

Queensland



**NATURAL RESOURCES AND
OTHER LEGISLATION
AMENDMENT BILL 2001**

Queensland



NATURAL RESOURCES AND OTHER LEGISLATION AMENDMENT BILL 2001

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	6
2	Commencement	6
PART 2—AMENDMENT OF CITY OF BRISBANE ACT 1924		
3	Act amended in pt 2	6
4	Amendment of s 3 (Interpretation)	6
5	Amendment of s 82 (Identification of categories for parcels of land)	7
6	Amendment of s 84 (Entry on land to assist differential rating)	7
7	Amendment of s 85 (Notice to owner of categorisation)	8
8	Amendment of s 86 (Owner's objection to categorisation)	8
9	Amendment of s 87 (Determination of owner's objection)	8
10	Amendment of s 89 (Appeal against determination)	8
11	Amendment of s 93 (Late categorisation)	8
PART 3—AMENDMENT OF LAND ACT 1994		
12	Act amended in pt 3	9
13	Amendment of s 290A (Explanatory format plan)	9
14	Amendment of s 400 (Power to enter land)	9
15	Amendment of sch 6 (Dictionary)	10
PART 4—AMENDMENT OF LAND TAX ACT 1915		
16	Act amended in pt 4	10
17	Replacement of s 3CA (References to unimproved value of subdivided land in certain cases)	10
	3CA Discounting unimproved value of subdivided land in particular cases	10
18	Insertion of new pt 9	11

*Natural Resources and Other Legislation Amendment
Bill 2001*

PART 9—TRANSITIONAL PROVISION FOR NATURAL RESOURCES AND OTHER LEGISLATION AMENDMENT ACT 2001	
63	Discount for subdivided land 11
PART 5—AMENDMENT OF LAND TITLE ACT 1994	
19	Act amended in pt 5 12
20	Amendment of s 48E (Explanatory format plan) 12
21	Amendment of s 65 (Requirements of instrument of lease) 12
PART 6—AMENDMENT OF LOCAL GOVERNMENT ACT 1993	
22	Act amended in pt 6 12
23	Amendment of s 3 (Definitions) 13
24	Amendment of s 978 (Identification of categories for parcels of land). 13
25	Amendment of s 980 (Meaning of “authorised person” for division). 13
26	Amendment of s 983 (Notice to owner of categorisation) 13
27	Amendment of s 984 (Owner’s objection to categorisation). 14
28	Amendment of s 985 (Decision on owner’s objection). 14
29	Amendment of s 987 (Right of appeal against decision) 14
30	Amendment of s 988 (Where and how to start appeal). 14
31	Amendment of s 992 (Late categorisation) 14
32	Amendment of s 996 (Amendment of land record) 15
PART 7—AMENDMENT OF VALUATION OF LAND ACT 1944	
33	Act amended in pt 7 15
34	Amendment of s 2 (Definitions) 15
35	Replacement of s 20 (Chief executive to fix date of other valuations etc.) 15
20	Chief executive to fix date of other valuations or alterations of valuations 15
36	Amendment of s 25 (Valuation—discounting for subdivided land) 16
37	Amendment of s 28 (Alteration of valuation in force or to come into force) 16
38	Amendment of s 29A (Alteration of valuation for rate adjustment under Local Government Act or City of Brisbane Act). 16
39	Amendment of s 41 (Advertisements). 16
40	Amendment of s 43C (Effect on objection of change in valuation) 17
41	Amendment of s 44 (Late objection). 17
42	Amendment of s 54 (Notice to objector). 17

*Natural Resources and Other Legislation Amendment
Bill 2001*

43	Amendment of s 67 (Practice and procedure for appeals)	17
44	Omission of s 75 (Chief executive may identify land for local government)	17
45	Amendment of s 92 (Order to comply with requirements)	18
46	Insertion of new pt 9	18
	PART 9—TRANSITIONAL PROVISION FOR NATURAL RESOURCES AND OTHER LEGISLATION AMENDMENT ACT 2001	
100	Discounted valuation period for subdivided land	18

2001

A BILL

FOR

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

*Natural Resources and Other Legislation Amendment
Bill 2001*

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 2001*. 4
5

Clause 2 Commencement 6

(1) Part 4 and sections 34, 36 and 46 commence on 30 June 2002. 7

(2) The remaining provisions commence on a day to be fixed by
proclamation. 8
9

**PART 2—AMENDMENT OF CITY OF BRISBANE
ACT 1924** 10
11

Clause 3 Act amended in pt 2 12

This part amends the *City of Brisbane Act 1924*. 13

Clause 4 Amendment of s 3 (Interpretation) 14

(1) Section 3— 15
renumber as section 2. 16

(2) Section 2, as renumbered, heading— 17
omit, insert— 18

‘2 Definitions’. 19

(3) Section 2, as renumbered, definition **“decision maker”**— 20
omit. 21

*Natural Resources and Other Legislation Amendment
Bill 2001*

	(4) Section 2(2)—	1
	<i>renumber</i> as section 2A.	2
	(5) Section 2A, as renumbered—	3
	<i>insert</i> as heading—	4
	‘2A Persons comprising the council service’.	5
	(6) Section 2(3)—	6
	<i>renumber</i> as section 3.	7
	(7) Section 3, as renumbered—	8
	<i>insert</i> as heading—	9
	‘3 Meaning of words in particular applied provisions’.	10
Clause 5	Amendment of s 82 (Identification of categories for parcels of land)	11
	(1) Section 82(1), from ‘categorised by’—	12
	<i>omit, insert</i> —	13
	‘categorised by the council identifying the category in which each parcel of rateable land is included.’.	14
	(2) Section 82(2) and (3)—	15
	<i>omit.</i>	16
	(3) Section 82(4), from ‘whatever way’—	17
	<i>omit, insert</i> —	18
	‘any way the council considers appropriate.’.	19
	(4) Section 82(4)—	20
	<i>renumber</i> as section 82(2).	21
Clause 6	Amendment of s 84 (Entry on land to assist differential rating)	22
	(1) Section 84(1)(b) and (c)—	23
	<i>omit.</i>	24

*Natural Resources and Other Legislation Amendment
Bill 2001*

	(2) Section 84(1)(d) and (e)—	1
	<i>renumber</i> as section 84(1)(b) and (c).	2
Clause 7	Amendment of s 85 (Notice to owner of categorisation)	3
	(1) Section 85(c)(i)—	4
	<i>omit.</i>	5
	(2) Section 85(c)(ii), ‘decision maker’—	6
	<i>omit, insert—</i>	7
	‘council’.	8
	(3) Section 85(c)(ii) to (v)—	9
	<i>renumber</i> as section 85(c)(i) to (iv).	10
Clause 8	Amendment of s 86 (Owner’s objection to categorisation)	11
	Section 86(2), 3(a) and 3(b), ‘decision maker’—	12
	<i>omit, insert—</i>	13
	‘council’.	14
Clause 9	Amendment of s 87 (Determination of owner’s objection)	15
	Section 87(1), ‘decision maker’—	16
	<i>omit, insert—</i>	17
	‘council’.	18
Clause 10	Amendment of s 89 (Appeal against determination)	19
	Section 89(1)(b) and (4), ‘decision maker’—	20
	<i>omit, insert—</i>	21
	‘council’.	22
Clause 11	Amendment of s 93 (Late categorisation)	23
	Section 93, ‘decision maker’—	24

*Natural Resources and Other Legislation Amendment
Bill 2001*

omit, insert— 1
‘council’. 2

PART 3—AMENDMENT OF LAND ACT 1994 3

Clause 12 Act amended in pt 3 4

This part amends the *Land Act 1994*. 5

Clause 13 Amendment of s 290A (Explanatory format plan) 6

(1) Section 290A(1), after ‘the lodging of a plan’— 7

insert— 8

‘relating to an interest in land’. 9

(2) Section 290A(1), ‘land to which the plan relates’— 10

omit, insert— 11

‘land to which the interest relates’. 12

Clause 14 Amendment of s 400 (Power to enter land) 13

(1) Section 400(1), after ‘may’— 14

insert— 15

‘do any 1 or more of the following’. 16

(2) Section 400(1)(a) and (b), ‘; and’— 17

omit, insert— 18

‘;’. 19

(3) Section 400(1)(c) and (d), ‘; or’— 20

omit, insert— 21

‘;’. 22

*Natural Resources and Other Legislation Amendment
Bill 2001*

Clause 15	Amendment of sch 6 (Dictionary)	1
	Schedule 6, definition “trustee”, ‘ “trustee” ’—	2
	<i>omit, insert—</i>	3
	‘ “trustees” ’.	4
PART 4—AMENDMENT OF LAND TAX ACT 1915		5
Clause 16	Act amended in pt 4	6
	This part amends the <i>Land Tax Act 1915</i> .	7
Clause 17	Replacement of s 3CA (References to unimproved value of subdivided land in certain cases)	8
	Section 3CA—	10
	<i>omit, insert—</i>	11
	‘3CA Discounting unimproved value of subdivided land in particular cases	12
	‘(1) This section applies to a parcel of land if—	14
	(a) the parcel is one of the parts into which a larger parcel of land has been subdivided; and	15 16
	(b) the person who subdivided the land (the “ subdivider ”) was, when the land was subdivided, the owner of the parcel; and	17 18
	(c) when the land was subdivided, the parcel was not developed land; and	19 20
	(d) since the land was subdivided, the parcel has been held for sale; and	21 22
	(e) the parcel is not a balance lot; and	23
	(f) at midnight on 30 June—	24
	(i) the subdivider is still the owner of the parcel; and	25
	(ii) the parcel is still not developed land.	26

*Natural Resources and Other Legislation Amendment
Bill 2001*

‘(2) For levying land tax on the parcel for the following financial year, a reference to the unimproved value of the parcel is a reference to the value that, apart from this section, would be the unimproved value of the parcel, discounted by 40%.’

‘(3) For this section, land is taken to be subdivided when a plan of subdivision, providing for the division of the land into lots, is registered under the *Land Title Act 1994*.’

‘(4) Subsection (2) does not apply to a parcel of land—

(a) if the parcel is included in a valuation under the *Valuation of Land Act 1944*, section 34; or

(b) unless the parcel is 1 of at least 6 parcels of land in Queensland, owned by the subdivider, to which subsection (1) applies.

‘(5) In this section—

“**balance lot**” means a parcel of land that is—

(a) one of the parts into which land has been subdivided; and

(b) being held by the subdivider for further subdivision.

“**developed land**” means land improved, or being improved, by the construction of a building or other facility reasonably capable of being used.’.

Clause 18 Insertion of new pt 9

After section 62—

insert—

**‘PART 9—TRANSITIONAL PROVISION FOR NATURAL
RESOURCES AND OTHER LEGISLATION
AMENDMENT ACT 2001**

‘63 Discount for subdivided land

‘(1) Subsection (2) applies if, before the commencement of this section, section 3CA applied to a parcel of land for a financial year before the financial year starting on 1 July 2001.’

*Natural Resources and Other Legislation Amendment
Bill 2001*

‘(2) Despite the commencement, the unimproved value of the parcel must not be discounted under section 3CA as in force after the commencement.’. 1
2
3

PART 5—AMENDMENT OF LAND TITLE ACT 1994 4

Clause 19 Act amended in pt 5 5

This part amends the *Land Title Act 1994*. 6

Clause 20 Amendment of s 48E (Explanatory format plan) 7

(1) Section 48E(1), after ‘the lodging of a plan’— 8

insert— 9

‘relating to an interest in land’. 10

(2) Section 48E(1), ‘land to which the plan relates’— 11

omit, insert— 12

‘land to which the interest relates’. 13

Clause 21 Amendment of s 65 (Requirements of instrument of lease) 14

Section 65(2)(a), ‘a plan’— 15

omit, insert— 16

‘a sketch plan’. 17

**PART 6—AMENDMENT OF LOCAL GOVERNMENT
ACT 1993** 18
19

Clause 22 Act amended in pt 6 20

This part amends the *Local Government Act 1993*. 21

*Natural Resources and Other Legislation Amendment
Bill 2001*

Clause 23	Amendment of s 3 (Definitions)	1
	Section 3, definition “ decision maker ”—	2
	<i>omit.</i>	3
Clause 24	Amendment of s 978 (Identification of categories for parcels of land)	4
	(1) Section 978(1), from ‘categorised by’—	5
	<i>omit, insert—</i>	6
	‘categorised by the local government identifying the category in which each parcel of rateable land is included.’.	7
	(2) Section 978(2) and (3)—	8
	<i>omit.</i>	9
	(3) Section 978(4), ‘valuation authority or’—	10
	<i>omit.</i>	11
	(4) Section 978(4)—	12
	<i>renumber</i> as section 978(2).	13
Clause 25	Amendment of s 980 (Meaning of “authorised person” for division)	14
	(1) Section 980, definition “ authorised person ”, paragraphs (b) and (c)—	15
	<i>omit.</i>	16
	(2) Section 980, definition “ authorised person ”, paragraphs (d) and (e)—	17
	<i>renumber</i> as section 980(b) and (c).	18
Clause 26	Amendment of s 983 (Notice to owner of categorisation)	19
	(1) Section 983(2)(c)(i)—	20
	<i>omit.</i>	21
	(2) Section 983(2)(c)(ii), ‘decision maker’—	22
		23
		24
		25
		26
		27

*Natural Resources and Other Legislation Amendment
Bill 2001*

	<i>omit, insert—</i>	1
	‘local government’.	2
	(3) Section 983(2)(c)(ii) to (v)—	3
	<i>renumber</i> as section 983(2)(c)(i) to (iv).	4
Clause 27	Amendment of s 984 (Owner’s objection to categorisation)	5
	Section 984(2), (3)(a) and (3)(b), ‘decision maker’—	6
	<i>omit, insert—</i>	7
	‘local government’.	8
Clause 28	Amendment of s 985 (Decision on owner’s objection)	9
	Section 985(1), ‘decision maker’—	10
	<i>omit, insert—</i>	11
	‘local government’.	12
Clause 29	Amendment of s 987 (Right of appeal against decision)	13
	Section 987(b), ‘decision maker’—	14
	<i>omit, insert—</i>	15
	‘local government’.	16
Clause 30	Amendment of s 988 (Where and how to start appeal)	17
	Section 988(3), ‘decision maker’—	18
	<i>omit, insert—</i>	19
	‘local government’.	20
Clause 31	Amendment of s 992 (Late categorisation)	21
	Section 992, ‘decision maker’—	22
	<i>omit, insert—</i>	23
	‘local government’.	24

*Natural Resources and Other Legislation Amendment
Bill 2001*

Clause 32	Amendment of s 996 (Amendment of land record)	1
	Section 996(2), ‘a general valuation’—	2
	<i>omit, insert—</i>	3
	‘an annual valuation’.	4
 PART 7—AMENDMENT OF VALUATION OF LAND ACT 1944		5 6
Clause 33	Act amended in pt 7	7
	This part amends the <i>Valuation of Land Act 1944</i> .	8
Clause 34	Amendment of s 2 (Definitions)	9
	Section 2—	10
	<i>insert—</i>	11
	‘“discounted valuation period” see section 25.’.	12
Clause 35	Replacement of s 20 (Chief executive to fix date of other valuations etc.)	13 14
	Section 20—	15
	<i>omit, insert—</i>	16
	‘20 Chief executive to fix date of other valuations or alterations of valuations	17 18
	‘(1) The chief executive must fix the date from which a valuation or alteration of a valuation, made by the chief executive, has effect.	19 20
	‘(2) Subsection (1) does not apply if the date is fixed under another section of this Act.	21 22
	‘(3) The date fixed under subsection (1) may be objected to under part 6 or appealed under part 6A.	23 24
	‘(4) A notice of valuation must state the date fixed under subsection (1).’.	25

*Natural Resources and Other Legislation Amendment
Bill 2001*

Clause 36	Amendment of s 25 (Valuation—discounting for subdivided land)	1
	(1) Section 25(7), definition “discounted valuation period”, paragraph (a)—	2 3
	<i>omit.</i>	4
	(2) Section 25(7), definition “discounted valuation period”, paragraphs (b) and (c)—	5 6
	<i>renumber</i> as paragraphs (a) and (b).	7
Clause 37	Amendment of s 28 (Alteration of valuation in force or to come into force)	8 9
	Section 28(7)—	10
	<i>omit.</i>	11
Clause 38	Amendment of s 29A (Alteration of valuation for rate adjustment under Local Government Act or City of Brisbane Act)	12 13
	Section 29A(1), from ‘ <i>Local</i> ’—	14
	<i>omit, insert—</i>	15
	‘ <i>Local Government Act 1993</i> , section 1026 ¹ or the <i>City of Brisbane Act 1924</i> , section 70. ² ’.	16 17
Clause 39	Amendment of s 41 (Advertisements)	18
	Section 41(3), ‘This section’—	19
	<i>omit, insert—</i>	20
	‘Subsection (1)(b)’.	21

1 *Local Government Act 1993*, section 1026 (Rate levied for a period in which a change takes effect)

2 *City of Brisbane Act 1924*, section 70 (Levy of rate on alteration in unimproved value etc.)

*Natural Resources and Other Legislation Amendment
Bill 2001*

Clause 40	Amendment of s 43C (Effect on objection of change in valuation)	1
	Section 43C(1)(c), ‘28 or’—	2
	<i>omit.</i>	3
Clause 41	Amendment of s 44 (Late objection)	4
	Section 44(1)(b)(i), after ‘valuation notice’—	5
	<i>insert—</i>	6
	‘or notice of valuation for rental purposes’.	7
Clause 42	Amendment of s 54 (Notice to objector)	8
	(1) Section 54(2)(a), ‘an annual valuation’—	9
	<i>omit, insert—</i>	10
	‘a valuation’.	11
	(2) Section 54(2)(b), ‘annual’—	12
	<i>omit.</i>	13
	(3) Section 54(2)(c), ‘28 or’—	14
	<i>omit.</i>	15
Clause 43	Amendment of s 67 (Practice and procedure for appeals)	16
	Section 67(1), ‘The provisions of’ to ‘adaptations,’—	17
	<i>omit, insert—</i>	18
	‘The <i>Land Court Act 2000</i> and the <i>Land Court Rules 2000</i> ’.	19
Clause 44	Omission of s 75 (Chief executive may identify land for local government)	20
	Section 75—	21
	<i>omit.</i>	22
		23

*Natural Resources and Other Legislation Amendment
Bill 2001*

Clause 45	Amendment of s 92 (Order to comply with requirements)	1
	Section 92, ‘sections 80, 83, and 89’—	2
	<i>omit, insert—</i>	3
	‘section 80, 83 or 89’.	4
 Clause 46	 Insertion of new pt 9	 5
	After section 99—	6
	<i>insert—</i>	7
	‘PART 9—TRANSITIONAL PROVISION FOR NATURAL RESOURCES AND OTHER LEGISLATION AMENDMENT ACT 2001	8 9 10
	‘100 Discounted valuation period for subdivided land	11
	‘(1) Subsection (2) applies if—	12
	(a) before the commencement of this section—	13
	(i) the discounted valuation period for a parcel of land ended; and	14 15
	(ii) the parcel was included in a valuation under section 34; and	16
	(b) on the commencement, the owner of the parcel still owns another parcel that was included in the valuation.	17 18
	‘(2) Despite the commencement—	19
	(a) the chief executive must continue to value the parcel under section 34; and	20 21
	(b) the unimproved value of the parcel must not be discounted under section 25.’	22 23