

Queensland



FORESTRY AND LAND TITLE AMENDMENT BILL 2001

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**FORESTRY AND LAND TITLE
AMENDMENT BILL 2001**

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MINOR AMENDMENTS OF FORESTRY ACT 1959		

2001

A BILL

FOR

An Act to amend the Forestry Act 1959 and Land Title Act 1994

The Parliament of Queensland enacts— 1

PART 1—PRELIMINARY 2

Clause 1 Short title 3

This Act may be cited as the *Forestry and Land Title Amendment Act 2001*. 4
5

Clause 2 Commencement 6

This Act commences on a day to be fixed by proclamation. 7

PART 2—AMENDMENT OF FORESTRY ACT 1959 8

Clause 3 Act amended in pt 2 and schedule 9

This part and the schedule amend the *Forestry Act 1959*. 10

Clause 4 Insertion of new pt 6B 11

After part 6A— 12

insert— 13

‘PART 6B—NATURAL RESOURCE PRODUCTS 14

‘61J Agreement about natural resource products 15

‘(1) The owner of land may enter into an agreement with another person 16
(the “**benefited person**”) about a natural resource product on the land. 17

‘(2) If the land is mortgaged, the owner may only enter into the 18
agreement with the mortgagee’s consent. 19

‘(3) The agreement may do 1 or more of the following— 20

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- (a) vest all or part of the natural resource product in the benefited person; 1
2
- (b) grant the benefited person the right to enter the land to do either or both of the following— 3
4
- (i) establish, maintain or harvest the natural resource product; 5
- (ii) carry out works or activities for the natural resource product; 6
7
- (c) grant the benefited person the right to deal with the natural resource product. 8
9
- ‘(4) Despite subsection (3)(a), the vesting of natural resource product under the agreement does not create an interest in land under the *Land Title Act 1994*. 10
11
12
- ‘(5) The benefited person’s rights to the natural resource product under the agreement are a profit a prendre for the *Land Title Act 1994*.¹ 13
14
- ‘(6) This section does not limit the owner’s power to enter into an agreement about the natural resource product. 15
16
- ‘(7) In this section— 17
- “**carbon sequestration**”, for a tree or vegetation, includes the process by which the tree or vegetation absorbs carbon dioxide from the atmosphere. 18
19
20
- “**natural resource**” means a tree or vegetation. 21
- “**owner**”, of land, means the registered owner of the land under the *Land Title Act 1994*. 22
23
- “**natural resource product**” includes the following— 24
- (a) all parts of a tree or vegetation, whether alive or dead, including parts below the ground; 25
26
- (b) carbon stored in a tree or vegetation; 27
- (c) carbon sequestration by a tree or vegetation.’. 28

1 See *Land Title Act 1994*, part 6, division 4B (Profits a prendre).

PART 3—AMENDMENT OF LAND TITLE ACT 1994 1

- Clause 5 Act amended in pt 3** 2
 This part amends the *Land Title Act 1994*. 3
- Clause 6 Amendment of sch 2 (Dictionary)** 4
 Schedule 2— 5
insert— 6
 ‘**“profit a prendre”** includes a profit a prendre under the *Forestry Act 1959*, section 61J.’. 7 8
- Clause 7 Amendment to omit headings following cross references** 9
 (1) This section applies to a provision containing a cross reference to a provision of the (an) Act followed by the heading to the provision in round brackets. 10 11 12
 (2) The provision is amended by omitting the brackets and the words in the brackets. 13 14

SCHEDULE	1
MINOR AMENDMENTS OF FORESTRY ACT 1959	2
section 3	3
1 Sections 5, definition “Crown holding”, (b)(ii)(B) and 45A(b)(ii)(A) and (c)(ii)(A), ‘section 24’—	4 5
<i>omit, insert—</i>	6
‘section 9’.	7
2 Section 34B—	8
<i>omit, insert—</i>	9
‘34B Application of Motor Vehicles Control Act	10
‘For the <i>Transport Operations (Road Use Management) Act 1995</i> , a feature protection area, scientific area, State forest park or forest drive is taken not to be a public place.’.	11 12 13
3 Section 35(1)(e)—	14
<i>omit.</i>	15
4 Section 35(1B), from ‘opposed,’—	16
<i>omit, insert—</i>	17
‘opposed.’.	18
5 Sections 58(1), 62(1), 63(1)(b), 64(1), 65(2), (3) and (4), 68, 69(1) and (3), 102(1)(c), ‘Fire Service Act 1990’—	19 20
<i>omit, insert—</i>	21
‘ <i>Fire and Rescue Authority Act 1990</i> ’.	22

SCHEDULE (continued)

6	Section 88E(5)(a)(i)—	1
	<i>omit, insert—</i>	2
	‘(i) the <i>Transport Operations (Road Use Management) Act</i>	3
	1995; or’.	4
7	Section 88E(5)(b)(iii), ‘the regulations under’—	5
	<i>omit.</i>	6
8	Part 9, section 104—	7
	<i>renumber</i> as section 104A.	8
9	Section 105, definition “replacement corporation”, ‘104(a)’—	9
	<i>omit, insert—</i>	10
	‘104A(a)’.	11
		12