

Queensland



LANDS LEGISLATION AMENDMENT BILL 1993

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1993

A BILL

FOR

**An Act to amend certain Acts administered by the Minister for Lands,
and for other purposes**

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause1. This Act may be cited as the *Lands Legislation Amendment Act 1993*.

4

5

Commencement

6

Clause2. This Act commences on a day to be fixed by proclamation.

7

Amended Acts—Schedule 1

8

Clause3. Each Act mentioned in Schedule 1 is amended as set out in the Schedule.

9

10

Repeals—Schedule 2

11

Clause4. The Acts mentioned in Schedule 2 are repealed.

12

PART 2—AMENDMENT OF LAND ACT 1962

13

Amended Act

14

Clause5. The *Land Act 1962* is amended as set out in this Part.

15

Amendment of s.5 (Interpretation of terms)

16

Clause6. Section 5(1)—

17

insert—

18

‘ “ mining interest ” means—	1
(a) a permit, claim, licence, lease or other authority under the <i>Mineral Resources Act 1989</i> ; or	2 3
(b) a lease under the <i>Petroleum Act 1923</i> ;’.	4
Amendment of s.6 (Grants and leases)	5
Clause 7. Section 6(7)—	6
omit, insert—	7
‘(7) Land that stops being Crown land because a mining interest is granted over it may still be dealt with as Crown land under this Act.	8 9
‘(7A) However, the Minister must first consider whether the dealing is appropriate.	10 11
‘(7B) The dealing cannot affect—	12
(a) the rights of the holder of the mining interest or the successors of the holder; or	13 14
(b) an agreement made, or anything else done, under the <i>Mineral Resources Act 1989</i> or the <i>Petroleum Act 1923</i> .’.	15 16
Insertion of new s.19	17
Clause 8. Section 19—	18
omit, insert—	19
‘Administration	20
‘19.(1) This Act is to be administered by the Minister and, subject to the Minister, by the chief executive.	21 22
‘(2) The Minister may delegate the Minister’s powers under this Act or another Act administered by the Minister to the chief executive of the department or to an officer or employee of the department.	23 24 25
‘(3) The Minister may delegate the Minister’s powers about matters connected with the public business of the State administered by the Minister (whether the powers arise under an Act or otherwise) to—	26 27 28
(a) another Minister; or	29

(b) the chief executive of the department or the chief executive of another department; or	1 2
(c) an officer of the public service.	3
‘(4) The chief executive of the department may delegate the chief executive’s powers under this Act or another Act administered by the Minister to an officer or employee of the department.	4 5 6
‘(5) The chief executive of the department may delegate the chief executive’s powers about matters connected with the public business of the State administered by the Minister (whether the powers arise under an Act or otherwise) to an officer or employee of the department.’.	7 8 9 10
Amendment of s.77 (Applications)	11
Clause 9.(1) Section 77(1)(a)—	12
<i>renumber</i> as subsection (1).	13
(2) Section 77(1)(b)—	14
<i>renumber</i> as subsection (1A).	15
(3) Section 77(1)(c)—	16
<i>omit, insert—</i>	17
‘ (1B) When making the application, the applicant must pay rent for the period starting on the first day of the month after the month in which the application is made, and ending on the next 30 June, calculated on the amount of the current notified annual rent for the occupation licence.	18 19 20 21
‘ (1C) However, if a new annual rent is later notified for the financial year for the whole or a part of which rent has already been paid under subsection (1B), an appropriate adjustment must be made by way of—	22 23 24
(a) payment of additional rent; or	25
(b) refund of overpaid rent.	26
‘ (1D) Rent paid by an applicant under subsection (1B) must be returned to the applicant if the occupation licence is not granted.’.	27 28
(4) Section 77(3)(a)—	29
<i>renumber</i> as subsection (3).	30

(5) Section 77(3)(b)—	1
<i>omit.</i>	2
(6) Section 77(3)(c)—	3
<i>omit</i> ‘whether at auction or otherwise’.	4
(7) Section 77(3)(c) and (d)—	5
<i>renumber</i> as subsections (4) and (5).	6
 Amendment of s.79 (Provisions applicable to occupation licences)	7
Clause 10.(1) Section 79(1)—	8
<i>omit, insert—</i>	9
‘79.(1) An occupation licence ends on 30 June.	10
‘(1A) However, an occupation licence for which rent has been paid for	11
the period 1 January 1994 to 31 December 1994 ends on 31 December	12
1994, but, if it is renewed under subsection (3), it continues until 30 June	13
1995.’.	14
(2) Section 79(2) (first sentence)—	15
<i>omit, insert—</i>	16
‘(2) The annual rent for an occupation licence is the amount decided by	17
the Minister.	18
(3) Section 79(2) (second sentence)—	19
<i>omit.</i>	20
(4) Section 79(3) and (4)—	21
<i>omit, insert—</i>	22
‘(3) An occupation licence may be renewed if the annual rent is paid by	23
1 September in the financial year for which the rent is payable.	24
‘(4) However, the licensee of an occupation licence mentioned in	25
subsection (1A) is taken to have already paid half the rent for the year	26
ending 30 June 1995.’.	27

Amendment of s.140 (Dealing with application for conversion)**Clause 11.** After section 140(5A)—*insert—***‘(5AA)** An agreement mentioned in subsection (5A) is binding on—

(a) the State; and

(b) the lessee and the lessee’s successors in title.’.

Insertion of new s.178A**Clause 12.** After section 178—*insert—***‘Alternative hardship provision for certain auction purchase freehold leases****‘178A.(1)** This section applies to the lessee of an auction purchase freehold lease if the lease—

(a) is for a term of less than 30 years; and

(b) is used for agricultural purposes.

‘(2) If a lessee to whom this section applies is suffering hardship because of a matter mentioned in section 248A(1)(a) to (d), the lessee may, to reduce the amount of each instalment payable under the lease, make a written application to the Minister for an extension of the term of the lease to not more than 30 years.**‘(3)** The lessee must give the Minister returns and financial statements the Minister asks for.**‘(4)** If the Minister approves an extension, the Minister’s approval must show—

(a) the new term of the auction purchase freehold lease; and

(b) the new instalments.

‘(5) A new instalment must not be less than the amount prescribed under section 176(7).’.

Amendment of s.191 (Application to freehold)**Clause 13.** Section 191—*insert—***‘(5A)** An agreement mentioned in subsection (5) is binding on—

(a) the State; and

(b) the lessee and the lessee’s successors in title.’.

Amendment of s.207B (Dealing with application)**Clause 14.** Section 207B—*insert—***‘(5A)** An agreement mentioned in subsection (5) is binding on—

(a) the State; and

(b) the lessee and the lessee’s successors in title.’.

Insertion of new ss.235A and 235B**Clause 15.** After section 235 (in Division 1 of Part 10)—*insert—***‘Appeal against categorisation****‘235A.(1)** This section applies to a lease to which section 61B, 131, 204B or 212 applies.**‘(2)** The lessee of a lease to which this section applies may file an objection with the chief executive if the lessee considers the assessment of rent for the lease has been based on an allocation of the lease to the wrong prescribed category.**‘(3)** An objection under subsection (2) must be filed within 28 days of the lessee receiving a notice showing the assessed rent for the lease.**‘(4)** However, even if the lessee files an objection under subsection (2), the annual rent based on the original assessment of rent is still payable on the day shown in the notice mentioned in subsection (3).**‘(5)** The chief executive must, as soon as practicable after the objection is

filed—

- (a) consider the objection; and
- (b) decide the correct prescribed category; and
- (c) give the lessee written notice of the category (the “**chief executive’s final category for the lease**”).

‘(6) The lessee may file an appeal in the Land Court against the chief executive’s final category for the lease.

‘(7) The appeal must be filed within 28 days of the lessee receiving the notice under subsection (5)(c).

‘(8) If the lessee does not file an appeal, the category for the lease is taken to be the chief executive’s final category for the lease.

‘(9) If—

- (a) the chief executive’s final category for the lease is different from the category on which the assessment of rent for the lease was originally based, and the lessee does not file an appeal in the Land Court under subsection (6); or
- (b) the Land Court (or, on appeal, the Land Appeal Court) decides on a category different from the category on which the assessment of rent for the lease was originally based;

and, in either case, the new category would result in a change in the assessed rent, the lessee must be given a written notice showing the rent assessed on the basis of the new category.

‘(10) Excess rent is to be credited to the lessee, together with interest at the prescribed rate on the amount credited from the time of payment until the lessee is given the notice under subsection (9).

‘(11) If at the commencement of this section the annual rent notice for a lease has already been received, an objection under subsection (2) may be filed within 28 days of the commencement of this section.

‘(12) If before the commencement of this section the lessee gave a written objection to the category to the chief executive, the objection is, if the lessee consents, taken to be an objection made under subsection (2).

‘(13) The lessee’s consent under subsection (12) must be given to the chief executive within 28 days of the lessee receiving from the chief

executive a written notice asking whether the lessee consents to the objection being taken to be an objection made under subsection (2).	1 2
‘Appeal against categorisation after change of purpose	3
‘235B.(1) This section applies to a lease—	4
(a) to which section 204B applies; and	5
(b) the purpose of which is amended under section 14(2) (the “purpose amendment”).	6 7
‘(2) For calculating rent, the purpose amendment takes effect on the first quarter day after the amendment.	8 9
‘(3) The lessee of the lease must be given, within a reasonable time after the purpose amendment, written notice of the prescribed category for the lease after the amendment.	10 11 12
‘(4) A notice showing a revised assessment of rent must be issued if—	13
(a) the category notified under subsection (3) is different from the category applying to the lease before the purpose amendment; and	14 15
(b) the new category would result in a change in the assessed rent.	16
‘(5) The category for the lease after the purpose amendment may be objected to and appealed against in the way an original categorisation may be objected to and appealed under section 235A(2) and (3) and (5) to (9), with the same time limits applying and any necessary changes made.	17 18 19 20
‘(6) If a revised assessment of rent is issued and extra rent is payable, the lessee must pay the extra rent by a day stated in the notice, even if the lessee objects or intends to object to the new category for the lease.	21 22 23
‘(7) The day stated in the notice under subsection (6) must not be earlier than 28 days after the notice is issued by the chief executive.	24 25
‘(8) If—	26
(a) any objection and appeals under section 235A (as applied by this section) are finished; and	27 28
(b) the category of the lease is different from the category on which the assessment of rent paid was based;	29 30
excess rent is to be credited to the lessee, together with interest at the	31

prescribed rate on the amount credited from the first quarter day after the purpose amendment until the lessee is given written notice of the rent that is to apply.’.

Amendment of s.250 (Tree clearing permit)

Clause 16.(1) Section 250(1) (definition “critical area”, paragraph (d))—

omit, insert—

‘(d) land that is—

- (i) a protected area under Part 4 of the *Nature Conservation Act 1992*; or
- (ii) the subject of a proposal under Part 4 of the *Nature Conservation Act 1992* for the declaration of a protected area;’.

(2) Section 250(1) (definition “tree management plan”, paragraph (d))—

omit, insert—

‘(d) stands of commercial species of trees; and’.

(3) Section 250(18)(b)(ii)—

omit ‘, or a protected area within the meaning of the Nature Conservation Act 1992’.

(4) Section 250—

insert—

‘(19A) Despite subsection (19)(b), a lessee mentioned in subsection (18) may clear prescribed trees if the following conditions are satisfied—

- (a) the lessee must give the chief executive written notice of the following—
 - (i) the species of the trees intended to be cleared;
 - (ii) the quantity of the trees intended to be cleared;
 - (iii) the routine management purposes for which the trees are intended to be cleared;

(b) the lessee must give the chief executive a map clearly showing the area to be cleared;	1 2
(c) the lessee must have received written acknowledgment from the chief executive that the chief executive has received the notice given under paragraph (a);	3 4 5
(d) 28 days must have elapsed since the lessee received the written acknowledgment mentioned in paragraph (b);	6 7
(e) in the 28 day period mentioned in paragraph (c), the lessee is not given written notice that the chief executive objects to the tree clearing.	8 9 10
‘(19B) However, if within the 28 day period mentioned in subsection (19A)(d) the chief executive gives the lessee written notice specifying conditions that must be complied with in the tree clearing, the lessee may clear the trees without obtaining a permit under this section only if the conditions are complied with.’	11 12 13 14 15
Replacement of s.333 (Surrender of lease)	16
Clause 17. Section 333—	17
<i>omit, insert—</i>	18
‘Surrender of lease	19
‘333.(1) A lessee may surrender the lessee’s lease by giving written notice to the Minister of—	20 21
(a) the surrender; and	22
(b) the proposed day of surrender.	23
‘(2) However, a surrender takes effect—	24
(a) on a day approved by the Minister as the day of surrender (the “ approved day of surrender ”); and	25 26
(b) only if the lessee has paid all amounts payable to the State up to the approved day of surrender.	27 28
‘(3) The approved day of surrender must—	29
(a) not be earlier than the day on which the Minister receives the notice under subsection (1)(a); and	30 31

(b) be that day or as soon as practicable after that day.

‘(4) A lessee may be refunded rent paid if it is attributable to a period starting immediately after a surrender takes effect.

‘(5) Despite subsections (1) to (4), a lessee may, on terms agreed between the Minister and the lessee, surrender the whole or part of the lessee’s lease—

(a) either absolutely; or

(b) for the purpose of being granted a new lease over the whole or part of the former lease (whether or not the new lease also includes other land).’.

Amendment of s.363 (Closure of road on application by registered proprietor or lessee of adjoining land)

Clause 18.(1) Section 363—

insert—

‘(1A) The Minister may refuse the application if, in the Minister’s opinion, formed on reasonable grounds—

(a) the application for the closure is vexatious or frivolous; or

(b) the closure is not needed as an integral part of a substantial development; or

(c) no real economic benefit to the State is likely because of the closure; or

(d) the closure would be of no particular benefit to the local community.’.

(2) Section 363(2) (all words before paragraph (a))—

omit, insert—

‘(2) If the Minister does not, under subsection (1A), refuse the application, the Minister must cause a notice of the application—’.

Amendment of s.366 (Road licence over land comprising road temporarily closed)

Clause 19.(1) Section 366(1) (second sentence)—

renumber as subsection (1A).

(2) Section 366(2) (second sentence)—

omit, insert—

‘(2A) Annual rent is payable for a financial year.

‘(2B) The annual rent must be paid on or before 1 September in the financial year for which the rent is payable.’.

(3) Section 366(3) and (4)—

omit, insert—

‘(3) Annual rent must be not less than an amount prescribed by regulation.

‘(4) If an amount is not prescribed for subsection (3), the annual rent must be at least \$50.

‘(4A) If an amount is prescribed for subsection (3) between 1 September and 30 June in a financial year, the amount does not apply to the financial year in which it is prescribed.

‘(4B) If the Minister adjusts an annual rent for a road licence between 1 September and 30 June in a financial year, the adjusted annual rent does not apply to the financial year.

‘(4C) The licensee of a road licence for which rent has been paid for the period 1 January 1994 to 31 December 1994 is taken to have already paid half the rent applying to the road licence for the financial year ending on 30 June 1995.’.

Insertion of new s.387

Clause 20. After section 386—

insert—

‘Adjustment of rent in certain cases

- ‘387.(1)** This section applies to a lease if—
- (a) it is a lease to which section 61B, 131, 204B or 212 applies; and
 - (b) it started before 1 July 1993; and
 - (c) its primary use may lawfully be, and is, grazing or broadacre agriculture; and
 - (d) section 11(9) of the *Valuation of Land Act 1944* was applied to its valuation for rating purposes for the year ending on 30 June 1993, resulting in a lower valuation than would otherwise have applied; and
 - (e) in the Minister’s opinion, the rent payable under this Act (other than this section) for the lease for the year starting on 1 July 1993 is substantially higher than the rental payable under this Act for the lease for the year ending on 30 June 1993.
- ‘(2)** The rent payable for a lease to which this section applies for the year starting on 1 July 1993 is the amount obtained by adding—
- (a) the rent payable under this Act for the lease for the year ending on 30 June 1993; and
 - (b) 50% of the difference between—
 - (i) the rent payable under this Act for the year starting on 1 July 1993 if this section had not been enacted; and
 - (ii) the rent mentioned in paragraph (a).
- ‘(3)** The rent payable for a lease to which this section applies for the year starting on 1 July 1994 is the amount obtained by adding—
- (a) the rent payable under this Act for the lease for the year ending on 30 June 1993; and
 - (b) 75% of the difference between—
 - (i) the rent payable under this Act for the year starting on 1 July 1994 if this section had not been enacted; and
 - (ii) the rent mentioned in paragraph (a).
- ‘(4)** If rent paid for a lease to which this section applies is calculated under this Act (other than this section) and this section is later applied,

excess rent paid is to be credited to the lessee of the lease, together with interest at the prescribed rate on the excess for the period from the payment of the rent until the lessee is given notice of the rent as reduced by this section.

‘(5) This section expires on 1 July 1995.’.

PART 3—AMENDMENT OF VALUATION OF LAND ACT 1944

Amended Act

Clause21. The *Valuation of Land Act 1944* is amended as set out in this Part.

Omission of Part 3 (Valuation Districts)

Clause22. Part 3—

omit.

Amendment of s.13 (Valuations at periodic intervals)

Clause23.(1) Section 13(1) to (1C)—

omit, insert—

‘**13.(1)** General valuations may be made at periodic intervals.

‘**(2)** The period between a general valuation and the next general valuation must be not less than 5 years and not more than 8 years, calculated by reference to days fixed under section 11AF.

‘**(3)** A general valuation for an area is in force from a day fixed under section 11AF until immediately before the earlier of the following—

(a) the next day fixed under section 11AF;

(b) the day on which an annual valuation for the area takes effect.

‘**(4)** Despite subsection (2), a regulation may specify a period of less than 5 years or more than 8 years to be the period between the last and the next

valuation for an area.’.	1
(2) Section 13(2)—	2
<i>insert</i> (as heading)—	3
‘Alteration of valuation’.	4
(3) Section 13(2)(f)—	5
<i>omit</i> ‘section 11(9) and (10)’, <i>insert</i> ‘section 11AD(1) and (2)’.	6
(4) Section 13(2)(i)(i)—	7
<i>omit</i> ‘Town Plan’, <i>insert</i> ‘planning scheme’.	8
(5) Section 13(2)(j)—	9
<i>omit</i> ‘section 11(9) and (10)’, <i>insert</i> ‘section 11AD(1) and (2)’.	10
(6) Section 13(2)—	11
<i>insert</i> —	12
‘(l) unless the valuation is a valuation for rental purposes of a lease, licence or permit made because—	13
(i) the purpose of the lease, licence or permit has changed; or	14
(ii) the conditions of the lease, licence or permit have changed; or	15
(iii) the area of the lease, licence or permit has changed.’.	16
(7) Section 13(2)—	17
<i>renumber</i> as section 13A(1).	18
(8) Section 13(2) (2nd sentence)—	19
<i>renumber</i> as section 13A(2).	20
(9) Section 13(2A)—	21
<i>omit</i> , <i>insert</i> —	22
‘(3) In subsection (1)—	23
“farming” has the meaning given by section 11AD(2);	24
“single dwelling house” has the meaning given by section 11AD(2).	25
‘(4) An alteration in a valuation must not be made under	26
	27
	28

subsection (1)(d) unless the owner of the land applies to the chief executive within 6 months after the permanent damage happens.

‘(5) If—

- (a) an alteration is made in a valuation for rental purposes because of an event mentioned in subsection (1)(l); and
- (b) the event happened before the start of the period for which the valuation to which the alteration is made was in force; and
- (c) the valuation mentioned in paragraph (b) is an annual valuation;

the chief executive must also make an appropriate alteration to each annual valuation for rental purposes that applied from the happening of the event up to the start of the period.

‘(6) Each alteration mentioned in subsection (5) may be objected to and appealed under section 16G to 16K in the same way a valuation for rental purposes may be objected to and appealed against.

‘(7) For the purposes of subsection (6), a rent notice mentioned in section 16G(3) includes a rent notice issued after an alteration to a valuation for rental purposes.’.

Amendment of s.15 (Separate valuation)

*Clause*24. After section 15(1)—

insert—

‘(1A) However, the valuation for rental purposes of land in a lease, licence or permit under the *Land Act 1962* is to be a valuation of all the land even if separate valuations of parts of the land are made for another purpose.’.

Amendment of s.16E (Particulars of annual valuation to be available for inspection)

*Clause*25. Section 16E (at the end)—

insert—

‘(5) This section does not apply to valuations for rental purposes.’.

Amendment of s.16F (Advertisements)**Clause 26.** Section 16F (at the end)—*insert—***‘(3)** This section does not apply to valuations for rental purposes.’.**Amendment of s.16G (Owner may object)****Clause 27.(1)** Section 16G(1)—*omit* ‘or with the district valuer for the district wherein that land is situated’.**(2)** Section 16G(2)—*insert—***‘(c)** the valuation for rental purposes is a valuation to which section 13(2)(1) applies.’.**(3)** After section 16G(2)—*insert—***‘(2A)** Despite subsection (2), the owner of a lease to which section 61B, 131, 204B or 212 of the *Land Act 1962* applies may not object to a valuation for rental purposes if the rental is not more than the prescribed amount under the section.’.**Omission of Schedule 4 (Valuation of districts for the purposes of this Act)****Clause 28.** Schedule 4—*omit.*

SCHEDULE 1	1
CONSEQUENTIAL AND MINOR AMENDMENTS	2
section 3	3
CEMETERY ACT 1865	4
1. Section 28—	5
omit ‘Home Secretary’, insert ‘Minister’.	6
2. Section 38—	7
omit ‘Home Secretary’, insert ‘Minister’.	8
LAND ACT 1962	9
1. Section 5(1)—	10
insert—	11
‘ “State land” means Crown land;’.	12
2. Section 14(2)—	13
omit all words after ‘subsection (2)(d)) the Minister’,	14
insert ‘must not make an addition or amendment affecting the time	15
within which a condition is to be wholly or partly performed.’.	16
3. After section 207L(2)—	17
insert—	18
‘(2A) However, if the lessee has complied with all the requirements the	19

SCHEDULE 1 (continued)

lessee has to comply with before the issue of the lease, but the lease cannot be issued until after the effective day, the term starts on the day the Governor in Council grants the lease.’.	1 2 3
4. Section 247(5)—	4
<i>omit.</i>	5
5. After section 249(2)—	6
<i>insert—</i>	7
‘(2A) A person is not required to pay a penalty for a period of default if the person had a reasonable excuse for the default.	8 9
<i>Examples of a reasonable excuse—</i>	10
1. The chief executive fails to give a lessee notice that rent is payable.	11
2. A lessee cannot travel because of flooding.	12
‘(2B) Hardship that may be established under another section of this Act is not also a reasonable excuse for subsection (2A).’.	13 14
6. Section 372(1)(b)—	15
<i>omit ‘Commission’, insert ‘chief executive’.</i>	16
7. Section 372(1)—	17
<i>omit ‘or a road’, insert ‘, land granted in trust, a road’.</i>	18
8. Section 372(2)(a)—	19
<i>omit ‘or a road or’, insert ‘, land granted in trust, a road or a’.</i>	20
9. Section 372(2)(d) and (3) (after ‘Crown land,’)—	21
<i>insert ‘land granted in trust,’.</i>	22

SCHEDULE 1 (continued)

- | | |
|---|----|
| 10. Section 373(1)(a)— | 1 |
| <i>omit</i> ‘or a road’, <i>insert</i> ‘, land granted in trust, a road’. | 2 |
| 11. Section 373(2) (after ‘Crown land,’)— | 3 |
| <i>insert</i> ‘land granted in trust,’. | 4 |
| 12. Section 373(6)(a)— | 5 |
| <i>omit</i> ‘or a road or’, <i>insert</i> ‘, land granted in trust, a road or a’. | 6 |
| 13. Section 373(6)(b) (after ‘Crown land’)— | 7 |
| <i>insert</i> ‘land granted in trust,’. | 8 |
| 14. Section 373(9)(a)— | 9 |
| <i>omit</i> ‘a road or’, <i>insert</i> ‘land granted in trust, a road or a’. | 10 |
| 15. Section 373(10) and (11) (after ‘Crown land,’)— | 11 |
| <i>insert</i> ‘land granted in trust,’. | 12 |
| 16. Section 373(17)(a)— | 13 |
| <i>omit</i> ‘a road or’, <i>insert</i> ‘land granted in trust, a road or a’. | 14 |
| 17. Section 373(17)(a) (after ‘such Crown land,’)— | 15 |
| <i>insert</i> ‘land granted in trust,’. | 16 |
| 18. Section 373(18) (after ‘Crown land,’)— | 17 |
| <i>insert</i> ‘land granted in trust,’. | 18 |

SCHEDULE 1 (continued)

19. Section 373A (after ‘Crown land’)—	1
<i>insert ‘, land granted in trust’.</i>	2
20. Section 383(1)—	3
<i>omit ‘by Order in Council’.</i>	4
21. Section 386—	5
<i>omit, insert—</i>	6
‘References concerning protected areas	7
‘ 386. Until Part 13 of the <i>Nature Conservation Act 1992</i> commences, a	8
reference in section 250(1) to a protected area under Part 4 of the <i>Nature</i>	9
<i>Conservation Act 1992</i> includes a reference to a National Park under the	10
<i>National Parks and Wildlife Act 1975.’.</i>	11
 SPECIAL FREEHOLDING OF LEASES ACT 1991	12
 1. Section 3 (definition “Director-General”)—	13
<i>omit.</i>	14
 2. Section 3—	15
<i>insert—</i>	16
‘ “chief executive” means chief executive of the department;’.	17
 3. Section 3 (definition “relevant authority”)—	18
<i>omit ‘Director-General’, insert ‘chief executive’.</i>	19

SCHEDULE 1 (continued)

4. Section 4(2)—	1
<i>omit</i> ‘Department of Lands’, <i>insert</i> ‘department’.	2
5. Section 5(4)—	3
<i>omit</i> .	4
6. Section 9(3)—	5
<i>omit</i> ‘Director-General’, <i>insert</i> ‘chief executive’.	6
7. Section 9(3)—	7
<i>omit</i> ‘Director-General’s’, <i>insert</i> ‘chief executive’s’.	8
8. Section 10—	9
<i>omit, insert—</i>	10
‘Regulations	11
‘ 10. The Governor in Council may make regulations for the purposes of this Act.’.	12
	13

VALUATION OF LAND ACT 1944 14

1. Section 2—	15
<i>omit</i> .	16
2. Section 5(1) (definitions “Area”, “Crown instrumentality”, “District”, “Mining tenement”, “Owner”, “Person”, “Petroleum lease”, “prescribed form”, “Roll” or “valuation roll” and “subdivided” and “subdivide”)—	17
	18
	19
	20
<i>omit</i> .	21

SCHEDULE 1 (continued)

3. Section 5(1)—	1
<i>insert—</i>	2
“approved form” means a form approved by the chief executive;	3
“area” means—	4
(a) an area under the <i>Local Government Act 1936</i> ; or	5
(b) the area of the City of Brisbane under the <i>City of Brisbane Act 1924</i> ;	6 7
“improved value” of land has the meaning given by section 5B;	8
“improvements” has the meaning given by section 5D;	9
“mineral” has the meaning given by the <i>Mineral Resources Act 1989</i> ;	10
“mining lease” means a mining lease to which the <i>Mineral Resources Act 1989</i> applies;	11 12
“owner” of land has the meaning given by section 5E;	13
“person” includes—	14
(a) a person or entity representing the State; and	15
(b) a society, institute, partnership or other body, even if not incorporated; and	16 17
(c) a trustee or agent;	18
“petroleum lease” means a petroleum lease under the <i>Petroleum Act 1923</i> ;	19
“registrar” of the Land Court includes a deputy registrar of the Land Court;	20
“roll” means valuation roll;	21
“subdivide” land has the meaning given by section 5F;	22
“unimproved value” of land has the meaning given by section 5A;	23
“valuation roll” means a valuation roll under section 17(1);	24
“value of improvements” has the meaning given by section 5C;’.	25

SCHEDULE 1 (continued)

- 4. Section 5(1) (definition “valuation for rental purposes”)—** 1
omit ‘section 11(1)(va)’, insert ‘section 11AB’. 2
- 5. Section 5(1) (definition “Valuer”)—** 3
omit ‘and appointed under this Act’. 4
- 6. Section 5(1A)—** 5
omit. 6
- 7. After section 5 (in Part 1)—** 7
insert— 8
- ‘Meaning of “owner”** 9
- ‘5E.(1) An “owner” of land is the person who—** 10
- (a) is entitled to receive the rent for the land; or 11
 - (b) would be entitled to receive the rent for the land if it were leased at 12
a rack-rent¹. 13
- ‘(2) However, an owner does not include the State, but includes—** 14
- (a) a registered proprietor of freehold land; and 15
 - (b) a purchaser of land to be held as freehold land that is being 16
purchased from the State under an Act; and 17
 - (c) a lessee of land held from the State, and any manager, overseer or 18
superintendent of the lessee who resides on the land; and 19
 - (d) the holder or lawful occupier of a mining lease; and 20
 - (e) a lessee of land held from, or the holder of a licence or permission 21
to occupy from— 22

¹ Rack-rent of land is a rent for the land that is the highest possible rent for the land. It implies that the land is leased commercially.

SCHEDULE 1 (continued)

- (i) the Coordinator-General; or 1
 - (ii) a harbour board under the *Harbours Act 1955* or the Port of Brisbane Authority; or 2
3
 - (iii) a local authority; or 4
 - (iv) the Minister administering the *Industrial Development Act 1963*; or 5
6
 - (v) the Primary Industries Corporation; or 7
 - (vi) Queensland Railways; and 8
 - (f) the holder of— 9
 - (i) an occupation permit or stock grazing permit under the *Forestry Act 1959*; or 10
11
 - (ii) a permission to occupy under the *Land Act 1962*; and 12
 - (g) a licensee under an occupation licence or road licence under the *Land Act 1962*. 13
14
- ‘(3) A reference in subsection (2) to a lessee includes, if a person or entity representing the State is the lessee of State land, a sublessee from the person or entity. 15
16
17
- ‘Meaning of “subdivide” 18**
- ‘5F.(1) “Subdivide” land means divide land into parts. 19**
- ‘(2) Land may be divided into parts by— 20**
- (a) sale, conveyance, transfer or partition; or 21
 - (b) an agreement, conveyance or instrument between living persons under which a part of the land becomes immediately available for separate disposition or occupation; or 22
23
24
 - (c) the issue of a certificate of title under the *Real Property Act 1861* for a part of the land. 25
26
- ‘(3) An agreement, conveyance or instrument mentioned in subsection (2)(b) includes a lease only if— 27
28**

SCHEDULE 1 (continued)

(a) the lease's term exceeds 5 years; or	1
(b) the lease's term, together with any period of renewal available under the lease, exceeds 5 years.	2 3
'Queensland Housing Commission as owner	4
'5G. To remove any doubt, the Queensland Housing Commission—	5
(a) is taken to be the owner of land leased by it under the <i>State Housing Act 1945</i> ; and	6 7
(b) may, under Part 6, object to and appeal against the chief executive's valuation of the land.'	8 9
8. Section 8 (4th sentence)—	10
<i>omit.</i>	11
9. Section 8 (last sentence)—	12
<i>omit, insert—</i>	13
'Maximum penalty—10 penalty units.'	14
10. Section 11(1)—	15
<i>omit, insert—</i>	16
'11. The chief executive must decide the unimproved value of the land to be valued for the Acts under which local authorities are established.	17 18
'Deciding unimproved value of certain land	19
'11AA.(1) For the purpose of deciding the unimproved value of land that is not granted in fee simple, the land is taken to be land granted in fee simple.'	20 21 22

SCHEDULE 1 (continued)

11. Section 11(2)—	1
<i>omit</i> ‘In making, under subsection (1), the valuation of’,	2
<i>insert</i> ‘For the purpose of deciding’.	3
12. Section 11(3)—	4
<i>omit</i> ‘under or in pursuance of the <i>Regulation of Sugar Cane Prices Acts</i> ,	5
1915 to 1951,’,	6
<i>insert</i> ‘under the <i>Sugar Industry Act 1991</i> ’.	7
13. Section 11(4)—	8
<i>omit</i> ‘subsections (1) to (10)’, <i>insert</i> ‘this Part’.	9
14. Section 11(5)—	10
<i>omit</i> ‘subsections (1) to (10)’, <i>insert</i> ‘this Part’.	11
15. Section 11(5)(b)—	12
<i>omit</i> ‘or the Commissioner of Water Resources’,	13
<i>insert</i> ‘or the Primary Industries Corporation’.	14
16. Section 11(5)(c)—	15
<i>omit, insert</i>	16
‘(c) in a lease from Queensland Railways;’.	17
17. Section 11(6)—	18
<i>omit, insert—</i>	19
‘Valuation for rental purposes	20
‘11AB.(1) The value to be used to determine the rent applying to a lease,	21

SCHEDULE 1 (continued)

licence or permit under the <i>Land Act 1962</i> is the unimproved value under this Act.	1 2
‘(2) However, sections 5A(4) and 11D do not apply to the determination of a valuation of land for rental purposes for the financial year starting on 1 July 1993 and subsequent years.’.	3 4 5
18. Section 11(7)—	6
<i>omit</i> ‘subsection (10)’, <i>insert</i> ‘section 11AD(2)’.	7
19. Section 11(7)(a)—	8
<i>omit, insert—</i>	9
‘(a) section 11AD(1) does not apply; and’.	10
20. Section 11(7)—	11
<i>renumber</i> as section 11AB(3).	12
21. Section 11(8)—	13
<i>omit, insert—</i>	14
‘Exclusion of timber and minerals	15
‘ 11AC. A valuation of the unimproved value of land is not to include the value of timber or minerals on or in the land.’.	16 17
22. Section 11(9)—	18
<i>insert</i> (as heading)—	19
‘Exclusive use for single dwelling house or farming’.	20
23. Section 11(9)—	21
<i>renumber</i> as section 11AD(1).	22

SCHEDULE 1 (continued)

24. Section 11(10)—	1
<i>omit</i> ‘In subsection (9)’, <i>insert</i> ‘In subsection (1)’.	2
25. Section 11(10)—	3
<i>renumber</i> as section 11AD(2).	4
26. Section 11(11)—	5
<i>insert</i> (as heading)—	6
‘General valuation date’.	7
27. Section 11(11)—	8
<i>renumber</i> as section 11AE(1).	9
28. Section 11(13)—	10
<i>omit</i> ‘subsection (11)’, <i>insert</i> ‘subsection (1)’.	11
29. Section 11(14)—	12
<i>omit</i> ‘subsection (11) or (13)’, <i>insert</i> ‘subsection (1) or (3)’.	13
30. Section 11(12) to (14)—	14
<i>renumber</i> as section 11AE(2) to (4) respectively.	15
31. Section 11(15) to (23)—	16
<i>omit, insert—</i>	17
‘Regulation to fix day of effect of general valuation	18
‘11AF.(1) A regulation may fix a day from which a general valuation is	19
the valuation for all land required to be valued under this Act in the area for	20

SCHEDULE 1 (continued)

which the valuation was made.	1
‘(2) The day must not be earlier than 6 months after the regulation is notified.	2 3
‘(3) The general valuation applies subject to objection or appeal under this Act.’.	4 5
32. Section 11(24)—	6
<i>insert</i> (as heading)—	7
‘Chief executive to fix date of other valuations etc.’.	8
33. Section 11(24)—	9
<i>renumber</i> as section 11AG.	10
34. Section 11(25)—	11
<i>insert</i> (as heading)—	12
‘Omissions from valuations’.	13
35. Section 11(25)—	14
<i>renumber</i> as section 11AH(1).	15
36. Section 11(26)—	16
<i>omit</i> ‘under subsection (25)’.	17
37. Section 11(26)(a)—	18
<i>omit</i> ‘subsections (11) to (24)’, <i>insert</i> ‘section 11AF(1)’.	19

SCHEDULE 1 (continued)

38. Section 11(27)—	1
<i>omit</i> ‘under subsection (24) and’,	2
<i>insert</i> ‘under section 11AG and, unless an alteration is made under section 13B,’.	3
	4
39. Section 11(26) and (27)—	5
<i>renumber</i> as section 11AH(2) and (3) respectively.	6
40. Section 11(28) and (29)—	7
<i>omit</i> .	8
41. Section 11A—	9
<i>omit, insert—</i>	10
‘Chief executive not required to value separately certain mining leases	11
‘11A.(1) The chief executive is not required to make a separate valuation	12
of land that is the subject of an application for a mining lease.	13
‘(2) However, subsection (1) does not apply if the applicant for the	14
mining lease may, under the <i>Mineral Resources Act 1989</i> , go on the land	15
for mining purposes.’.	16
42. Section 11B(4)—	17
<i>omit</i> ‘mining tenement’, <i>insert</i> ‘mining lease’.	18
43. Section 11C (heading)—	19
<i>omit, insert—</i>	20
‘Valuation of mining leases’.	21

SCHEDULE 1 (continued)

44. Section 11C—	1
<i>omit</i> ‘tenement’, <i>insert</i> ‘lease’.	2
45. Section 11C(4)—	3
<i>omit</i> ‘in respect thereof pursuant to the <i>Mining Act 1968–1983</i> ’,	4
<i>insert</i> ‘under the <i>Mineral Resources Act 1989</i> ’.	5
46. Section 11D(2)—	6
<i>omit</i> ‘section 11(9) and (10)’, <i>insert</i> ‘section 11AD’.	7
47. Section 12(1) (heading)—	8
<i>omit, insert—</i>	9
‘Meaning of “unimproved value” ’.	10
48. Section 12(1) (other than proviso)—	11
<i>renumber</i> (and relocate) as section 5A(1).	12
49. Section 12(1) (1st and 2nd provisos)—	13
<i>renumber</i> (and relocate) as section 5A(2) and (3) respectively.	14
50. Section 12(1A)—	15
<i>renumber</i> (and relocate) as section 5A(4).	16

SCHEDULE 1 (continued)

51. Section 12(2)(a)—	1
<i>insert</i> (as heading)—	2
‘Meaning of “improved value” ’.	3
 52. Section 12(2)(a)—	4
<i>renumber</i> (and relocate) as section 5B.	5
 53. Section 12(2)(b)—	6
<i>insert</i> (as heading)—	7
‘Meaning of “value of improvements” ’.	8
 54. Section 12(2)(b)—	9
<i>renumber</i> (and relocate) as section 5C(1).	10
 55. Section 12(2)(b) (proviso)—	11
<i>renumber</i> (and relocate) as section 5C(2).	12
 56. Section 12(2)(c)—	13
<i>insert</i> (as heading)—	14
‘Meaning of “improvements” ’.	15
 57. Section 12(2)(c)—	16
<i>renumber</i> (and relocate) as section 5D(1).	17
 58. Section 12(2)(c) (proviso)—	18
<i>renumber</i> (and relocate) as section 5D(2).	19

SCHEDULE 1 (continued)

59. Section 13(2B)—	1
<i>insert</i> (as heading)—	2
‘Alteration of valuation’.	3
 60. Section 13(2B)—	4
<i>omit</i> ‘subsection (2)’, <i>insert</i> ‘section 13A’.	5
 61. Section 13(2B)—	6
<i>renumber</i> as section 13B(1).	7
 62. Section 13(2C)—	8
<i>omit</i> ‘subsection (2)(k)’, <i>insert</i> ‘section 13A(1)(k)’.	9
 63. Section 13(2C) and (2D)—	10
<i>renumber</i> as section 13B(2) and (3).	11
 64. Section 13(3)—	12
<i>insert</i> (as heading)—	13
‘Valuation may be made if land becomes taxable or rateable’.	14
 65. Section 13(3)—	15
<i>omit</i> ‘this section’, <i>insert</i> ‘section 13A’.	16
 66. Section 13(3)—	17
<i>omit</i> ‘and/or’, <i>insert</i> ‘or’.	18

SCHEDULE 1 (continued)

67. Section 13(3)—	1
<i>renumber</i> as section 13C.	2
68. Section 13(4) (1st sentence)—	3
<i>insert</i> (as heading)—	4
‘ Valuation on area change ’.	5
69. Section 13(4) (1st sentence)—	6
<i>omit</i> ‘, notwithstanding any other provision of this section,’.	7
70. Section 13(4) (1st sentence)—	8
<i>renumber</i> as section 13D(1).	9
71. Section 13(4) (2nd sentence)—	10
<i>omit</i> ‘pursuant to this subsection’, <i>insert</i> ‘under this section’.	11
72. Section 13(4) (2nd sentence)—	12
<i>renumber</i> as section 13D(2).	13
73. Section 13(5) (1st sentence)—	14
<i>insert</i> (as heading)—	15
‘ Valuation on inclusion of land in an area ’.	16
74. Section 13(5) (1st sentence)—	17
<i>omit</i> ‘section 11(11) or (13)’, <i>insert</i> ‘section 11AE’.	18

SCHEDULE 1 (continued)

75. Section 13(5) (1st sentence)—	1
<i>renumber</i> as section 13E(1).	2
76. Section 13(5) (2nd sentence)—	3
<i>omit</i> ‘this subsection’, <i>insert</i> ‘this section’.	4
77. Section 13(5) (2nd sentence)—	5
<i>renumber</i> as section 13E(2).	6
78. Section 13(6)—	7
<i>omit</i> .	8
79. Section 13(7)—	9
<i>insert</i> (as heading)—	10
‘Status of valuation’.	11
80. Section 13(7)—	12
<i>omit</i> ‘pursuant to a provision of this section’.	13
81. Section 13(7)—	14
<i>renumber</i> as section 13F.	15
82. Section 16 (heading)—	16
<i>omit, insert</i> —	17
‘Giving information and access’.	18

SCHEDULE 1 (continued)

83. Section 16(1)—	1
<i>omit</i> ‘prescribed form’, <i>insert</i> ‘approved form’.	2
84. Section 16(3) (heading)—	3
<i>omit</i> .	4
85. Section 16A—	5
<i>omit</i> .	6
86. Section 16B(1)—	7
<i>omit, insert—</i>	8
‘ 16B.(1) The chief executive must make annually a valuation of all land	9
in an area in a period starting when a general valuation for the area first takes	10
effect and ending when the next general valuation for the area has effect.’.	11
87. Section 16J(6)—	12
<i>omit, insert—</i>	13
‘ (6) Sections 21AB to 21A and section 22 apply, with any necessary	14
changes, to an appeal under this section.’.	15
88. Section 16J(7)—	16
<i>omit</i> ‘section 21(8)’, <i>insert</i> ‘section 21AL’.	17
89. Section 17(1)—	18
<i>omit</i> ‘prescribed form’, <i>insert</i> ‘approved form’.	19

SCHEDULE 1 (continued)

90. Section 17(1)(a)—	1
<i>omit, insert—</i>	2
‘(a) the owner’s name and postal address;’.	3
91. Section 17(1)(e)—	4
<i>omit, insert—</i>	5
‘(e) in the case of a general valuation—at any time after a regulation	6
under section 11AF is notified in the Gazette; and’.	7
92. Section 17(1A)—	8
<i>omit.</i>	9
93. Section 18(a)—	10
<i>omit</i> ‘and pursuant to section 13 of this Act’, <i>insert</i> ‘section 13B’.	11
94. Section 19(1)—	12
<i>omit</i> ‘prescribed form’, <i>insert</i> ‘approved form’.	13
95. Section 19(3)—	14
<i>omit, insert—</i>	15
‘(3) If all land in an area is valued, a notice of valuation must be issued	16
not earlier than the notification of the regulation fixing a day under	17
section 11AF, and not later than 3 months before the day fixed.’.	18
96. Section 19(4)—	19
<i>omit</i> ‘by the Governor in Council’.	20

SCHEDULE 1 (continued)

97. Section 19A(4)—	1
<i>omit.</i>	2
98. Section 20(1)—	3
<i>omit</i> ‘or District Valuer for the District wherein the subject land is situate’.	4
	5
99. Section 20(2) (4th sentence)—	6
<i>omit</i> ‘section 21 of this Act’, <i>insert</i> ‘sections 21 to 21A’.	7
100. Section 20(2) (1st to 4th sentences)—	8
<i>renumber</i> as section 20A(1) to (4) respectively.	9
101. Section 20(2A)(a)—	10
<i>omit</i> ‘pursuant to subsection (2) of this section’,	11
<i>insert</i> ‘under this section’.	12
102. Section 20(2A)(e)(iii)—	13
<i>omit</i> ‘pursuant to subsection (3) of this section’,	14
<i>insert</i> ‘under section 20B’.	15
103. Section 20(2A)(a) to (e)—	16
<i>renumber</i> as section 20A(5) to (9) respectively.	17
104. Section 20(2A)(f)—	18
<i>omit</i> ‘Subject to this subsection, a’, <i>insert</i> ‘A’.	19

SCHEDULE 1 (continued)

105. Section 20(2A)(f)—	1
<i>renumber</i> as section 20A(10).	2
106. Section 20(3)(a)—	3
<i>omit</i> ‘without reference to any postponement of such date under section 11(17) to (21)’.	4 5
107. Section 20(3)—	6
<i>renumber</i> as section 20B(1).	7
108. Section 20(4)—	8
<i>omit</i> ‘Notwithstanding the forgoing provisions of this section, where—’,	9
<i>insert</i> ‘If—’.	10
109. Section 20(4)(a)—	11
<i>omit</i> ‘pursuant to subsection (1),’.	12
110. Section 20(4)(c)—	13
<i>omit</i> ‘section 13(2) to (2C)’, <i>insert</i> ‘section 13A or 13B’.	14
111. Section 20(4)—	15
<i>renumber</i> as section 20B(2).	16
112. Section 20(5)—	17
<i>omit</i> ‘subsection (4)’, <i>insert</i> ‘subsection (2)’.	18

SCHEDULE 1 (continued)

113. Section 20(5)—	1
<i>renumber</i> as section 20B(3).	2
114. Section 21(1)—	3
<i>omit</i> ‘Subject to this section an’, <i>insert</i> ‘An’.	4
115. Section 21(3)—	5
<i>insert</i> (as heading)—	6
‘How to start an appeal’.	7
116. Section 21(3) (1st sentence)—	8
<i>omit</i> ‘under this section’.	9
117. Section 21(3) (1st to 4th sentences)—	10
<i>renumber</i> as section 21AA(1) to (4) respectively.	11
118. Section 21(3A)—	12
<i>insert</i> (as heading)—	13
‘Late filing’.	14
119. Section 21(3A)(a)—	15
<i>omit</i> ‘subsection (2)’, <i>insert</i> ‘section 21(2)’.	16
120. Section 21(3A)(a)—	17
<i>renumber</i> as section 21AB(1).	18

SCHEDULE 1 (continued)

121. Section 21(3A)(a)(i) and (ii)—	1
<i>renumber</i> as section 21AB(1)(a) and (b) respectively.	2
122. Section 21(3A)(b)(i)—	3
<i>omit</i> ‘paragraph (a)(ii)’, <i>insert</i> ‘subsection (1)(b)’.	4
123. Section 21(3A)(b)—	5
<i>omit</i> ‘subsection (2)’, <i>insert</i> ‘section 21(2)’.	6
124. Section 21(3A)(b)—	7
<i>renumber</i> as section 21AB(2).	8
125. Section 21(3A)(b)(i) and (ii)—	9
<i>renumber</i> as section 21AB(2)(a) and (b) respectively.	10
126. Section 21(3A)(c)—	11
<i>omit</i> ‘this subsection’, <i>insert</i> ‘this section’.	12
127. Section 21 (3A)(c)—	13
<i>renumber</i> as section 21AB(3).	14
128. Section 21(3B)—	15
<i>insert</i> (as heading)—	16
‘Defect in notice of appeal—action of registrar’.	17
129. Section 21(3B)(a)—	18
<i>omit</i> ‘subsection (3)’, <i>insert</i> ‘section 21AA’.	19

SCHEDULE 1 (continued)

- | | |
|--|----|
| 130. Section 21(3B)(a) and (b)— | 1 |
| <i>renumber</i> as section 21AC(1) and (2) respectively. | 2 |
| 131. Section 21(3B)(c)— | 3 |
| <i>omit</i> ‘subsection (3)’, <i>insert</i> ‘section 21AA’. | 4 |
| 132. Section 21(3B)(c) and (d)— | 5 |
| <i>renumber</i> as section 21AC(3) and (4) respectively. | 6 |
| 133. Section 21(3B)(e)(i)— | 7 |
| <i>omit</i> ‘subsection (2)’, <i>insert</i> ‘section 21(2)’. | 8 |
| 134. Section 21(3B)(e)(ii)— | 9 |
| <i>omit</i> ‘subsection (3)’, <i>insert</i> ‘section 21AA’. | 10 |
| 135. Section 21(3B)(e)— | 11 |
| <i>omit</i> ‘subsection (3A)’, <i>insert</i> ‘section 21AB’. | 12 |
| 136. Section 21(3B)(e)— | 13 |
| <i>omit</i> ‘this subsection’, <i>insert</i> ‘this section’. | 14 |
| 137. Section 21(3B)(e)— | 15 |
| <i>renumber</i> as section 21AC(5). | 16 |
| 138. Section 21(3B)(e)(i) and (ii)— | 17 |
| <i>renumber</i> as section 21AC(5)(a) and (b) respectively. | 18 |

SCHEDULE 1 (continued)

139. Section 21(3B)(f)—	1
<i>omit</i> ‘This subsection’, <i>insert</i> ‘This section’.	2
140. Section 21(3B)(f)—	3
<i>omit</i> ‘this section’, <i>insert</i> ‘this Act’.	4
141. Section 21(3B)(f)—	5
<i>renumber</i> as section 21AC(6).	6
142. Section 21(3C)—	7
<i>insert</i> (as heading)—	8
‘Defect in notice of appeal—action of Land Court’.	9
143. Section 21(3C)(a)—	10
<i>omit</i> ‘subsection (3)’, <i>insert</i> ‘section 21AA’.	11
144. Section 21(3C)(a) and (b)—	12
<i>renumber</i> as section 21AD(1) and (2) respectively.	13
145. Section 21(3C)(c)—	14
<i>omit</i> ‘subsection’, <i>insert</i> ‘section’.	15
146. Section 21(3C)(c)—	16
<i>renumber</i> as section 21AD(3).	17
147. Section 21(3C)(d)—	18
<i>omit</i> ‘Paragraph (a)’, <i>insert</i> ‘Subsection (1)’.	19

SCHEDULE 1 (continued)

148. Section 21(3C)(d)—	1
<i>omit</i> ‘subsection (3B)’, <i>insert</i> ‘section 21AC’.	2
149. Section 21(3C)(d)—	3
<i>renumber</i> as section 21AD(4).	4
150. Section 21(3C)(d)(i) and (ii)—	5
<i>renumber</i> as section 21AD(4)(a) and (b) respectively.	6
151. Section 21(3D)—	7
<i>insert</i> (as heading)—	8
‘Jurisdiction not affected by failure to serve chief executive’.	9
152. Section 21(3D)—	10
<i>omit</i> ‘subsection (3)’, <i>insert</i> ‘section 21AA’.	11
153. Section 21(3D)—	12
<i>renumber</i> as section 21AE.	13
154. Section 21(3E)—	14
<i>insert</i> (as heading)—	15
‘Defect in notice of appeal served on chief executive’.	16
155. Section 21(3E)—	17
<i>omit</i> ‘subsection (3)’, <i>insert</i> ‘section 21AA’.	18

SCHEDULE 1 (continued)

156. Section 21(3E)—	1
<i>renumber</i> as section 21AF.	2
157. Section 21(3F)—	3
<i>insert</i> (as heading)—	4
‘ Costs on adjournment ’.	5
158. Section 21(3F)—	6
<i>omit</i> ‘under this section’.	7
159. Section 21(3F)—	8
<i>omit</i> ‘subsection (3)’, <i>insert</i> ‘section 21AA’.	9
160. Section 21(3F)—	10
<i>renumber</i> as section 21AG.	11
161. Section 21(4)—	12
<i>insert</i> (as heading)—	13
‘ Constitution of Land Court at first instance ’.	14
162. Section 21(4)—	15
<i>omit</i> ‘this section’, <i>insert</i> ‘section 21’.	16
163. Section 21(4)—	17
<i>renumber</i> as section 21AH.	18

SCHEDULE 1 (continued)

164. Section 21(5)—	1
<i>insert</i> (as heading)—	2
‘Appeal to Land Appeal Court’.	3
 165. Section 21(5) (1st sentence)—	4
<i>omit</i> ‘this section’, <i>insert</i> ‘section 21’.	5
 166. Section 21(5) (1st to 3rd sentences)—	6
<i>renumber</i> as section 21AI(1) to (3) respectively.	7
 167. Section 21(6)—	8
<i>insert</i> (as heading)—	9
‘Appeal to Court of Appeal’.	10
 168. Section 21(6)—	11
<i>renumber</i> as section 21AJ.	12
 169. Section 21(7)—	13
<i>insert</i> (as heading)—	14
‘Order of Court’.	15
 170. Section 21(7)—	16
<i>omit</i> ‘this section’, <i>insert</i> ‘section 21’.	17
 171. Section 21(7)—	18
<i>renumber</i> as section 21AK.	19

SCHEDULE 1 (continued)

172. Section 21(8)—	1
<i>insert</i> (as heading)—	2
‘Practice and procedure for appeals’.	3
 173. Section 21(8) (1st sentence)—	4
<i>omit</i> ‘Subject to this section the’, <i>insert</i> ‘The’.	5
 174. Section 21(8) (1st sentence)—	6
<i>omit</i> ‘this section’,	7
<i>insert</i> ‘an appeal under section 21, 21AI or 21AJ’.	8
 175. Section 21(8) (1st sentence)—	9
<i>renumber</i> as section 21AL(1).	10
 176. Section 21(8) (2nd sentence)—	11
<i>omit</i> ‘under such last mentioned Acts’.	12
 177. Section 21(8) (2nd sentence)—	13
<i>omit</i> ‘Court of Appeal under this section’,	14
<i>insert</i> ‘Court of Appeal under section 21AJ’.	15
 178. Section 21(8) (2nd sentence)—	16
<i>omit</i> ‘appeals under this section’,	17
<i>insert</i> ‘appeals under section 21, 21AI or 21AJ’.	18

SCHEDULE 1 (continued)

179. Section 21(8) (2nd sentence)—	1
<i>renumber</i> as section 21AL(2).	2
180. Section 21(9)—	3
<i>omit</i> ‘under this section’,	4
<i>insert</i> ‘on an appeal under section 21, 21AI or 21AJ’.	5
181. Section 21(9)—	6
<i>renumber</i> as section 21AJ(3).	7
182. Section 21B—	8
<i>omit</i> ‘pursuant to paragraph (g) of subsection (2) of section 13 of this Act where such’,	9 10
<i>insert</i> ‘under sections 13A(1)(g) and 13B if the’.	11
183. Section 26(1)(ba)—	12
<i>omit</i> ‘by the Governor in Council under section 11(15)’,	13
<i>insert</i> ‘under section 11AF’.	14
184. Section 26(2) (heading)—	15
<i>omit</i> .	16
185. Section 26(2)—	17
<i>omit</i> ‘prescribed form’, <i>insert</i> ‘approved form’.	18

SCHEDULE 1 (continued)

186. Section 27 (heading)—	1
<i>omit, insert—</i>	2
‘Other valuations’.	3
 187. Section 27(1) and (2)—	4
<i>omit, insert—</i>	5
‘27.(1) The chief executive may value real or personal property for a person if the person asks.	6
	7
‘(2) The person must pay the prescribed fee for the valuation.’.	8
 188. Section 27(3)—	9
<i>omit ‘and/or’, insert ‘or’.</i>	10
 189. Section 27(3)—	11
<i>omit ‘requirement’, insert ‘request’.</i>	12
 190. Section 28 (heading)—	13
<i>omit, insert—</i>	14
‘Roll extracts and other information’.	15
 191. Section 28(3) (heading)—	16
<i>omit.</i>	17
 192. Section 29—	18
<i>omit ‘and notwithstanding the provisions of section 8 of <i>The Trustees and Executors Act of 1897</i>,</i>	19
	20
<i>insert ‘, despite section 27(1) of the <i>Trusts Act 1973</i>’.</i>	21

SCHEDULE 1 (continued)

193. Section 29A (2nd sentence)—	1
<i>omit.</i>	2
194. Section 31—	3
<i>omit</i> ‘prescribed form’, <i>insert</i> ‘approved form’.	4
195. Section 31A(1)(b)—	5
<i>omit</i> ‘land registration authority’, <i>insert</i> ‘land registry’.	6
196. Section 32 (heading)—	7
<i>omit, insert—</i>	8
‘Returns’.	9
197. Section 32(1)—	10
<i>omit</i> ‘prescribed form’, <i>insert</i> ‘approved form’.	11
198. Section 32(1)—	12
<i>omit</i> ‘and/or’, <i>insert</i> ‘and’.	13
199. Section 32(2) (heading)—	14
<i>omit.</i>	15
200. Section 32(4) (heading)—	16
<i>omit.</i>	17
201. Section 32(6)—	18
<i>omit</i> ‘etc.’.	19

SCHEDULE 1 (continued)

202. Section 37 (heading)—	1
<i>omit</i> ‘ Power of Governor in Council as to ’,	2
<i>insert</i> ‘ Regulations about ’.	3
203. Section 37 (1st sentence)—	4
<i>omit</i> ‘the Governor in Council may, by order in council from time to time, appoint’,	5
<i>insert</i> ‘a regulation may fix’.	6
204. Section 37 (2nd sentence)—	8
<i>omit</i> ‘appointed by such order’, <i>insert</i> ‘fixed by the regulation’.	9
205. Section 38 (2nd sentence)—	10
<i>omit</i> .	11
206. Section 41 (2nd sentence)—	12
<i>omit</i> .	13
207. Section 42(b)—	14
<i>omit</i> .	15
208. Section 45—	16
<i>omit</i> ‘, viz.:’.	17
209. Section 46(7)—	18
<i>omit</i> ‘, whether before or after the commencement of the <i>Valuation of Land Act Amendment Act 1974</i> ,’.	19
	20

SCHEDULE 1 (continued)

210. After section 46—	1
<i>insert—</i>	2
‘Chief executive may approve forms	3
‘ 46AA. The chief executive may, by Gazette notice, approve a form for	4
the purposes of this Act.’.	5
 211. Section 46A—	6
<i>omit</i> ‘A form that is a prescribed form for the purposes of’,	7
<i>insert</i> ‘An approved form under’.	8
 212. Section 46A(a)—	9
<i>omit, insert—</i>	10
‘(a) be combined with, and form part of, an approved or prescribed	11
form under the <i>Foreign Ownership of Land Register Act 1988</i> or	12
another Act; or’.	13
 213. Section 47—	14
<i>omit, insert—</i>	15
‘Regulations	16
‘ 47.(1) The Governor in Council may make regulations for the purposes	17
of this Act.	18
‘ (2) A regulation may be made with respect to—	19
(a) the powers and duties of valuers; and	20
(b) the form of the valuation roll; and	21
(c) the fees payable under this Act; and	22
(d) offences for contravention of a regulation and the maximum	23
penalties, of not more than 1 penalty unit, for the offences.	24

SCHEDULE 1 (continued)

‘Numbering and renumbering of Act

‘48. In the first reprint of the Act produced under the *Reprints Act 1992*, section 43 (Numbering and renumbering of provisions) of that Act must be used.’.

1
2
3
4

SCHEDULE 2

1

REPEALS

2

section 4

3

Valuation of Land (Annual Adjustment) Act 1984

4

Valuation of Land Act and Other Acts Amendment Act 1985

5

6