

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

AMENDMENTS AGREED TO IN COMMITTEE

1 After clause 1—

At page 6, after line 5—

insert—

‘1A Commencement

‘Part 3A is taken to have commenced on 11 September 2003.’.

2 After clause 5—

At page 7, after line 26—

insert—

**‘PART 3A—AMENDMENT OF IRVINEBANK STATE
TREATMENT WORKS REPEAL ACT 2003**

5A Act amended in pt 3A

This part amends the *Irvinebank State Treatment Works Repeal Act 2003*.

5B Amendment of s 2 (Definitions)

(1) Section 2, definition “relevant authority”, ‘, but does not include the permit mentioned in section 4’—

omit.

(2) Section 2, definition “site”, ‘19’—

omit, insert—

‘18, 19’.

(3) Section 2, definition “the land”—

omit.

5C Omission of s 4 (Permit to occupy the land to be issued to purchaser)

Section 4—

omit.

5D Amendment of s 7 (Purchaser’s liability for actions etc. relating to works)

Section 7, from ‘relating to’—

omit, insert—

‘relating to the occupation or operation of the works by the purchaser.’.

5E Omission of schedule

Schedule—

omit.'.

3 After clause 53—

At page 25, after line 18—

insert—

**‘PART 6A—AMENDMENT OF MINERAL RESOURCES
ACT 1989**

53A Act amended in pt 6A

This part amends the *Mineral Resources Act 1989*.

53B Insertion of new s 418D

Part 11, after section 418C—

insert—

‘418D Particular mineral development licences and mining leases

‘(1) A mineral development licence or a mining lease granted before the commencement of this section wholly or partly in respect of relevant land for an exploration permit is taken to have been validly granted.

‘(2) An application for a mineral development licence or a mining lease to the extent the application is in respect of relevant land for an exploration permit is taken to have been validly made if the application—

- (a) was lodged before the commencement of this section; and
- (b) would have complied with the Act in all respects if the relevant land had not been excluded from the exploration permit.

‘(3) In this section—

“**relevant land**”, for an exploration permit, means land that was excluded under a condition of the permit to the effect that land subject to native title is excluded from the permit.’.

53C Amendment of s 722A (Definitions for pt 18A)

Section 722A, definition “prescribed day”, ‘1 July 2004’—

omit, insert—

‘31 December 2004’.

‘PART 6B—AMENDMENT OF PETROLEUM ACT 1923

53D Act amended in pt 6B

This part amends the *Petroleum Act 1923*.

53E Amendment of s 151 (Definitions for pt 10)

Section 151, definition “prescribed day”, ‘1 July 2004’—

omit, insert—

‘31 December 2004’.’.

4 After clause 56—

At page 26, after line 13—

insert—

‘56A Replacement of s 37 (Chief executive to make annual valuation)

Section 37—

omit, insert—

‘37 Chief executive to make annual valuation

‘(1) The chief executive must make annually a valuation of all land in an area unless—

- (a) subsection (2) applies; or
- (b) the chief executive makes a decision under subsection (3).

‘(2) The chief executive is not required to make an annual valuation of land in an area if the chief executive considers it is not possible to make the valuation because of unusual circumstances.

Examples of unusual circumstances—

civil disturbance, extreme climatic conditions, industrial action, changes in the way valuations are made, computer failure

‘(3) The chief executive may decide not to make an annual valuation of land in an area after considering the following—

- (a) a market survey report for the area;
- (b) the results of consultation with the local government for the area and appropriate local groups and industry groups;

Example of local group—

the local Chamber of Commerce

Examples of industry groups—

AgForce, Queensland Industrial Union of Employers, Queensland Canegrowers Organisation Limited

- (c) the impact that not making an annual valuation may have on valuations used for land tax or rental purposes;
- (d) the length of time since a valuation was carried out;
- (e) the relativity of valuations of land in the area with valuations for land in adjacent local government areas;

- (f) the overall program for annual valuations over the next 5 year period.

‘(4) However, the chief executive must not decide, under subsection (3), not to make an annual valuation of land in an area if the most recent valuation of the land was made more than 4 years ago.

‘(5) In this section—

“**market survey report**”, for an area, means a report to the chief executive giving—

- (a) details of sales of land in the area since the last annual valuation was made; and
- (b) the probable impact of the sales on the unimproved value of land in the area, if an annual valuation were to be made.’.

56B Replacement of pt 9, hdg (Transitional provision for Natural Resources and Other Legislation Amendment Act 2001)

Part 9, heading—

omit, insert—

‘PART 9—TRANSITIONAL PROVISIONS

‘Division 1—Transitional provision for Natural Resources and Other Legislation Amendment Act 2001’.

56C Replacement of pt 10, hdg (Transitional provision for Valuation of Land Amendment Act 2003)

Part 10, heading—

omit, insert—

‘Division 2—Transitional provision for Valuation of Land Amendment Act 2003’.

56D Insertion of new pt 9, div 3

After section 101—

insert—

***‘Division 3—Transitional provision for Natural Resources and Other
Legislation Amendment Act 2004***

‘102 Valuations affected by unusual circumstances

‘(1) Section 37(2), as in force immediately after the commencement of section 56A of the amending Act, is taken to have applied to the making of annual valuations having force and effect for the period of 12 months commencing on 30 June 2004.

‘(2) If, because of unusual circumstances, the chief executive did not, before 1 April 2004, make an annual valuation of land in an area having force and effect for the period of 12 months commencing on 30 June 2004, the chief executive is not stopped from making the valuation, to be used only for land tax purposes, if the unusual circumstances no longer exist.

‘(3) For making the valuation—

- (a) sections 40 and 41(1)(b) do not apply;
- (b) section 41A(1) does not apply, to the extent it requires notice to be given no later than 31 March 2004;
- (c) section 41A(1)(a) requires notice to be given only to an owner whose land in the area has been valued for land tax purposes;
- (d) section 73(1) does not apply, to the extent it requires a copy of the valuation roll to be given not less than 3 months before 30 June 2004.

‘(4) The valuation is taken to have force and effect, for land tax purposes only, for the period of 12 months commencing on 30 June 2004.

‘(5) However, the last preceding valuation of the land continues to have force and effect for rating and rental purposes until—

- (a) an annual valuation having force and effect for the period commencing on 30 June 2005 is made; or
- (b) the valuation is sooner altered under this Act.

‘(6) Subsection (1) does not otherwise affect the operation of section 37 as in force before the commencement of section 56A of the amending Act.

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Bill 2004*

‘(7) In this section—

“**amending Act**” means the *Natural Resources and Other Legislation Amendment Act 2004*.’.

5 Schedule—

At page 32, lines 2 to 4—
omit.