease is a category 15.4 lease if—

(a) the lease may be used for, or it is being used for, the provision, relay or transmission of telephonic, television, radio or other electronic communication services for a non-community service activity; and

(b) the lease land is in a rural area.

‘(5) A lease is a category 15.5 lease if—

(a) the lease may be used for, or it is being used for, the provision, relay or transmission of telephonic, television, radio or other electronic communication services for a non-community service activity; and

(b) the lease land is in an urban area.’.

(4) Section 33(6), as renumbered—

insert—

‘limited commercial service activity means an activity relating to the provision of commercial or domestic services carried out by—

(a) a radio broadcaster owned by the State or Commonwealth; or

Example for paragraph (a)—

ABC radio

(b) a television broadcaster owned by the State or Commonwealth; or

Example for paragraph (b)—

SBS television

(c) a local service provider.

Example for paragraph (c)—

channel 31

local service provider means an individual, or corporation employing less than 200 employees, that provides commercial or domestic services—

(a) within the area of only 1 of the local governments within an urban area; or

(b) only to a rural area.’.

(5) Section 33(6), as renumbered, definition *non-community service activity*, ‘services.’—

omit, insert—

‘services, other than a limited commercial service activity.’.

6 Amendment of s 37 (Matters for calculating rent—Act, s 183)

Section 37(1)(a) to (c)—

[s 7]

omit, insert—

- (a) for a category 14.1 or 15.1 lease—\$103;
- (b) for a category 15.2 lease—\$5180;
- (c) for a category 15.3 lease—\$7700;
- (d) for a category 15.4 lease—\$10360;
- (e) for a category 15.5 lease—\$15540.’.

7 Amendment of s 38 (Minimum rent—Act, s 183)

- (1) Section 38(a), ‘\$200’—

omit, insert—

‘\$207’.

- (2) Section 38(b), ‘\$100’—

omit, insert—

‘\$103’.

8 Amendment of s 38A (Set rent for particular leases—Act, s 183A)

- (1) Section 38A(2), ‘sent’—

omit, insert—

‘set’.

- (2) Section 38A(3), ‘2011’—

omit, insert—

‘2012’.

- (3) Section 38A(3)(b), ‘2010’—

omit, insert—

‘2011’.

- (4) Section 38A(4), ‘\$200’—

omit, insert—

‘\$207’.

9 Amendment of s 39 (Percentage for protection against undue rental increases—Act, s 183AA)

Section 39(2) and (3)—

omit, insert—

- ‘(2) For section 183AA(2) of the Act, the prescribed percentage for a category 12 lease, category 13 lease (other than a lease with a title reference stated in schedule 6A) and category 16 lease is 50%.
- ‘(3) Subsection (2) and this subsection expire on 30 June 2012.’.

10 Amendment of s 56 (Minimum instalments—Act, ss 457, 462 and 466)

- (1) Section 56(a), ‘\$275’—

omit, insert—

‘\$284’.

- (2) Section 56(b), ‘\$675’—

omit, insert—

‘\$699’.

11 Amendment of s 62 (Fees)

Section 62(4)—

omit, insert—

- ‘(4) Despite subsection (1), a fee is not payable for the following—
- (a) the lodgement and registration of—
- (i) an instrument of transfer of land to, or acquisition or lease of land by, the State; or

[s 12]

- (ii) a covenant or release of a covenant if the covenantee is the State;
- (b) the deposit or removal of an administrative advice by the State.’.

12 Amendment of sch 1 (Model by-law about protection and use of trust land)

Schedule 1, section 19—

insert—

- ‘(2) A person does not commit an offence under subsection (1)(b) if, in acting in a way that would contravene the subsection, the person is acting under the authority of the trustee.’.

13 Amendment of sch 6A (Lease title references)

- (1) Schedule 6A, ‘17557041’, ‘40014935’ and ‘40056768’—

omit.

- (2) Schedule 6A—

insert—

‘40052948’.

- (3) Schedule 6A—

insert—

‘40061000’.

Part 3 Amendment of Land Title Regulation 2005

14 Regulation amended

This part amends the *Land Title Regulation 2005*.

15 Amendment of s 4 (Fees)

Section 4(3)—

omit, insert—

- ‘(3) Despite subsection (1), a fee is not payable for the following—
- (a) the lodgement and registration of—
 - (i) an instrument of transfer of land to, or acquisition or lease of land by, the State; or
 - (ii) a covenant or release of a covenant if the covenantee is the State;
 - (b) the deposit or removal of an administrative advice by the State.’.

Part 4 Amendment of Water Regulation 2002

16 Regulation amended

This part amends the *Water Regulation 2002*.

17 Amendment of s 63 (Fees)

Section 63(4)—

omit, insert—

- ‘(4) Despite subsection (1), a fee is not payable for the following—
- (a) the lodgement and registration of an instrument of transfer of a water allocation to, or acquisition or lease of a water allocation by, the State;
 - (b) the deposit or removal of an administrative advice by the State.’.

ENDNOTES

- 1 Made by the Governor in Council on 30 June 2011.
- 2 Notified in the gazette on 1 July 2011.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Environment and Resource Management.

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