

Queensland



**NATURAL RESOURCES AND
OTHER LEGISLATION
AMENDMENT BILL (No. 2)
2003**

Queensland



NATURAL RESOURCES AND OTHER LEGISLATION AMENDMENT BILL (No. 2) 2003

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2003

A BILL

FOR

**An Act to amend legislation about natural resources, and for other
purposes**

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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 (No. 2) 2003*.

4

5

Clause 2 Commencement

6

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

7

**PART 2—AMENDMENT OF ACQUISITION OF LAND
ACT 1967**

8

9

Clause 3 Act amended in pt 2

10

This part amends the *Acquisition of Land Act 1967*.

11

Clause 4 Amendment of s 2 (Definitions)

12

Section 2, definition “constructing authority”, paragraph (b)—

13

omit, insert—

14

‘(b) a local government; or

15

(c) a person authorised by an Act to take land for any purpose.’.

16

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PART 3—AMENDMENT OF FORESTRY ACT 1959

Clause 5	Act amended in pt 3	2
	This part amends the <i>Forestry Act 1959</i> .	3
Clause 6	Amendment of s 61J (Agreement about natural resource products)	4
	(1) Section 61J—	6
	<i>insert—</i>	7
	‘(1A) However, if the land is land held under the <i>Land Act 1994</i> , the owner may enter into an agreement only if the natural resource product is owned by the owner as an improvement, within the meaning of that Act, on the land.’.	8 9 10 11
	(2) Section 61J(4), ‘the <i>Land Title Act 1994</i> ’—	12
	<i>omit, insert—</i>	13
	‘the <i>Land Act 1994</i> or the <i>Land Title Act 1994</i> ’.	14
	(3) Section 61J(5), from ‘the <i>Land</i> ’—	15
	<i>omit, insert—</i>	16
	‘the <i>Land Act 1994</i> or the <i>Land Title Act 1994</i> . ¹ ’.	17
	(4) Section 61J(7), definition “owner”—	18
	<i>omit.</i>	19
	(5) Section 61J(7)—	20
	<i>insert—</i>	21
	‘ “land” means—	22
	(a) land held under the <i>Land Act 1994</i> under a lease that allows the land to be used for agricultural or timber plantation purposes; or	23 24
	(b) land held under the <i>Land Title Act 1994</i> .	25

¹ See the *Land Act 1994*, chapter 6, part 4, division 8B (Profits a prendre) or the *Land Title Act 1994*, part 6, division 4B (Profits a prendre).

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“owner” means—

- (a) for land held under the *Land Act 1994*—the lessee of the land; or
- (b) for land held under the *Land Title Act 1994*—the registered owner of the land.’

PART 4—AMENDMENT OF LAND ACT 1994

Clause 7 Act amended in pt 4

This part amends the *Land Act 1994*.

Clause 8 Amendment of s 5 (Land to which Act applies)

Section 5(2), from ‘dealt with’—

omit, insert—

‘dealt with under this Act.²’.

Clause 9 Amendment of s 26 (Minister may decide boundaries of reservations)

(1) Section 26(1) and (2)(c), ‘in the deed of grant’—

omit, insert—

‘in the lease, deed of grant’.

(2) Section 26(2), (3) and (4), ‘registered owner’—

omit, insert—

‘lessee, registered owner’.

Clause 10 Amendment of s 33 (Revocation of reserves)

Section 33(1)—

² However, see section 14(3).

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insert—

‘(c) the Minister is satisfied a different tenure would be more appropriate for the purpose for which the land is used.’.

Clause 11 Amendment of s 38 (Cancelling a deed of grant in trust)

(1) Section 38—

insert—

‘**(3A)** Each person who has a registered interest in the land must be given—

(a) a copy of the gazette notice; and

(b) if the Minister has allowed improvements to be removed—written notice of the time by which the person must remove the improvements.

‘**(3B)** If the improvements are not removed within the time stated in the notice, they become the property of the State.’.

(2) Section 38—

insert—

‘**(5)** No person has a right to claim compensation for a cancellation under subsection (1).’.

(3) Section 38(3A) to (5)—

renumber as section 38(4) to (7).

Clause 12 Amendment of s 45 (Details of trustees)

Section 45(1) and (2)—

omit, insert—

‘**(1)** The names of all trustees appointed under this Act, and any change to a name, must be recorded in the appropriate register.

‘**(2)** A trustee must advise the chief executive of the trustee’s address and any change to the address.’.

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Clause 13	Amendment of s 55 (Power to surrender)	1
	Section 55—	2
	<i>insert—</i>	3
	‘(3) For land that is surrendered—	4
	(a) the land is released from the trust and all encumbrances and interests; and	5 6
	(b) the land may be dealt with as unallocated State land; and	7
	(c) the trust is at an end; and	8
	(d) all appointments of trustees for the land and all trustee leases and trustee permits over the land are cancelled.	9 10
	‘(4) If the Minister has allowed improvements to be removed from the surrendered land—	11 12
	(a) the trustee and each person who has a registered interest in the land must be given written notice of the time by which the trustee or person must remove the improvements; and	13 14 15
	(b) if the improvements are not removed within the time stated in the notice, they become the property of the State.	16 17
	‘(5) Every cancellation of trustees, a trustee lease or trustee permit over a deed of grant in trust must be registered in the appropriate register.	18 19
	‘(6) No person has a right to claim compensation from the Minister or the State for a surrender under subsection (1).’.	20 21
Clause 14	Amendment of s 57 (Trustee leases)	22
	Section 57—	23
	<i>insert—</i>	24
	‘(5) If the trustee lease is for only part of the trust land, the appropriate form for the trustee lease must also include—	25 26
	(a) a sketch plan the chief executive is satisfied identifies the land being leased; or	27 28
	(b) if required by the chief executive—a plan of survey identifying the land being leased.	29 30

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‘(6) However, the chief executive may allow the land being leased to be identified by a description alone if the chief executive is satisfied the land is adequately identified by the description.’.

Clause 15 Insertion of new s 57A

After section 57—

insert—

‘57A Amending a trustee lease

‘(1) A registered trustee lease may, with the Minister’s approval, be amended by registering an amendment of the trustee lease.

‘(2) However, the document of amendment must not—

- (a) increase or decrease the area leased; or
- (b) add or remove a party to the lease; or
- (c) increase the term of the lease.’.

Clause 16 Amendment of s 58 (Other transactions a trustee may allow)

(1) Section 58, heading—

omit, insert—

‘58 Other transactions relating to trustee leases’.

(2) Section 58—

insert—

‘(4A) All or part of a trustee lease or a sublease of a trustee lease may be surrendered only if each registered mortgagee and registered sublessee of the interest being surrendered has given written agreement to the surrender.’.

(3) Section 58—

insert—

‘(6) Section 342 applies, with necessary changes, to the release of a mortgage of a trustee lease or sublease of a trustee lease.’.

(4) Section 58(4A) to (6)—

renumber as section 58(5) to (7).

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Clause 17	Amendment of s 101 (Minister to consider objections)	1
	Section 101(2)—	2
	<i>omit, insert—</i>	3
	‘(2) The Minister may approve the road closure application, with or without conditions, or refuse the application.’.	4 5
Clause 18	Replacement of s 105 (Cancellation or surrender of road licence)	6
	Section 105—	7
	<i>omit, insert—</i>	8
	‘105 Cancellation or surrender of road licence	9
	‘(1) The Minister may cancel all or part of a road licence after giving the licensee reasonable written notice of the Minister’s intention to cancel.	10 11
	‘(2) No compensation is payable for the cancellation of a road licence.	12
	‘(3) A licensee, with the Minister’s written approval, may surrender all or part of a road licence.	13 14
	‘(4) If a road licence is cancelled or surrendered, any improvements on the road become the property of the State and no compensation is payable.	15 16
	‘(5) However, the Minister may allow the licensee to remove any improvements within the time stated on the cancellation notice or the surrender approval.	17 18 19
	‘(6) If a road licence is cancelled or surrendered, the road remains temporarily closed.’.	20 21
Clause 19	Amendment of s 122 (Deeds of grant of unallocated State land)	22
	(1) Section 122—	23
	<i>insert—</i>	24
	‘(1A) A deed of grant of unallocated State land may be granted without competition to a local government if the Minister decides the land is needed for a public purpose.’.	25 26 27
	(2) Section 122(1A) to (3)—	28
	<i>renumber</i> as section 122(2) to (4).	29

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Clause 20	Amendment of s 123 (Priority criteria)	1
	(1) Section 123, definition “priority criteria”—	2
	<i>insert—</i>	3
	‘(ba)the applicant held a significant interest in the land before it	4
	became unallocated State land; or	5
	<i>Example of significant interest—</i>	6
	a deed of grant in trust or a long term lease’.	7
	(2) Section 123, definition “priority criteria”, paragraphs (ba) and (c)—	8
	<i>renumber</i> as paragraphs (c) and (d).	9
Clause 21	Amendment of s 160 (Written notice of Minister’s decision)	10
	(1) Section 160(1)—	11
	<i>omit.</i>	12
	(2) Section 160(2), ‘offers a new lease, the notice must state’—	13
	<i>omit, insert—</i>	14
	‘decides to offer a new lease, the applicant must be given written notice	15
	of’.	16
	(3) Section 160(3), ‘the Minister must give the applicant’—	17
	<i>omit, insert—</i>	18
	‘the applicant must be given’.	19
	(4) Section 160(2) to (4)—	20
	<i>renumber</i> as section 160(1) to (3).	21
Clause 22	Amendment of s 163 (Land not included in the offer)	22
	Section 163, from ‘on surrender’—	23
	<i>omit, insert—</i>	24
	‘on surrender of the lease—	25
	(a) if the lease was over a reserve—remains a reserve; or	26
	(b) otherwise—becomes unallocated State land.’.	27

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Clause 23	Amendment of s 168 (Written notice of Minister's decision)	1
	(1) Section 168(1) and (2)—	2
	<i>omit, insert—</i>	3
	‘(1) If the Minister decides to offer a new lease or a deed of grant, the applicant must be given written notice of the conditions on which the offer is made.’.	4
		5
		6
	(2) Section 168(5), ‘the Minister must give the applicant’—	7
	<i>omit, insert—</i>	8
	‘the applicant must be given’.	9
	(3) Section 168(3) to (6)—	10
	<i>renumber</i> as section 168(2) to (5).	11
Clause 24	Amendment of s 174 (Freeholded lease may not be transferred without approval)	12
		13
	Section 174(5)—	14
	<i>omit, insert—</i>	15
	‘(5) The applicant must be given written notice of the Governor in Council’s decision about the removal of the covenant.’.	16
		17
Clause 25	Amendment of s 177 (Chief executive may issue permit)	18
	Section 177—	19
	<i>insert—</i>	20
	‘(6) A permit for a period of not more than 3 months is not a tenure that may be recorded in the land registry under chapter 6.’.	21
		22
Clause 26	Amendment of s 196 (Minister may take action for non-payment)	23
	Section 196, from ‘may’—	24
	<i>omit, insert—</i>	25
	‘may do 1 or more of the following—	26

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- (a) take action in a court of competent jurisdiction to recover the rent, instalments, penalty interest or deferred interest owing; 1
- (b) forfeit the lease under chapter 5, part 4; 2
- (c) cancel the licence or permit.³. 3

- Clause 27 Amendment of s 197 (Notice of intention to cancel)** 5
- Section 197(1), from ‘take action’— 6
- omit, insert—* 7
- ‘take action to do either or both of the following— 8
- (a) recover the rent, instalments, penalty interest or deferred interest; 9
 - (b) cancel the licence or permit.³. 10

- Clause 28 Amendment of s 203 (Typical conditions)** 11
- (1) Section 203— 12
- insert—* 13
- ‘(ca) about the transfer or sublease of the lease;’. 14
- (2) Section 203(ca) to (f)— 15
- renumber* as section 203(d) to (g). 16

- Clause 29 Amendment of s 211 (Conditions must be reviewed)** 17
- (1) Section 211(1), ‘issue’— 18
- omit, insert—* 19
- ‘start’. 20
- (2) Section 211(2), ‘issuing’— 21
- omit, insert—* 22
- ‘starting’. 23
- (3) Section 211(4), ‘issued’— 24

3 See section 235 for notice of intention to forfeit a lease.

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omit, insert—

‘starting’.

Clause 30 Amendment of s 246 (Application of division)

Section 246—

insert—

‘(d) that has been the subject of a deed of grant in trust if—

(i) the deed of grant in trust has been cancelled; and

(ii) the improvements on the land have been made by the trustee or a person with the trustee’s authority.’.

Clause 31 Amendment of s 247 (Application of payment for improvements by incoming lessee or buyer)

Section 247(1)—

insert—

‘(d) for a deed of grant in trust—the person who owned the improvements on the land.’.

Clause 32 Amendment of s 274A (Compliance notice)

Section 274A—

insert—

‘(12) A tree planted in compliance with the compliance notice is not a natural resource owned by the lessee as an improvement.’.

Clause 33 Amendment of s 322 (Requirements for transfers)

Section 322—

insert—

‘(1A) However, a lease, licence or sublease may not be transferred if a provision of this Act or a condition of the lease, licence or sublease prohibits the transfer.’.

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Clause 34	Amendment of s 328 (Surrender of subleases)	1
	Section 328(1), after ‘sublease’—	2
	<i>insert—</i>	3
	‘or part of a sublease’.	4
Clause 35	Amendment of s 336 (Amending a sublease)	5
	Section 336—	6
	<i>insert—</i>	7
	‘(3) Sections 332 and 333 apply to an amendment of a sublease as if the amendment were a sublease.	8
		9
	‘(4) Before an amendment of a sublease is registered, the amendment must be endorsed with, as appropriate—	10
		11
	(a) the Minister’s approval under section 332, as applied; or	12
	(b) the Minister’s general authority to amend under section 333, as applied.’.	13
		14
Clause 36	Amendment of s 362 (Easements may be created only by registration)	15
		16
	Section 362(1), after ‘over’—	17
	<i>insert—</i>	18
	‘land granted in trust or’.	19
Clause 37	Amendment of s 363 (Registration of easement)	20
	Section 363(5), definition “owner of the land”, from ‘lessee’—	21
	<i>omit, insert—</i>	22
	‘trustee of land granted in trust, lessee and licensee.’.	23
Clause 38	Amendment of s 368 (Same person becoming lessee, licensee or permittee of benefited and burdened lands)	24
		25
	Section 368, ‘lessee, licensee or permittee’—	26

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omit, insert— 1
‘trustee, lessee or licensee’. 2

Clause 39 Amendment of s 369B (Transfer of benefited land) 3

Section 369B(3), definition “owner”— 4

omit, insert— 5

‘**“owner”**, of land, includes— 6

(a) for land granted in trust—the trustee of the land; and 7

(b) otherwise—a registered owner, lessee or licensee of the land.’. 8

Clause 40 Amendment of s 371 (Surrendering an easement) 9

Section 371(6), definition “owner of the land”, from ‘lessee’— 10

omit, insert— 11

‘trustee of land granted in trust, lessee and licensee.’. 12

Clause 41 Amendment of s 372 (End and continuation of easements) 13

(1) Section 372(1)— 14

omit, insert— 15

‘(1) An easement over land granted in trust, a lease, a licence or a reserve
ends when the deed of grant in trust, lease or licence ends or the reserve is
revoked.’. 16
17
18

(2) Section 372(2), after ‘when the’— 19

insert— 20

‘deed of grant in trust,’. 21

Clause 42 Insertion of new ch 6, pt 4, div 8B 22

Chapter 6, part 4, after section 373D— 23

insert— 24

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‘Division 8B—Profits a prendre

‘373E Application of div 8B

‘This division applies to a profit a prendre relating to a natural resource—

- (a) on land subject to a lease; and
- (b) owned by the lessee of the land as an improvement.

‘373F Definitions for div 8B

‘In this division—

‘**“lease”** means a lease that allows the land held under the lease to be used for agricultural or timber plantation purposes.

“natural resource” means a tree or vegetation other than a tree planted to comply with a compliance notice.

‘373G Profit a prendre by registration

‘With the Minister’s written approval, a lease may be made the subject of a profit a prendre by registering the document creating the profit a prendre over the lease.

‘373H Profit a prendre affecting freehold land and a lease

‘(1) This section applies if a document creating a profit a prendre is registered under section 373G in relation to a lease and the profit a prendre also—

- (a) benefits another lease; or
- (b) benefits freehold land; or
- (c) burdens another lease; or
- (d) burdens freehold land; or
- (e) has effect in any combination of paragraphs (a) to (d).

‘(2) The document must be registered in the appropriate registers.

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‘(3) Further dealings affecting the profit a prendre must also be registered in the appropriate registers.	1 2
‘373I Requirements of document creating profit a prendre	3
‘(1) A document creating a profit a prendre must—	4
(a) be validly executed; and	5
(b) include a description sufficient to identify the lease the subject of the profit a prendre; and	6 7
(c) include a description of the profit a prendre to which the lease is subject, including the period for which the profit a prendre is to be enjoyed.	8 9 10
‘(2) Subsection (1) does not limit the matters that the appropriate form for a document creating a profit a prendre may require to be included in the document.	11 12 13
‘(3) The period mentioned in subsection (1)(c) must not be longer than the term of the lease.	14 15
‘373J Particulars to be registered	16
‘When a document creating a profit a prendre is registered, the following particulars must be recorded in the appropriate registers—	17 18
(a) the lease burdened by the profit a prendre;	19
(b) any lease benefited by the profit a prendre;	20
(c) any freehold land benefited or burdened by the profit a prendre.	21
‘373K Profit a prendre benefiting and burdening same person’s lease or freehold land	22 23
‘A document creating a profit a prendre may be registered even if—	24
(a) the lease or freehold land benefited and the lease burdened by the profit a prendre are owned by the same person; or	25 26
(b) the lessee of the lease, or registered owner of the freehold land, benefited by the profit a prendre holds an interest in the lease burdened by the profit a prendre.	27 28 29

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‘373L Same person becoming lessee of benefited and burdened leases	1
‘If the same person becomes the lessee of the lease benefited and the lease burdened by a profit a prendre, the profit a prendre is extinguished only if—	2 3 4
(a) the lessee asks the chief executive to extinguish the profit a prendre; or	5 6
(b) the leases are amalgamated under division 6.	7
 ‘373M Owner of benefited lease acquiring interest in burdened lease	 8
‘If a lease is benefited by a profit a prendre, the profit a prendre is not extinguished only because the lessee of the lease acquires an interest, or a greater interest, in the lease burdened by the profit a prendre.	9 10 11
 ‘373N Amending a profit a prendre	 12
‘(1) A profit a prendre may be amended by registering a document amending the profit a prendre.	13 14
‘(2) However, the document must not—	15
(a) increase or decrease the area of land the subject of the profit a prendre; or	16 17
(b) add or remove a party to the profit a prendre.	18
 ‘373O Releasing or removing a profit a prendre	 19
‘(1) On lodgment of a document releasing a profit a prendre to which a lease is subject, the chief executive may register the release to the extent shown in the document.	20 21 22
‘(2) On registration of the document, the profit a prendre is discharged, and the lease is released from the profit a prendre, to the extent shown in the document.	23 24 25
‘(3) Also, the chief executive may remove a profit a prendre from a lease if a request to remove the profit a prendre is lodged, and the request clearly establishes that—	26 27 28
(a) the period of time for which the profit a prendre was intended to subsist has ended; or	29 30

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- (b) the event upon which the profit a prendre was intended to end has happened. 1
2

‘373P Effect of surrender of lease on profit a prendre 3

‘(1) If a lease subject to a profit a prendre is surrendered, other than 4
absolutely, the profit a prendre is an interest in the lease that continues 5
under section 331(1). 6

‘(2) If a lease subject to a profit a prendre is surrendered absolutely, the 7
profit a prendre is an interest that, under section 331(2), is extinguished 8
from the day the surrender is registered. 9

‘373Q Dealing with a profit a prendre 10

‘(1) A profit a prendre over a lease may be sold, mortgaged, given to 11
another person or pass by will or intestacy to a beneficiary. 12

‘(2) Divisions 1 and 4⁴ and sections 377 to 380⁵ apply, with necessary 13
changes, to a dealing with a profit a prendre under subsection (1) as if the 14
profit a prendre were a lease. 15

‘(3) Without limiting subsection (2), for applying the provisions 16
mentioned to a profit a prendre, a reference to a lessee is a reference to the 17
holder of the benefit of a profit a prendre.’. 18

Clause 43 Insertion of new s 393A 19

After section 393— 20

insert— 21

‘393A Departmental officer may give notices for this Act 22

‘If a provision of this Act requires a notice to be given for any purpose 23
and the provision does not state who is to give the notice, it is sufficient if 24
the notice is given by an officer of the department.’. 25

4 Part 4 (Dealings affecting land), divisions 1 (Transfers) and 4 (Mortgages)

5 Sections 377 to 380 are provisions relating to deceased estates.

*Natural Resources and Other Legislation Amendment
Bill (No. 2) 2003*

Clause 44	Amendment of s 443 (No deed of grant until fees paid)	1
	Section 443, ‘the <i>Land Title Act 1994</i> ’—	2
	<i>omit, insert—</i>	3
	‘this Act’.	4
Clause 45	Amendment of s 481 (Cancellation or surrender of occupation licence)	5
	(1) Section 481(1), after ‘may cancel’—	6
	<i>insert—</i>	7
	‘all or part of’.	8
	(2) Section 481(3), after ‘surrender’—	9
	<i>insert—</i>	10
	‘all or part of’.	11
Clause 46	Amendment of sch 2 (Original decisions)	12
	(1) Schedule 2, ‘160(4)’—	13
	<i>omit, insert—</i>	14
	‘160(3)’.	15
	(2) Schedule 2, ‘168(6)’—	16
	<i>omit, insert—</i>	17
	‘168(5)’.	18
Clause 47	Amendment of sch 6 (Dictionary)	19
	Schedule 6, definition “statutory body”, after ‘a local government’—	20
	<i>insert—</i>	21
	‘, a local government owned corporation’.	22
		23

*Natural Resources and Other Legislation Amendment
Bill (No. 2) 2003*

PART 5—AMENDMENT OF LAND TITLE ACT 1994

		1
Clause 48	Act amended in pt 5	2
	This part amends the <i>Land Title Act 1994</i> .	3
Clause 49	Insertion of new s 97EA	4
	After section 97E—	5
	<i>insert—</i>	6
	‘97EA Profit a prendre affecting a lot and non-freehold land	7
	‘(1) This section applies if an instrument of profit a prendre is registered under section 97E in relation to a lot and the profit a prendre also—	8 9
	(a) benefits another lot; or	10
	(b) benefits non-freehold land; or	11
	(c) burdens another lot; or	12
	(d) burdens non-freehold land; or	13
	(e) has effect in any combination of paragraphs (a) to (d).	14
	‘(2) The instrument must be registered in the appropriate registers.	15
	‘(3) Further dealings affecting the profit a prendre must also be registered in the appropriate registers.’.	16 17
Clause 50	Amendment of s 97G (Particulars to be registered)	18
	Section 97G—	19
	<i>insert—</i>	20
	‘(c) any lease of non-freehold land benefited or burdened by the profit a prendre.’.	21 22
Clause 51	Insertion of new s 97M	23
	After section 97L—	24
	<i>insert—</i>	25

*Natural Resources and Other Legislation Amendment
Bill (No. 2) 2003*

‘97M Effect of surrender of lot on profit a prendre

‘(1) If a lot subject to a profit a prendre is surrendered to the State, other than absolutely, the profit a prendre is a transaction that must be recorded on the new deed of grant under the *Land Act 1994*, section 358(5).

‘(2) If a lot subject to a profit a prendre is surrendered absolutely, the profit a prendre is an interest that, under the *Land Act 1994*, section 331(2), is extinguished from the day the surrender is registered.’.

**PART 6—AMENDMENT OF VALUATION OF LAND
ACT 1944**

Clause 52 Act amended in pt 6

This part amends the *Valuation of Land Act 1944*.

Clause 53 Amendment of s 14 (Deciding unimproved value of certain land)

(1) Section 14(5)—

insert—

‘(e) to which a determination of native title or an indigenous land use agreement, under the *Native Title Act 1993* (Cwlth), relates;’.

(2) Section 14(5), ‘permission to occupy or agreement’—

omit, insert—

‘permission to occupy, agreement or determination’.

Clause 54 Amendment of s 28 (Alteration of valuation in force or to come into force)

Section 28(1)—

insert—

‘(m) unless the land becomes the subject of a determination of native title or an indigenous land use agreement, under the *Native Title Act 1993* (Cwlth).’.

*Natural Resources and Other Legislation Amendment
Bill (No. 2) 2003*

PART 7—MINOR AMENDMENTS 1

Clause	55	Acts amended in schedule	2
		The schedule amends the Acts it mentions.	3

SCHEDULE	1
MINOR AMENDMENTS OF ACTS	2
section 55	3
ABORIGINAL LAND ACT 1991	4
1 Section 44, paragraphs (a) to (d), all bracketed section heading references—	5
<i>omit.</i>	6
	7
2 Section 138, heading—	8
<i>omit, insert—</i>	9
‘138 Regulation-making power’.	10
ACQUISITION OF LAND ACT 1967	11
1 Section 42, heading—	12
<i>omit, insert—</i>	13
‘42 Regulation-making power’.	14

SCHEDULE (continued)

EXPLOSIVES ACT 1999

- | | | |
|---|---|----------|
| | | 1 |
| 1 | Section 6(2), definition “Act about mining”, paragraphs (a) and (b)— | 2
3 |
| | <i>omit, insert—</i> | 4 |
| | ‘(a) the <i>Coal Mining Safety and Health Act 1999</i> ; or | 5 |
| | (b) the <i>Mining and Quarrying Safety and Health Act 1999</i> ; or’. | 6 |
| 2 | Part 9, heading, ‘and consequential amendments’— | 7 |
| | <i>omit.</i> | 8 |
| 3 | Schedule 2, definition “government magazine”— | 9 |
| | <i>omit, insert—</i> | 10 |
| | ‘ “government magazine” means a place declared to be a government magazine under section 46(1).’. | 11
12 |

**FOREIGN GOVERNMENTS (TITLES TO LAND) ACT
1948**

- | | | |
|----|----------------------------------|----|
| | | 13 |
| 1 | Section 7, heading— | 15 |
| | <i>omit, insert—</i> | 16 |
| ‘7 | Regulation-making power’. | 17 |

SCHEDULE (continued)

FOSSICKING ACT 1994

1	Sections 34(3), 85(1)(a), 88(c) and (d), 93, 99(2)(c) and 104(1), all bracketed section heading references—	2
		3
	<i>omit.</i>	4
2	Section 107, heading—	5
	<i>omit, insert—</i>	6
	‘107 Regulation-making power’.	7

LAND ACT 1994

1	Section 448, heading—	9
	<i>omit, insert—</i>	10
	‘448 Regulation-making power’.	11
2	Sections 2(3), 487(2) and 520(a) and (b), all bracketed section heading references—	12
		13
	<i>omit.</i>	14

LAND TITLE ACT 1994

1	Section 50(g)(iii), ‘part 4’—	16
	<i>omit, insert—</i>	17
	‘part 3’.	18

SCHEDULE (continued)

2	Section 115T(3), ‘section 69 or 70’—	1
	<i>omit, insert—</i>	2
	‘section 72 or 74’.	3
3	Section 115U(2)(b), ‘section 75(2)’—	4
	<i>omit, insert—</i>	5
	‘section 78(2)’.	6
4	Section 115U(4), definition “termination issues”, ‘schedule 4’—	7
	<i>omit, insert—</i>	8
	‘schedule 6’.	9
5	Section 115W(2)(b)(ii), ‘section 82(3)’—	10
	<i>omit, insert—</i>	11
	‘section 85(3)’.	12
6	Section 115Y(2)(b)(ii), ‘section 86C(2)’—	13
	<i>omit, insert—</i>	14
	‘section 91(2)’.	15
7	Section 115Y(3)(b), ‘section 55’—	16
	<i>omit, insert—</i>	17
	‘section 62’.	18
8	Section 115Y(3)(b), ‘section 54’—	19
	<i>omit, insert—</i>	20
	‘section 60’.	21

SCHEDULE (continued)

9	Schedule 2, definition, “body corporate”, ‘schedule 4’—	1
	<i>omit, insert—</i>	2
	‘schedule 6’.	3
10	Schedule 2, definition, “community management statement”, ‘section 13’—	4
	<i>omit, insert—</i>	5
	‘section 12’.	6
		7
11	Schedule 2, definition, “contribution schedule lot entitlement”, ‘section 44’—	8
	<i>omit, insert—</i>	9
	‘section 46’.	10
		11
12	Schedule 2, definition, “interest schedule lot entitlement”, ‘section 44’—	12
	<i>omit, insert—</i>	13
	‘section 46’.	14
		15
13	Schedule 2, definition, “utility infrastructure”, ‘schedule 4’—	16
	<i>omit, insert—</i>	17
	‘schedule 6’.	18
14	Schedule 2, definition, “utility service”, ‘schedule 4’—	19
	<i>omit, insert—</i>	20
	‘schedule 6’.	21

SCHEDULE (continued)

MINERAL RESOURCES ACT 1989	1
1 Section 4(5), definition “offshore area”, from ‘in’—	2
<i>omit, insert—</i>	3
<i>‘in the schedule.’.</i>	4
2 Schedule, definitions “chief executive (planning)” and “planning scheme”, ‘<i>Local Government (Planning and Environment) Act 1990</i>’—	5
	6
	7
<i>omit, insert—</i>	8
<i>‘Integrated Planning Act 1997’.</i>	9
3 Schedule, definition “reserve” paragraph (b), ‘6’—	10
<i>omit, insert—</i>	11
<i>‘3’.</i>	12
 TORRES STRAIT ISLANDER LAND ACT 1991	 13
1 Sections 3, definition “native title interests” and 41, paragraphs (a) to (d), all bracketed section heading references—	14
	15
<i>omit.</i>	16
2 Section 135, heading—	17
<i>omit, insert—</i>	18
‘135 Regulation-making power’.	19

SCHEDULE (continued)

VALUATION OF LAND ACT 1944

- | | | |
|----------|--|---|
| 1 | Section 17(1), ‘in that value for that the land’— | 1 |
| | <i>omit, insert—</i> | 2 |
| | ‘in value because the land’. | 3 |
| | | 4 |

VALUERS REGISTRATION ACT 1992

- | | | |
|----------|---|----|
| 1 | Section 3, definition “specialist retail valuer” and section 42H(1) and (2), all bracketed heading references— | 5 |
| | <i>omit.</i> | 6 |
| | | 7 |
| | | 8 |
| 2 | Section 66, heading— | 9 |
| | <i>omit, insert—</i> | 10 |
| | ‘66 Regulation-making power’. | 11 |

WATER ACT 2000

- | | | |
|----------|---|----|
| 1 | Section 98(2), ‘; and’— | 12 |
| | <i>omit, insert—</i> | 13 |
| | ‘;’. | 14 |
| | | 15 |
| 2 | Schedule 4, definition “registered professional engineer”, | 16 |
| | <i>omit, insert—</i> | 17 |

SCHEDULE (continued)

‘ “registered professional engineer” see the <i>Professional Engineers Act</i>	1
2002, schedule 2.’.	2