



Queensland

# **Land, Explosives and Other Legislation Amendment Bill 2018**





## Queensland

# Land, Explosives and Other Legislation Amendment Bill 2018

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# 2018

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## A Bill

for

***An Act to amend the *Aboriginal Land Act 1991*, the *Cape York Peninsula Heritage Act 2007*, the *Explosives Act 1999*, the *Explosives Regulation 2017*, the *Foreign Ownership of Land Register Act 1988*, the *Land Act 1994*, the *Land Regulation 2009*, the *Land Title Act 1994*, the *Mineral and Energy Resources (Common Provisions) Act 2014*, the *Mineral Resources Act 1989*, the *Petroleum and Gas (Production and Safety) Act 2004*, the *State Penalties Enforcement Regulation 2014*, the *Torres Strait Islander Land Act 1991* and the legislation mentioned in schedule 1 for particular purposes***

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[s 1]

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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 *Land, Explosives and Other  
Legislation Amendment Act 2018*. 4  
5

### **Clause 2 Commencement** 6

(1) The following provisions commence on 1 July 2019— 7

(a) part 9, division 3; 8

(b) schedule 1, part 2. 9

(2) The following provisions commence on a day to be fixed by  
proclamation— 10  
11

(a) parts 4 to 6; 12

(b) part 12, division 3; 13

(c) schedule 1, part 3. 14

## **Part 2 Amendment of Aboriginal Land Act 1991** 15 16

### **Clause 3 Act amended** 17

This part amends the *Aboriginal Land Act 1991*. 18

*Note—* 19

See also the amendments in schedule 1, part 1. 20

<b>Clause 4</b>	<b>Amendment of s 10 (Lands that are transferable lands)</b>	1
	Section 10(1)(h)—	2
	<i>omit.</i>	3
<b>Clause 5</b>	<b>Amendment of s 32B (Definitions for pt 2A)</b>	4
	Section 32B, definition <i>interest holder</i> , paragraph (d), ‘registered lease’—	5
	<i>omit, insert—</i>	6
	registered sublease	7
<b>Clause 6</b>	<b>Amendment of s 32R (Dwelling on available land)</b>	9
	(1) Section 32R(5)—	10
	<i>omit, insert—</i>	11
	(5) If the dwelling notice states the housing chief executive consents to the applicant making the application, the trustee must decide the price of the dwelling—	12
	(a) by agreement with the housing chief executive; or	13
	(b) by using a methodology agreed between the trustee and the housing chief executive.	14
	(2) Section 32R(6), ‘valuation’—	15
	<i>omit.</i>	16
<b>Clause 7</b>	<b>Amendment of s 32T (Offer to allocate available land)</b>	17
	Section 32T(3), ‘value’—	18
	<i>omit, insert—</i>	19
	price	20

[s 8]

<b>Clause 8</b>	<b>Amendment of s 40 (Appointment of grantee to hold land for benefit of Aboriginal people)</b>	1 2
	Section 40(3)—	3
	<i>omit, insert—</i>	4
	(3) However, the Minister may appoint a CATSI corporation that is a registered native title body corporate as the grantee of the land under subsection (2) only if—	5 6 7 8
	(a) under the Commonwealth Native Title Act, a determination has been made that native title exists in relation to all or a part of the land and the CATSI corporation is the registered native title body corporate for the determination; or	9 10 11 12 13 14
	(b) a determination has not been made under the Commonwealth Native Title Act that native title exists in relation to all or a part of the land, but the Minister is satisfied it is appropriate in all the circumstances to appoint the CATSI corporation as the grantee of the land.	15 16 17 18 19 20 21
	<i>Examples of when it is appropriate to appoint the CATSI corporation as the grantee of the land—</i>	22 23
	1 The appointment of the CATSI corporation is supported by consultation with Aboriginal people particularly concerned with the land.	24 25 26
	2 The land is within the external boundaries of an area of land the subject of a native title determination and the CATSI corporation is the registered native title body corporate for the determination.	27 28 29 30 31
	3 An ILUA has been entered into for the land and the CATSI corporation is nominated in the ILUA as the proposed grantee for the land under this Act.	32 33 34 35
	4 Anthropological research supports the CATSI corporation as being the appropriate grantee.	36 37

<b>Clause 9</b>	<b>Amendment of s 93 (Transfer to entity to hold for benefit of Aboriginal people)</b>	1 2
	Section 93(3)(a) and (b)—	3
	<i>omit, insert—</i>	4
	(a) under the Commonwealth Native Title Act, a determination has been made that native title exists in relation to all or a part of the land and the CATSI corporation is the registered native title body corporate for the determination; or	5 6 7 8 9 10
	(b) a determination has not been made under the Commonwealth Native Title Act that native title exists in relation to all or a part of the land, but the Minister is satisfied it is appropriate in all the circumstances for the land to be transferred to the CATSI corporation.	11 12 13 14 15 16 17
	<i>Examples of when it is appropriate for the land to be transferred to the CATSI corporation—</i>	18 19
	1 The transfer to the CATSI corporation is supported by consultation with Aboriginal people particularly concerned with the land.	20 21 22
	2 The land is within the external boundaries of an area of land the subject of a native title determination and the CATSI corporation is the registered native title body corporate for the determination.	23 24 25 26 27
	3 An ILUA has been entered into for the land and the CATSI corporation is nominated in the ILUA as the proposed transferee for the land under this Act.	28 29 30 31
	4 Anthropological research supports the CATSI corporation as being the appropriate transferee.	32 33 34
<b>Clause 10</b>	<b>Amendment of s 104 (Transfer of Aboriginal land)</b>	35
	(1) Section 104(2)—	36

[s 11]

---

*omit.* 1

(2) Section 104(3)— 2

*renumber* as section 104(2). 3

**Clause 11 Amendment of s 105 (Application for approval to transfer)** 4

(1) Section 105(2)(b), ‘section 106(1)(a), (b) or (c)’— 5

*omit, insert—* 6

section 106(1)(a) or (b) 7

(2) Section 105(2)(c), ‘the matters mentioned in section 8

106(1)(c)’— 9

*omit, insert—* 10

each matter mentioned in section 106(1)(c) or (d) 11

that applies to the transfer 12

**Clause 12 Amendment of s 106 (Minister’s approval to transfer)** 13

(1) Section 106(1)— 14

*insert—* 15

(ca) if the transferee is a CATSI corporation that 16  
is a registered native title body corporate— 17

(i) under the Commonwealth Native Title 18  
Act, a determination has been made 19  
that native title exists in relation to all 20  
or a part of the land and the CATSI 21  
corporation is the registered native title 22  
body corporate for the determination; 23  
or 24

(ii) a determination has not been made 25  
under the Commonwealth Native Title 26  
Act that native title exists in relation to 27  
all or a part of the land, but it is 28  
appropriate in all the circumstances for 29

the land to be transferred to the CATSI corporation; and	1 2
<i>Examples of when it is appropriate for the land to be transferred to the CATSI corporation—</i>	3 4
1 The transfer to the CATSI corporation is supported by consultation with Aboriginal people particularly concerned with the land.	5 6 7 8
2 The land is within the external boundaries of an area of land the subject of a native title determination and the CATSI corporation is the registered native title body corporate for the determination.	9 10 11 12 13 14
3 An ILUA has been entered into for the land and the CATSI corporation is nominated in the ILUA as the proposed transferee for the land under this Act.	15 16 17 18
4 Anthropological research supports the CATSI corporation as being the appropriate transferee.	19 20 21
(2) Section 106(1)(ca) and (d)—	22
<i>renumber</i> as section 106(1)(d) and (e).	23
(3) Section 106(3), ‘section 104(3)(d)(i)’—	24
<i>omit, insert—</i>	25
section 104(2)(d)(i)	26
<b>Clause 13 Amendment of s 109 (Transfer of Aboriginal land)</b>	27
(1) Section 109(2)—	28
<i>omit.</i>	29
(2) Section 109(3)—	30
<i>renumber</i> as section 109(2).	31

[s 14]

<b>Clause 14</b>	<b>Amendment of s 111 (Minister's approval to transfer)</b>	1
	(1) Section 111(1)—	2
	<i>insert—</i>	3
	(ba) if the transferee is a CATSI corporation that	4
	is a registered native title body corporate—	5
	(i) under the Commonwealth Native Title	6
	Act, a determination has been made	7
	that native title exists in relation to all	8
	or a part of the land and the CATSI	9
	corporation is the registered native title	10
	body corporate for the determination;	11
	or	12
	(ii) a determination has not been made	13
	under the Commonwealth Native Title	14
	Act that native title exists in relation to	15
	all or a part of the land, but it is	16
	appropriate in all the circumstances for	17
	the land to be transferred to the CATSI	18
	corporation; and	19
	<i>Examples of when it is appropriate for the land</i>	20
	<i>to be transferred to the CATSI corporation—</i>	21
	1 The transfer to the CATSI corporation	22
	is supported by consultation with	23
	Aboriginal people particularly	24
	concerned with the land.	25
	2 The land is within the external	26
	boundaries of an area of land the	27
	subject of a native title determination	28
	and the CATSI corporation is the	29
	registered native title body corporate	30
	for the determination.	31
	3 An ILUA has been entered into for the	32
	land and the CATSI corporation is	33
	nominated in the ILUA as the proposed	34
	transferee for the land under this Act.	35
	4 Anthropological research supports the	36
	CATSI corporation as being the	37
	appropriate transferee.	38



- (2) Section 111(1)(ba) and (c)— 1  
*renumber* as section 111(1)(c) and (d). 2

- Clause 15 Amendment of s 128 (Additional conditions and requirements for social housing dwelling)** 3  
4  
(1) Section 128(2)— 5  
*omit, insert*— 6  
(2) Before the lease is granted, the lessor must decide 7  
the price of the dwelling— 8  
(a) by agreement with the housing chief 9  
executive; or 10  
(b) by using a methodology agreed between the 11  
lessor and the housing chief executive. 12  
(2) Section 128(3), (4)(b) and (6), note, ‘value’— 13  
*omit, insert*— 14  
price 15

- Clause 16 Amendment of s 288 (Dealing with particular trust property)** 16  
17  
Section 288(1) and (3), ‘value’— 18  
*omit, insert*— 19  
price 20

- Clause 17 Amendment of sch 1 (Dictionary)** 21  
(1) Schedule 1— 22  
*insert*— 23  
*native title determination*, in relation to land, 24  
means a determination under the Commonwealth 25  
Native Title Act that native title exists in relation 26  
to all or a part of the land. 27

[s 18]

---

- (2) Schedule 1, definition *social housing*, paragraph (b), ‘the value of’— 1  
2  
*omit.* 3

**Part 3** **Amendment of Cape York Peninsula Heritage Act 2007** 4  
5

**Clause 18** **Act amended** 6  
This part amends the *Cape York Peninsula Heritage Act 2007*. 7

**Clause 19** **Insertion of new s 27A** 8  
After section 27— 9  
*insert—* 10

**27A Prohibition on, and dealing with applications for, grant of mining interest in relation to particular land** 11  
12  
13

- (1) This section applies in relation to the following land (the *protected land*)— 14  
15  
(a) lot 3 on SP189937; 16  
(b) lots 4, 18 and 20 on SP189951; 17  
(c) lot 153 on SP288864. 18  
(2) A mining interest may not be granted in relation to the protected land. 19  
20  
(3) A person may not apply for the grant of a mining interest in relation to the protected land. 21  
22  
(4) If an application for the grant of a mining interest in relation to the protected land was made, but not decided, before the commencement, the application— 23  
24  
25  
26  
(a) is taken to have been withdrawn by the applicant on the commencement; and 27  
28

- (b) can not be further dealt with. 1
- (5) This section applies despite the provisions of any 2  
other Act. 3
- (6) In this section— 4
- grant**, of a mining interest, includes the renewal 5  
of a mining interest. 6
- mineral** see the *Mineral Resources Act 1989*, 7  
section 6. 8
- mining interest** means a lease, licence, permit, 9  
claim or other authority under any of the 10  
following— 11
- (a) the *Geothermal Energy Act 2010*; 12
- (b) the *Greenhouse Gas Storage Act 2009*; 13
- (c) the *Mineral Resources Act 1989*; 14
- (d) the *Petroleum Act 1923*; 15
- (e) the *Petroleum and Gas (Production and 16  
Safety) Act 2004*; 17
- (f) another Act relating to mining for minerals, 18  
petroleum or natural gas. 19
- natural gas** see the *Petroleum Act 1923*, section 20  
2.
- petroleum** see the *Petroleum and Gas 22  
(Production and Safety) Act 2004*, section 10. 23

## Part 4 Amendment of Explosives Act 24 1999 25

Clause 20	Act amended	26
	This part amends the <i>Explosives Act 1999</i> .	27
	<i>Note—</i>	28
	See also the amendments in schedule 1, part 3.	29

[s 21]

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<b>Clause 21</b>	<b>Replacement of long title</b>	1
	Long title—	2
	<i>omit, insert—</i>	3
	<b>An Act to regulate the handling of and access to explosives, and for other purposes</b>	4
		5
<b>Clause 22</b>	<b>Insertion of new s 2A</b>	6
	After section 2—	7
	<i>insert—</i>	8
	<b>2A Purpose of Act</b>	9
	(1) The purpose of this Act is to regulate the handling of, and access to, explosives to protect public health and safety, property and the environment.	10 11 12
	(2) The purpose is achieved primarily by—	13
	(a) enabling explosives to be declared as authorised explosives or prohibited explosives; and	14 15 16
	(b) requiring an authority for the handling of explosives; and	17 18
	(c) ensuring that persons who hold an authority in relation to a security sensitive explosive also hold a security clearance; and	19 20 21
	(d) ensuring explosives are accessed only by persons—	22 23
	(i) who hold a security clearance; or	24
	(ii) who are under the direct supervision of a person who holds a security clearance; and	25 26 27
	(e) imposing a duty of care and other obligations on persons who handle explosives; and	28 29 30

	(f) enabling investigations and inquiries to be carried out for explosives incidents.	1 2
<b>Clause 23</b>	<b>Amendment of pt 3, hdg (Authorities)</b>	3
	Part 3, heading, after ‘Authorities’—	4
	<i>insert—</i>	5
	<b>and security clearances</b>	6
<b>Clause 24</b>	<b>Insertion of new pt 3, div 1AA</b>	7
	Part 3, before division 1—	8
	<i>insert—</i>	9
	<b>Division 1AA Security clearances</b>	10
	<b>Subdivision 1 Applications for security clearances</b>	11 12
	<b>12A Making applications for security clearances</b>	13
	(1) An individual may apply to the chief inspector for a security clearance.	14 15
	(2) The application must—	16
	(a) be in the approved form; and	17
	(b) be accompanied by the fee prescribed by regulation; and	18 19
	(c) include or be accompanied by the information prescribed by regulation.	20 21
	<b>12B Criteria for deciding applications</b>	22
	(1) The chief inspector may decide to give a security clearance to the applicant only if satisfied the applicant is a suitable person to hold the security	23 24 25

[s 24]

---

- |  |    |
|--|----|
| clearance.   | 1  |
| (2) In deciding whether the applicant is a suitable    | 2  |
| person to hold the security clearance, the chief       | 3  |
| inspector—   | 4  |
| (a) must consider—                                     | 5  |
| (i) the applicant's criminal history; and              | 6  |
| (ii) whether the applicant has, at any time,           | 7  |
| been named as the respondent in a                      | 8  |
| domestic violence order or police                      | 9  |
| protection notice; and                                 | 10 |
| (iii) whether release conditions have, at any          | 11 |
| time, been imposed on the applicant                    | 12 |
| under the <i>Domestic and Family</i>                   | 13 |
| <i>Violence Protection Act 2012</i> , section          | 14 |
| 125; and   | 15 |
| (b) may consider—                                      | 16 |
| (i) the applicant's mental health; and                 | 17 |
| (ii) information about the applicant that              | 18 |
| indicates the applicant is a risk to                   | 19 |
| public safety or it would be contrary to               | 20 |
| the public interest for the applicant to               | 21 |
| hold the security clearance; and                       | 22 |
| (iii) anything else relevant to the applicant's        | 23 |
| suitability to hold the security                       | 24 |
| clearance.   | 25 |
| (3) The applicant is not a suitable person to hold the | 26 |
| security clearance if—                                 | 27 |
| (a) the applicant is named as the respondent in a      | 28 |
| domestic violence order, or police                     | 29 |
| protection notice, that is in force; or                | 30 |
| (b) release conditions have been imposed on the        | 31 |
| applicant under the <i>Domestic and Family</i>         | 32 |
| <i>Violence Protection Act 2012</i> , section 125      | 33 |
| and the release conditions are in force.               | 34 |

---

## **12C Deciding applications**

- (1) The chief inspector must, after considering the application and any other information obtained in relation to the application, decide to—

- (a) give the security clearance; or  
(b) refuse to give the security clearance.

*Note—*

See also section 123AC(2).

- (2) If the chief inspector decides to give the security clearance, the chief inspector must promptly give the applicant the security clearance.
- (3) If the chief inspector decides to refuse to give the security clearance, the chief inspector must promptly give the applicant an information notice for the decision.

## **12D Form of security clearances**

A security clearance must—

- (a) be in the approved form; and  
(b) include a digital photo, and digitised signature, of the holder of the security clearance.

## **12E Term of security clearances**

- (1) A security clearance is given for the term, of not more than 5 years, stated in the security clearance.
- (2) The security clearance expires at the end of the stated term.

## **12F Renewal of security clearances**

- (1) The holder of a security clearance may apply for the renewal of the security clearance.

[s 24]

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- |  |                  |
|--|------------------|
| (2) The application must be made to the chief inspector before the security clearance expires.   | 1<br>2           |
| (3) Sections 12A(2) to 12E apply to the application as if—   | 3<br>4           |
| (a) a reference in the sections to an application for a security clearance were a reference to an application to renew a security clearance; and | 5<br>6<br>7<br>8 |
| (b) a reference in the sections to the giving of a security clearance were a reference to the renewal of a security clearance; and               | 9<br>10<br>11    |
| (c) a reference in sections 12D and 12E to a security clearance were a reference to a renewed security clearance.                                | 12<br>13<br>14   |

<b>Subdivision 2</b>	<b>Information about</b>	15
	<b>applicants and security</b>	16
	<b>clearance holders</b>	17

<b>12G Reports about criminal history and other matters</b>	18 19
---	----------

- |   |                            |
|---|----------------------------|
| (1) This section applies in relation to the following persons—  | 20<br>21                   |
| (a) an applicant for a security clearance;  | 22                         |
| (b) the holder of a security clearance.   | 23                         |
| (2) The chief inspector may ask the commissioner for a written report about—  | 24<br>25                   |
| (a) the person's criminal history, including a brief description of the nature of any offence giving rise to a conviction or charge mentioned in the person's criminal history; and | 26<br>27<br>28<br>29<br>30 |



- 
- (b) whether the person has, at any time, been  
named as the respondent in a domestic  
violence order or police protection notice;  
and
- (c) whether release conditions have, at any  
time, been imposed on the person under the  
*Domestic and Family Violence Protection  
Act 2012*, section 125.
- (3) The commissioner must give the report to the  
chief inspector.
- (4) However, the report is required to contain only  
information about the matters mentioned in  
subsection (2)—
- (a) in the commissioner’s possession; or
- (b) to which the commissioner has access.

**12H Commissioner must give notice of particular  
matters**

- (1) This section applies if—
- (a) the commissioner reasonably suspects a  
person is—
- (i) an applicant for a security clearance; or
- (ii) the holder of a security clearance; and
- (b) any of the following events happens after  
the application is made or during the term of  
the security clearance—
- (i) the person’s criminal history changes;
- (ii) the person is named as the respondent  
in a domestic violence order or police  
protection notice;
- (iii) release conditions are imposed on the  
person under the *Domestic and Family*

[s 24]

<i>Violence Protection Act 2012, section</i>	1
125.	2
(2) The commissioner must give the chief inspector a written notice about the event.	3
	4
(3) The notice must—	5
(a) state—	6
(i) the person's name and any other name the commissioner believes the person may use or may have used; and	7
	8
	9
(ii) the person's date and place of birth; and	10
	11
(b) if subsection (1)(b)(i) applies—include a brief description of the nature of the offence or alleged offence giving rise to the conviction or charge to which the change relates; and	12
	13
	14
	15
	16
(c) if subsection (1)(b)(ii) or (iii) applies—be accompanied by a copy of the domestic violence order, police protection notice or release conditions.	17
	18
	19
	20
(4) The chief inspector may confirm the suspicions of the commissioner mentioned in subsection (1)(a).	21
	22
(5) For a person who does not have a criminal history, there is taken to be a change in the person's criminal history if the person acquires a criminal history.	23
	24
	25
	26
<b>12I Requests for information about mental health</b>	27
(1) This section applies in relation to the following persons—	28
	29
(a) an applicant for a security clearance;	30
(b) the holder of a security clearance.	31
(2) The chief inspector may, by written notice given	32

- 
- to the person, ask the person to give the chief  
inspector further information the chief inspector  
reasonably needs about the person's mental health  
to decide whether the person is a suitable person  
to hold, or to continue to hold, a security  
clearance.
- (3) Without limiting subsection (2), the chief  
inspector may ask the person to give the chief  
inspector a report from a doctor or psychologist  
about the person's mental health.
- (4) The notice must state that the information must be  
given within the period, of at least 28 days after  
the notice is given, stated in the notice.
- (5) If the chief inspector is given a report mentioned  
in subsection (3), the chief inspector may—
- (a) make information about the person having  
access to explosives available to the doctor  
or psychologist who prepared the report;  
and
- (b) ask the doctor or psychologist to give the  
chief inspector a further report about the  
person's mental health.
- (6) The chief inspector may make the information  
available to the doctor or psychologist only if the  
chief inspector reasonably considers—
- (a) the doctor or psychologist was not aware of  
the information; and
- (b) the information may influence the doctor's  
or psychologist's opinion about the person's  
mental health.
- (7) If the chief inspector makes the information  
available to the doctor or psychologist, the chief  
inspector must advise the person of that fact.
- (8) The chief inspector may make the information  
available to the doctor or psychologist despite any
-

[s 24]

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other Act.	1
<b>12J Failure to give information about mental health</b>	2
(1) This section applies if an applicant for a security clearance, or the renewal of a security clearance, does not comply with a notice given to the applicant under section 12I(2).	3 4 5 6
(2) The applicant is taken to have withdrawn the application for the security clearance or the renewal of the security clearance.	7 8 9
<b>12K Use of information obtained under s 12G, 12H or 12I</b>	10 11
(1) Information about a person given to the chief inspector under section 12G or 12H may be used only for making a decision—	12 13 14
(a) under section 12B about whether the person is a suitable person to hold a security clearance; or	15 16 17
(b) under section 24 or 25 about—	18
(i) whether to suspend or cancel the person's security clearance on a ground mentioned in section 23A(1)(b) or (c); or	19 20 21 22
(ii) whether to suspend or cancel an authority held by the person on the ground mentioned in section 23(1)(c).	23 24 25
(2) Information about a person given to the chief inspector under section 12I may be used only—	26 27
(a) for making a decision under section 12B about whether the person is a suitable person to hold a security clearance; or	28 29 30
(b) for making a decision under section 24 or 25 about whether to suspend or cancel the	31 32

[s 25]

---

	person's security clearance on a ground	1
	mentioned in section 23A(1)(c); or	2
	(c) to investigate or prosecute an offence	3
	against this Act.	4
(3)	Subsection (4) applies if, in making a decision	5
	mentioned in subsection (1), the chief inspector is	6
	considering information about—	7
	(a) the commission of an offence by the person;	8
	or	9
	(b) the alleged or possible commission of an	10
	offence by the person.	11
(4)	The chief inspector must also consider—	12
	(a) when the offence was committed, is alleged	13
	to have been committed or may possibly	14
	have been committed; and	15
	(b) the nature of the offence, or alleged or	16
	possible offence, and its relevance to the	17
	person holding, or continuing to hold, a	18
	security clearance or authority; and	19
	(c) any other matter the chief inspector	20
	considers relevant to the decision.	21
(5)	This section is subject to section 132.	22
<b>Clause 25</b>	<b>Amendment of s 15 (Inquiries about person's</b>	23
	<b>appropriateness)</b>	24
(1)	Section 15(2A), from 'inquires' to 'health,'—	25
	<i>omit, insert—</i>	26
	inquiries about the person's identity, character,	27
	physical health	28
(2)	Section 15(3)(a)(i) to (iii)—	29
	<i>omit, insert—</i>	30
	(i) the person's physical health; and	31

---

[s 25]

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- |      |   |                            |
|------|---|----------------------------|
| (ii) | whether the person has stated anything in, or<br>in relation to, an application for an authority<br>or the renewal of an authority the person<br>knows is false or misleading in a material<br>particular; or | 1<br>2<br>3<br>4<br>5      |
| (3)  | Section 15(3)(b)(i), ‘insolvent under administration’—<br><i>omit, insert—</i><br><br>an insolvent under administration under the<br>Corporations Act   | 6<br>7<br>8<br>9           |
| (4)  | Section 15(3)(b)—<br><i>insert—</i><br><br>(iv) information that indicates it would be<br>contrary to the public interest for the<br>corporation to hold an authority.  | 10<br>11<br>12<br>13<br>14 |
| (5)  | Section 15(5) and (6)—<br><i>omit.</i>  | 15<br>16                   |
| (6)  | Section 15(8)(a), ‘subsection (4)’—<br><i>omit, insert—</i><br><br>subsection (5)   | 17<br>18<br>19             |
| (7)  | Section 15(8)(c), after ‘safety’—<br><i>insert—</i><br><br>and security   | 20<br>21<br>22             |
| (8)  | Section 15(9), ‘subsection (8)(a)’—<br><i>omit, insert—</i><br><br>subsection (7)(a)  | 23<br>24<br>25             |
| (9)  | Section 15(10)—<br><i>omit.</i>   | 26<br>27                   |
| (10) | Section 15(2A) to (9)—<br><i>renumber</i> as section 15(3) to (8).  | 28<br>29                   |

<b>Clause 26</b>	<b>Insertion of new s 15A</b>	1
	After section 15—	2
	<i>insert—</i>	3
	<b>15A Persons who are not appropriate persons</b>	4
	(1) This section applies to a person who is an applicant for, or the holder of, a security sensitive authority.	5 6 7
	(2) The person is not an appropriate person to hold, or to continue to hold, the security sensitive authority if an employee of the person—	8 9 10
	(a) has or will have unsupervised access to an explosive in the course of the employee's employment; and	11 12 13
	(b) does not hold a security clearance.	14
	(3) For this section, an employee of the person has or will have unsupervised access to an explosive if the employee is or will be able to access the explosive other than in the presence, and under the direct supervision, of a person who holds a security clearance.	15 16 17 18 19 20
<b>Clause 27</b>	<b>Amendment of s 16 (Additional information)</b>	21
	(1) Section 16(1), from 'or mental'—	22
	<i>omit, insert—</i>	23
	health.	24
	(2) Section 16—	25
	<i>insert—</i>	26
	(1A) Without limiting subsection (1), the chief inspector may ask the person to give the chief inspector a report from a doctor about the person's physical health.	27 28 29 30
	(3) Section 16(3) to (6)—	31

[s 28]

---

*omit.* 1

(4) Section 16(1A) to (8)— 2

*renumber* as section 16(2) to (5). 3

**Clause 28 Insertion of new s 16A** 4

After section 16— 5

*insert—* 6

**16A Other information for application** 7

The chief inspector may, by written notice given 8  
to an applicant for an authority, require the 9  
applicant to give any other information the chief 10  
inspector reasonably needs to decide the 11  
application. 12

**Clause 29 Amendment of s 17 (How chief inspector may deal with application)** 13  
14

(1) Section 17(1)— 15

*insert—* 16

*Note—* 17

See also section 123AC(2). 18

(2) Section 17— 19

*insert—* 20

(1A) If the application is for a security sensitive 21  
authority, the chief inspector must refuse to issue 22  
the authority unless— 23

(a) if the applicant is an individual—the 24  
applicant holds a security clearance; or 25

(b) if the applicant is a listed corporation— 26

(i) the corporation has a responsible 27  
person; and 28



- 
- (ii) the responsible person holds a security clearance; or 1  
2
  - (c) if the applicant is a corporation other than a listed corporation—each executive officer of the corporation holds a security clearance; 3  
4  
5  
6
  - (d) if the applicant is a partnership—each partner holds a security clearance. 7  
8
  - (3) Section 17(1A) to (3)— 9  
*renumber* as section 17(2) to (4). 10

- Clause 30 Insertion of new s 18A** 11
- After section 18— 12
- insert—* 13
- 18A Form of authority** 14
- An authority must— 15
- (a) be in the approved form; and 16
  - (b) if the authority is an occupational authority—include a digital photo, and 17  
18  
19  
20  
digitised signature, of the holder of the authority.

- Clause 31 Amendment of s 20 (Transfer of authority)** 21
- Section 20(1)— 22
- omit, insert—* 23
- (1) A licence, other than an occupational authority, 24  
25  
26  
may be transferred with the written approval of the chief inspector.

[s 32]

<b>Clause 32</b>	<b>Amendment of pt 3, div 2, hdg (Suspension and cancellation of authorities)</b>	1 2
	Part 3, division 2, heading, after ‘authorities’—	3
	<i>insert</i> —	4
	<b>and security clearances</b>	5
<b>Clause 33</b>	<b>Insertion of new pt 3, div 2, sdiv 1, hdg</b>	6
	Before section 23—	7
	<i>insert</i> —	8
	<b>Subdivision 1 Suspensions and cancellations generally</b>	9 10
<b>Clause 34</b>	<b>Amendment of s 23 (Grounds for suspension or cancellation)</b>	11 12
	(1) Section 23, heading, ‘suspension or cancellation’—	13
	<i>omit, insert</i> —	14
	<b>suspending or cancelling authorities</b>	15
	(2) Section 23(c), ‘has committed’—	16
	<i>omit, insert</i> —	17
	is convicted of or charged with	18
	(3) Section 23(f)—	19
	<i>omit, insert</i> —	20
	(f) the level of safety under which an activity is carried out under the authority is inadequate for ensuring the safety of a person;	21 22 23
	(g) the measures used at a place at which an activity is carried out under the authority are inadequate for keeping an explosive at the place secure from access by a person who should not have access to the explosive;	24 25 26 27 28

[s 35]

- 
- (h) the holder of the authority has not complied with section 33(2);
  - (i) if the holder of the authority is an individual—the holder’s security clearance has expired, or been cancelled, suspended or surrendered;
  - (j) if the holder of the authority is a listed corporation—
    - (i) there is not a responsible person for the corporation; or
    - (ii) the security clearance held by the responsible person for the corporation has expired, or been cancelled, suspended or surrendered;
  - (k) if the holder of the authority is a corporation other than a listed corporation—the security clearance held by an executive officer of the corporation has expired, or been cancelled, suspended or surrendered;
  - (l) if the holder of the authority is a partnership—the security clearance held by a partner has expired, or been cancelled, suspended or surrendered.
- (4) Section 23—  
*insert—*
- (2) However, subsection (1)(i) to (l) applies only if the authority is a security sensitive authority.

**Clause 35      Insertion of new s 23A**

After section 23—

*insert—*

[s 35]

---

**23A Grounds for suspending or cancelling security clearances**

- |  |    |
|--|----|
|  | 1  |
|  | 2  |
| (1) Each of the following is a ground for the      | 3  |
| suspension or cancellation of a security           | 4  |
| clearance—   | 5  |
| (a) the security clearance was obtained because    | 6  |
| of incorrect or misleading information;            | 7  |
| (b) the holder of the security clearance is, in    | 8  |
| Queensland or elsewhere, convicted of or           | 9  |
| charged with a relevant offence;                   | 10 |
| (c) the holder of the security clearance is no     | 11 |
| longer a suitable person to continue to hold       | 12 |
| the security clearance.                            | 13 |
| (2) In deciding whether the holder of a security   | 14 |
| clearance is no longer a suitable person to        | 15 |
| continue to hold the security clearance, the chief | 16 |
| inspector may have regard to the matters           | 17 |
| mentioned in section 12B(2).                       | 18 |
| (3) In this section—                               | 19 |
| <b><i>relevant offence</i></b> means an offence—   | 20 |
| (a) involving a prescribed activity; or            | 21 |
| (b) involving violence or threatened violence;     | 22 |
| or   | 23 |
| (c) involving the use, carriage, discharge or      | 24 |
| possession of a firearm; or                        | 25 |
| (d) relating to the misuse of drugs; or            | 26 |
| (e) involving breaking and entering into           | 27 |
| premises, burglary, robbery, stealing or           | 28 |
| receiving stolen property; or                      | 29 |
| (f) involving fraud, the fabrication of evidence,  | 30 |
| perjury or the making of a false declaration       | 31 |
| or statement.                                      | 32 |

<b>Clause 36</b>	<b>Amendment of s 24 (Procedure for suspension or cancellation)</b>	1 2
(1)	Section 24(1), (3) and (7), after ‘authority’— <i>insert—</i> or security clearance	3 4 5
(2)	Section 24(2), (4), (5) and (6), ‘authority holder’— <i>omit, insert—</i> holder of the authority or security clearance	6 7 8
(3)	Section 24(2)(d), ‘authority—’— <i>omit, insert—</i> authority or security clearance—	9 10 11
(4)	Section 24(5), ‘authority,’— <i>omit, insert—</i> authority or security clearance,	12 13 14
<b>Clause 37</b>	<b>Amendment of s 25 (Procedure for urgent suspension or cancellation of authority)</b>	15 16
(1)	Section 25, heading, ‘authority’— <i>omit, insert—</i> authorities and security clearances	17 18 19
(2)	Section 25(1)(b) and (2), after ‘an authority’— <i>insert—</i> or security clearance	20 21 22
(3)	Section 25(2), (3) and (4), ‘authority holder’— <i>omit, insert—</i> holder of the authority or security clearance	23 24 25

[s 38]

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<b>Clause 38</b>	<b>Insertion of new pt 3, div 2, sdiv 2</b>	1
	After section 25—	2
	<i>insert—</i>	3
	<b>Subdivision 2 Immediate suspensions and cancellations</b>	4 5
	<b>25A Immediate suspension in particular circumstances</b>	6 7
	(1) This section applies to the holder of an authority or security clearance if—	8 9
	(a) the holder is named as the respondent in—	10
	(i) a temporary protection order; or	11
	(ii) a police protection notice; or	12
	(b) release conditions are imposed on the holder under the <i>Domestic and Family Violence Protection Act 2012</i> , section 125.	13 14 15
	(2) The authority or security clearance is suspended—	16 17
	(a) if the holder is named as the respondent in a temporary protection order and is present in court when the order is made—while the order is in force; or	18 19 20 21
	(b) if release conditions are imposed on the holder—while the release conditions are in force; or	22 23 24
	(c) otherwise—from when the holder is served with the temporary protection order or police protection notice until the order or notice is no longer in force.	25 26 27 28
	(3) In this section—	29
	<b><i>temporary protection order</i></b> means—	30

- (a) a temporary protection order under the *Domestic and Family Violence Protection Act 2012*; or
- (b) an interstate domestic violence order corresponding to a temporary protection order mentioned in paragraph (a).

**25B Immediate cancellation if protection order made**

- (1) This section applies to the holder of an authority or security clearance if the holder is named as the respondent in a protection order.
- (2) The authority or security clearance is cancelled—
  - (a) if the holder is present in court when the protection order is made—when the order is made; or
  - (b) otherwise—when the holder is served with the protection order.
- (3) In this section—
 

***protection order*** means—

  - (a) a protection order under the *Domestic and Family Violence Protection Act 2012*; or
  - (b) an interstate domestic violence order corresponding to a protection order mentioned in paragraph (a).

<b>Clause 39</b>	<b>Insertion of new pt 3, div 2, sdiv 3, hdg</b>	25
	Before section 26—	26
	<i>insert—</i>	27
	<b>Subdivision 3 Provisions about suspended and cancelled</b>	28
		29

[s 40]

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	<b>authorities and security clearances</b>	1
		2
<b>Clause 40</b>	<b>Amendment of s 26 (Return of authority)</b>	3
	(1) Section 26, heading, ‘authority’—	4
	<i>omit, insert—</i>	5
	<b>authorities and security clearances</b>	6
	(2) Section 26(1), after ‘authority’—	7
	<i>insert—</i>	8
	or security clearance	9
	(3) Section 26(2), after ‘suspended authority’—	10
	<i>insert—</i>	11
	or security clearance	12
	(4) Section 26(2), ‘authority holder’—	13
	<i>omit, insert—</i>	14
	holder of the authority or security clearance	15
<b>Clause 41</b>	<b>Insertion of new s 26A</b>	16
	Part 3, division 2, subdivision 3—	17
	<i>insert—</i>	18
	<b>26A Surrender of explosives</b>	19
	(1) This section applies to a person whose authority is suspended or cancelled under this division.	20
		21
	(2) The person must immediately arrange with an inspector to give to an inspector any explosives the person has, as soon as practicable, but no later than 1 day, after the suspension or cancellation takes effect, unless the person has a reasonable excuse.	22
		23
		24
		25
		26
		27
	Maximum penalty—40 penalty units.	28



	(3)	The person must comply with the arrangement under subsection (2), unless the person has a reasonable excuse.	1 2 3
		Maximum penalty—100 penalty units.	4
<b>Clause 42</b>		<b>Amendment of pt 3, div 3, hdg (Other provisions about authorities)</b>	5 6
		Part 3, division 3, heading, after ‘authorities’—	7
		<i>insert—</i>	8
		<b>and security clearances</b>	9
<b>Clause 43</b>		<b>Amendment of s 27 (Replacement of authority)</b>	10
	(1)	Section 27, heading, ‘authority’—	11
		<i>omit, insert—</i>	12
		<b>authorities and security clearances</b>	13
	(2)	Section 27(1), ‘An authority holder’—	14
		<i>omit, insert—</i>	15
		The holder of an authority or security clearance	16
	(3)	Section 27(1), after ‘destroyed authority’—	17
		<i>insert—</i>	18
		or security clearance	19
	(4)	Section 27(2) and (3), after ‘authority’—	20
		<i>insert—</i>	21
		or security clearance	22
	(5)	Section 27(4), ‘the authority,’—	23
		<i>omit, insert—</i>	24
		the authority or security clearance,	25
	(6)	Section 27(4), ‘authority holder’—	26
		<i>omit, insert—</i>	27

[s 44]

---

	holder of the authority or security clearance	1
<b>Clause 44</b>	<b>Amendment of s 28 (Amendment of authority on application)</b>	2 3
(1)	Section 28(2), before paragraph (a)—	4
	<i>insert—</i>	5
	(aa) be made in the approved form; and	6
(2)	Section 28(2)(aa) to (b)—	7
	<i>renumber</i> as section 28(2)(a) to (c).	8
<b>Clause 45</b>	<b>Insertion of new s 30A</b>	9
	After section 30—	10
	<i>insert—</i>	11
	<b>30A Reporting loss, destruction or theft of authorities and security clearances</b>	12 13
(1)	This section applies if an authority or security clearance is lost, destroyed or stolen.	14 15
(2)	The holder of the authority or security clearance must immediately notify the chief inspector or an authorised officer, as required by subsection (3), about the loss, destruction or theft.	16 17 18 19
	Maximum penalty—50 penalty units.	20
(3)	The notification may be given—	21
	(a) by notice in the approved form; or	22
	(b) orally.	23
(4)	If the notification is given orally, the holder of the authority or security clearance must also give the chief inspector or an authorised officer notice in the approved form within 7 days after the loss, destruction or theft.	24 25 26 27 28
	Maximum penalty—50 penalty units.	29

<b>Clause 46</b>	<b>Amendment of s 31 (Surrender of authority)</b>	1
(1)	Section 31, heading, ‘authority’—	2
	<i>omit, insert—</i>	3
	<b>authorities and security clearances</b>	4
(2)	Section 31(1), ‘An authority holder’—	5
	<i>omit, insert—</i>	6
	The holder of an authority or security clearance	7
(3)	Section 31(1), after ‘the authority’—	8
	<i>insert—</i>	9
	or security clearance	10
(4)	Section 31(2) and (3), after ‘authority’—	11
	<i>insert—</i>	12
	or security clearance	13
<b>Clause 47</b>	<b>Amendment of s 32 (General duty of care)</b>	14
(1)	Section 32—	15
	<i>insert—</i>	16
	(1A) Without limiting subsection (1), the duty includes	17
	taking reasonable precautions and using	18
	reasonable care to ensure the explosives are kept	19
	secure from access by a person who should not	20
	have access to the explosives.	21
(2)	Section 32(1A) and (2)—	22
	<i>renumber</i> as section 32(2) and (3).	23
<b>Clause 48</b>	<b>Replacement of s 33 (Employer’s obligation about employees)</b>	24
	Section 33—	25
	<i>omit, insert—</i>	26
		27

[s 49]

<b>33 Employers' obligations about employees</b>	1
(1) An employer must not allow an employee to have access to an explosive unless—	2 3
(a) the employee is the age prescribed by regulation; and	4 5
(b) for an employer who holds a security sensitive authority—	6 7
(i) the employee holds a security clearance; or	8 9
(ii) the access is within the course of the employee's employment and in the presence, and under the direct supervision, of a person who holds a security clearance.	10 11 12 13 14
Maximum penalty—50 penalty units.	15
(2) Before an employer asks or allows an employee to carry out an activity involving the handling of explosives, the employer must be reasonably satisfied the employee has the qualifications, experience and expertise prescribed by regulation for the carrying out of the activity.	16 17 18 19 20 21
<i>Note—</i>	22
See also section 23(1)(h).	23

<b>Clause 49 Amendment of s 38 (Explosive to be manufactured under authority)</b>	24 25
(1) Section 38(2)(a)—	26
<i>omit, insert—</i>	27
(a) manufacturing an explosive if—	28
(i) the explosive is not more than the amount prescribed by regulation or, if an amount is not prescribed, 50g; and	29 30 31

	(ii) the person is manufacturing and using the explosive in a laboratory that is part of an educational or research facility under the direct supervision of a competent adult; and	1 2 3 4 5
	(iii) the explosive is for use in a chemical experiment by the person; or	6 7
(2)	Section 38— <i>insert—</i>	8 9
	(5) In this section— <b><i>competent adult</i></b> means an adult with sufficient knowledge and experience to identify hazards and risks associated with manufacturing and using explosives.	10 11 12 13 14
<b>Clause 50</b>	<b>Amendment of s 40, hdg (Safety at factories)</b> Section 40, heading, after ‘Safety’— <i>insert—</i> <b>and security</b>	15 16 17 18
<b>Clause 51</b>	<b>Amendment of s 46 (Government magazines)</b> Section 46— <i>insert—</i> (3) If a lease is registered under the <i>Land Act 1994</i> or the <i>Land Title Act 1994</i> for a place, or part of a place, declared to be a government magazine, the place or part stops being a government magazine on the registration of the lease.	19 20 21 22 23 24 25 26
<b>Clause 52</b>	<b>Amendment of s 48, hdg (Safety at magazines)</b> Section 48, heading, after ‘Safety’—	27 28

[s 53]

---

*insert—*

**and security**

**Clause 53      Amendment of s 50 (Transporting explosives)**

(1) Section 50(1), ‘or boat’—

*omit.*

(2) Section 50—

*insert—*

(1A) However, subsection (1) does not apply to a person transporting an explosive—

(a) if—

(i) the amount of the explosive is not more than the amount prescribed by regulation; and

(ii) the person complies with the conditions prescribed by regulation for transporting the explosive; or

(b) in the circumstances prescribed by regulation.

(3) Section 50(3)—

*omit.*

(4) Section 50(6), ‘subsection (1)’—

*omit, insert—*

this section

(5) Section 50(1A) and (2)—

*renumber* as section 50(2) and (3).

**Clause 54      Insertion of new s 51A**

After section 51—

*insert—*

**51A Regulation may be made about particular matters**

(1) A regulation may—

(a) make provision about the recognition of laws of other jurisdictions about transporting explosives, things done under those laws and giving effect to those things; or

(b) provide that the chief inspector may make a decision (a *determination*) under the regulation about the safe and secure transport of an explosive.

(2) Without limiting subsection (1)(b), the regulation may prescribe—

(a) the process for making a determination, including the process for making and deciding an application for an administrative determination; or

(b) the effect a determination has on a provision of the regulation about the transport of explosives; or

(c) the process for amending, suspending or cancelling an administrative determination; or

(d) the information about a determination that must be kept publicly available.

(3) In this section—

*administrative determination* means a determination made on the application of a person that applies to—

(a) the person; or

(b) the person and other persons named in the application.

[s 55]

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<b>Clause 55</b>	<b>Replacement of ss 55 and 56</b>	1
	Sections 55 and 56—	2
	<i>omit, insert—</i>	3
	<b>55 Meaning of <i>relevant person</i></b>	4
	A <i>relevant person</i> , for explosives involved in an explosives incident, means—	5
		6
	(a) if a person other than the holder of the authority for the explosives was in custody or control of the explosives at the time of the incident—that person; or	7
		8
		9
		10
	(b) otherwise—the holder of the authority for the explosives.	11
		12
	<b>56 Notification of explosives incidents</b>	13
	(1) The relevant person for explosives involved in an explosives incident must immediately after the incident notify the chief inspector of the incident—	14
		15
		16
		17
	(a) by giving the chief inspector notice in the approved form; or	18
		19
	(b) orally.	20
	Maximum penalty—170 penalty units.	21
	(2) If the notification is given orally, the relevant person must also give the chief inspector notice in the approved form within 48 hours after the incident.	22
		23
		24
		25
	Maximum penalty—50 penalty units.	26
	<b>56A Isolation of site of explosives incidents</b>	27
	(1) This section applies if an inspector reasonably believes it is necessary to preserve evidence after an explosives incident happens.	28
		29
		30



- (2) The inspector may isolate the site of the explosives incident to prevent interference with the site. 1  
2  
3
  - (3) Also, the inspector may, by written notice given to the relevant person for the explosives or orally, require the relevant person to do the following— 4  
5  
6
    - (a) mark the boundaries of the site by signs or other means in a way that— 7  
8
      - (i) identifies the site as the site of an explosives incident; and 9  
10
      - (ii) prohibits entry to the site; 11
    - (b) remain at the site for a reasonable stated time. 12  
13
  - (4) If the requirement is given orally under subsection (3), the chief inspector must also, as soon as practicable, give the relevant person a written notice confirming the requirement. 14  
15  
16  
17
  - (5) The relevant person must comply with the requirement. 18  
19
- Maximum penalty for subsection (5)—200 20  
penalty units. 21

- Clause 56 Amendment of s 58 (Investigation by chief inspector or authority holder)** 22  
23
- (1) Section 58(1)(b)— 24  
*insert—* 25
    - (iii) to give the report to the chief inspector. 26
  - (2) Section 58— 27  
*insert—* 28
    - (1A) After receiving a report under subsection (1)(b)(iii), the chief inspector may, by written notice given to the authority holder, require the authority holder to— 29  
30  
31  
32

[s 57]

---

- |   |          |
|---|----------|
| (a) carry out further investigations; or  | 1        |
| (b) give the chief inspector further information<br>about the explosives incident.      | 2<br>3   |
| (3) Section 58(2), ‘The notice given under subsection (1)(b)’—<br><i>omit, insert</i> — | 4<br>5   |
| A notice given under subsection (1)(b) or (2)   | 6        |
| (4) Section 58(3), ‘the notice’—<br><i>omit, insert</i> —                               | 7<br>8   |
| a notice given under subsection (1)(b) or (2)   | 9        |
| (5) Section 58(4), penalty, ‘subsection (4)’—<br><i>omit, insert</i> —                  | 10<br>11 |
| subsection (5)  | 12       |
| (6) Section 58(1A) to (4)—<br><i>renumber</i> as section 58(2) to (5).                  | 13<br>14 |

- |                  |  |          |
|------------------|--|----------|
| <b>Clause 57</b> | <b>Amendment of s 59 (Person must answer question about explosives incident)</b> | 15<br>16 |
|                  | (1) Section 59(2), penalty, ‘Maximum penalty’—<br><i>omit, insert</i> —          | 17<br>18 |
|                  | Maximum penalty for subsection (2)   | 19       |
|                  | (2) Section 59(2)—<br><i>insert</i> —  | 20<br>21 |
|                  | <i>Note</i> —  | 22       |
|                  | See also sections 59A and 59B in relation to<br>self-incrimination.              | 23<br>24 |
|                  | (3) Section 59(3)—<br><i>omit.</i>   | 25<br>26 |

<b>Clause 58</b>	<b>Insertion of new ss 59A and 59B</b>	1
	Part 5, division 1—	2
	<i>insert—</i>	3
	<b>59A Abrogation of privilege against self-incrimination</b>	4
		5
	(1) This section applies if a person is required to answer a question under section 59.	6
		7
	(2) The person is not excused from answering the question on the ground the answer to the question may tend to incriminate the person or expose the person to a penalty.	8
		9
		10
		11
	(3) However, the answer to a question given by an individual, and other evidence directly or indirectly derived from the answer, is not admissible as evidence against the individual in civil or criminal proceedings other than proceedings arising out of the false or misleading nature of the answer.	12
		13
		14
		15
		16
		17
		18
	<b>59B Warning to be given by inspector</b>	19
	(1) Before requiring a person to answer a question under section 59, an inspector must—	20
		21
	(a) warn the person that failure to answer the question without reasonable excuse would constitute an offence; and	22
		23
		24
	(b) warn the person about the effect of section 59A.	25
		26
	(2) It is not an offence for an individual to refuse to answer a question put by the inspector on the ground the question might tend to incriminate the individual, unless the individual was first given the warning mentioned in subsection (1)(b).	27
		28
		29
		30
		31
	(3) Nothing in this section prevents an inspector from obtaining and using evidence given to the	32
		33

[s 59]

	inspector voluntarily by a person.	1
<b>Clause 59</b>	<b>Amendment of s 60 (Minister may establish board of inquiry)</b>	2
	Section 60(3), from ‘had’—	3
	<i>omit, insert—</i>	4
	, the chief inspector or the holder of an authority	5
	has previously inquired into or investigated the	6
	incident.	7
		8
<b>Clause 60</b>	<b>Replacement of s 61 (Membership of board of inquiry)</b>	9
	Section 61—	10
	<i>omit, insert—</i>	11
	<b>61 Membership of board of inquiry</b>	12
	(1) A board of inquiry is constituted by the following	13
	members appointed by the Minister—	14
	(a) a magistrate or an appropriately qualified	15
	lawyer;	16
	(b) either—	17
	(i) the chief inspector; or	18
	(ii) an appropriately qualified person who	19
	has knowledge of or experience in	20
	explosives;	21
	(c) if, having regard to the nature of the serious	22
	explosives incident, the Minister considers it	23
	appropriate for the board of inquiry to	24
	include persons with special knowledge	25
	relevant to the incident—not more than 3	26
	persons with appropriate special knowledge.	27
	(2) The member of the board of inquiry appointed	28
	under subsection (1)(a) is the chairperson of the	29
	board.	30

	(3) A member of a board of inquiry who is not an inspector is taken, for the inquiry, to have the powers of an inspector.	1 2 3
<b>Clause 61</b>	<b>Insertion of new ss 62A and 62B</b>	4
	After section 62—	5
	<i>insert—</i>	6
	<b>62A Conditions of appointment</b>	7
	(1) A member of the board of inquiry is entitled to be paid the remuneration and allowances decided by the Minister.	8 9 10
	(2) A member holds office on the other conditions decided by the Minister.	11 12
	<b>62B Chief executive to arrange for services of staff for board of inquiry</b>	13 14
	As soon as practicable after the board of inquiry is established, the chief executive must, in consultation with the chairperson of the board, arrange for the services of public service employees employed in the department, or other persons, to be made available to the board for the conduct of the inquiry.	15 16 17 18 19 20 21
<b>Clause 62</b>	<b>Amendment of s 63 (Procedure)</b>	22
	Section 63(4)—	23
	<i>omit.</i>	24
<b>Clause 63</b>	<b>Amendment of s 72 (Offences by witnesses)</b>	25
	(1) Section 72(2)—	26
	<i>insert—</i>	27

[s 64]

---

	<i>Note—</i>	1
	See also sections 74A and 74B in relation to	2
	self-incrimination.	3
(2)	Section 72(3)—	4
	<i>omit.</i>	5

<b>Clause 64</b>	<b>Insertion of new ss 74A and 74B</b>	6
	After section 74—	7
	<i>insert—</i>	8
	<b>74A Abrogation of privilege against self-incrimination</b>	9 10
	(1) A person is not excused from answering a question or producing a document or thing under this division on the ground the answer to the question or the document or thing may tend to incriminate the person or expose the person to a penalty.	11 12 13 14 15 16
	(2) However, the answer to a question or a document or thing given by an individual, and other evidence directly or indirectly derived from the answer, document or thing, is not admissible as evidence against the individual in civil or criminal proceedings other than proceedings arising out of the false or misleading nature of the answer, document or thing.	17 18 19 20 21 22 23 24
	<b>74B Warning to be given by board of inquiry</b>	25
	(1) Before requiring a person to answer a question or produce a document or thing under this division, the board of inquiry must—	26 27 28
	(a) warn the person that failure to comply with the requirement without reasonable excuse constitutes an offence; and	29 30 31

	(b) warn the person about the effect of section 74A.	1 2
	(2) It is not an offence for an individual to refuse to answer a question put by the board or produce a document or thing to the board under this division on the ground the question, document or thing might tend to incriminate the individual, unless the individual was first given the warning mentioned in subsection (1)(b).	3 4 5 6 7 8 9
	(3) Nothing in this section prevents the board from obtaining and using evidence given to the board voluntarily by a person.	10 11 12
<b>Clause 65</b>	<b>Amendment of s 75 (Contempt of board)</b>	13
	(1) Section 75— <i>insert—</i>	14 15
	(ba) impede or obstruct the board in the exercise of its powers; or	16 17
	(2) Section 75, penalty— <i>omit, insert—</i>	18 19
	Maximum penalty—200 penalty units.	20
	(3) Section 75(ba) to (d)— <i>renumber</i> as section 75(c) to (e).	21 22
<b>Clause 66</b>	<b>Replacement of s 80A (Function of inspector)</b>	23
	Section 80A— <i>omit, insert—</i>	24 25
	<b>80A Functions of inspectors</b>	26
	(1) An inspector has the following functions—	27
	(a) to investigate and enforce compliance with this Act;	28 29

[s 67]

- (b) to inspect and monitor the handling of, and access to, explosives by holders of authorities and other persons; 1  
2  
3
- (c) to audit systems for safety and security required by regulation; 4  
5
- (d) to give advice and help to others, including applicants for authorities, holders of authorities, government entities, the public and other persons, in dangerous situations involving explosives; 6  
7  
8  
9  
10
- (e) to recover and dispose of explosives for the health and safety of the public; 11  
12
- (f) to give advice and make recommendations to the chief inspector about— 13  
14
  - (i) applications for authorities and security clearances; and 15  
16
  - (ii) the investigation and enforcement of compliance with this Act; and 17  
18
  - (iii) other matters about explosives as required by the chief inspector; 19  
20
- (g) to collect information about explosives incidents for reporting to the chief inspector or the department and recording statistics; 21  
22  
23
- (h) to liaise with persons from the explosives industry for promoting and improving the safe and secure handling of explosives. 24  
25  
26
- (2) In this section— 27
  - government entity* see the *Public Service Act 2008*, section 24. 28  
29

**Clause 67 Insertion of new ss 90A–90C** 30

After section 90— 31

*insert—* 32



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**90A Power to secure seized thing**

- (1) Having seized a thing under this subdivision, an inspector may—
- (a) leave it at the place it was seized (the *place of seizure*) and take reasonable action to restrict access to it; or
  - (b) move it from the place of seizure.
- (2) For subsection (1)(a), the inspector may, for example—
- (a) seal the thing, or entrance to the place of seizure, and mark the thing or place to show access to the thing or place is restricted; or
  - (b) for equipment—make it inoperable.
- Example—*
- make it inoperable by dismantling it or removing a component without which the equipment can not be used

**90B Powers to support seizure**

- (1) To enable a thing to be seized, an inspector may require a person the inspector reasonably believes is in control of the thing or a place of seizure for the thing—
- (a) to both—
    - (i) take it to a stated reasonable place by a stated reasonable time; and
    - (ii) if necessary, remain in control of it at the stated place for a reasonable time; or
  - (b) to do an act mentioned in section 90A(2)(a) or (b) or anything else an inspector could do under section 90A(1)(a).
- (2) The requirement—

[s 68]

- (a) must be made by written notice; or 1
- (b) if for any reason it is not practicable to give 2  
written notice, may be made orally and 3  
confirmed by written notice as soon as 4  
practicable. 5
- (3) A person must comply with a requirement made 6  
of the person under subsection (1) unless the 7  
person has a reasonable excuse. 8
- Maximum penalty for subsection (3)—100 9  
penalty units. 10

#### **90C Offence to interfere 11**

- (1) If access to a seized thing is restricted under 12  
section 90A, a person must not tamper with the 13  
thing or with anything used to restrict access to 14  
the thing without— 15
  - (a) an inspector's approval; or 16
  - (b) a reasonable excuse. 17
 Maximum penalty—100 penalty units. 18
- (2) If access to a place is restricted under section 90A, 19  
a person must not enter the place in contravention 20  
of the restriction or tamper with anything used to 21  
restrict access to the place without— 22
  - (a) an inspector's approval; or 23
  - (b) a reasonable excuse. 24
 Maximum penalty—100 penalty units. 25

#### **Clause 68 Amendment of s 93 (Access to seized things) 26**

Section 93— 27

*insert—* 28

- (3) For this section, if an inspector has, under section 29  
90B(1)(a), required a person to move a thing from 30

	the place of seizure, the inspector may require the person to return the thing to the place of seizure.	1 2
	(4) The person must return the thing at the person's expense.	3 4
<b>Clause 69</b>	<b>Amendment of s 94 (Forfeiture of seized things)</b>	5
	(1) Section 94(1), from 'A seized thing' to 'the thing'— <i>omit, insert—</i>	6 7
	The chief inspector may decide a seized thing is forfeited to the State if an inspector or an authorised officer	8 9 10
	(2) Section 94(2)(a) and (b), after 'the inspector'— <i>insert—</i>	11 12
	or authorised officer	13
<b>Clause 70</b>	<b>Amendment of s 97 (Power to require attendance of persons before an inspector to answer questions)</b>	14 15
	Section 97(1)(b), 'safety and health'— <i>omit, insert—</i>	16 17
	health, safety or security	18
<b>Clause 71</b>	<b>Replacement of s 99 (False or misleading statements to inspector)</b>	19 20
	Section 99— <i>omit, insert—</i>	21 22
	<b>99 False or misleading information</b>	23
	(1) A person must not, in relation to the administration of this Act, give an inspector or authorised officer information the person knows is false or misleading in a material particular.	24 25 26 27
	Maximum penalty—20 penalty units.	28

[s 72]

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	(2)	Subsection (1) does not apply to a person if the person, when giving information in a document—	1 2
	(a)	tells the inspector or authorised officer, to the best of the person’s ability, how the document is false or misleading; and	3 4 5
	(b)	if the person has, or can reasonably obtain, the correct information—gives the correct information.	6 7 8
		<b>99A Person not to encourage or influence refusal to answer questions</b>	9 10
	(1)	A person must not encourage or influence, or attempt to encourage or influence, another person to refuse to answer questions asked of the person by an inspector or authorised officer.	11 12 13 14
		Maximum penalty—40 penalty units.	15
	(2)	To remove any doubt, it is declared that subsection (1) does not apply to the provision of legal advice to a person by a lawyer.	16 17 18
<b>Clause 72</b>		<b>Omission of s 101 (False or misleading documents to inspector)</b>	19 20
		Section 101—	21
		<i>omit.</i>	22
<b>Clause 73</b>		<b>Amendment of pt 6, div 2, sdiv 6, hdg (General enforcement offence)</b>	23 24
		Part 6, division 2, subdivision 6, heading, ‘enforcement offence’—	25 26
		<i>omit, insert—</i>	27
		<b>offences</b>	28

<b>Clause 74</b>	<b>Insertion of new s 105AA</b>	1
	Part 6, division 2, subdivision 6—	2
	<i>insert—</i>	3
	<b>105AA Impersonating inspectors or authorised officers</b>	4
		5
	A person must not impersonate an inspector or an authorised officer.	6
		7
	Maximum penalty—100 penalty units.	8
<b>Clause 75</b>	<b>Insertion of new pt 6, div 2, sdiv 7</b>	9
	Part 6, division 2—	10
	<i>insert—</i>	11
	<b>Subdivision 7 Additional power of chief inspector</b>	12
		13
	<b>105A Definition for subdivision</b>	14
	In this subdivision—	15
	<i>Public Safety Preservation Act declaration</i>	16
	means an emergency under the <i>Public Safety Preservation Act 1986</i> .	17
		18
	<b>105B Power to direct action in emergency</b>	19
	(1) This section applies if—	20
	(a) the chief inspector reasonably believes there is a dangerous situation; and	21
		22
	(b) the dangerous situation is happening within, or partly within—	23
		24
	(i) an area for which a disaster situation is in force under the <i>Disaster Management Act 2003</i> ; or	25
		26
		27

[s 75]

- (ii) an area for which a Public Safety Preservation Act declaration is in force. 1 2
- (2) The chief inspector may direct an inspector to 3  
take any of the following actions the chief 4  
inspector reasonably believes necessary to 5  
prevent, remove or minimise the danger— 6
  - (a) give an explosive to another person; 7
  - (b) purchase an explosive; 8
  - (c) give equipment used in connection with 9  
explosives to another person; 10
  - (d) give advice about explosives to another 11  
person; 12
  - (e) use an explosive. 13
- (3) An inspector directed by the chief inspector under 14  
subsection (2) to take an action is authorised to 15  
take that action. 16

## **105C Relationship to Public Safety Preservation Act 1986** 17 18

- (1) A commander, for a Public Safety Preservation 19  
Act declaration, may give directions about the 20  
circumstances in which the power under section 21  
105B may be exercised by the chief inspector 22  
during the period the declaration is in force. 23
- Note—* 24  
See the *Disaster Management Act 2003*, section 9, for 25  
the relationship between section 105B and that Act. 26
- (2) However, the commander must not give 27  
directions about the way in which the power may 28  
be exercised. 29
- (3) A direction under subsection (1) may be given 30  
only if it is necessary for effective management of 31  
the situation for which the Public Safety 32  
Preservation Act declaration is in force. 33

(4)	In this section—	1
	<i>CBR emergency</i> see the <i>Public Safety Preservation Act 1986</i> , section 12(1).	2
	<i>commander</i> , for a Public Safety Preservation Act declaration, means—	3
	(a) for an emergency situation declared under the <i>Public Safety Preservation Act 1986</i> , section 5—the emergency commander who declared the existence of the emergency situation; or	4
	(b) for a terrorist emergency—a terrorist emergency commander, terrorist emergency forward commander or TERC commander for the terrorist emergency under the <i>Public Safety Preservation Act 1986</i> ; or	5
	(c) for a CBR emergency—a CBRE commander for the CBR emergency under the <i>Public Safety Preservation Act 1986</i> .	6
	<i>terrorist emergency</i> see the <i>Public Safety Preservation Act 1986</i> , schedule.	7
Clause 76	Insertion of new pt 6, div 2A	8
	Part 6—	9
	<i>insert</i> —	10
	<b>Division 2A Authorised officers</b>	11
	<b>105D Appointments</b>	12
	The chief inspector may, by instrument in writing, appoint a public service employee as an authorised officer.	13

[s 76]

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<b>105E Appointment conditions and limit on powers</b>	1
(1) An authorised officer holds office on the conditions stated in—	2 3
(a) the officer’s instrument of appointment; or	4
(b) a signed notice given to the officer; or	5
(c) a regulation.	6
(2) The instrument of appointment, a signed notice given to the authorised officer or a regulation may limit the officer’s powers.	7 8 9
(3) An authorised officer is subject to the directions of the Minister and the chief inspector.	10 11
(4) In this section—	12
<i>signed notice</i> means a notice signed by the chief inspector.	13 14
 <b>105F Functions of authorised officers</b>	 15
An authorised officer has the following functions—	16 17
(a) to investigate and enforce compliance with this Act;	18 19
(b) to inspect and monitor the handling of, and access to, explosives by holders of authorities and other persons;	20 21 22
(c) to give advice about the handling of, and access to, explosives to protect public safety, property and the environment;	23 24 25
(d) to recover and dispose of explosives to protect public health and safety;	26 27
(e) to make recommendations to the chief inspector about—	28 29
(i) applications for security clearances and authorities; or	30 31



[s 77]

- (ii) the investigation and enforcement of compliance with this Act; or 1  
2
- (iii) other matters about explosives as required by the chief inspector. 3  
4

### **105G Authorised officer's identity card** 5

- (1) The chief inspector must give each authorised officer an identity card. 6  
7
- (2) The identity card must— 8
  - (a) contain a recent photo of the authorised officer; and 9  
10
  - (b) be signed by the authorised officer; and 11
  - (c) identify the person as an authorised officer under this Act; and 12  
13
  - (d) state an expiry date for the card. 14
- (3) A person who stops being an authorised officer must return the person's identity card to the chief inspector as soon as possible (but within 21 days) after the person stops being an authorised officer, unless the person has a reasonable excuse. 15  
16  
17  
18  
19
- Maximum penalty—20 penalty units. 20
- (4) This section does not prevent the giving of a single identity card to a person for this Act and other Acts or for other purposes. 21  
22  
23

### **Clause 77 Amendment of s 111 (Application for external review)** 24

- (1) Section 111— 25
  - insert—* 26
  - (1A) An applicant for a security clearance may apply, as provided under the QCAT Act, for an external review of the chief inspector's decision to refuse to give the security clearance. 27  
28  
29  
30

[s 78]

- |   |    |
|---|----|
| (2) Section 111(4)(d)—                                | 1  |
| <i>omit.</i>  | 2  |
| (3) Section 111(4)(e) and (f)—                        | 3  |
| <i>renumber</i> as section 111(4)(d) and (e).         | 4  |
| (4) Section 111—                                      | 5  |
| <i>insert</i> —                                       | 6  |
| (4A) The holder of a security clearance may apply, as | 7  |
| provided under the QCAT Act, for an external          | 8  |
| review of any of the following decisions of the       | 9  |
| chief inspector—                                      | 10 |
| (a) a decision to suspend or cancel the security      | 11 |
| clearance;  | 12 |
| (b) a decision to refuse to renew the security        | 13 |
| clearance;  | 14 |
| (c) a decision to refuse to replace the security      | 15 |
| clearance.  | 16 |
| (5) Section 111(1A) to (5)—                           | 17 |
| <i>renumber</i> as section 111(2) to (7).             | 18 |

<b>Clause 78</b>	<b>Insertion of new pt 8, div 1A</b>	19
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Part 8—	20
<i>insert</i> —	21

<b>Division 1A</b>	<b>Biometric information</b>	22
--------------------	------------------------------	----

<b>123AA Application of division</b>	23
--------------------------------------	----

- |  |    |
|--|----|
| (1) This division applies if a person makes any of the | 24 |
| following applications (each a <i>relevant</i>         | 25 |
| <i>application</i> )—                                  | 26 |
| (a) an application under section 12A for a             | 27 |
| security clearance;                                    | 28 |

- 
- (b) an application under section 12F to renew a security clearance; 1  
2
  - (c) an application under section 14 for an occupational authority; 3  
4
  - (d) an application under section 22 to renew an occupational authority; 5  
6
  - (e) an application under section 27 to replace an occupational authority or security clearance; 7  
8
  - (f) an application under section 28 to amend an occupational authority. 9  
10
  - (2) Also, this division applies if an occupational authority held by a person is amended under section 29. 11  
12  
13

## **123AB Definitions for division** 14

In this division— 15

***biometric information***, for a person, means— 16

(a) a digital photo of the person; and 17

(b) the person's digitised signature. 18

***destroy***, in relation to biometric information, includes— 19  
20

(a) delete an electronic copy of the information; 21  
and 22

(b) end the way in which the information may be accessed electronically. 23  
24

***relevant application*** see section 123AA(1). 25

***take***, in relation to biometric information, includes obtain biometric information. 26  
27

## **123AC Taking biometric information for use under this Act** 28 29

- (1) The person must allow the chief inspector to take 30

[s 78]

and keep for use under this Act the person's  
biometric information. 1 2

- (2) If the person does not comply with subsection (1),  
the chief inspector must, if the person is an  
applicant for a relevant application, refuse the  
application. 3 4 5 6

### **123AD Using biometric information** 7

- (1) The chief inspector may use the person's  
biometric information— 8 9
- (a) if the biometric information is taken in  
relation to a relevant application—to help  
identify the person for assessing and  
deciding the application; or 10 11 12 13
- (b) to reproduce the biometric information on  
an occupational authority or security  
clearance given to the person; or 14 15 16
- (c) in an investigation by the chief inspector of  
an explosives incident under part 5, division  
1, if the chief inspector reasonably suspects  
the person was involved in the incident; or 17 18 19 20
- (d) in an investigation of, or proceeding for, an  
offence against this Act alleged to have been  
committed by the person. 21 22 23
- (2) Also, a board of inquiry established under part 5,  
division 2 for a serious explosives incident may  
use the person's biometric information for its  
inquiry into the incident, if the board reasonably  
suspects the person was involved in the incident. 24 25 26 27 28

### **123AE Biometric information must be destroyed if relevant application refused or withdrawn** 29 30

- (1) This section applies if— 31

- (a) the person's relevant application is withdrawn; or 1  
2
- (b) the chief inspector decides to refuse the person's relevant application. 3  
4
- (2) The chief inspector must, as soon as practicable after the relevant application is withdrawn or refused, destroy the person's biometric information kept by the chief inspector. 5  
6  
7  
8

**123AF When biometric information must be destroyed if authority or security clearance given** 9  
10  
11

- (1) This section applies if the chief inspector— 12
  - (a) gives the person an occupational authority or security clearance; or 13  
14
  - (b) amends the person's occupational authority under section 29. 15  
16
- (2) The chief inspector must destroy the person's biometric information kept by the chief inspector as soon as practicable after the later of the following days— 17  
18  
19  
20
  - (a) the day the occupational authority or security clearance expires; 21  
22
  - (b) if the biometric information is relevant to an investigation, inquiry or proceeding mentioned in section 123AD—the day the investigation, inquiry or proceeding ends. 23  
24  
25  
26

**Clause 79 Amendment of s 123A (Treatment of partnerships)** 27  
 Section 123A(2)(a), 'sections 15 and 16'— 28  
*omit, insert—* 29  
 sections 15 to 16A 30

[s 80]

---

<b>Clause 80</b>	<b>Amendment of s 126 (Disclosure by doctors and psychologists of certain information)</b>	1 2
	Section 126(1)—	3
	<i>omit, insert—</i>	4
	(1) This section applies if—	5
	(a) a doctor or psychologist is of the opinion a patient is not a suitable person to hold, or to continue to hold, a security clearance—	6 7 8
	(i) because of the patient's mental condition; or	9 10
	(ii) because the patient may be a danger to the patient or another person; or	11 12
	(b) a doctor is of the opinion a patient is not an appropriate person to hold, or to continue to hold, an authority or to have access to explosives—	13 14 15 16
	(i) because of the patient's physical condition; or	17 18
	(ii) because the patient may be a danger to the patient or another person.	19 20
 <b>Clause 81</b>	 <b>Insertion of new s 126AA</b>	 21
	After section 126—	22
	<i>insert—</i>	23
	<b>126AA Effect of appeals against domestic violence orders</b>	24 25
	(1) This section applies if—	26
	(a) a person is named as the respondent in a domestic violence order; and	27 28
	(b) the person appeals against the decision to make the domestic violence order under—	29 30

	(i) the <i>Domestic and Family Violence Protection Act 2012</i> , section 164; or	1 2
	(ii) a law of another State or New Zealand that provides for the same matter as that section; and	3 4 5
	(c) the decision to make the domestic violence order is set aside under—	6 7
	(i) the <i>Domestic and Family Violence Protection Act 2012</i> , section 169; or	8 9
	(ii) a law of another State or New Zealand that provides for the same matter as that section.	10 11 12
	(2) For this Act, the domestic violence order is taken not to have been made.	13 14
	(3) Subsection (4) applies if, before the decision to make the domestic violence order is set aside, the chief inspector decides to refuse to give the person a security clearance, or to refuse to renew the person's security clearance, on the ground the person is not a suitable person to hold the security clearance because the person is named as the respondent in the domestic violence order.	15 16 17 18 19 20 21 22
	(4) Subsection (2) does not affect the validity of the chief inspector's decision.	23 24
<b>Clause 82</b>	<b>Amendment of s 126A (Protection from reprisal)</b>	25
	(1) Section 126A(1)(a) and (b), 'explosives safety issue'— <i>omit, insert—</i>	26 27
	explosives issue	28
	(2) Section 126A(7), definition <i>explosives safety issue</i> — <i>omit, insert—</i>	29 30
	<i>explosives issue</i> means an issue about—	31

[s 83]

	(a) the safety or health of a person while handling an explosive; or	1 2
	(b) the security of an explosive from access by a person who should not have access to the explosive.	3 4 5
<b>Clause 83</b>	<b>Amendment of s 126C (Public statements)</b>	6
	(1) Section 126C(2)(c), after ‘inspectors’—	7
	<i>insert—</i>	8
	or authorised officers	9
	(2) Section 126C(2)(d)—	10
	<i>omit, insert—</i>	11
	(d) the suspension or cancellation of an authority or security clearance under this Act.	12 13 14
<b>Clause 84</b>	<b>Insertion of new s 126D</b>	15
	After section 126C—	16
	<i>insert—</i>	17
	<b>126D Chief inspector may issue safety and security alerts</b>	18 19
	(1) If the chief inspector believes there is a specific issue in relation to the safety or security of explosives, the chief inspector may issue an explosives alert to particular persons or to the general public about the issue.	20 21 22 23 24
	(2) The explosives alert is advisory only and may recommend that the persons or the general public do or not do something.	25 26 27
	(3) An explosives alert is issued by—	28
	(a) if the alert is to particular persons—giving the persons a written notice; or	29 30



	(b) if the alert is to the general public— publishing a notice on the department’s website; or	1 2 3
	(c) if a person gives the chief inspector a unique electronic address for the person—by using electronic communication to send the alert to the address.	4 5 6 7
	(4) In this section—	8
	<b>communication network</b> means a network—	9
	(a) capable of electronic communication; and	10
	(b) designed to enable a user of the network to communicate with a specific person or a group of people.	11 12 13
	<i>Examples—</i>	14
	a telephone network or computer network	15
	<b>unique electronic address</b> , for a person, means a fixed designation on a communication network assigned to the person for the person to receive information.	16 17 18 19
	<i>Examples—</i>	20
	an email address, mobile phone number or user account	21
<b>Clause 85</b>	<b>Replacement of s 130 (Delegation by chief inspector)</b>	22
	Section 130—	23
	<i>omit, insert—</i>	24
	<b>130 Delegation by chief inspector</b>	25
	(1) The chief inspector may delegate the chief inspector’s powers under this Act to an inspector or authorised officer.	26 27 28
	(2) However, the chief inspector may not delegate the chief inspector’s power under section 105B.	29 30

[s 86]

<b>Clause 86</b>	<b>Amendment of s 132 (Disclosure of information)</b>	1
	(1) Section 132(1)(c)—	2
	<i>omit, insert—</i>	3
	(c) in an investigation or a proceeding under this Act	4
	or a report about the investigation or proceeding;	5
	or	6
	(2) Section 132(2), from ‘Act to’—	7
	<i>omit, insert—</i>	8
	Act to—	9
	(a) a chief executive of a department or the head	10
	of a public service office under the <i>Public</i>	11
	<i>Service Act 2008</i> ; or	12
	(b) an officer of a department or agency of the	13
	Commonwealth or another State responsible	14
	for administering a law about explosives.	15
<b>Clause 87</b>	<b>Insertion of new s 132A</b>	16
	After section 132—	17
	<i>insert—</i>	18
	<b>132A Additional requirements for disclosure to</b>	19
	<b>particular persons</b>	20
	A person given information under section	21
	132(2)—	22
	(a) must not give it to another person unless	23
	authorised, in writing, by the chief inspector	24
	to do so; and	25
	(b) must ensure the information is used only for	26
	the purpose for which it was given under	27
	that section.	28
<b>Clause 88</b>	<b>Amendment of s 133 (Evidentiary provision)</b>	29
	(1) Section 133(1), ‘or the former Act’—	30

- 
- omit.* 1
- (2) Section 133(2), after ‘inspector’— 2  
*insert*— 3  
or an authorised officer 4
- (3) Section 133(2)(b), after ‘power’— 5  
*insert*— 6  
or the authorised officer’s power 7
- (4) Section 133(3), ‘or an inspector’— 8  
*omit, insert*— 9  
, an inspector or an authorised officer 10
- (5) Section 133(4)(a)— 11  
*insert*— 12  
(ia) a security clearance or a copy of a security 13  
clearance; or 14
- (6) Section 133(4)(a)(ii), after ‘order,’— 15  
*insert*— 16  
determination, 17
- (7) Section 133(4)(a)(ia) to (v)— 18  
*renumber* as section 133(4)(a)(ii) to (vi). 19
- (8) Section 133(4)(b), from ‘holder of’— 20  
*omit, insert*— 21  
holder of— 22  
(i) an authority or a stated authority; or 23  
(ii) a security clearance or a stated security 24  
clearance; 25
- (9) Section 133(4)(c) and (d), ‘authority’— 26  
*omit, insert*— 27  
authority, security clearance or determination 28
-

[s 89]

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<b>Clause 89</b>	<b>Insertion of new ss 133A and 133B</b>	1
	After section 133—	2
	<i>insert—</i>	3
	<b>133A Expert reports</b>	4
	(1) This section applies to a proceeding under this Act, other than a proceeding under part 7.	5 6
	(2) An expert report is admissible in evidence.	7
	(3) However, if the person making the report (the <i>expert</i> ) does not attend to give oral evidence in the proceeding, the report is admissible only with the court's leave.	8 9 10 11
	(4) In deciding whether to grant leave, the court must have regard to—	12 13
	(a) the content of the report; and	14
	(b) the reason the expert is not attending to give oral evidence; and	15 16
	(c) the risk the admission in evidence or exclusion from evidence of the expert report will result in unfairness to a party, in particular having regard to the party's ability to dispute the content of the report if the expert does not give oral evidence; and	17 18 19 20 21 22
	(d) any other relevant circumstance.	23
	(5) An expert report admitted in evidence is evidence of any fact or opinion stated in the report of which the expert could have given oral evidence.	24 25 26
	(6) In this section—	27
	<i>expert report</i> means a report made by a person that deals entirely or mainly with issues on which the person is qualified to give expert evidence, but does not include an analyst's report.	28 29 30 31

### **133BAnalysts' reports**

- (1) This section applies to a proceeding under this Act, other than a proceeding under part 7.
- (2) The production by a party to the proceeding of a signed analyst's report stating any of the following matters is evidence of the matters—
  - (a) the analyst's qualifications;
  - (b) the analyst took, or received from a stated person, the sample mentioned in the report;
  - (c) the analyst analysed the sample on a stated day, or during a stated period, at a stated place;
  - (d) the results of the analysis.

### **Clause 90 Amendment of s 135 (Regulation-making power)**

- (1) Section 135(2)—  
*insert—*
  - (da) the appointment of a person to be the manager of a government magazine and the functions and powers of the manager;
- (2) Section 135(2)(da) to (j)—  
*renumber* as section 135(2)(e) to (k).

### **Clause 91 Insertion of new pt 10, div 6**

Part 10—  
*insert—*

### **Division 6 Transitional provisions for Land, Explosives and Other Legislation Amendment Act 2018**

[s 91]

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<b>148 Definitions for division</b>	1
In this division—	2
<i>amendment Act</i> means the <i>Land, Explosives and Other Legislation Amendment Act 2018</i> .	3 4
<i>existing application</i> see section 149(1).	5
<i>former</i> , in relation to a provision, means as in force immediately before the provision was amended or repealed by the amendment Act.	6 7 8
<b>149 Existing applications for or to renew authorities</b>	9 10
(1) This section applies in relation to the following applications (each an <i>existing application</i> )—	11 12
(a) an application for an authority made, but not decided, before the commencement;	13 14
(b) an application to renew an authority made, but not decided, before the commencement.	15 16
(2) Former part 3, division 1 continues to apply in relation to the application as if the amendment Act had not commenced.	17 18 19
(3) To remove any doubt, it is declared that—	20
(a) for deciding the application, section 15A does not apply to the applicant; and	21 22
(b) former sections 15 and 16 continue to apply in relation to the applicant and an employee of the applicant until the application is decided.	23 24 25 26
<b>150 Particular authority holders taken to hold security clearances</b>	27 28
(1) This section applies in relation to a security sensitive authority that—	29 30

- 
- (a) was in effect immediately before the commencement; or
- (b) is given after the commencement for an existing application.
- (2) If the holder of the security sensitive authority is an individual, the holder is, on the relevant day, taken to be the holder of a security clearance.
- (3) If the holder of the security sensitive authority is a corporation other than a listed corporation, each executive officer of the corporation is taken, on the relevant day, to be the holder of a security clearance.
- (4) If the holder of the security sensitive authority is a partnership, each partner is taken, on the relevant day, to be the holder of a security clearance.
- (5) Subsections (6) and (7) apply if the holder of the security sensitive authority is a listed corporation.
- (6) Within 2 months after the relevant day, the listed corporation must, by written notice given to the chief inspector, nominate an executive officer or employee of the corporation as the responsible person for the corporation for matters relating to explosives.
- Maximum penalty—50 penalty units.
- (7) On the day the nomination is received by the chief inspector, the responsible person for the listed corporation is taken to be the holder of a security clearance.
- (8) Despite section 12E, a security clearance mentioned in subsection (2), (3), (4) or (7) expires on the earlier of the following—
- (a) the day the security sensitive authority expires or is cancelled or surrendered or, if the authority is renewed, the day the
-

[s 91]

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renewed authority expires or is cancelled or surrendered;	1 2
(b) the day that is 5 years after the security clearance takes effect.	3 4
(9) In this section—	5
<i>relevant day</i> means—	6
(a) in relation to an authority that was in effect immediately before the commencement—the day this section commences; or	7 8 9
(b) in relation to an authority given after the commencement for an existing application—the day the authority takes effect.	10 11 12 13
<b>151 Application of s 15A to particular persons</b>	14
(1) This section applies in relation to the holder of a security sensitive authority—	15 16
(a) that was in effect immediately before the commencement; or	17 18
(b) that is given after the commencement for an existing application; or	19 20
(c) mentioned in paragraph (a) or (b) that is renewed after the commencement.	21 22
(2) Section 15A does not apply in relation to a person employed by the holder of the authority immediately before the commencement during the period—	23 24 25 26
(a) starting on the commencement; and	27
(b) ending on the day that is 2 years after the commencement.	28 29



## 152 Application of s 33 to particular persons 1

Section 33(1)(b) does not apply in relation to a  
person employed by the holder of a security  
sensitive authority immediately before the  
commencement during the period— 5

(a) starting on the commencement; and 6

(b) ending on the day that is 2 years after the  
commencement. 8

## 153 Application of explosives incident provisions 9

For an explosives incident that happened before 10  
the commencement, former sections 55, 56 and 58  
apply to the incident. 12

## Clause 92 Amendment of sch 2 (Dictionary) 13

(1) Schedule 2, definitions *boat*, *dangerous situation*, *domestic  
violence order* and *vehicle*— 14  
15

*omit.* 16

(2) Schedule 2— 17

*insert*— 18

***authorised officer*** means a person who is  
appointed as an authorised officer under this Act. 20

***biometric information***, for a person, for part 8,  
division 1A, see section 123AB. 21  
22

***blasting explosive*** means an explosive used for  
blasting or producing a similar effect. 23  
24

*Examples of a blasting explosive*— 25

- a booster within the meaning of AS 2187.0—1998  
(Explosives—Storage, transport and use, Part 0:  
Terminology) 26  
27  
28

- a cartridge, plug or stick within the meaning of AS  
2187.0—1998 (Explosives—Storage, transport and  
use, Part 0: Terminology) 29  
30  
31

[s 92]

- 
- a detonator 1
  - a detonating cord 2
  - an explosive that consists of a mixture of ammonium nitrate and fuel oil in a proportion that achieves blasting 3  
4  
5
  - TNT 6
- charge**, for an offence, means a charge in any form, including, for example, the following— 7  
8
- (a) a charge on an arrest; 9
  - (b) a notice to appear served under the *Police Powers and Responsibilities Act 2000*, section 382; 10  
11  
12
  - (c) a complaint under the *Justices Act 1886*; 13
  - (d) a charge by a court under the *Justices Act 1886*, section 42(1A) or another provision of an Act; 14  
15  
16
  - (e) an indictment. 17
- criminal history**, of a person— 18
- (a) means the person's criminal history within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*; and 19  
20  
21
  - (b) despite sections 6, 8 and 9 of that Act, includes a conviction of the person to which any of the sections applies; and 22  
23  
24
  - (c) despite section 5 of that Act, includes a charge made against the person for an offence, unless the charge has been dealt with by a court, or withdrawn or otherwise discontinued. 25  
26  
27  
28  
29
- dangerous situation** means a situation that is likely to result in the death of or injury to a person, damage to property or harm to the environment if action is not taken to prevent, remove or minimise the danger. 30  
31  
32  
33  
34

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<b><i>destroy</i></b> , in relation to biometric information, for part 8, division 1A, see section 123AB.	1 2
<b><i>determination</i></b> see section 51A(1)(b).	3
<b><i>digital photo</i></b> , of a person, means the person's facial image encoded in a digital form.	4 5
<b><i>digitised signature</i></b> , of a person, means the person's signature encoded in a digital form.	6 7
<b><i>domestic violence order</i></b> means—	8
(a) a domestic violence order under the <i>Domestic and Family Violence Protection Act 2012</i> ; or	9 10 11
(b) an interstate domestic violence order.	12
<b><i>firework</i></b> means an explosive containing a pyrotechnic substance used for producing a visual or aural effect for the purposes of entertainment.	13 14 15
<b><i>handle</i></b> , an explosive, includes—	16
(a) bring the explosive into the State from another country or send the explosive from the State to another country; and	17 18 19
(b) manufacture, possess, sell, store, transport or use the explosive.	20 21
<b><i>interstate domestic violence order</i></b> means an interstate order or registered foreign order under the <i>Domestic and Family Violence Protection Act 2012</i> , part 6, whether or not the order is a recognised interstate order under that Act.	22 23 24 25 26
<b><i>listed corporation</i></b> see the Corporations Act, section 9.	27 28
<b><i>occupational authority</i></b> means an authority prescribed by regulation that is held by an individual.	29 30 31
<b><i>place</i></b> includes the following—	32
(a) premises;	33

---

[s 92]

- 
- (b) vacant land; 1
  - (c) a place in Queensland waters; 2
  - (d) a place held under more than 1 title or by  
more than 1 owner; 3 4
  - (e) the land or water on or in which a building  
or other structure, or a group of buildings or  
other structures, is situated. 5 6 7
  - place of seizure** see section 90A(1)(a). 8
  - police protection notice** means— 9
  - (a) a police protection notice under the  
*Domestic and Family Violence Protection  
Act 2012*; or 10 11 12
  - (b) an interstate domestic violence order given  
by a police officer. 13 14
  - premises** includes the following— 15
  - (a) a building or other structure; 16
  - (b) a part of a building or other structure; 17
  - (c) a caravan or vehicle; 18
  - (d) a cave or tent; 19
  - (e) premises held under more than 1 title or by  
more than 1 owner. 20 21
  - prescribed activity** means an activity that is, or is  
associated with, the handling of explosives. 22 23
  - propellant powder** means an explosive, used to  
launch or propel a device, that is— 24 25
  - (a) a dry explosive containing potassium or  
sodium nitrate, charcoal and sulfur that,  
under normal conditions, burns rather than  
explodes; or 26 27 28 29
  - (b) a granular powder containing— 30
  - (i) nitrocellulose and other ingredients; or 31

(ii) nitrocellulose, nitroglycerine and other ingredients.	1 2
<b>Public Safety Preservation Act declaration</b> , for part 6, division 2, subdivision 7, see section 105A.	3 4
<b>pyrotechnic substance</b> means a substance used to produce an effect by heat, light, sound, gas or smoke as a result of an exothermic chemical reaction that does not rely on oxygen from an external source to sustain the reaction.	5 6 7 8 9
<b>release conditions</b> see the <i>Domestic and Family Violence Protection Act 2012</i> , section 125(2).	10 11
<b>relevant application</b> , for part 8, division 1A, see section 123AA(1).	12 13
<b>relevant person</b> , for explosives involved in an explosives incident, see section 55.	14 15
<b>responsible person</b> , for a listed corporation, means an executive officer or employee of the corporation who is nominated, by written notice given to the chief inspector, by the corporation as the responsible person for the corporation for matters relating to explosives.	16 17 18 19 20 21
<b>security clearance</b> means a security clearance under part 3, division 1AA.	22 23
<b>security sensitive authority</b> means an authority in relation to a security sensitive explosive.	24 25
<b>security sensitive explosive</b> means—	26
(a) ammunition, other than small arms ammunition, that contains an explosive; or	27 28
(b) a blasting explosive; or	29
(c) a firework, other than a firework prescribed by regulation; or	30 31
(d) a propellant powder; or	32

[s 92]

- 
- (e) a pyrotechnic substance used in a firework; 1  
or 2
  - (f) another explosive prescribed by regulation 3  
that— 4
    - (i) if used, could cause the death of a 5  
person or serious personal injury; or 6
    - (ii) could be readily adapted for use in a 7  
device that, if used, could cause the 8  
death of a person or serious personal 9  
injury. 10
  - small arms ammunition*** means— 11
    - (a) ammunition for— 12
      - (i) a shotgun; or 13
      - (ii) another firearm with a calibre of no 14  
more than 25.4mm; or 15
    - (b) primers (cap type) used for reloading the 16  
ammunition. 17
  - take***, in relation to biometric information, for part 18  
8, division 1A, see section 123AB. 19
  - vehicle*** includes any thing capable of transporting 20  
people or things by road, rail, air or water, 21  
including a hovercraft, and it does not matter how 22  
the thing is moved or propelled. 23
  - (3) Schedule 2, definition *explosives incident*— 24  
*insert*— 25
    - (aa) the attempted theft of an explosive or 26  
another incident that threatens the security 27  
of an explosive from access by a person who 28  
should not have access to the explosive; 29
  - (4) Schedule 2, definition *explosives incident*, paragraph (e), 30  
'paragraphs (a) to (d)'— 31  
*omit, insert*— 32
-

paragraphs (a) to (e)	1
(5) Schedule 2, definition <i>explosives incident</i> , paragraphs (aa) to (e)—	2
<i>renumber</i> as paragraphs (b) to (f).	3
(6) Schedule 2, definition <i>official</i> —	4
<i>insert</i> —	5
(g) an authorised officer.	6
(7) Schedule 2, definition <i>unlawfully enter</i> , paragraph (a)—	7
<i>omit, insert</i> —	8
(a) without the permission of—	9
(i) the holder of an authority in relation to the explosives factory or magazine; or	10
(ii) the person in charge of the explosives factory or magazine; or	11
(iii) another person prescribed by regulation; or	12
	13
	14
	15
	16

## Part 5 Amendment of Explosives Regulation 2017

<b>Clause 93</b>	<b>Regulation amended</b>	17
	This part amends the <i>Explosives Regulation 2017</i> .	18
	<i>Note</i> —	19
	See also the amendments in schedule 1, part 3.	20
<b>Clause 94</b>	<b>Insertion of new s 8A</b>	21
	After section 8—	22
	<i>insert</i> —	23
		24
		25

[s 95]

## **8A Security sensitive explosives—Act, sch 2** 1

- (1) For schedule 2 of the Act, definition *security sensitive explosive*, paragraph (c), an unrestricted firework is prescribed. 2  
3  
4
- (2) For schedule 2 of the Act, definition *security sensitive explosive*, paragraph (f), security sensitive ammonium nitrate is prescribed. 5  
6  
7

- Clause 95 Amendment of s 9 (Alternative safety measures)** 8
- Section 9, after ‘safety’— 9
- insert—* 10
- and security 11

- Clause 96 Insertion of new pts 2A and 2B** 12
- After section 18— 13
- insert—* 14

## **Part 2A Obligations of employers generally** 15 16

### **18A Age of employees—Act, s 33** 17

- (1) For section 33(1)(a) of the Act, the following ages are prescribed— 18  
19
  - (a) for an employee who is employed to drive a vehicle that is transporting explosives—21 years or more; 20  
21  
22
  - (b) otherwise—18 years or more. 23
- (2) This section does not apply in relation to an employee who is employed to work at a mine. 24  
25

## **Part 2B Security clearances** 26



## 18B Notification requirements for security clearance holders

- (1) This section applies if any of the following events (each a *notifiable event*) happens during the term of a security clearance—
  - (a) the holder of the security clearance is, in Queensland or elsewhere, convicted of or charged with a relevant offence;
  - (b) the holder of the security clearance is named as the respondent in a domestic violence order or police protection notice;
  - (c) release conditions are imposed on the holder of the security clearance under the *Domestic and Family Violence Protection Act 2012*, section 125;
  - (d) the holder of the security clearance becomes aware of another change in circumstances that affects the holder's suitability to continue to hold the security clearance;  
*Example for paragraph (d)—*  
a change in the holder's mental health
  - (e) the name or address of the holder of the security clearance changes.
- (2) The holder of the security clearance must, as soon as practicable after the holder becomes aware the notifiable event has happened, give the chief inspector a notice about the event, unless the holder has a reasonable excuse.  
Maximum penalty—
  - (a) for a notifiable event mentioned in subsection (1)(d)—50 penalty units; or
  - (b) for a notifiable event mentioned in subsection (1)(e)—20 penalty units; or
  - (c) otherwise—200 penalty units.

[s 97]

<b>Clause 97</b>	<b>Amendment of s 19 (Authorities that may be issued—Act, s 13)</b>	1
	Section 19, after ninth dot point—	2
	<i>insert</i> —	3
	• explosives driver licence	4
		5
<b>Clause 98</b>	<b>Insertion of new s 23A</b>	6
	Part 3, division 1—	7
	<i>insert</i> —	8
	<b>23A Occupational authorities—Act, sch 2</b>	9
	For schedule 2 of the Act, definition <i>occupational authority</i> , each of the following authorities is prescribed—	10
	(a) an explosives driver licence;	11
	(b) a fireworks operator licence;	12
	(c) a shotfirer licence;	13
	(d) a licence to use explosives;	14
	(e) a licence to collect ammunition.	15
		16
		17
<b>Clause 99</b>	<b>Amendment of s 31 (Licence to transport explosives)</b>	18
	Section 31(1)—	19
	<i>omit, insert</i> —	20
	(1) A licence to transport explosives authorises the holder of the licence to—	21
	(a) operate a business of transporting the explosives stated in the licence in the way stated in the licence; and	22
	(b) possess the explosives for the purpose of operating a business of transporting the explosives under the licence.	23
		24
		25
		26
		27
		28

<b>Clause 100</b>	<b>Insertion of new s 31A</b>	1
	After section 31—	2
	<i>insert—</i>	3
	<b>31A Explosives driver licence</b>	4
	An explosives driver licence authorises the holder	5
	of the licence to transport explosives by driving a	6
	vehicle that, under a licence to transport	7
	explosives, is a vehicle in which explosives of that	8
	class may be transported.	9
<b>Clause 101</b>	<b>Insertion of new s 36A</b>	10
	Part 3, division 3—	11
	<i>insert—</i>	12
	<b>36A Explosives driver licence</b>	13
	(1) A person is an appropriate person for the issue of	14
	an explosives driver licence if—	15
	(a) the person—	16
	(i) is 21 years or more; and	17
	(ii) holds a valid driver licence; and	18
	(iii) has, within the 3 year period ending on	19
	the day the application for the licence	20
	is made, been assessed by a registered	21
	training organisation as having attained	22
	the specific competencies in the	23
	transporting of explosives contained in	24
	the industry training packages	25
	approved by the chief inspector and	26
	published on the department's website;	27
	and	28
	(b) the chief inspector is reasonably satisfied	29
	the person—	30
	(i) is physically able to drive a vehicle	31
	transporting explosives; and	32

[s 102]

	(ii) is suitable having regard to the person's driving history; and	1 2
	(iii) is, in all the circumstances, an appropriate person for the issue of an explosives driver licence.	3 4 5
	(2) In this section—	6
	<i>valid</i> , in relation to a driver licence, means—	7
	(a) the licence has not expired; and	8
	(b) the licence has not been cancelled or suspended; and	9 10
	(c) the person is not disqualified, by order of an Australian court, from holding or obtaining a driver licence.	11 12 13
<b>Clause 102</b>	<b>Amendment of s 37 (Shotfirer licence)</b>	14
	Section 37(1)(d)(ii), from 'safe handling procedures'—	15
	<i>omit, insert—</i>	16
	the procedures and methods for safely and securely handling the explosive;	17 18
<b>Clause 103</b>	<b>Amendment of s 39 (Fireworks operator licence)</b>	19
	Section 39(1)(d)(ii), from 'safe handling procedures'—	20
	<i>omit, insert—</i>	21
	the procedures and methods for safely and securely handling the firework;	22 23
<b>Clause 104</b>	<b>Amendment of s 40 (Other authorities)</b>	24
	Section 40, 'sections 37'—	25
	<i>omit, insert—</i>	26
	sections 36A	27

<b>Clause 105</b>	<b>Amendment of s 43 (Notification requirements for all authority holders)</b>	1 2
(1)	Section 43(1)(a), example, ‘or mental’— <i>omit.</i>	3 4
(2)	Section 43(1)(b) and (c)— <i>omit.</i>	5 6
(3)	Section 43(1)(e)— <i>omit, insert—</i>	7 8
	(e) if the holder of the authority is a corporation—	9 10
	(i) there is a change to the corporation’s executive officers; or	11 12
	(ii) the corporation becomes an externally administered corporation;	13 14
	(f) if the holder of the authority is a corporation other than a listed corporation—there is a change to the corporation’s shareholders;	15 16 17
	(g) if the authority is not a security sensitive authority or the holder of the authority is a corporation—the holder is, in Queensland or elsewhere, convicted of or charged with an offence involving a prescribed activity.	18 19 20 21 22
(4)	Section 43(1)(d) to (g)— <i>renumber</i> as section 43(1)(b) to (e).	23 24
(5)	Section 43(2), from ‘becoming’ to ‘unless’— <i>omit, insert—</i>	25 26
	the holder becomes aware the prescribed event has happened, give the chief inspector a notice about the event, unless	27 28 29
(6)	Section 43(2), penalty, paragraph (a)— <i>omit, insert—</i>	30 31

[s 106]

- (a) for a prescribed event mentioned in subsection (1)(b)(i) or (ii)—20 penalty units; or 1  
2  
3
- (7) Section 43(3), definition *listed corporation*— 4  
*omit.* 5

- Clause 106 Insertion of new s 43A** 6
- After section 43— 7  
*insert—* 8
- 43A Notification requirements for holders of security sensitive authorities** 9  
10
- (1) This section applies if any of the following events (each a *prescribed event*) happens during the term of a security sensitive authority— 11  
12  
13
    - (a) if the holder of the authority is a listed corporation— 14  
15
      - (i) the responsible person for the corporation stops being employed or engaged by the corporation; or 16  
17  
18
      - (ii) the responsible person for the corporation is, in Queensland or elsewhere, convicted of or charged with a relevant offence; or 19  
20  
21  
22
      - (iii) the responsible person for the corporation is named as the respondent in a domestic violence order or police protection notice; or 23  
24  
25  
26
      - (iv) release conditions are imposed on the responsible person for the corporation under the *Domestic and Family Violence Protection Act 2012*, section 125; 27  
28  
29  
30  
31
    - (b) if the holder of the authority is a corporation other than a listed corporation— 32  
33

[s 107]

	(i) an executive officer of the corporation is, in Queensland or elsewhere, convicted of or charged with a relevant offence; or	1 2 3 4
	(ii) an executive officer of the corporation is named as the respondent in a domestic violence order or police protection notice; or	5 6 7 8
	(iii) release conditions are imposed on an executive officer of the corporation under the <i>Domestic and Family Violence Protection Act 2012</i> , section 125.	9 10 11 12 13
	(2) The holder of the security sensitive authority must, as soon as practicable after the holder becomes aware the prescribed event has happened, give the chief inspector a notice about the event, unless the holder has a reasonable excuse.	14 15 16 17 18 19
	Maximum penalty—200 penalty units.	20
<b>Clause 107</b>	<b>Omission of s 46 (Requirement to have and give effect to safety management system)</b>	21 22
	Section 46—	23
	<i>omit.</i>	24
<b>Clause 108</b>	<b>Insertion of new pt 3, div 5A</b>	25
	Part 3—	26
	<i>insert—</i>	27
	<b>Division 5A Safety and security requirements</b>	28 29

<b>46 Definitions for division</b>	1
In this division—	2
<b><i>emergency event</i></b> includes the following—	3
(a) an explosion;	4
(b) a fire;	5
(c) a security breach at a place at which an activity is carried out under a prescribed authority;	6 7 8
(d) an event that requires a response to a security threat;	9 10
<i>Examples of an event for paragraph (d)—</i>	11
a security lockdown or an attack relating to national security	12 13
(e) a flood;	14
(f) a cyclone.	15
<b><i>national counter terrorism alert level</i></b> means the current level of alert for Australia of a terrorist act being carried out as published by the Commonwealth Government.	16 17 18 19
<b><i>prescribed authority</i></b> means the following—	20
(a) a licence to import explosives;	21
(b) a licence to export explosives;	22
(c) a licence to manufacture explosives;	23
(d) a licence to sell explosives;	24
(e) a licence to store explosives;	25
(f) a licence to transport explosives;	26
(g) a licence to use explosives;	27
(h) a shotfirer licence;	28
(i) a fireworks contractor licence.	29
<b><i>safety and security management system</i></b> means a	30



document that sets out a system that incorporates risk management elements and practices to—	1 2
(a) protect the safety and health of persons who may be affected by activities carried out under a prescribed authority; and	3 4 5
(b) ensure explosives handled under the authority are kept securely so that the explosives cannot be accessed by persons who should not have access.	6 7 8 9
<b>46A Requirement for safety and security management system</b>	10 11
(1) This section applies to the holder of a prescribed authority if 1 or more employees of the holder carry out activities under the authority.	12 13 14
(2) The holder of the authority must have and give effect to a safety and security management system that complies with subsections (3) and (4). Maximum penalty—100 penalty units.	15 16 17 18
(3) For subsection (2), the safety and security management system is to relate to—	19 20
(a) if a place is stated in the prescribed authority as a place at which an activity may be carried out under the authority—the place; or	21 22 23 24
<i>Examples of a place for paragraph (a)—</i>	25
• an explosives factory	26
• premises where explosives are stored	27
(b) if an activity is carried out under the prescribed authority other than at a place mentioned in paragraph (a)—the activity.	28 29 30
<i>Examples of an activity for paragraph (b)—</i>	31
• blasting activities carried out under a prescribed authority at various locations	32 33

[s 108]

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- transporting explosives 1
- (4) The safety and security management system must 2  
include the following— 3
  - (a) a description of the holder’s safety and 4  
security policy; 5
  - (b) details of the organisational structure of the 6  
holder’s operations, including details of the 7  
personnel responsible for performing all the 8  
functions provided for under the system; 9
  - (c) a system procedure for each matter stated in 10  
schedule 3, part 1; 11
  - (d) an operational procedure for each matter 12  
stated in schedule 3, part 2 that applies to 13  
the place or activity to which the system 14  
applies; 15
  - (e) a security plan that complies with section 16  
46C; 17
  - (f) an emergency response plan to manage risk 18  
to the safety and health of persons and the 19  
security of explosives in an emergency 20  
event; 21
  - (g) a process for ongoing consultation with 22  
employees and contractors of the holder 23  
who are engaged in carrying out activities 24  
under the prescribed authority, at least once 25  
in each month, about safety and security in 26  
relation to the activities. 27

#### **46B Safety and security requirements under other 28 legislation 29**

To remove any doubt, it is declared that the safety 30  
and security management system may be part of a 31  
safety and security management system (however 32  
called) required under another Act. 33

*Example—*

The safety and security management system may be part  
of a safety and health management system for a coal  
mine required under the *Coal Mining Safety and Health  
Act 1999*.

**46C Contents of security plan**

A security plan must—

- (a) identify security risks for explosives that  
may affect an individual, property and  
information kept by the holder of a  
prescribed authority about explosives; and
- (b) adopt processes that deal with identified  
security risks for explosives activities, that  
ensure—
  - (i) the explosives are kept securely; and
  - (ii) records are kept that are sufficient to  
allow the inspector to assess whether  
the plan has been complied with; and
  - (iii) methods are used that identify when  
explosives have been accessed and  
identify access to explosives by a  
person who should not have access to  
explosives; and
  - (iv) the chain of possession of the  
explosives can be traced from the  
holder of the authority to the holder of  
another prescribed authority; and
  - (v) the explosives are delivered to a person  
authorised in the security plan to have  
access to the explosives and to receive  
the explosives; and
  - (vi) records are kept that identify the  
persons who, in the scope of their

[s 108]

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employment, are allowed unsupervised	1
access to explosives.	2
<b>46D Requirement to review security plan</b>	3
The holder of the prescribed authority must	4
review the security plan—	5
(a) annually; and	6
(b) if any of the following happens—	7
(i) a change in the national counter	8
terrorism alert level or level of risk;	9
(ii) there is a loss of explosives;	10
(iii) there is unauthorised entry, or	11
attempted unauthorised entry, to the	12
place where the explosives are stored;	13
(iv) an explosives stock discrepancy cannot	14
be reconciled with records kept by the	15
holder;	16
(v) an explosive has been stolen;	17
(vi) an explosive has been fraudulently	18
obtained;	19
(vii) an explosive or an explosive facility	20
has been intentionally damaged;	21
(viii) information kept by the holder in	22
relation to explosives has been lost or	23
stolen;	24
(ix) an explosive has been accessed by a	25
person who should not have access to	26
the explosive;	27
(x) an explosive has been sold and has not	28
been delivered by the expected delivery	29
day.	30
Maximum penalty—100 penalty units.	31

<b>Clause 109</b>	<b>Amendment of s 54 (Condition of explosives)</b>	1
	Section 54(a), after ‘safe’—	2
	<i>insert—</i>	3
	and secure	4
<b>Clause 110</b>	<b>Amendment of s 65 (Requirements for handling explosives at port)</b>	5
	Section 65(1)(b)(ii), after ‘safety’—	6
	<i>insert—</i>	7
	and security	8
<b>Clause 111</b>	<b>Amendment of s 66 (Port authority or port operator to prepare explosives limits document)</b>	9
	Section 66(a), after ‘safely’—	10
	<i>insert—</i>	11
	and securely	12
<b>Clause 112</b>	<b>Omission of s 70 (Prescribed amount of explosive—Act, s 38)</b>	13
	Section 70—	14
	<i>omit.</i>	15
<b>Clause 113</b>	<b>Amendment of s 71 (Prescribed explosives and conditions—Act, s 38)</b>	16
	(1) Section 71(1)(a)—	17
	<i>omit, insert—</i>	18
	(a) an explosive that—	19
	(i) consists of a mixture of ammonium nitrate and fuel oil in a proportion that achieves blasting; and	20
		21
		22
		23
		24
		25
		26

[s 114]

- (ii) may include a dye colouring agent; 1
- (2) Section 71(2)(b), ‘for ANFO—ANFO’— 2
- omit, insert—* 3
- for an explosive mentioned in subsection (1)(a)— 4
- the explosive 5
- (3) Section 71(2)(b), after ‘safety’— 6
- insert—* 7
- and security 8

**Clause 114 Amendment of s 73 (Manufacturing explosives)** 9

Section 73, after ‘safety’— 10

*insert—* 11

and security 12

**Clause 115 Amendment of s 76 (Persons to whom explosives may be supplied)** 13

Section 76, penalty— 14

*omit, insert—* 15

Maximum penalty—100 penalty units. 16

**Clause 116 Amendment of s 79 (Person must comply with instructions and procedures)** 18

Section 79(b), after ‘safety’— 19

*insert—* 20

and security 21

**Clause 117 Amendment of s 81 (Prohibited conduct)** 23

Section 81(a)(i), ‘safety’— 24

*omit, insert—* 25

	safely and securely handling explosives	1
<b>Clause 118</b>	<b>Amendment of s 83 (Persons to whom explosives may be sold)</b>	2
		3
	Section 83—	4
	<i>insert—</i>	5
	(f) an inspector to whom a direction has been	6
	given by the chief inspector under section	7
	105B of the Act to purchase the explosive.	8
<b>Clause 119</b>	<b>Omission of s 86 (Employer's obligations about employees engaged in selling explosives—Act, s 33)</b>	9
		10
	Section 86—	11
	<i>omit.</i>	12
<b>Clause 120</b>	<b>Amendment of s 88 (Restriction on holder of licence selling security sensitive explosive to new client)</b>	13
		14
	Section 88—	15
	<i>insert—</i>	16
	(8) This section does not apply if the person to whom	17
	the explosives are proposed to be sold is an	18
	inspector to whom a direction has been given by	19
	the chief inspector under section 105B of the Act	20
	to purchase the explosives.	21
<b>Clause 121</b>	<b>Amendment of s 89 (Restriction on holder of licence selling security sensitive explosive to existing client)</b>	22
		23
	Section 89—	24
	<i>insert—</i>	25
	(8) This section does not apply if the person to whom	26
	the explosives are proposed to be sold is an	27
	inspector to whom a direction has been given by	28

[s 122]

	the chief inspector under section 105B of the Act to purchase the explosives.	1 2
<b>Clause 122</b>	<b>Omission of s 92 (Security plan obligations of holder of licence to sell explosives)</b>	3 4
	Section 92—	5
	<i>omit.</i>	6
<b>Clause 123</b>	<b>Amendment of s 105 (Requirements for storing explosives)</b>	7 8
	Section 105(1)(d), after ‘safety’—	9
	<i>insert—</i>	10
	or security	11
<b>Clause 124</b>	<b>Amendment of s 114 (Duties)</b>	12
	(1) Section 114—	13
	<i>insert—</i>	14
	(ca) ensure explosives at the magazine are secure from access by a person who should not have access to the explosives; and	15 16 17
	(2) Section 114(ca) to (f)—	18
	<i>renumber</i> as section 114(d) to (g).	19
<b>Clause 125</b>	<b>Amendment of s 115 (Powers)</b>	20
	(1) Section 115, heading—	21
	<i>omit, insert—</i>	22
	<b>115 Powers to inspect, take samples of and repackage explosives</b>	23 24
	(2) Section 115(1), ‘subsections (2) and (3)’—	25
	<i>omit, insert—</i>	26



	this section	1
(3)	Section 115—	2
	<i>insert—</i>	3
(2A)	The manager may inspect the explosive to decide whether the explosive is in a secure condition for storage and transport.	4 5 6
(4)	Section 115(3)(b)(ii), after ‘safe’—	7
	<i>insert—</i>	8
	and secure	9
(5)	Section 115(2A) and (3)—	10
	<i>renumber</i> as section 115(3) and (4).	11
<b>Clause 126</b>	<b>Insertion of new s 115A</b>	12
	Part 8, division 4, subdivision 2—	13
	<i>insert—</i>	14
	<b>115A Manager may authorise magazine employees to give instructions</b>	15 16
(1)	The manager of a government magazine may, by notice given to a magazine employee, authorise the employee to give instructions to other persons at the magazine, including other magazine employees, that are necessary to ensure compliance with the Act.	17 18 19 20 21 22
(2)	The notice must state—	23
(a)	the name of the magazine employee to whom the authorisation is given; and	24 25
(b)	the day the authorisation is given; and	26
(c)	any conditions to which the authorisation is subject.	27 28
(3)	The manager of the government magazine may authorise the magazine employee to give	29 30

[s 127]

	instructions under subsection (1) only if the manager is satisfied the employee is appropriately qualified to give the instructions.	1 2 3
<b>Clause 127</b>	<b>Replacement of s 116 (Entry to government magazine)</b>	4
	Section 116—	5
	<i>omit, insert—</i>	6
	<b>116 Entry to government magazines</b>	7
	For schedule 2 of the Act, definition <i>unlawfully enter</i> , paragraph (a)(iii), the following persons are prescribed—	8 9 10
	(a) the manager of the magazine;	11
	(b) an inspector.	12
	<b>116A Entry to areas within government magazines</b>	13
	(1) The manager of a government magazine or an inspector may direct a person not to enter an area within a government magazine if the manager or inspector considers the direction is reasonably necessary to ensure—	14 15 16 17 18
	(a) the safety of the person or another person; or	19
	(b) the security of an explosive at the magazine from access by a person who should not have access to the explosive.	20 21 22
	(2) A person given a direction under subsection (1) must comply with the direction.	23 24
	Maximum penalty—50 penalty units.	25
	(3) The manager of a government magazine or an inspector may take reasonable steps to remove a person from an area within a government magazine if the person entered the area in contravention of a direction given to the person under subsection (1).	26 27 28 29 30 31

<b>Clause 128</b>	<b>Amendment of s 118 (How manager must deal with request)</b>	1 2
(1)	Section 118(2)(g)(ii), after ‘safe’— <i>insert—</i>	3 4
	and secure	5
(2)	Section 118(4), after ‘safely’— <i>insert—</i>	6 7
	and securely	8
<b>Clause 129</b>	<b>Amendment of s 119 (Requirements for storing explosive)</b>	9 10
	Section 119(1)(d)(ii), after ‘safe’— <i>insert—</i>	11 12
	and secure	13
<b>Clause 130</b>	<b>Amendment of s 129 (Person must comply with instructions and procedures)</b>	14 15
(1)	Section 129(a)— <i>omit, insert—</i>	16 17
	(a) the lawful instructions of—	18
	(i) a prescribed person; or	19
	(ii) for a government magazine—a person authorised under section 115A to give instructions to another person at the government magazine; and	20 21 22 23
(2)	Section 129(b), after ‘safety’— <i>insert—</i>	24 25
	and security	26
(3)	Section 129(c), from ‘approved’ to ‘the magazine’— <i>omit, insert—</i>	27 28

[s 131]

	in relation to explosives approved by the chief inspector for the magazine	1 2
(4)	Section 129—	3
	<i>insert—</i>	4
(2)	For subsection (1)(a), a lawful instruction does not include a direction given to a person under section 116A(1).	5 6 7
<b>Clause 131</b>	<b>Amendment of s 131 (Prohibited conduct)</b>	8
	Section 131(a)(i), ‘safety’—	9
	<i>omit, insert—</i>	10
	safely and securely storing explosives	11
<b>Clause 132</b>	<b>Amendment of s 133 (Explosives exempt from s 50(1) of Act)</b>	12 13
	Section 133—	14
	<i>insert—</i>	15
	(c) an explosive on board a boat, the owner or master of which is subject to the <i>Transport Operations (Marine Safety) Regulation 2016</i> , section 88(1) or (2), for the explosive.	16 17 18 19
<b>Clause 133</b>	<b>Amendment of s 134 (Requirements for consignors and consignees of particular explosives)</b>	20 21
	Section 134—	22
	<i>insert—</i>	23
	(3) However, the person is not required to comply with a provision of the Australian dangerous goods code, or the Australian explosives code, if—	24 25 26 27

[s 134]

	(a) a determination applying to the person states	1
	that the determination applies for this	2
	section instead of the provision; and	3
	(b) the person complies with the determination.	4
<b>Clause 134</b>	<b>Amendment of s 135 (Explosives that may be transported under s 50(3) of Act)</b>	5
	(1) Section 135, heading—	7
	<i>omit, insert—</i>	8
	<b>135 Amounts of explosives—Act, s 50</b>	9
	(2) Section 135(1)—	10
	<i>omit.</i>	11
	(3) Section 135(2), ‘section 50(3)(a)’—	12
	<i>omit, insert—</i>	13
	section 50(2)(a)(i)	14
	(4) Section 135(2) and (3)—	15
	<i>renumber</i> as section 135(1) and (2).	16
<b>Clause 135</b>	<b>Amendment of s 136 (Conditions for transporting explosives under s 50(3) of Act)</b>	17
	(1) Section 136, heading, from ‘explosives’—	19
	<i>omit, insert—</i>	20
	<b>explosives—Act, s 50</b>	21
	(2) Section 136(1), ‘section 50(3)(b)’—	22
	<i>omit, insert—</i>	23
	section 50(2)(a)(ii)	24
	(3) Section 136(2), ‘section 135(2)(a) or (b)’—	25
	<i>omit, insert—</i>	26
	section 135(1)(a) or (b)	27

[s 136]

(4) Section 136(3), ‘section 135(2)(c)’—	1
<i>omit, insert—</i>	2
section 135(1)(c)	3
(5) Section 136(3), after ‘safety’—	4
<i>insert—</i>	5
and security	6
(6) Section 136—	7
<i>insert—</i>	8
(3A) However, a person mentioned in subsection (2) or	9
(3) is not required to comply with a provision of	10
the Australian dangerous goods code, or the	11
Australian explosives code, if—	12
(a) a determination applying to the person states	13
that the determination applies for this	14
section instead of the provision; and	15
(b) the person complies with the determination.	16
(7) Section 136(4), after ‘safety’—	17
<i>insert—</i>	18
and security	19
(8) Section 136(4)(b), (c)(ii), (e) and (f)(i), ‘or boat’—	20
<i>omit.</i>	21
(9) Section 136(4)(f)(iii), after ‘safely’—	22
<i>insert—</i>	23
and securely	24
(10) Section 136(3A) and (4)—	25
<i>renumber</i> as section 136(4) and (5).	26
<b>Clause 136 Insertion of new s 136A</b>	27
Part 9, division 2—	28

*insert—*

**136A Transport of explosives by persons employed  
at mines—Act, s 50**

For section 50(2)(b) of the Act, section 50(1) of  
the Act does not apply to a person transporting an  
explosive by driving a vehicle if the person—

- (a) is employed to work at a mine; and
- (b) is transporting the explosive at the mine and  
in the course of the person's employment.

**Clause 137 Amendment of s 137 (General requirements for  
transporting explosives)**

(1) Section 137(1), 'section 50(2)(a)'—

*omit, insert—*

section 50(3)(a)

(2) Section 137—

*insert—*

(3) Also, a person mentioned in subsection (1) is not  
required to comply with a provision of the  
Australian dangerous goods code, or the  
Australian explosives code, if—

- (a) a determination applying to the person states  
that the determination applies for this  
section instead of the provision; and
- (b) the person complies with the determination.

**Clause 138 Insertion of new s 138A**

Part 9, division 3—

*insert—*

**138A Licence must be available for inspection**

The holder of an explosives driver licence must,

[s 139]

	unless the holder has a reasonable excuse—	1
	(a) have the licence available for inspection	2
	when driving a vehicle to transport	3
	explosives; and	4
	(b) if asked by an inspector, produce the licence	5
	for inspection by the inspector.	6
	Maximum penalty—20 penalty units.	7
<b>Clause 139</b>	<b>Amendment of s 140 (Person must comply with instructions, notices and procedures)</b>	8
	Section 140(b), after ‘safety’—	10
	<i>insert—</i>	11
	and security	12
<b>Clause 140</b>	<b>Amendment of s 142 (Prohibited conduct)</b>	13
	(1) Section 142(a)(i), ‘safety’—	14
	<i>omit, insert—</i>	15
	safely and securely handling explosives	16
	(2) Section 142(a)(iii), after ‘safety’—	17
	<i>insert—</i>	18
	and security	19
<b>Clause 141</b>	<b>Amendment of s 143 (Application of division)</b>	20
	Section 143, after ‘authority’—	21
	<i>insert—</i>	22
	, other than an explosives driver licence,	23
<b>Clause 142</b>	<b>Insertion of new pt 9, divs 6 and 7</b>	24
	Part 9—	25



*insert—*

## **Division 6            Competent authority**

### **145A Chief inspector is competent authority—Act, s 51A**

For section 51A(1)(a) of the Act, the chief inspector is the competent authority for this part.

## **Division 7            Determinations**

### **Subdivision 1    Making and effect of determinations**

#### **145B Competent authority may make determinations—Act, s 51A**

- (1) For section 51A(1)(b) of the Act, the competent authority may make a determination about the safe and secure transport of an explosive.
- (2) A determination under subsection (1) must be made by notice.

*Note—*

A notice under subsection (2) is declared to be subordinate legislation under the *Statutory Instruments Regulation 2012*, section 2(3) and schedule 1.

- (3) Subsection (2) does not apply to an administrative determination.

#### **145C Offences relating to determinations**

- (1) If a determination permits the doing of something subject to a condition, a person to whom the determination applies must, if the person does the thing, comply with the condition.

[s 142]

Maximum penalty—40 penalty units.	1
(2) If a determination prohibits the doing of something, a person to whom the determination applies must not do the thing.	2 3 4
Maximum penalty—100 penalty units.	5
(3) If a determination requires the doing of something, a person to whom the determination applies must do the thing.	6 7 8
Maximum penalty—100 penalty units.	9
(4) It is a defence to a prosecution for an offence against this section that the person did not know, and could not reasonably have been expected to know, of the determination, or that the determination applied to the person.	10 11 12 13 14
<b>Subdivision 2 Administrative determinations</b>	15 16
<b>145D Applications for administrative determinations or amendments</b>	17 18
(1) A person may apply to the competent authority for—	19 20
(a) an administrative determination; or	21
(b) an amendment of an administrative determination.	22 23
(2) The application must—	24
(a) be in the approved form; and	25
(b) if the application is for an amendment of an administrative determination—be accompanied by the determination.	26 27 28
(3) The competent authority may, by notice given to the applicant, ask the applicant to give to the	29 30

---

competent authority the additional information	1
reasonably necessary to decide the application.	2

<b>145E Deciding applications</b>	3
-----------------------------------	---

- |   |    |
|---|----|
| (1) The competent authority must, after considering | 4  |
| the application, decide—                            | 5  |
| (a) to make the administrative determination, or    | 6  |
| amendment, with or without conditions; or           | 7  |
| (b) to refuse to make the administrative            | 8  |
| determination or amendment.                         | 9  |
| (2) The competent authority must not make the       | 10 |
| administrative determination or amendment           | 11 |
| unless satisfied the determination or amendment     | 12 |
| ensures the safe and secure transport of the        | 13 |
| explosive the subject of the determination.         | 14 |

<b>145F Notice of decision</b>	15
--------------------------------	----

- |  |    |
|--|----|
| (1) If the competent authority decides to make an  | 16 |
| administrative determination or amendment, the     | 17 |
| competent authority must give the administrative   | 18 |
| determination or amended administrative            | 19 |
| determination to—                                  | 20 |
| (a) the applicant; and                             | 21 |
| (b) any other person to whom the determination     | 22 |
| applies.   | 23 |
| (2) If the competent authority refuses to make the | 24 |
| administrative determination or amendment, or      | 25 |
| makes the administrative determination or          | 26 |
| amendment subject to conditions, the competent     | 27 |
| authority must give an information notice for the  | 28 |
| decision to—                                       | 29 |
| (a) the applicant; and                             | 30 |
| (b) any other person—                              | 31 |

[s 142]

- (i) to whom the determination applies; or 1
- (ii) who is named in the application as a 2  
person to whom the determination is to 3  
apply. 4

#### **145G Form and term of administrative 5 determinations 6**

- (1) An administrative determination must— 7
  - (a) be in writing; and 8
  - (b) state— 9
    - (i) the person to whom the administrative 10  
determination applies; and 11
    - (ii) the explosive to which the 12  
administrative determination relates; 13  
and 14
    - (iii) the provisions of this part, and of the 15  
Australian dangerous goods code or the 16  
Australian explosives code, to which 17  
the administrative determination 18  
relates; and 19
    - (iv) any conditions to which the 20  
administrative determination is subject; 21  
and 22
    - (v) the term of the administrative 23  
determination. 24
- (2) At the end of the stated term, the administrative 25  
determination expires. 26

#### **145H Replacement administrative determinations 27**

The competent authority must give the holder of 28  
an administrative determination a replacement 29  
administrative determination if— 30

[s 142]

- 
- |   |   |
|---|---|
| (a) the administrative determination is amended | 1 |
| under section 145K; or                          | 2 |
| (b) the competent authority is satisfied the    | 3 |
| determination has been defaced, destroyed,      | 4 |
| lost or stolen.                                 | 5 |

<b>145I Grounds for amending, suspending or</b>	6
<b>cancelling administrative determinations</b>	7

Each of the following is a ground for amending,	8
suspending or cancelling an administrative	9
determination—	10

- |  |    |
|--|----|
| (a) the administrative determination was made  | 11 |
| because of incorrect or misleading             | 12 |
| information;                                   | 13 |
| (b) the holder of the administrative           | 14 |
| determination—                                 | 15 |
| (i) contravenes a condition of the             | 16 |
| determination; or                              | 17 |
| (ii) is convicted of or charged with an        | 18 |
| offence against the Act or an Act of           | 19 |
| another State about explosives or              | 20 |
| another offence involving the use of           | 21 |
| explosives;                                    | 22 |
| (c) public safety has been endangered, or is   | 23 |
| likely to be endangered, because of the        | 24 |
| administrative determination;                  | 25 |
| (d) a change in circumstances happened after   | 26 |
| the administrative determination was made      | 27 |
| and, had the changed circumstances existed     | 28 |
| when the determination was made, the           | 29 |
| determination would not have been made;        | 30 |
| (e) the amendment, suspension or cancellation  | 31 |
| is otherwise necessary in the public interest. | 32 |

[s 142]

---

### **145J Notice of proposed action**

- (1) This section applies if the competent authority considers there is a ground to amend, suspend or cancel an administrative determination (the *proposed action*).
- (2) Before taking the proposed action, the competent authority must give the holder of the administrative determination a notice that states—
  - (a) the proposed action; and
  - (b) the grounds for the proposed action; and
  - (c) if the proposed action is to amend the administrative determination—the proposed amendment; and
  - (d) if the proposed action is to suspend the administrative determination—the proposed period of the suspension; and
  - (e) that the holder may show, within a stated reasonable period (the *submission period*) of at least 28 days after the notice is given to the holder, why the proposed action should not be taken.
- (3) This section does not apply in relation to—
  - (a) the amendment or cancellation of an administrative determination asked for by the holder of the determination; or
  - (b) the amendment of an administrative determination—
    - (i) for a formal or clerical reason; or
    - (ii) in another way that does not adversely affect the interests of the holder of the determination.

---

**145K Amending, suspending or cancelling  
administrative determinations generally**

- |   |    |
|---|----|
|   | 1  |
|   | 2  |
| (1) If, after considering any written representations | 3  |
| made within the submission period, the                | 4  |
| competent authority still considers a ground exists   | 5  |
| to take the proposed action, the competent            | 6  |
| authority may—  | 7  |
| (a) if the proposed action was to amend the           | 8  |
| administrative determination—amend the                | 9  |
| determination; or                                     | 10 |
| (b) if the proposed action was to suspend the         | 11 |
| administrative determination for a stated             | 12 |
| period—suspend the determination for no               | 13 |
| longer than the stated period; or                     | 14 |
| (c) if the proposed action was to cancel the          | 15 |
| administrative determination—                         | 16 |
| (i) amend the administrative                          | 17 |
| determination; or                                     | 18 |
| (ii) suspend the administrative                       | 19 |
| determination for a period; or                        | 20 |
| (iii) cancel the administrative                       | 21 |
| determination.  | 22 |
| (2) The competent authority must give the holder of   | 23 |
| the administrative determination a notice about       | 24 |
| the decision (a <i>decision notice</i> ).             | 25 |
| (3) If the competent authority decides to amend,      | 26 |
| suspend or cancel the administrative                  | 27 |
| determination, the decision notice must be an         | 28 |
| information notice for the decision.                  | 29 |
| (4) The decision takes effect on the day the decision | 30 |
| notice is given to the holder or, if a later day is   | 31 |
| stated in the notice, the later day.                  | 32 |

[s 142]

### **145L Suspension on conditions**

- (1) This section applies if—
  - (a) an administrative determination is suspended under section 145K(1)(c)(ii); and
  - (b) the grounds for taking action under that section are capable of being remedied by the holder of the administrative determination.
- (2) The suspension may be on condition that—
  - (a) the holder remedy the grounds to the competent authority's reasonable satisfaction within a reasonable time before the period of the suspension ends; and
  - (b) if the holder does not remedy the grounds under paragraph (a), the competent authority may cancel the administrative determination under section 145M.
- (3) If a condition is imposed under subsection (2), the decision notice must state that the administrative determination may be cancelled under section 145M if the holder does not comply with the condition.

### **145M Cancellation for failure to take remedial action**

- (1) This section applies if the competent authority—
  - (a) suspends an administrative determination on the condition mentioned in section 145L(2); and
  - (b) reasonably believes the holder of the administrative determination has not complied with the condition.
- (2) The competent authority may, by information notice given to the holder, cancel the administrative determination.



- (3) The cancellation takes effect on the day the  
information notice is given to the holder or, if a  
later day is stated in the notice, the later day.

**145N Immediate suspension of administrative  
determinations**

- (1) This section applies if the competent authority  
considers it necessary in the public interest to  
immediately suspend an administrative  
determination.
- (2) The competent authority may immediately  
suspend the administrative determination without  
giving notice of the proposed suspension under  
section 145J(2).
- (3) However, the competent authority must  
immediately inform the holder of the  
administrative determination about the decision  
by giving the holder an information notice for the  
decision.
- (4) The suspension—
- (a) takes effect on the day the information  
notice is given to the holder of the  
administrative determination or, if a later  
day is stated in the notice, the later day; and
- (b) ends on the earlier of the following—
- (i) the day the competent authority, after  
complying with sections 145J(2) and  
145K(1), gives the holder a decision  
notice;
- (ii) the day that is 56 days after the day the  
information notice is given to the  
holder under subsection (3).

**Subdivision 3 Register of determinations**

[s 142]

<b>1450 Register of determinations—Act, s 51A</b>	1
(1) For section 51A(2)(d) of the Act, the competent authority must keep a register of determinations.	2 3
(2) The register must include the following information for each determination—	4 5
(a) the day the determination was made;	6
(b) the explosive the subject of the determination;	7 8
(c) the provisions of this part, and of the Australian dangerous goods code or the Australian explosives code, to which the determination relates;	9 10 11 12
(d) whether the determination is an administrative determination and, if so, the provisions of the determination;	13 14 15
(e) if the determination is amended—the day the amendment was made and details of the amendment;	16 17 18
(f) if the determination is suspended—the period of the suspension;	19 20
(g) if the determination is cancelled—the day it was cancelled.	21 22
(3) The register must be kept in the way decided by the competent authority.	23 24
(4) The competent authority must ensure the register is available for inspection by the public, including, for example, by ensuring there is reasonable access to—	25 26 27 28
(a) copies of information in the register; or	29
(b) a computer terminal to inspect the register.	30

<b>Clause 143</b>	<b>Amendment of s 147 (Employer's obligations about employees engaged in using explosives)</b>	1 2
(1)	Section 147(2)(a) and (e)— <i>omit.</i>	3 4
(2)	Section 147(2)(b) to (d)— <i>renumber</i> as section 147(2)(a) to (c).	5 6
<b>Clause 144</b>	<b>Amendment of s 152 (Use of blasting explosives)</b>	7
	Section 152(a)(ii), after 'safety'— <i>insert—</i> and security	8 9 10
<b>Clause 145</b>	<b>Amendment of s 160 (Meaning of <i>organise</i> fireworks display)</b>	11 12
	Section 160(b), 'safety requirements'— <i>omit, insert—</i> safety and security requirements	13 14 15
<b>Clause 146</b>	<b>Amendment of s 162 (Meaning of <i>safety requirements</i> for fireworks displays)</b>	16 17
(1)	Section 162, 'safety requirements'— <i>omit, insert—</i> safety and security requirements	18 19 20
(2)	Section 162(a)(ii), 'alternative safety measures'— <i>omit, insert—</i> alternative safety and security measures	21 22 23

[s 147]

<b>Clause 147</b>	<b>Amendment of s 166 (Prohibition on allowing unsafe fireworks display to be staged)</b>	1
		2
(1)	Section 166, heading—	3
	<i>omit, insert—</i>	4
	<b>166 Display hosts' obligations about safety and security of fireworks displays</b>	5
		6
(2)	Section 166, 'safety requirements'—	7
	<i>omit, insert—</i>	8
	safety and security requirements	9
<b>Clause 148</b>	<b>Amendment of s 168 (Fireworks contractor's obligations about safety of fireworks display)</b>	10
		11
(1)	Section 168, heading, after 'safety'—	12
	<i>insert—</i>	13
	<b>and security</b>	14
(2)	Section 168, 'safety requirements'—	15
	<i>omit, insert—</i>	16
	safety and security requirements	17
<b>Clause 149</b>	<b>Amendment of s 184 (Application for external review)</b>	18
(1)	Section 184(2), definition <i>reviewable decision</i> —	19
	<i>insert—</i>	20
	(fa) a decision under section 145E to refuse to	21
	make or amend an administrative	22
	determination;	23
	(fb) a decision under section 145E to make or	24
	amend an administrative determination	25
	subject to conditions;	26
	(fc) a decision under section 145K, 145M or	27
	145N to amend, suspend or cancel an	28
	administrative determination;	29

- (2) Section 184(2), definition *reviewable decision*, paragraphs (fa) to (g)— 1  
2  
*renumber* as paragraphs (g) to (j). 3

- Clause 150 Amendment of s 185 (Period for keeping records)** 4  
Section 185, after ‘safety’— 5  
*insert*— 6  
and security 7

- Clause 151 Insertion of new pt 14, div 1, hdg** 8  
Before section 193— 9  
*insert*— 10  
**Division 1 Transitional provisions for** 11  
**SL No. 150 of 2017** 12

- Clause 152 Amendment of s 193 (Definitions for part)** 13  
Section 193, ‘part’— 14  
*omit, insert*— 15  
division 16

- Clause 153 Insertion of new pt 14, div 2** 17  
After section 209— 18  
*insert*— 19  
**Division 2 Transitional provisions for** 20  
**Land, Explosives and** 21  
**Other Legislation** 22  
**Amendment Act 2018** 23

[s 153]

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<b>210 Existing licence to transport explosives</b>	1
(1) This section applies to a licence to transport explosives in force immediately before the commencement.	2 3 4
(2) From the commencement—	5
(a) the licence is taken to authorise the authority holder to operate a business of transporting the explosives stated in the licence in the vehicles stated in the licence; and	6 7 8 9
(b) the licence does not authorise the authority holder to drive a vehicle to transport explosives.	10 11 12
 <b>211 Employees of holder of licence to transport explosives</b>	 13 14
(1) This section applies to a person who—	15
(a) on the commencement, is an employee of the holder of a licence to transport explosives; and	16 17 18
(b) is employed to drive a vehicle, stated in the licence as a vehicle to transport explosives, to transport explosives.	19 20 21
(2) From the commencement, the person is taken to be the holder of an explosives driver licence.	22 23
(3) However, this section does not apply to a person who—	24 25
(a) is employed to work at a mine; and	26
(b) is transporting the explosives at the mine and in the course of the person's employment.	27 28 29
(4) This section stops having effect on the day that is 1 year after the commencement.	30 31

<b>Clause 154</b>	<b>Amendment of sch 3 (Matters to be included in safety management system)</b>	1 2
(1)	Schedule 3, heading, ‘safety management system’— <i>omit, insert—</i> safety and security management system	3 4 5
(2)	Schedule 3, authorising provision, ‘section 46(4)’— <i>omit, insert—</i> section 46A(4)	6 7 8
(3)	Schedule 3, part 1, item 1— <i>omit, insert—</i> 1 Establishing and maintaining an explosives safety and security management system to deal with hazard and risk identification, risk assessment and risk control.	9 10 11 12 13 14
(4)	Schedule 3, part 1, item 6— <i>insert—</i> (l) alternative safety and security measures used.	15 16 17 18
(5)	Schedule 3, part 1, item 9— <i>omit.</i>	19 20
<b>Clause 155</b>	<b>Amendment of sch 7 (Dictionary)</b>	21
(1)	Schedule 7, definitions <i>alternative safety measures, ANFO, blasting explosive, firework, handle, propellant powder, pyrotechnic substance, safety management system, safety requirements, security sensitive explosive and small arms ammunition—</i> <i>omit.</i>	22 23 24 25 26 27
(2)	Schedule 7— <i>insert—</i>	28 29

[s 156]

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<i>administrative determination</i> see section 51A(3) of the Act.	1 2
<i>alternative safety and security measures</i> see section 9(2).	3 4
<i>decision notice</i> see section 145K(2).	5
<i>emergency event</i> , for part 3, division 5A, see section 46.	6 7
<i>holder</i> , of an administrative determination, means a person to whom the determination applies.	8 9
<i>national counter terrorism alert level</i> , for part 3, division 5A, see section 46.	10 11
<i>prescribed authority</i> , for part 3, division 5A, see section 46.	12 13
<i>proposed action</i> see section 145J(1).	14
<i>relevant offence</i> see section 23A(3) of the Act.	15
<i>safety and security management system</i> , for part 3, division 5A, see section 46.	16 17
<i>safety and security requirements</i> , for a fireworks display, see section 162.	18 19
<i>submission period</i> see section 145J(2)(e).	20

<b>Part 6</b>	<b>Amendment of Foreign</b>	21
	<b>Ownership of Land Register</b>	22
	<b>Act 1988</b>	23

<b>Clause 156</b>	<b>Act amended</b>	24
	This part amends the <i>Foreign Ownership of Land Register Act 1988</i> .	25 26



<b>Clause 157</b>	<b>Amendment of s 4 (Interpretation)</b>	1
	(1) Section 4(2)—	2
	<i>omit, insert—</i>	3
	(2) For the purposes of this Act, the time of acquisition of an interest in land is taken to be—	4
	(a) if the interest is acquired as the result of the granting of a lease of unallocated State land—the time when the lease commences; or	5
	(b) if the interest is acquired under an agreement—the time of entry into possession of the interest; or	6
	(c) otherwise—the time when the event that gave rise to the acquisition occurred.	7
	(2) Section 4(4)—	8
	<i>omit.</i>	9
<b>Clause 158</b>	<b>Omission of ss 5–10</b>	10
	Sections 5 to 10—	11
	<i>omit.</i>	12
<b>Clause 159</b>	<b>Replacement of s 11 (Register)</b>	13
	Section 11—	14
	<i>omit, insert—</i>	15
	<b>11 Register</b>	16
	(1) The registrar must maintain a register called the Foreign Ownership of Land Register.	17
	(2) The register may be kept in the form the registrar considers appropriate including, for example, in electronic form.	18
	(3) A prescribed form lodged with the registrar forms	19

[s 160]

	part of the register.	1
(4)	The registrar may do the following things in relation to the register—	2 3
(a)	make a copy, in a way approved by the Minister for this section, of any part of the register;	4 5 6
(b)	move particulars recorded in a particular part of the register to another part;	7 8
(c)	delete particulars recorded in a particular part of the register if the registrar is satisfied the particulars have been accurately recorded in another part;	9 10 11 12
(d)	destroy a prescribed form if a copy of the prescribed form has been made under paragraph (a).	13 14 15
(5)	A copy of a part of the register made under subsection (4)(a) and certified by the registrar as an accurate copy of that part of the register forms part of the register.	16 17 18 19
(6)	A copy of a prescribed form made under subsection (4)(a) and certified by the registrar as an accurate copy of the prescribed form is admissible as evidence of the prescribed form and the things in it.	20 21 22 23 24
<b>Clause 160</b>	<b>Omission of s 12 (Accurately completed prescribed forms)</b>	25 26
	Section 12—	27
	<i>omit.</i>	28
<b>Clause 161</b>	<b>Amendment of s 14 (Access to information in register)</b>	29
(1)	Section 14(1), from ‘Subject’ to ‘and upon’—	30
	<i>omit, insert—</i>	31

	A person may, on payment of the prescribed fee	1
	and during the hours and on	2
(2)	Section 14(1)(c), ‘upon the giving of’—	3
	<i>omit, insert—</i>	4
	on giving	5
(3)	Section 14(2)—	6
	<i>omit.</i>	7
<b>Clause 162</b>	<b>Omission of s 17 (Disclosure of present interest)</b>	8
	Section 17—	9
	<i>omit.</i>	10
<b>Clause 163</b>	<b>Replacement of ss 18–21</b>	11
	Sections 18 to 21—	12
	<i>omit, insert—</i>	13
	<b>18 Disclosure of acquisition</b>	14
(1)	A foreign person who acquires the legal estate of	15
	an interest in land must complete and lodge with	16
	the registrar a notification of ownership in relation	17
	to the interest not later than 90 days after the day	18
	of the acquisition.	19
(2)	However, a foreign person is not required to	20
	comply with subsection (1) if the legal estate of	21
	the interest in land is vested in the person as	22
	personal representative of a deceased person.	23
(3)	Also, a person beneficially entitled to an interest	24
	in land because of the death of a person is not	25
	required to comply with subsection (1) until all	26
	documents resulting in the interest vesting in the	27
	person have been lodged with the relevant	28
	registering authority.	29

<b>18A Disclosure of disposal of interest</b>	1
(1) Subsection (2) applies if—	2
(a) the legal estate of an interest in land is registered in the register, or recorded in the records of a relevant registering authority, in the name of a foreign person; and	3 4 5 6
(b) the foreign person disposes of the interest.	7
(2) The foreign person must complete and lodge with the registrar a notification, in the prescribed form, in relation to the disposal not later than 90 days after the day on which the disposal takes place.	8 9 10 11
<b>19 Notification of ceasing to be a foreign person</b>	12
(1) Subsection (2) applies if—	13
(a) the legal estate of an interest in land is registered in the register, or recorded in the records of a relevant registering authority, in the name of a foreign person; and	14 15 16 17
(b) the person ceases to be a foreign person.	18
(2) The person must complete, and lodge with the registrar, a notification, in the prescribed form, in relation to the cessation not later than 90 days after the day on which the person ceases to be a foreign person.	19 20 21 22 23
Maximum penalty—20 penalty units.	24
<b>20 Notification of becoming a foreign person</b>	25
(1) Subsection (2) applies if—	26
(a) the legal estate of an interest in land is registered in the register, or recorded in the records of a relevant registering authority, in the name of a person; and	27 28 29 30
(b) the person becomes a foreign person.	31

	(2) The person must complete, and lodge with the registrar, a notification of ownership in relation to the interest not later than 90 days after the day on which the person becomes a foreign person.	1 2 3 4
<b>Clause 164</b>	<b>Amendment of s 23 (Registrar may enter information)</b>	5
	Section 23(a) and (b), ‘or trustee notification of ownership’— <i>omit.</i>	6 7
<b>Clause 165</b>	<b>Amendment of s 24 (Offence not to comply with s 22)</b>	8
	(1) Section 24(2), ‘shall’— <i>omit, insert—</i> must	9 10 11
	(2) Section 24(5), ‘Where’— <i>omit, insert—</i> If	12 13 14
	(3) Section 24(7), ‘Where’— <i>omit, insert—</i> If	15 16 17
	(4) Section 24(8), ‘Where a court makes an order under subsection (7), it shall’— <i>omit, insert—</i> If a court makes an order under subsection (7), the court must	18 19 20 21 22
	(5) Section 24(11), from ‘When’ to ‘shall’— <i>omit, insert—</i> If a person is convicted of an offence under subsection (1) and the court makes an order under subsection (7), the person must	23 24 25 26 27

[s 166]

<b>Clause 166</b>	<b>Amendment of s 25 (False or misleading statements)</b>	1
	(1) Section 25(1) and (2), ‘shall’—	2
	<i>omit, insert—</i>	3
	must	4
	(2) Section 25(3), from ‘shall not’ to ‘or trustee notification of ownership’—	5
	<i>omit, insert—</i>	6
	must not, in giving the registrar information by completing a notification of ownership	7
	(3) Section 25(6), ‘ownership, trustee notification of’—	8
	<i>omit.</i>	9
		10
		11
<b>Clause 167</b>	<b>Omission of pt 5 (Forfeiture and restraint)</b>	12
	Part 5—	13
	<i>omit.</i>	14
<b>Clause 168</b>	<b>Replacement of ss 41–42</b>	15
	Sections 41 to 42—	16
	<i>omit, insert—</i>	17
	<b>41 Searches</b>	18
	(1) An officer responsible for keeping or maintaining records available to be searched by the public must allow the registrar, or a person authorised by the registrar, to search the records and make copies of or take extracts from a relevant record, free of charge.	19
		20
		21
		22
		23
		24
	(2) In this section—	25
	<b>relevant record</b> means—	26
	(a) a document of title; or	27
	(b) a document or other record relating to—	28

- (i) the acquisition or disposal of an interest in land; or 1  
2
- (ii) another matter in which the registrar is or may, for the purposes of this Act, be interested. 3  
4  
5

## **42 Service of documents** 6

- (1) This section applies if— 7
  - (a) a document is required or permitted under this Act to be served on a corporation; and 8  
9
  - (b) the corporation is not likely to receive the document if it is served in a way provided for under the *Acts Interpretation Act 1954*, part 10. 10  
11  
12  
13
- (2) The document may be served on the corporation by— 14  
15
  - (a) delivering it personally to each of 2 directors of the corporation who reside in the State; or 16  
17
  - (b) sending it by post to each of 2 directors of the corporation who reside in the State at the address of the directors last known to the person serving the document; or 18  
19  
20  
21
  - (c) by sending it electronically to the email address of the corporation in accordance with the *Electronic Transactions (Queensland) Act 2001*. 22  
23  
24  
25

## **Clause 169 Amendment of s 43 (Evidentiary provisions)** 26

- Section 43(c)(ii), ‘of the’— 27
- omit, insert—* 28
- the 29

[s 170]

---

<b>Clause 170</b>	<b>Insertion of new s 44B</b>	1
	After section 44A—	2
	<i>insert—</i>	3
	<b>44B Particular trustees to give information about beneficiaries</b>	4
		5
	(1) This section applies to a person who holds an interest, other than the legal estate, in land as trustee for another person (a <i>beneficiary</i> ).	6
		7
		8
	(2) The person must, for the purposes of this Act, on request of a legal estate trustee for the land, give the legal estate trustee the following details for each beneficiary—	9
		10
		11
		12
	(a) the beneficiary’s name;	13
	(b) the beneficiary’s usual place of residence;	14
	(c) details of the interest held for the beneficiary;	15
		16
	(d) whether or not the beneficiary is a foreign person.	17
		18
	(3) In this section—	19
	<i>legal estate trustee</i> , in relation to land mentioned in subsection (1), means a person who holds the legal estate of an interest in the land.	20
		21
		22
<b>Clause 171</b>	<b>Insertion of new pt 7</b>	23
	After part 6—	24
	<i>insert—</i>	25
	<b>Part 7</b>	26
	<b>Transitional provisions</b>	27
	<b>for Land, Explosives</b>	28
	<b>and Other Legislation</b>	29
	<b>Amendment Act 2018</b>	



<b>46</b>	<b>Definitions for part</b>	1
	In this part—	2
	<i>amended</i> , in relation to a section, means as in	3
	force from the commencement.	4
	<i>amended Act</i> means the Act as in force from the	5
	commencement.	6
	<i>previous</i> , in relation to a section, means as in	7
	force immediately before the commencement.	8
	<i>previous Act</i> means the Act as in force	9
	immediately before the commencement.	10
	<i>repealed</i> , in relation to a section, means as in	11
	force immediately before its repeal.	12
<b>47</b>	<b>Declarations under repealed section 6(2)</b>	13
	<b>continued in force</b>	14
(1)	This section applies to a person—	15
(a)	in relation to whom the Minister made a	16
	declaration under repealed section 6(2) in	17
	relation to a particular interest; and	18
(b)	who, immediately before the	19
	commencement, was not a foreign person in	20
	relation to the interest because of the	21
	declaration; and	22
(c)	who, at the commencement, would	23
	otherwise be a foreign person under the	24
	amended Act.	25
(2)	The declaration continues in force for the person	26
	in relation to the particular interest.	27
(3)	While the declaration continues in force, the	28
	person is taken not to be a foreign person in	29
	relation to the interest.	30
(4)	The person must notify the registrar of any change	31
	in the circumstances on which the declaration was	32

[s 171]

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based as soon as practicable after the change happens. 1  
2

- (5) The Minister may cancel the declaration if satisfied that, because of a change in the circumstances on which the declaration was based, it is no longer appropriate for the person to be taken not to be a foreign person. 3  
4  
5  
6  
7

#### **48 Applications for declarations under s 6(4)** 8

- (1) This section applies to an application under repealed section 6(4) made, but not decided, before the commencement. 9  
10  
11
- (2) The application is taken to be withdrawn. 12

#### **49 Obligation to notify under repealed s 17 continued** 13 14

- (1) Despite its repeal, repealed section 17 continues to apply to a person in relation to the legal estate of an interest in land if, immediately before the commencement, the person had not complied with a requirement under the section to lodge a notification of ownership in relation to the interest. 15  
16  
17  
18  
19  
20  
21
- (2) For the purpose of subsection (1), a reference in repealed section 17(3) to a trustee notification of ownership is taken to be a reference to a notification of ownership. 22  
23  
24  
25

#### **50 Obligation to notify under repealed s 18 continued** 26 27

- (1) Despite its repeal, repealed section 18 continues to apply to a person who acquired an interest in land before the commencement if, immediately before the commencement, the person had not complied with a requirement under the section to 28  
29  
30  
31  
32

lodge a notification of ownership in relation to the  
interest. 1 2

- (2) For the purpose of subsection (1), a reference in  
repealed section 18(3) to a trustee notification of  
ownership is taken to be a reference to a  
notification of ownership. 3 4 5 6

## **51 Application of s 19 to particular persons** 7

- (1) This section applies if— 8
- (a) at the commencement, the legal estate of an  
interest in land is registered in the register,  
or recorded in the records of a relevant  
registering authority, in a person's name;  
and 9 10 11 12 13
  - (b) on the commencement, the person ceases to  
be a foreign person in relation to the  
interest. 14 15 16
- (2) Section 19 applies to the foreign person as if a  
reference in section 19(2) to the day on which the  
person ceases to be a foreign person were a  
reference to the day on which the person becomes  
aware the person ceased to be a foreign person  
under the amended Act. 17 18 19 20 21 22

## **52 Application of s 20 to particular persons** 23

- (1) This section applies if— 24
- (a) immediately before the commencement, the  
legal estate of an interest in land was  
recorded in the records of a registering  
authority in the name of a person who was  
not a foreign person under the unamended  
Act; and 25 26 27 28 29 30
  - (b) on the commencement, the person is a  
foreign person in relation to the interest. 31 32

[s 172]

- (2) Section 20 applies to the person as if a reference  
in section 20(2) to the day on which the person  
becomes a foreign person were a reference to the  
day on which the person becomes aware the  
person is a foreign person under the amended Act.

<b>Clause 172</b>	<b>Amendment of sch 1 (Dictionary)</b>	6
(1)	Schedule 1, definitions <i>corporation</i> , <i>foreign corporation</i> , <i>foreign natural person</i> , <i>foreign person</i> , <i>foreign trust</i> , <i>last</i> <i>accounting date</i> , <i>officer</i> , <i>share</i> and <i>year of income</i> —	7
	<i>omit</i> .	10
(2)	Schedule 1—	11
	<i>insert</i> —	12
	<i>corporation</i> see the Corporations Act, section 57A.	13
	<i>foreign person</i> see the <i>Duties Act 2001</i> , section 234.	15
	<i>foreign trust</i> see the <i>Duties Act 2001</i> , section 237.	17
	<i>notification of ownership</i> means a notice in the approved form about an interest in land held by a foreign person.	18
	<i>unallocated State land</i> see the <i>Land Act 1994</i> .	21
	<i>voting power</i> see the <i>Foreign Acquisitions and</i> <i>Takeovers Act 1975</i> (Cwlth), section 22.	22

## Part 7 Amendment of Land Act 1994 24

<b>Clause 173</b>	<b>Act amended</b>	25
	This part amends the <i>Land Act 1994</i> .	26
	<i>Note</i> —	27
	See also the amendments in schedule 1, part 1.	28

<b>Clause 174</b>	<b>Insertion of new ch 4, pt 3, div 2, sdiv 1AA</b>	1
	Chapter 4, part 3, division 2, before subdivision 1—	2
	<i>insert—</i>	3
	<b>Subdivision 1AA Improvements reports and notices and related matters</b>	4 5 6
	<b>156 Lessee must give improvements report and other information</b>	7 8
	(1) This section applies if, before the relevant day—	9
	(a) a lessee of a term lease has not made a renewal application; or	10 11
	(b) if the lessee has made a renewal application—the application has been refused.	12 13 14
	(2) The lessee must, within 1 month after the relevant day, give the Minister a report (an <b><i>improvements report</i></b> ) that states the following information for each building or other structure on the lease land—	15 16 17 18 19
	(a) the nature of the building or structure;	20
	(b) the condition of the building or structure;	21
	(c) the location of the building or structure;	22
	(d) whether the lessee proposes to remove the building or structure before the lease expires.	23 24 25
	(3) The improvements report may also include representations about why the Minister should not give the lessee an improvements notice requiring the lessee to take action under section 156A.	26 27 28 29
	(4) The Minister may also, by notice given to the lessee, require the lessee, within a stated reasonable period, to—	30 31 32

[s 174]

- (a) give the Minister information, or further information, about a building or other structure on the lease land; or
- (b) give the Minister a report, prepared by a person with a stated qualification or expertise and at the lessee's expense, about the condition of the buildings and other structures on the lease land.
- (5) If the lessee fails to comply with a requirement made under subsection (4)(b)—
  - (a) the Minister may obtain the report; and
  - (b) the cost of obtaining the report may be recovered from the lessee as a debt due to the State.
- (6) In this section—
 

*relevant day*, in relation to a lease, means the day that is—

  - (a) for a lease that has a term of 5 years or more—1 year before the expiry of the lease; or
  - (b) otherwise—6 months before the expiry of the lease.

#### **156A Minister may give improvements notice**

- (1) The Minister may, before the relevant day, give the lessee a notice (an *improvements notice*) requiring the lessee, within a stated period after the lease expires, to—
  - (a) carry out repairs to bring a stated building or another structure on the lease land into a good and substantial state of repair; or
  - (b) remove a stated building or another structure from the lease land; or

- 
- (c) remediate the lease land to the reasonable standard stated in the notice. 1 2
- (2) For subsection (1), the stated period must be a reasonable period, of not less than 3 months, having regard to the nature of the action required under the improvements notice. 3 4 5 6
- (3) An improvements notice may require the repair of a building or another structure only if the Minister is satisfied the building or structure is not in a good and substantial state of repair. 7 8 9 10
- (4) An improvements notice may require the removal of a building or another structure only if the Minister is satisfied— 11 12 13
- (a) 1 or more of the following applies for the building or structure— 14 15
- (i) the building or structure is not consistent with the purpose for which the lease was originally issued or, if the purpose has been changed under section 154, the purpose of the lease as changed; 16 17 18 19 20 21
- (ii) the presence of the building or structure on the lease land may substantially hinder options for the future use or allocation of the land; 22 23 24 25
- (iii) the presence of the building or structure on the lease land, or the condition of the building or structure, is likely to create a substantial liability for the State; 26 27 28 29 30
- (iv) the building or structure is not in a good and substantial state of repair and it is not practicable to bring the building or structure into a good and substantial state of repair; and 31 32 33 34 35
-

[s 174]

- 
- |     |   |                      |
|-----|---|----------------------|
| (b) | the lease is not subject to a condition requiring the building or structure to remain on the lease land or prohibiting its removal.                                   | 1<br>2<br>3          |
| (5) | An improvements notice may require the remediation of the lease land only if the Minister is satisfied—   | 4<br>5<br>6          |
| (a) | the land has been affected by a building or another structure on the land; or   | 7<br>8               |
| (b) | the land has been, or is likely to be, affected by the removal of a building or another structure from the land.  | 9<br>10<br>11        |
| (6) | In deciding whether to give the lessee an improvements notice, the Minister must consider any representations included in an improvements report given by the lessee. | 12<br>13<br>14<br>15 |
| (7) | The improvements notice must be accompanied by or include an information notice about the decision to give the improvements notice.                                   | 16<br>17<br>18       |
| (8) | The Minister may also give the lessee an improvements notice after the relevant day, but not later than 6 months after the lease expires, if the lessee—              | 19<br>20<br>21<br>22 |
| (a) | fails to give the Minister an improvements report under section 156; or   | 23<br>24             |
| (b) | gives the Minister an improvements report that is false or misleading in a material particular; or  | 25<br>26<br>27       |
| (c) | fails to comply with a requirement made under section 156(4)(a) or (b).   | 28<br>29             |
| (9) | In this section—  | 30                   |
|     | <i>relevant day</i> , in relation to a lease, means the day that is—  | 31<br>32             |



[s 174]

- (a) for a lease that has a term of 5 years or more—6 months before the expiry of the lease; or 1  
2  
3
- (b) otherwise—4 months before the expiry of the lease. 4  
5

### **156B Person must comply with improvements notice** 6 7

- (1) A person to whom an improvements notice is given (the *recipient*) must comply with the notice. 8  
9

*Note—* 10

See section 156C for the consequences of failing to comply with the notice. 11  
12

- (2) For taking action to comply with the improvements notice, the recipient, or another person (the *contractor*) taking the action for the recipient, may enter the land to which the notice applies only— 13  
14  
15  
16  
17

- (a) with the consent of the Minister; or 18

- (b) if the recipient or contractor has given the Minister a notice about the proposed entry at least 5 business days before the entry. 19  
20  
21

- (3) The notice under subsection (2)(b) must inform the Minister about— 22  
23

- (a) the intention to enter the land; and 24

- (b) the purpose of the entry; and 25

- (c) the days and times the entry is to be made. 26

- (4) In taking the action, the recipient or contractor must take all reasonable steps to ensure the recipient or contractor does as little damage as is practicable in the circumstances. 27  
28  
29  
30

- (5) If a person incurs loss or damage because of action taken by the recipient or contractor, the person is entitled to be paid by the recipient or 31  
32  
33

[s 175]

---

- contractor the reasonable compensation because 1  
of the loss or damage that is— 2
- (a) agreed between the recipient or contractor 3  
and the person; or 4
- (b) failing agreement, decided by a court having 5  
jurisdiction for the recovery of amounts up 6  
to the amount of compensation claimed. 7
- (6) The court may make an order about costs it 8  
considers just. 9

**156C Noncompliance with improvements notice** 10

- (1) This section applies if a person to whom an 11  
improvements notice is given fails to comply with 12  
the notice. 13
  - (2) The State may— 14
    - (a) take the action required under the 15  
improvements notice; and 16
    - (b) recover from the person the reasonable costs 17  
of taking the action as a debt due to the 18  
State. 19
  - (3) For subsection (2)(b), the costs of removing a 20  
building or other structure include costs 21  
reasonably incurred in disposing of the building 22  
or structure or part of it. 23
- Examples of disposal costs—* 24
- transport costs, dump fees, storage costs, costs of sale 25

**Clause 175 Amendment of s 157 (Expiry of lease)** 26

- Section 157(2), after ‘Subject to’— 27
- insert—* 28
- subdivision 1AA and 29

<b>Clause 176</b>	<b>Amendment of s 164 (What is a <i>rolling term lease</i>)</b>	1
	(1) Section 164(1)(a), '(a <i>tourism lease</i> )'—	2
	<i>omit.</i>	3
	(2) Section 164(3)—	4
	<i>insert—</i>	5
	<i>tourism lease</i> means a term lease, or a perpetual	6
	lease, for tourism purposes for land on a regulated	7
	island.	8
<b>Clause 177</b>	<b>Amendment of s 164A (Approval of lease as a rolling term lease)</b>	9
	Section 164A(1)—	10
	<i>omit, insert—</i>	11
	(1) The Minister may approve a lease as a rolling	12
	term lease as mentioned in section 164(1)(b)(ii)	13
	only if improvements on the lease land facilitate	14
	the tourism purposes of the tourism lease	15
	mentioned in section 164(1)(b)(i).	16
		17
<b>Clause 178</b>	<b>Insertion of new ss 180B and 180C</b>	18
	After section 180A—	19
	<i>insert—</i>	20
	<b>180B Chief executive may require report and other information</b>	21
	(1) This section applies if a permittee makes an	22
	application under section 180A(5) to surrender	23
	the permit.	24
	(2) The chief executive may, by notice given to the	25
	permittee, require the permittee, within a stated	26
	reasonable period, to give the chief executive a	27
	report that states the following information for	28
	each building or other structure on the permit	29
	land—	30
		31

[s 178]

- (a) the nature of the building or structure; 1
  - (b) the condition of the building or structure; 2
  - (c) the location of the building or structure; 3
  - (d) whether, if the permit is surrendered, the 4  
permittee proposes to apply under section 5  
180H(1) to remove the building or structure. 6
- (3) The chief executive may also, by notice given to 7  
the permittee, require the permittee, within a 8  
stated reasonable period, to— 9
  - (a) give the chief executive information, or 10  
further information, about a building or 11  
other structure on the permit land; or 12
  - (b) give the chief executive a report, prepared 13  
by a person with a stated qualification or 14  
expertise and at the permittee's expense, 15  
about the condition of the buildings and 16  
other structures on the permit land. 17
- (4) If the permittee fails to comply with a requirement 18  
made under subsection (3)(b)— 19
  - (a) the chief executive may obtain the report; 20  
and 21
  - (b) the cost of obtaining the report may be 22  
recovered from the permittee as a debt due 23  
to the State. 24

### **180C Chief executive may require improvements 25 report and other information 26**

- (1) The chief executive may, at any time before a 27  
permit is cancelled, by notice given to the 28  
permittee, require the permittee, within a stated 29  
reasonable period, to give the chief executive a 30  
report (an *improvements report*) that states the 31  
following information for each building or other 32  
structure on the permit land— 33

[s 179]

- (a) the nature of the building or structure; 1
  - (b) the condition of the building or structure; 2
  - (c) the location of the building or structure; 3
  - (d) whether, if the permit is cancelled, the 4  
permittee proposes to apply under section 5  
180H(1) to remove the building or structure. 6
- (2) The permittee must comply with the notice. 7
- (3) The improvements report may include 8  
representations about why the chief executive 9  
should not give the permittee an improvements 10  
notice requiring the permittee to take action under 11  
section 180I. 12
- (4) The chief executive may also, by notice given to 13  
the permittee, require the permittee, within a 14  
stated reasonable period, to— 15
  - (a) give the chief executive information, or 16  
further information, about a building or 17  
other structure on the permit land; or 18
  - (b) give the chief executive a report, prepared 19  
by a person with a stated qualification or 20  
expertise and at the permittee's expense, 21  
about the condition of the buildings and 22  
other structures on the permit land. 23
- (5) If the permittee fails to comply with a requirement 24  
made under subsection (4)(b)— 25
  - (a) the chief executive may obtain the report; 26  
and 27
  - (b) the cost of obtaining the report may be 28  
recovered from the permittee as a debt due 29  
to the State. 30

**Clause 179 Amendment of s 180H (Dealing with improvements)** 31  
Section 180H(1), after 'may'— 32

[s 180]

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*insert—*

, within 14 days after the permit is cancelled or  
surrendered,

**Clause 180 Insertion of new ss 180I–180K**

Chapter 4, part 4—

*insert—*

**180I Chief executive may give improvements  
notice**

(1) The chief executive may, within 3 months after a  
permit is cancelled, give the person who,  
immediately before the cancellation, was the  
permittee for the permit a notice (an  
***improvements notice***) requiring the person,  
within a stated period, to—

(a) carry out repairs to bring a stated building or  
another structure on the relevant land into a  
good and substantial state of repair; or

(b) remove a stated building or another structure  
from the relevant land; or

(c) remediate the relevant land to the reasonable  
standard stated in the notice.

(2) For subsection (1), the stated period must be a  
reasonable period, of not less than 3 months,  
having regard to the nature of the action required  
under the improvements notice.

(3) An improvements notice may require the repair of  
a building or another structure only if the chief  
executive is satisfied the building or structure is  
not in a good and substantial state of repair.

(4) An improvements notice may require the removal  
of a building or another structure only if the chief  
executive is satisfied—

[s 180]

- 
- |       |  |                            |
|-------|--|----------------------------|
| (a)   | 1 or more of the following applies for the building or structure—  | 1<br>2                     |
| (i)   | the building or structure is not consistent with the purpose for which the permit was issued;  | 3<br>4<br>5                |
| (ii)  | the presence of the building or structure on the relevant land may substantially hinder options for the future use or allocation of the land;  | 6<br>7<br>8<br>9           |
| (iii) | the presence of the building or structure on the relevant land, or the condition of the building or structure, is likely to be a substantial liability for the State;                    | 10<br>11<br>12<br>13<br>14 |
| (iv)  | the building or structure is not in a good and substantial state of repair and it is not practicable to bring the building or structure into a good and substantial state of repair; and | 15<br>16<br>17<br>18<br>19 |
| (b)   | the permit was not subject to a condition requiring the building or structure to remain on the relevant land or prohibiting its removal.   | 20<br>21<br>22<br>23       |
| (5)   | An improvements notice may require the remediation of the relevant land only if the chief executive is satisfied—  | 24<br>25<br>26             |
| (a)   | the land has been affected by a building or another structure on the land; or  | 27<br>28                   |
| (b)   | the land has been, or is likely to be, affected by the removal of a building or another structure from the land.   | 29<br>30<br>31             |
| (6)   | In deciding whether to give the person an improvements notice, the chief executive must consider any representations included in an improvements report given by the person.             | 32<br>33<br>34<br>35       |
-

[s 180]

- (7) The improvements notice must be accompanied by or include an information notice about the decision to give the improvements notice. 1  
2  
3
- (8) In this section— 4  
*relevant land*, in relation to a permit that has been cancelled, means the land that was subject to the permit before its cancellation. 5  
6  
7

### 180J Person must comply with improvements notice 8 9

- (1) A person to whom an improvements notice is given (the *recipient*) must comply with the notice. 10  
11  
*Note—* 12  
See section 180K for the consequences of failing to comply with the notice. 13  
14
- (2) For taking action to comply with the improvements notice, the recipient, or another person (the *contractor*) taking the action for the recipient, may enter the land to which the notice applies only— 15  
16  
17  
18  
19
  - (a) with the consent of the chief executive; or 20
  - (b) if the recipient or contractor has given the chief executive a notice about the proposed entry at least 5 business days before the entry. 21  
22  
23  
24
- (3) The notice under subsection (2)(b) must inform the chief executive about— 25  
26
  - (a) the intention to enter the land; and 27
  - (b) the purpose of the entry; and 28
  - (c) the days and times the entry is to be made. 29
- (4) In taking the action, the recipient or contractor must take all reasonable steps to ensure the recipient or contractor does as little damage as is practicable in the circumstances. 30  
31  
32  
33



[s 181]

- (5) If a person incurs loss or damage because of action taken by the recipient or contractor, the person is entitled to be paid by the recipient or contractor the reasonable compensation because of the loss or damage that is—
  - (a) agreed between the recipient or contractor and the person; or
  - (b) failing agreement, decided by a court having jurisdiction for the recovery of amounts up to the amount of compensation claimed.
- (6) The court may make an order about costs it considers just.

#### **180K Noncompliance with improvements notice**

- (1) This section applies if a person to whom an improvements notice is given fails to comply with the notice.
- (2) The State may—
  - (a) take the action required under the improvements notice; and
  - (b) recover from the person the reasonable costs of taking the action as a debt due to the State.
- (3) For subsection (2)(b), the costs of removing a building or other structure include costs reasonably incurred in disposing of the building or structure or part of it.

*Examples of disposal costs—*  
transport costs, dump fees, storage costs, costs of sale

**Clause 181      Insertion of new s 199B**  
After section 199A—  
*insert—*

[s 182]

<b>199B Conditions relating to buildings and other structures</b>	1
	2
All leases and permits are subject to the conditions that the lessee or permittee—	3
	4
(a) must keep all buildings and other structures on the lease land or permit land in a good and substantial state of repair; and	5
	6
	7
(b) must not erect on the lease land or permit land a building or other structure that is not consistent with—	8
	9
	10
(i) for a lease—the purpose for which the lease was originally issued or, if the purpose is changed under section 154, the purpose of the lease as changed; or	11
	12
	13
	14
(ii) for a permit—the purpose for which the permit was issued.	15
	16

<b>Clause 182</b>	<b>Amendment of s 214 (Minister's power to give remedial action notice)</b>	17
		18
(1)	Section 214—	19
	<i>insert—</i>	20
(2A)	If the notice relates to a lease and is given on the ground the Minister is satisfied the lessee has breached a condition of the lease applying under section 199B, the remedial action may require the lessee to—	21
		22
		23
		24
		25
(a)	for the breach of a condition applying under section 199B(a)—carry out repairs to bring a stated building or another structure into a good and substantial state of repair; or	26
		27
		28
		29
(b)	for the breach of a condition applying under section 199B(b)(i) or (ii)—remove or demolish a stated building or another structure.	30
		31
		32
		33

- (2) Section 214(2A) to (4)— 1  
*renumber* as section 214(3) to (5). 2

**Clause 183 Insertion of new s 214G** 3

Chapter 5, part 2, division 5— 4

*insert*— 5

**214G Noncompliance with particular remedial action notice** 6  
7

- (1) This section applies if a lessee fails to comply 8  
with a remedial action notice requiring the lessee 9  
to take remedial action mentioned in section 10  
214(3)(a) or (b) in relation to a stated building or 11  
another structure, whether or not the lessee has 12  
been convicted of an offence against section 13  
214D(1) for the noncompliance. 14
- (2) The State may— 15
- (a) take the remedial action required under the 16  
remedial action notice; or 17
- (b) if the remedial action required is the repair 18  
of a building or another structure—remove 19  
or demolish the building or structure if it 20  
would not be in the public interest for the 21  
State to carry out the repairs to the building 22  
or structure. 23
- (3) Also, the State may recover from the person the 24  
reasonable costs of taking the action under 25  
subsection (2)(a) or (b) as a debt due to the State. 26
- (4) Further, the Minister may decide whether it is 27  
appropriate in the circumstances to forfeit the 28  
lease. 29
- (5) Without limiting subsection (4), the Minister may 30  
decide it is appropriate to forfeit the lease if— 31

[s 184]

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- (a) the action required under the remedial action notice is the removal or demolition of a stated building or another structure; and
- (b) the building or structure is integral to the purpose for which the lease has been issued or, if the purpose has been changed under section 154, the purpose as changed.

**Clause 184      Insertion of new ch 5, pt 2, div 6**

Chapter 5, part 2—

*insert—*

**Division 6                  Compliance notices**

**214H Authorised officer may give compliance notice to permittee**

- (1) This section applies if an authorised officer reasonably believes a permittee is breaching, or has breached, a condition of the person’s permit.
- (2) The authorised officer may give the permittee a notice (a *compliance notice*) requiring the permittee to remedy the breach, including by refraining from doing an act.
- (3) The compliance notice must be accompanied by or include an information notice about the decision to give the compliance notice.
- (4) However, if it is not practicable to comply with subsection (3), the authorised officer must give the permittee the information notice as soon as practicable after the compliance notice is given.

**214I Requirements for compliance notice**

- (1) A compliance notice must state the following matters—

[s 184]

- 
- (a) that the authorised officer reasonably believes the permittee to whom the notice is given is breaching, or has breached, a condition of the person's permit;
  - (b) the condition the authorised officer believes is being, or has been, breached;
  - (c) the nature of the breach;
  - (d) the reasonable steps the permittee must take to remedy the breach;
  - (e) the reasonable period within which the permittee must take the steps to remedy the breach.
- (2) If the compliance notice requires the permittee to carry out work, it must also give details of the work involved.
  - (3) If the compliance notice requires the permittee to refrain from doing an act, it must also state—
    - (a) the period for which the requirement applies; or
    - (b) that the requirement applies until further notice.

#### **214J Failure to comply with compliance notice**

- (1) A person to whom a compliance notice is given under this division must comply with the notice unless the person has a reasonable excuse.  
Maximum penalty—400 penalty units.
- (2) If a person is convicted of an offence against subsection (1), the court may, as well as imposing a penalty for the offence, make—
  - (a) an order (a *compliance order*) that the person comply with all or part of the compliance notice within a stated period; and

[s 184]

---

(b) any other orders the court considers appropriate. 1  
2

(3) Without limiting subsection (2)(b), if the 3  
compliance notice requires the person to remove 4  
a thing from the land to which the person's permit 5  
relates, the court may order that the thing be 6  
forfeited to the State if the person fails to remove 7  
the thing within the period stated in the 8  
compliance order. 9

#### **214K State may take action and recover costs** 10

(1) This section applies if a person subject to a 11  
compliance order does not comply with the order 12  
within the period stated in the order. 13

(2) The State may— 14

(a) take the action required under the 15  
compliance order; and 16

(b) recover from the person the reasonable costs 17  
of taking the action as a debt due to the 18  
State. 19

#### **214L How forfeited property may be dealt with** 20

(1) This section applies if a thing is forfeited to the 21  
State because of a person's noncompliance with a 22  
compliance order. 23

(2) The chief executive may deal with the thing as the 24  
chief executive considers appropriate, including, 25  
for example, by destroying it, giving it away or 26  
otherwise disposing of it. 27

(3) However, the chief executive must not deal with 28  
the thing in a way that could prejudice the 29  
outcome of an appeal against the making of the 30  
compliance order. 31

(4) The State may recover from the person the 32

[s 185]

reasonable costs of disposing of the thing as a debt due to the State.	1
	2
<i>Examples of disposal costs—</i>	3
transport costs, dump fees, storage costs, costs of sale	4
(5) If the chief executive sells the thing or any part of it, the amount for which the thing or part is sold must be offset against—	5
	6
	7
(a) the amount the State may otherwise recover under subsection (4); and	8
	9
(b) any amount the State may otherwise recover under section 214K for doing a thing required under the compliance order.	10
	11
	12
(6) If the amount for which the thing or part is sold is greater than the total of the amounts mentioned in subsection (5)(a) and (b), the chief executive must, after deducting the total of those amounts, make reasonable efforts to return the proceeds of the sale to the person.	13
	14
	15
	16
	17
	18
<b>Clause 185 Amendment of s 234 (When lease may be forfeited)</b>	19
(1) Section 234(b)—	20
<i>omit, insert—</i>	21
(b) if the lessee breaches a condition of the lease, other than—	22
	23
(i) a condition of the lease applying under section 199B(a) or (b); or	24
	25
(ii) a condition that the lessee comply with a land management agreement for the lease; or	26
	27
	28
<i>Note—</i>	29
A breach of a condition mentioned in subparagraph (i) or (ii) may be dealt with by a remedial action notice.	30
	31
	32

[s 186]

- (ba) if the lessee fails to comply with a remedial  
action notice requiring the lessee to take  
remedial action to remedy a breach of a  
condition of the lease applying under  
section 199B(a) or (b); or
- (2) Section 234(ba) to (d)—  
*renumber* as section 234(c) to (e).

## Clause 186 Insertion of new s 242A

After section 242—

*insert—*

### **242A Minister may require improvements report and other information**

- (1) This section applies if the Minister has given a  
lessee a notice under section 235(1) or 238(3).
- (2) The Minister may, by notice given to the lessee,  
require the lessee to give the Minister, within a  
stated reasonable period, a report (an  
***improvements report***) that states the following  
information for each building or other structure on  
the lease land—
  - (a) the nature of the building or structure;
  - (b) the condition of the building or structure;
  - (c) the location of the building or structure;
  - (d) whether, if the lease is forfeited, the lessee  
proposes to apply under section 243(1A) to  
remove the building or structure.
- (3) The lessee must comply with the notice.
- (4) The improvements report may include  
representations about why the Minister should not  
give the lessee an improvements notice requiring  
the lessee to take action under section 244.
- (5) The Minister may also, by notice given to the



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- lessee, require the lessee, within a stated  
reasonable period, to—
- (a) give the Minister information, or further  
information, about a building or other  
structure on the lease land; or
  - (b) give the Minister a report, prepared by a  
person with a stated qualification or  
expertise and at the lessee's expense, about  
the condition of the buildings and other  
structures on the lease land.
- (6) If the lessee fails to comply with a requirement  
made under subsection (5)(b)—
- (a) the Minister may obtain the report; and
  - (b) the cost of obtaining the report may be  
recovered from the lessee as a debt due to  
the State.

**Clause 187 Amendment of s 243 (Improvements on forfeited lease)**

Section 243(1A), after 'may'—

*insert—*

, within 14 days after the lease is forfeited,

**Clause 188 Insertion of new ss 244–244B**

After section 243—

*insert—*

**244 Minister may give improvements notice**

(1) The Minister may, within 3 months after a lease is  
forfeited, give the person who, immediately  
before the forfeiture, was the lessee of the lease a  
notice (an *improvements notice*) requiring the  
person, within a stated period, to—

[s 188]

---

- (a) carry out repairs to bring a stated building or another structure on the relevant land into a good and substantial state of repair; or
  - (b) remove a stated building or another structure from the relevant land; or
  - (c) remediate the relevant land to the reasonable standard stated in the notice.
- (2) For subsection (1), the stated period must be a reasonable period, of not less than 3 months, having regard to the nature of the action required under the improvements notice.
- (3) An improvements notice may require the repair of a building or another structure only if the Minister is satisfied the building or structure is not in a good and substantial state of repair.
- (4) An improvements notice may require the removal of a building or another structure only if the Minister is satisfied—
  - (a) 1 or more of the following applies for the building or structure—
    - (i) the building or structure is not consistent with the purpose for which the lease was originally issued or, if the purpose has been changed under section 154, the purpose of the lease as changed;
    - (ii) the presence of the building or structure on the relevant land may substantially hinder options for the future use or allocation of the relevant land;
    - (iii) the presence of the building or structure on the relevant land, or the condition of the building or structure, is likely to be a substantial liability for the State;

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- (iv) the building or structure is not in a good and substantial state of repair and it is not practicable to bring the building or structure into a good and substantial state of repair; and
- (b) the lease was not subject to a condition requiring the building or structure to remain on the lease land or prohibiting its removal.
- (5) An improvements notice may require the remediation of the relevant land only if the Minister is satisfied—
  - (a) the land has been affected by a building or another structure on the land; or
  - (b) the land has been, or is likely to be, affected by the removal of a building or another structure from the land.
- (6) In deciding whether to give the person an improvements notice, the Minister must consider any representations included in an improvements report given by the person.
- (7) The improvements notice must be accompanied by or include an information notice about the decision to give the improvements notice.
- (8) In this section—  
*relevant land*, in relation to a lease that has been forfeited, means the land that was subject to the lease before its forfeiture.

#### **244A Person must comply with improvements notice**

- (1) A person to whom an improvements notice is given (the *recipient*) must comply with the notice.
- Note—*
- See section 244B for the consequences of failing to comply with the notice.

[s 188]

---

- |     |   |    |
|-----|---|----|
| (2) | For taking action to comply with the                      | 1  |
|     | improvements notice, the recipient, or another            | 2  |
|     | person (the <b>contractor</b> ) taking the action for the | 3  |
|     | recipient, may enter the land to which the notice         | 4  |
|     | applies only—   | 5  |
| (a) | with the consent of the Minister; or                      | 6  |
| (b) | if the recipient or contractor has given the              | 7  |
|     | Minister a notice about the proposed entry at             | 8  |
|     | least 5 business days before the entry.                   | 9  |
| (3) | The notice under subsection (2)(b) must inform            | 10 |
|     | the Minister about—                                       | 11 |
| (a) | the intention to enter the land; and                      | 12 |
| (b) | the purpose of the entry; and                             | 13 |
| (c) | the days and times the entry is to be made.               | 14 |
| (4) | In taking the action, the recipient or contractor         | 15 |
|     | must take all reasonable steps to ensure the              | 16 |
|     | recipient or contractor does as little damage as is       | 17 |
|     | practicable in the circumstances.                         | 18 |
| (5) | If a person incurs loss or damage because of              | 19 |
|     | action taken by the recipient or contractor, the          | 20 |
|     | person is entitled to be paid by the recipient or         | 21 |
|     | contractor the reasonable compensation because            | 22 |
|     | of the loss or damage that is—                            | 23 |
| (a) | agreed between the recipient or contractor                | 24 |
|     | and the person; or  | 25 |
| (b) | failing agreement, decided by a court having              | 26 |
|     | jurisdiction for the recovery of amounts up               | 27 |
|     | to the amount of compensation claimed.                    | 28 |
| (6) | The court may make an order about costs it                | 29 |
|     | considers just.   | 30 |

## **244B Noncompliance with improvements notice**

31

- |     |   |    |
|-----|---|----|
| (1) | This section applies if a person to whom an       | 32 |
|     | improvements notice is given fails to comply with | 33 |

[s 189]

	the notice.	1
(2)	The State may—	2
(a)	take the action required under the improvements notice; and	3 4
(b)	recover from the person the reasonable costs of taking the action as a debt due to the State.	5 6 7
(3)	For subsection (2)(b), the costs of removing a building or other structure include costs reasonably incurred in disposing of the building or structure or part of it.	8 9 10 11
	<i>Examples of disposal costs—</i>	12
	transport costs, dump fees, storage costs, costs of sale	13
<b>Clause 189</b>	<b>Insertion of new s 280AA</b>	14
	After section 280A—	15
	<i>insert—</i>	16
	<b>280AA Particulars that may be removed</b>	17
	The chief executive may remove from a register anything recorded under section 280 if—	18 19
(a)	the chief executive no longer considers the thing should be recorded to ensure the register is an accurate, comprehensive and useable record of the land and dealings to which the register relates; and	20 21 22 23 24
(b)	the removal of the thing will not prejudice the rights of the holder of an interest in a lease, licence, permit or reserve.	25 26 27
<b>Clause 190</b>	<b>Insertion of new s 287A</b>	28
	After section 287—	29
	<i>insert—</i>	30

[s 191]

**287A Registration of, or dealing with, particular documents**

- (1) This section applies if a document is lodged or deposited other than in compliance with a requirement under this Act.
- (2) The chief executive may register, or otherwise deal with, the document if the chief executive is satisfied it is reasonable not to require the compliance.

**Clause 191 Amendment of s 294E (Registration of building management statement)**

Section 294E—

*insert—*

- (3) A registered building management statement binds the successors in title to the lessee of each lot to which the statement applies.

**Clause 192 Amendment of s 305 (Requisitions)**

Section 305—

*insert—*

- (6) Also, subsections (7) and (8) apply in relation to a document that is lodged if the chief executive is satisfied—
  - (a) the document is not capable of registration; and
  - (b) the reason the document is not capable of registration is not a matter for which a requisition may be given under subsection (1).
- (7) The chief executive may give notice (also the **requisition**) to the person who lodged the document, or to another person who reasonably

[s 193]

	appears to the chief executive to be relevantly associated with the document, stating—	1 2
	(a) that the document is not capable of registration; and	3 4
	(b) why the document is not capable of registration.	5 6
	(8) The requisition may, if it relates to an electronic conveyancing document, be accompanied by a copy of the document.	7 8 9
<b>Clause 193</b>	<b>Amendment of s 306 (Rejecting document for failure to comply with requisition)</b>	10 11
	(1) Section 306, heading, ‘for failure to comply with requisition’—	12 13
	<i>omit, insert—</i>	14
	<b>after requisition given</b>	15
	(2) Section 306(1)—	16
	<i>omit, insert—</i>	17
	(1) The chief executive may reject a document to which a requisition relates and any document that depends on it for registration if—	18 19 20
	(a) for a requisition given under section 305(1)—the requisition is not complied with by a person within the time stated or extended by the chief executive; or	21 22 23 24
	(b) the requisition is given under section 305(7).	25 26
	(3) Section 306(6), ‘rejected document’—	27
	<i>omit, insert—</i>	28
	document rejected under subsection (1)(a)	29

[s 194]

---

**Clause 194 Insertion of new s 327D**

After section 327C—

*insert—*

**327D Minister may require report and other information**

- (1) This section applies if a lessee makes an application under section 327C(1) to surrender all or part of a lease.
- (2) The Minister may, by notice given to the lessee, require the lessee, within a stated reasonable period, to give the Minister a report that states the following information for each building or other structure on the lease land—
  - (a) the nature of the building or structure;
  - (b) the condition of the building or structure;
  - (c) the location of the building or structure;
  - (d) whether, if the lease is surrendered, the lessee proposes to apply under section 327I(1) to remove the building or structure.
- (3) The Minister may also, by notice given to the lessee, require the lessee, within a stated reasonable period, to—
  - (a) give the Minister information, or further information, about a building or other structure on the lease land; or
  - (b) give the Minister a report, prepared by a person with a stated qualification or expertise and at the lessee's expense, about the condition of the buildings and other structures on the lease land.
- (4) If the lessee fails to comply with a requirement made under subsection (3)(b)—
  - (a) the Minister may obtain the report; and



[s 195]

- (b) the cost of obtaining the report may be  
recovered from the lessee as a debt due to  
the State.

**Clause 195      Amendment of s 328 (Surrender of subleases)**

- (1) Section 328(1), ‘an instrument’—  
*omit, insert—*  
a document
- (2) Section 328(3) and (5), ‘a surrender’—  
*omit, insert—*  
a document of surrender
- (3) Section 328(4)—  
*omit, insert—*  
(3A) Also, if a registered sublease (the *surrendered sublease*) has been wholly or partly surrendered by operation of law, the chief executive may register a document evidencing the surrender if satisfied every registered mortgagee and registered sub-sublessee of the sublessee under the surrendered sublease has been given notice of the surrender.
- (4) If a document of surrender of a sublease is lodged, the chief executive may register the document and record the date of surrender stated in the document in the leasehold land register.
- (4) Section 328(3A) to (6)—  
*renumber* as section 328(4) to (7).

**Clause 196      Amendment of s 373A (Covenant by registration)**

- (1) Section 373A—  
*insert—*

[s 196]

- 
- |      |  |    |
|------|--|----|
| (2A) | Despite subsection (2)(c), non-freehold land the         | 1  |
|      | subject of a sublease may be made the subject of         | 2  |
|      | a covenant without the consent of the sublessee          | 3  |
|      | if—  | 4  |
| (a)  | the non-freehold land is—                                | 5  |
| (i)  | all or part of land the subject of a term                | 6  |
|      | lease, or perpetual lease, for tourism                   | 7  |
|      | purposes on a regulated island (a                        | 8  |
|      | <i>tourism lease</i> ); or                               | 9  |
| (ii) | all or part of land the subject of a lease               | 10 |
|      | that includes tidal water land (a <i>tidal</i>           | 11 |
|      | <i>water land lease</i> ); and                           | 12 |
| (b)  | the covenant is for ensuring—                            | 13 |
| (i)  | for non-freehold land mentioned in                       | 14 |
|      | paragraph (a)(i)—the tourism lease                       | 15 |
|      | may be transferred to a person only if                   | 16 |
|      | there is also transferred to the person a                | 17 |
|      | lease of other non-freehold land the                     | 18 |
|      | subject of a tidal water land lease; or                  | 19 |
| (ii) | for non-freehold land mentioned in                       | 20 |
|      | paragraph (a)(ii)—the tidal water land                   | 21 |
|      | lease may be transferred to a person                     | 22 |
|      | only if there is also transferred to the                 | 23 |
|      | person a lease of other non-freehold                     | 24 |
|      | land the subject of a tourism lease.                     | 25 |
| (2)  | Section 373A(4), ‘instrument’—                           | 26 |
|      | <i>omit, insert—</i>                                     | 27 |
|      | document   | 28 |
| (3)  | Section 373A(5)(c), after ‘ensuring’—                    | 29 |
|      | <i>insert—</i>   | 30 |
|      | a relevant interest in                                   | 31 |
| (4)  | Section 373A(5)(c)(i), before ‘other non-freehold land’— | 32 |
|      | <i>insert—</i>   | 33 |
-

[s 197]

- a relevant interest in 1
- (5) Section 373A(5)(c)(iii), before ‘non-freehold land’— 2  
*insert—* 3
- a relevant interest in 4
- (6) Section 373A(6)— 5  
*omit.* 6
- (7) Section 373A(12)— 7  
*insert—* 8
- relevant interest***, in non-freehold land, means— 9
- (a) a lease of the land; or 10
- (b) a road licence issued over the land; or 11
- (c) an occupation licence issued over the land. 12

- Clause 197 Amendment of s 377 (Registering personal representative)** 13  
14
- (1) Section 377(1), ‘lodge an application’— 15  
*omit, insert—* 16
- apply to the chief executive 17
- (2) Section 377(2)(a)— 18  
*omit, insert—* 19
- (a) the person has obtained— 20
- (i) a grant of representation in 21  
Queensland; or 22
- (ii) the resealing in Queensland of a grant 23  
of representation; or 24

- Clause 198 Amendment of s 380 (Applying for Supreme Court order)** 25
- Section 380(1)(c)— 26  
*insert—* 27

[s 199]

	(iii) a lease, sublease or licence registered in the name of a person as personal representative.	1 2
	<i>Example of a person interested in a lease, sublease or licence mentioned in subparagraph (iii)—</i>	3 4
	a person claiming to be entitled to be appointed as personal representative in the place of the person in whose name the lease, sublease or licence is registered	5 6 7 8
<b>Clause 199</b>	<b>Amendment of s 389C (Requirements of caveats)</b>	9
	(1) Section 389C(2)(c)(ii)—	10
	<i>omit, insert—</i>	11
	(ii) each other person whose interest or whose right to registration of a document is affected by the caveat; and	12 13 14
	(2) Section 389C—	15
	<i>insert—</i>	16
	(2A) Without limiting subsection (2)(b), the address stated may be the address of a stated legal practitioner.	17 18 19
<b>Clause 200</b>	<b>Replacement of s 389E (Notifying caveat)</b>	20
	Section 389E—	21
	<i>omit, insert—</i>	22
	<b>389E Notifying caveat</b>	23
	The chief executive must give notice of the lodgement of a caveat to each person mentioned in section 389C(2)(c)(i) and (ii).	24 25 26
<b>Clause 201</b>	<b>Amendment of s 389F (Effect of lodging caveat)</b>	27
	(1) Section 389F(3)—	28
	<i>insert—</i>	29

[s 202]

(da) if the caveator is a person who has the benefit of an order mentioned in section 389D(1)(c)—a document for a dealing other than a dealing restrained by the order;

*Example—*

A caveat lodged by a person who has the benefit of an order mentioned in section 389D(1)(c) restrains the lessee of a lease issued under this Act from subleasing the lease. The lodgement of the caveat does not prevent registration of a mortgage of the lease.

(2) Section 389F(3)(da) and (e)—  
*renumber* as section 389F(3)(e) and (f).

## **Clause 202 Amendment of s 389I (Cancelling caveat)**

(1) Section 389I(2)—  
*insert—*

(d) if the caveator is a person who has the benefit of an order mentioned in section 389D(1)(c)—the proceeding in which the order was made has been discontinued or dismissed, or has otherwise ended.

(2) Section 389I(4), ‘remove’—  
*omit, insert—*

cancel

(3) Section 389I—  
*insert—*

(5) Also, the chief executive may cancel a caveat lodged by a person who has the benefit of an order mentioned in section 389D(1)(c) if—

(a) a document for a dealing other than a dealing restrained by the order is registered; and

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---

- (b) because of the registration of the document, 1  
the order can have no further effect to 2  
restrain dealings by the person subject to the 3  
order. 4

**Clause 203 Insertion of new ch 6A 5**

After chapter 6— 6

*insert—* 7

**Chapter 6A Investigation and 8  
enforcement 9**

**Part 1 Preliminary 10**

**390C Definitions for chapter 11**

In this chapter— 12

*court* means a Magistrates Court. 13

*disposal order* see section 390ZT(2). 14

*document certification requirement* see section 15  
390ZW(6). 16

*document production requirement* see section 17  
390ZW(2). 18

*electronic document* means a document of a type 19  
under the *Acts Interpretation Act 1954*, schedule 20  
1, definition *document*, paragraph (c). 21

*former owner* see section 390ZQ(1). 22

*general power* see section 390ZD(1) and (2). 23

*help requirement* see section 390ZE(1). 24

*occupier*, of a place, includes the following— 25

[s 203]

- (a) if there is more than 1 person who  
apparently occupies the place—any 1 of the  
persons; 1 2 3
- (b) any person at the place who is apparently  
acting with the authority of a person who  
apparently occupies the place; 4 5 6
- (c) if no-one apparently occupies the place— 7
  - (i) for a place that is non-freehold land— 8
    - the lessee, licensee, permittee or trustee 9
    - of the land; or 10
  - (ii) for a place that is freehold land—any 11
    - person who is a registered owner of the 12
    - place. 13

*of*, a place, includes at or on the place. 14

*offence warning*, for a direction or requirement 15  
by an authorised officer, means a warning that, 16  
without a reasonable excuse, it is an offence for 17  
the person to whom the direction is given, or of 18  
whom the requirement is made, not to comply 19  
with it. 20

*owner*, of a thing that has been seized under this 21  
chapter, includes a person who would be entitled 22  
to possession of the thing had it not been seized. 23

*personal details requirement* see section 24  
390ZU(5). 25

*person in control*— 26

- (a) of a vehicle, includes— 27
  - (i) the vehicle's driver or rider; and 28
  - (ii) anyone who reasonably appears to be, 29
    - claims to be, or acts as if he or she is, 30
    - the vehicle's driver or rider or the 31
    - person in control of the vehicle; or 32
- (b) of another thing, includes anyone who 33
  - reasonably appears to be, claims to be, or 34

[s 203]

acts as if he or she is, the person in	1
possession or control of the thing.	2
<b>place</b> includes the following—	3
(a) freehold land;	4
(b) non-freehold land;	5
(c) premises;	6
(d) a place in Queensland waters;	7
(e) a place held under more than 1 title or by	8
more than 1 owner;	9
(f) the land or water on or in which a building	10
or other structure, or a group of buildings or	11
other structures, is situated.	12
<b>premises</b> includes—	13
(a) a building or other structure; and	14
(b) a part of a building or other structure; and	15
(c) a caravan or vehicle; and	16
(d) a cave or tent; and	17
(e) premises held under more than 1 title or by	18
more than 1 owner.	19
<b>public place</b> means a place, or part of a place—	20
(a) that the public is entitled to use, whether or	21
not on payment of money; or	22
<i>Examples of a place that may be a public place under</i>	23
<i>paragraph (a)—</i>	24
a beach, a park, a road	25
(b) the occupier of which allows, whether or not	26
on payment of money, members of the	27
public to enter.	28
<i>Examples of a place that may be a public place under</i>	29
<i>paragraph (b)—</i>	30
a saleyard, a showground	31



- 
- vehicle—** 1
- (a) means a vehicle under the *Transport Operations (Road Use Management) Act 1995*; and 2  
3  
4
- (b) includes a vessel under that Act. 5

**Part 2                      General provisions** 6  
**about authorised** 7  
**officers** 8

**Division 1                Appointment** 9

**390D Functions of authorised officers** 10

- An authorised officer has the following 11  
functions— 12
- (a) to investigate, monitor and enforce 13  
compliance with this Act; 14
- (b) to investigate or monitor whether an 15  
occasion has arisen for the exercise of 16  
powers under this Act; 17
- (c) to facilitate the exercise of powers under this 18  
Act. 19

**390E Appointment and qualifications** 20

- (1) The chief executive may, by instrument in 21  
writing, appoint any of the following persons as 22  
authorised officers— 23
- (a) a public service employee; or 24
- (b) another person prescribed by regulation. 25
- (2) However, the chief executive may appoint a 26  
person as an authorised officer only if the chief 27

[s 203]

executive is satisfied the person is appropriately  
qualified. 1  
2

### **390F Appointment conditions and limit on powers** 3

- (1) An authorised officer holds office on any 4  
conditions stated in— 5
  - (a) the authorised officer's instrument of 6  
appointment; or 7
  - (b) a signed notice given to the authorised 8  
officer; or 9
  - (c) a regulation. 10
- (2) The instrument of appointment, a signed notice 11  
given to the authorised officer or a regulation may 12  
limit the authorised officer's powers. 13
- (3) In this section— 14  
*signed notice* means a notice signed by the chief 15  
executive. 16

### **390G When office ends** 17

- (1) The office of a person as an authorised officer 18  
ends if any of the following happens— 19
  - (a) the term of office stated in a condition of 20  
office ends; 21
  - (b) under another condition of office, the office 22  
ends; 23
  - (c) the authorised officer's resignation under 24  
section 390H takes effect. 25
- (2) Subsection (1) does not limit the ways the office 26  
of a person as an authorised officer ends. 27
- (3) In this section— 28  
*condition of office* means a condition under 29  
which the authorised officer holds office. 30

<b>390H Resignation</b>	1
(1) An authorised officer may resign by signed notice given to the chief executive.	2 3
(2) However, if holding office as an authorised officer is a condition of the authorised officer holding another office, the authorised officer may not resign as an authorised officer without resigning from the other office.	4 5 6 7 8
 <b>Division 2            Identity cards</b>	 9
 <b>390I Issue of identity card</b>	 10
(1) The chief executive must issue an identity card to each authorised officer.	11 12
(2) The identity card must—	13
(a) contain a recent photo of the authorised officer; and	14 15
(b) contain a copy of the authorised officer's signature; and	16 17
(c) identify the person as an authorised officer under this Act; and	18 19
(d) state an expiry date for the card.	20
(3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.	21 22 23
 <b>390J Production or display of identity card</b>	 24
(1) In exercising a power in relation to a person in the person's presence, an authorised officer must—	25 26
(a) produce the authorised officer's identity card for the person's inspection before exercising the power; or	27 28 29

[s 203]

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(b) have the identity card displayed so it is clearly visible to the person when exercising the power.	1 2 3
(2) However, if it is not practicable to comply with subsection (1), the authorised officer must produce the identity card for the person's inspection at the first reasonable opportunity.	4 5 6 7
(3) For subsection (1), an authorised officer does not exercise a power in relation to a person only because the authorised officer has entered a place as mentioned in section 390N(1)(b), (f) or (g).	8 9 10 11
<b>390K Return of identity card</b>	12
If the office of a person as an authorised officer ends, the person must return the person's identity card to the chief executive within 21 days after the office ends unless the person has a reasonable excuse.	13 14 15 16 17
Maximum penalty—10 penalty units.	18
<b>Division 3                      Miscellaneous provisions</b>	19
<b>390L References to exercise of powers</b>	20
If—	21
(a) a provision of this Act refers to the exercise of a power by an authorised officer; and	22 23
(b) there is no reference to a specific power;	24
the reference is to the exercise of all or any authorised officers' powers under this chapter or a warrant, to the extent the powers are relevant.	25 26 27

<b>390M Reference to document includes reference to reproductions from electronic document</b>	1 2
A reference in this chapter to a document includes a reference to an image or writing—	3 4
(a) produced from an electronic document; or	5
(b) not yet produced, but reasonably capable of being produced, from an electronic document, with or without the aid of another article or device.	6 7 8 9
 <b>Part 3 Entry of places by authorised officers</b>	 10 11
 <b>Division 1 Power to enter</b>	 12
 <b>390N General power to enter places</b>	 13
(1) An authorised officer may enter a place, for a purpose of this Act or the Vegetation Management Act, if—	14 15 16
(a) an occupier at the place consents under division 2 to the entry and section 390Q has been complied with for the occupier; or	17 18 19
(b) the place is unallocated State land or relevant trust land; or	20 21
(c) the place is non-freehold land subject to a trust, lease, licence or permit, or freehold land containing a reservation for a public purpose, and the authorised officer reasonably believes—	22 23 24 25 26
(i) the terms or conditions of the trust, lease, licence, permit or reservation applying to the land are not being complied with; or	27 28 29 30

[s 203]

- 
- |       |  |                                 |
|-------|--|---------------------------------|
| (ii)  | this Act is not being complied with; or  | 1                               |
| (d)   | the place is non-freehold land and the authorised officer reasonably suspects a building or other structure or equipment on the land is dangerous and poses a serious risk to the safety of the public; or   | 2<br>3<br>4<br>5<br>6           |
|       | <i>Note—</i>   | 7                               |
|       | See chapter 7, part 1A in relation to safety notices.  | 8                               |
| (e)   | the place is non-freehold land (other than unallocated State land or relevant trust land), or freehold land containing a reservation for a public purpose, and the entry is made at least 14 days after giving the occupier of the place a notice stating— | 9<br>10<br>11<br>12<br>13<br>14 |
| (i)   | the authorised officer's intention to enter the place; and   | 15<br>16                        |
| (ii)  | the proposed purpose of entering the place; and  | 17<br>18                        |
| (iii) | the day and time, or the 48 hour period during which, the authorised officer proposes to enter the place; or   | 19<br>20<br>21                  |
| (f)   | the place is a public place and the entry is made when the place is open to the public; or   | 22<br>23<br>24                  |
| (g)   | the place is the place of business of a lessee, licensee or permittee and is—  | 25<br>26                        |
| (i)   | open for carrying on the business; or  | 27                              |
| (ii)  | otherwise open for entry; or   | 28                              |
| (h)   | the entry is authorised under a warrant and, if there is an occupier of the place, section 390X has been complied with for the occupier.   | 29<br>30<br>31<br>32            |
| (2)   | However, subsection (1)(a) to (g) does not authorise the entry of a part of the place consisting   | 33<br>34                        |
-

- 
- of premises where a person resides. 1
  - (3) If the power to enter arose only because an 2  
occupier of the place consented to the entry, the 3  
power is subject to any conditions of the consent 4  
and ceases if the consent is withdrawn. 5
  - (4) If the power to enter is under a warrant, the power 6  
is subject to the terms of the warrant. 7
  - (5) The consent may provide consent for re-entry and 8  
is subject to the conditions of consent. 9
  - (6) If the power to re-enter is under a warrant, the 10  
re-entry is subject to the terms of the warrant. 11
  - (7) In this section— 12  
*relevant trust land* means— 13
    - (a) trust land of which the State is the trustee; or 14
    - (b) trust land for which there is no trustee. 15

## **Division 2            Entry by consent** 16

### **390O Application of division** 17

This division applies if an authorised officer 18  
intends to ask an occupier of a place to consent to 19  
the authorised officer or another authorised 20  
officer entering the place under section 21  
390N(1)(a). 22

### **390P Incidental entry to ask for access** 23

For the purpose of asking the occupier for the 24  
consent, an authorised officer may, without the 25  
occupier's consent or a warrant— 26

- (a) enter land around premises at the place to an 27  
extent that is reasonable to contact the 28  
occupier; or 29

[s 203]

---

- (b) enter part of the place the authorised officer reasonably considers members of the public ordinarily are allowed to enter when they wish to contact an occupier of the place. 1  
2  
3  
4

**390Q Matters authorised officer must tell occupier** 5

Before asking for the consent, the authorised officer must— 6  
7

- (a) explain to the occupier the purpose of the entry, including the powers intended to be exercised; and 8  
9  
10
- (b) tell the occupier that— 11
  - (i) the occupier is not required to consent; 12  
and 13
  - (ii) the consent may be given subject to conditions and may be withdrawn at any time. 14  
15  
16

**390R Consent acknowledgement** 17

- (1) If the consent is given, the authorised officer may ask the occupier to sign an acknowledgement of the consent. 18  
19  
20
- (2) The acknowledgement must state— 21
  - (a) the purpose of the entry, including the powers to be exercised; and 22  
23
  - (b) that the occupier has been given an explanation about the purpose of the entry, including the powers intended to be exercised; and 24  
25  
26  
27
  - (c) that the occupier has been told— 28
    - (i) that the occupier is not required to consent; and 29  
30



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- 
- (ii) that the consent may be given subject to conditions and may be withdrawn at any time; and
    - (d) that the occupier gives the authorised officer or another authorised officer consent to enter the place and exercise the powers; and
    - (e) the day and time the consent was given; and
    - (f) any conditions of the consent.
  - (3) If the occupier signs the acknowledgement, the authorised officer must immediately give a copy to the occupier.
  - (4) However, if it is not practicable to comply with subsection (3), the authorised officer must give the occupier a copy of the acknowledgement at the first reasonable opportunity.
  - (5) If—
    - (a) an issue arises in a proceeding about whether the occupier consented to the entry; and
    - (b) a signed acknowledgement complying with subsection (2) for the entry is not produced in evidence;
 the onus of proof is on the person relying on the lawfulness of the entry to prove the occupier consented.

## **Division 3            Entry under warrant**

### **Subdivision 1    Obtaining warrant**

#### **390S Application for warrant**

- (1) An authorised officer may apply to a magistrate

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- |  |    |
|--|----|
| for a warrant for a place.                         | 1  |
| (2) The authorised officer must prepare a written  | 2  |
| application that states the grounds on which the   | 3  |
| warrant is sought.                                 | 4  |
| (3) The written application must be sworn.         | 5  |
| (4) The magistrate may refuse to consider the      | 6  |
| application until the authorised officer gives the | 7  |
| magistrate all the information the magistrate      | 8  |
| requires about the application in the way the      | 9  |
| magistrate requires.                               | 10 |
| <i>Example—</i>                                    | 11 |
| The magistrate may require additional information  | 12 |
| supporting the written application to be given by  | 13 |
| statutory declaration.                             | 14 |

### **390T Issue of warrant** 15

- |  |    |
|--|----|
| (1) The magistrate may issue the warrant for the place | 16 |
| only if the magistrate is satisfied there are          | 17 |
| reasonable grounds for suspecting there is at the      | 18 |
| place, or will be at the place within the next 7       | 19 |
| days, a particular thing or activity that may          | 20 |
| provide evidence of—                                   | 21 |
| (a) the commission of an offence against this          | 22 |
| Act; or  | 23 |
| (b) the breach of a condition of a person's lease,     | 24 |
| licence or permit.                                     | 25 |
| (2) The warrant must state—                            | 26 |
| (a) the place to which the warrant applies; and        | 27 |
| (b) that a stated authorised officer or any            | 28 |
| authorised officer may with necessary and              | 29 |
| reasonable help and force—                             | 30 |
| (i) enter the place and any other place                | 31 |
| necessary for entry to the place; and                  | 32 |

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- 
- (ii) exercise the authorised officer's powers; and 1 2
  - (c) particulars of the offence or breach of condition that the magistrate considers appropriate; and 3 4 5
  - (d) the name of the person suspected of having committed the offence or having breached the condition unless the name is unknown or the magistrate considers it inappropriate to state the name; and 6 7 8 9 10
  - (e) the evidence that may be seized under the warrant; and 11 12
  - (f) the hours of the day or night when the place may be entered; and 13 14
  - (g) the magistrate's name; and 15
  - (h) the day and time of the warrant's issue; and 16
  - (i) the day, within 14 days after the warrant's issue, the warrant ends. 17 18

### **390U Electronic application** 19

- (1) An application under section 390S may be made by phone, fax, email, radio, videoconferencing or another form of electronic communication if the authorised officer reasonably considers it necessary because of— 20 21 22 23 24
  - (a) urgent circumstances; or 25
  - (b) other special circumstances, including, for example, the authorised officer's remote location. 26 27 28
- (2) The application— 29
  - (a) may not be made before the authorised officer prepares the written application under section 390S(2); but 30 31 32

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- (b) may be made before the written application 1  
is sworn. 2

### **390V Additional procedure if electronic application 3**

- (1) For an application made under section 390U, the 4  
magistrate may issue the warrant (the *original* 5  
*warrant*) only if the magistrate is satisfied— 6
- (a) it was necessary to make the application 7  
under section 390U; and 8
- (b) the way the application was made under 9  
section 390U was appropriate. 10
- (2) After the magistrate issues the original warrant— 11
- (a) if there is a reasonably practicable way of 12  
immediately giving a copy of the warrant to 13  
the authorised officer, including, for 14  
example, by sending a copy by fax or email, 15  
the magistrate must immediately give a copy 16  
of the warrant to the authorised officer; or 17
- (b) otherwise— 18
- (i) the magistrate must tell the authorised 19  
officer the information mentioned in 20  
section 390T(2); and 21
- (ii) the authorised officer must complete a 22  
form of warrant, including by writing 23  
on it the information mentioned in 24  
section 390T(2) provided by the 25  
magistrate. 26
- (3) The copy of the warrant mentioned in subsection 27  
(2)(a), or the form of warrant completed under 28  
subsection (2)(b) (in either case the *duplicate* 29  
*warrant*), is a duplicate of, and as effectual as, the 30  
original warrant. 31
- (4) The authorised officer must, at the first reasonable 32  
opportunity, send to the magistrate— 33

- 
- (a) the written application complying with section 390S(2) and (3); and
  - (b) if the authorised officer completed a form of warrant under subsection (2)(b), the completed form of warrant.
  - (5) Despite subsection (3), if—
    - (a) an issue arises in a proceeding about whether an exercise of a power was authorised by a warrant issued under this section; and
    - (b) the original warrant is not produced in evidence;
 the onus of proof is on the person relying on the lawfulness of the exercise of the power to prove a warrant authorised the exercise of the power.
  - (6) This section does not limit section 390S.

### **390W Defect in relation to warrant**

- (1) A warrant is not invalidated by a defect in—
  - (a) the warrant; or
  - (b) compliance with this subdivision;
 unless the defect affects the substance of the warrant in a material particular.
- (2) In this section—  
*warrant* includes a duplicate warrant mentioned in section 390V(3).

## **Subdivision 2 Entry procedure**

### **390X Entry procedure**

- (1) This section applies if an authorised officer is

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intending to enter a place under a warrant issued under this division.	1 2
(2) Before entering the place, the authorised officer must do or make a reasonable attempt to do the following things—	3 4 5
(a) identify himself or herself to a person who is an occupier of the place and is present by producing the authorised officer’s identity card or another document evidencing the authorised officer’s appointment;	6 7 8 9 10
(b) give the person a copy of the warrant;	11
(c) tell the person the authorised officer is permitted by the warrant to enter the place;	12 13
(d) give the person an opportunity to allow the authorised officer immediate entry to the place without using force.	14 15 16
(3) However, the authorised officer need not comply with subsection (2) if the authorised officer reasonably believes that entry to the place without compliance is required to ensure the execution of the warrant is not frustrated.	17 18 19 20 21
(4) In this section— <i>warrant</i> includes a duplicate warrant mentioned in section 390V(3).	22 23 24

<b>Part 4</b>	<b>Other powers of authorised officers and related matters</b>	25 26 27
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<b>Division 1</b>	<b>Stopping or moving vehicles</b>	28 29
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**390Y Application of division**

- This division applies if an authorised officer  
reasonably suspects, or is aware, that—
- (a) a vehicle is being used to commit an offence  
against this Act; or
  - (b) a thing in or on a vehicle may provide  
evidence of—
    - (i) the commission of an offence against  
this Act; or
    - (ii) the breach of a condition of a person's  
lease, licence or permit.

**390Z Power to stop or move**

- (1) If the vehicle is moving, the authorised officer  
may, to exercise the authorised officer's powers,  
signal or otherwise direct the person in control of  
the vehicle to stop the vehicle and to bring the  
vehicle to, and keep it at, a convenient place  
within a reasonable distance to allow the  
authorised officer to exercise the powers.
- (2) If the vehicle is stopped, the authorised officer  
may direct the person in control of the vehicle—
  - (a) not to move it until the authorised officer  
has exercised the authorised officer's  
powers; or
  - (b) to move the vehicle to, and keep it at, a  
stated reasonable place to allow the  
authorised officer to exercise the powers.
- (3) When giving the direction under subsection (2),  
the authorised officer must give the person in  
control an offence warning for the direction.

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<b>390ZA Identification requirements if vehicle moving</b>	1 2
(1) This section applies if the authorised officer proposes to give a direction under section 390Z(1) and the vehicle is moving.	3 4 5
(2) The authorised officer must clearly identify himself or herself as an authorised officer exercising the authorised officer's powers.	6 7 8
<i>Examples—</i>	9
1 If the authorised officer is in a moving vehicle, the authorised officer may use a loudhailer to identify himself or herself as an authorised officer exercising powers.	10 11 12 13
2 If the authorised officer is standing at the side of the road, the authorised officer may use a sign to identify himself or herself as an authorised officer exercising powers.	14 15 16 17
(3) When the vehicle stops, the authorised officer must—	18 19
(a) have with him or her the authorised officer's identity card; and	20 21
(b) immediately produce the identity card for the inspection of the person in control of the vehicle.	22 23 24
(4) Subsection (3) applies despite section 390J.	25
<b>390ZB Failure to comply with direction</b>	26
(1) The person in control of the vehicle must comply with a direction under section 390Z unless the person has a reasonable excuse.	27 28 29
Maximum penalty—100 penalty units.	30
(2) It is a reasonable excuse for the person not to comply with a direction if—	31 32



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- (a) the vehicle was moving and the authorised officer did not comply with section 390ZA; or 1  
2  
3
- (b) to comply immediately would have endangered someone else or caused loss or damage to property, and the person complies as soon as it is practicable to do so. 4  
5  
6  
7
- (3) Subsection (2) does not limit what may be a reasonable excuse for subsection (1). 8  
9
- (4) A person does not commit an offence against subsection (1) if— 10  
11
  - (a) the direction the person fails to comply with is given under section 390Z(2); and 12  
13
  - (b) the person is not given an offence warning for the direction. 14  
15

## **Division 2                      General powers of authorised officers after entering places** 16 17 18

### **390ZC Application of division** 19

- (1) The powers under this division may be exercised if an authorised officer enters a place under section 390N(1)(a), (b), (c), (d), (e), (g) or (h). 20  
21  
22
- (2) However, if the authorised officer enters under section 390N(1)(a) or (h), the powers under this division are subject to any conditions of the consent or terms of the warrant. 23  
24  
25  
26

### **390ZD General powers** 27

- (1) The authorised officer may do any of the following (each a *general power*)— 28  
29

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- |       |   |                                  |
|-------|---|----------------------------------|
| (a)   | search any part of the place;   | 1                                |
| (b)   | inspect, examine or film any part of the place, anything at the place or the uses made of the place;  | 2<br>3<br>4                      |
| (c)   | take for examination a thing, or a sample of or from a thing, at the place;   | 5<br>6                           |
| (d)   | place an identifying mark in or on anything at the place;   | 7<br>8                           |
| (e)   | take an extract from, or copy, a document at the place, or take the document to another place to copy;  | 9<br>10<br>11                    |
| (f)   | produce an image or writing at the place from an electronic document or, to the extent it is not practicable, take a thing containing an electronic document to another place to produce an image or writing; | 12<br>13<br>14<br>15<br>16<br>17 |
| (g)   | take to, into or onto the place and use any person, equipment and materials the authorised officer reasonably requires for exercising the authorised officer's powers under this chapter;                     | 18<br>19<br>20<br>21<br>22       |
| (h)   | remain at the place for the time necessary to achieve the purpose of the entry.   | 23<br>24                         |
| (2)   | Also, if the place is lease land, licence land or permit land for agricultural, grazing or pastoral purposes, the authorised officer may do any of the following (also each a <b>general power</b> )—         | 25<br>26<br>27<br>28             |
| (a)   | establish 1 or more sites (each a <b>monitoring site</b> ) on the land to monitor compliance with—  | 29<br>30<br>31                   |
| (i)   | this Act; or  | 32                               |
| (ii)  | the lease, licence or permit; or  | 33                               |
| (iii) | a land management agreement; or   | 34                               |
-

- 
- (iv) a remedial action notice; or 1
  - (v) a remedial action order; or 2
  - (vi) a compliance notice; or 3
  - (vii) a compliance order; 4
  - (b) without limiting subsection (1)(d), place a 5  
marker to show where a monitoring site is; 6
  - (c) install or place a device (a **monitoring** 7  
**device**) at a monitoring site to carry out the 8  
monitoring; 9
  - (d) read a monitoring device; 10
  - (e) check the accuracy of, or repair or replace, a 11  
monitoring device. 12
  - (3) The authorised officer may take a necessary step 13  
to allow the exercise of a general power. 14
  - (4) If the authorised officer takes a document from 15  
the place to copy it, the authorised officer must 16  
copy the document and return it to the place as 17  
soon as practicable. 18
  - (5) If the authorised officer takes from the place an 19  
article or device reasonably capable of producing 20  
a document from an electronic document to 21  
produce the document, the authorised officer must 22  
produce the document and return the article or 23  
device to the place as soon as practicable. 24
  - (6) In this section— 25  
**examine** includes analyse, test, account, measure, 26  
weigh, grade, gauge and identify. 27  
**film** includes photograph, videotape and record an 28  
image in another way. 29  
**inspect**, a thing, includes open the thing and 30  
examine its contents. 31
-

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<b>390ZE Power to require reasonable help</b>	1
(1) The authorised officer may make a requirement (a <i>help requirement</i> ) of an occupier of the place or a person at the place to give the authorised officer reasonable help to exercise a general power, including, for example, to produce a document or to give information.	2 3 4 5 6 7
(2) When making the help requirement, the authorised officer must give the person an offence warning for the requirement.	8 9 10

<b>390ZF Offence to contravene help requirement</b>	11
(1) A person of whom a help requirement has been made must comply with the requirement unless the person has a reasonable excuse. Maximum penalty—100 penalty units.	12 13 14 15
(2) It is a reasonable excuse for an individual not to comply with a help requirement if complying might tend to incriminate the individual or expose the individual to a penalty.	16 17 18 19
(3) However, subsection (2) does not apply if a document or information the subject of the help requirement is required to be held or kept by the individual under this Act.	20 21 22 23
<i>Note—</i>	24
See, however, section 390ZZJ.	25

<b>Division 3</b>	<b>Seizure by authorised officers and forfeiture</b>	26 27
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<b>Subdivision 1</b>	<b>Power to seize</b>	28
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**390ZG Seizing evidence at a place that may be  
entered without consent or warrant**

- (1) An authorised officer who enters a place the authorised officer may enter under this chapter without the consent of an occupier of the place and without a warrant may seize a thing at the place if the authorised officer reasonably believes the thing is evidence of—
- (a) the commission of an offence against this Act; or
  - (b) a breach of a condition of a person's lease, licence or permit.
- (2) However, if the authorised officer enters the place under section 390N(1)(c), (d) or (e), the authorised officer may seize a thing at the place only if the authorised officer also reasonably believes the seizure is necessary to prevent the thing being—
- (a) hidden, lost or destroyed; or
  - (b) used to commit, continue or repeat an offence against this Act.

**390ZH Seizing evidence at a place that may be  
entered with consent or warrant**

- (1) This section applies if—
- (a) an authorised officer is authorised to enter a place under this chapter with the consent of an occupier of the place or a warrant; and
  - (b) the authorised officer enters the place after obtaining the consent or under a warrant.
- (2) If the authorised officer enters the place with the occupier's consent, the authorised officer may seize a thing at the place only if—

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- (a) the authorised officer reasonably believes the thing is evidence of—
  - (i) the commission of an offence against this Act; or
  - (ii) a breach of a condition of a person's lease, licence or permit; and
- (b) seizure of the thing is consistent with the purpose of entry as explained to the occupier when asking for the occupier's consent.
- (3) If the authorised officer enters the place under a warrant, the authorised officer may seize the evidence for which the warrant was issued.
- (4) The authorised officer may also seize anything else at the place if the authorised officer reasonably believes—
  - (a) the thing is evidence of—
    - (i) the commission of an offence against this Act; or
    - (ii) a breach of a condition of a person's lease, licence or permit; and
  - (b) the seizure is necessary to prevent the thing being hidden, lost or destroyed.
- (5) The authorised officer may also seize a thing at the place if the authorised officer reasonably believes it has just been used in—
  - (a) committing an offence against this Act; or
  - (b) breaching a condition of a person's lease, licence or permit.

### **390ZI Seizure of property subject to security**

- (1) An authorised officer may seize a thing, and exercise powers relating to the thing, despite a

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lien or other security over the thing claimed by 1  
another person. 2

- (2) However, the seizure does not affect the other 3  
person's claim to the lien or other security against 4  
a person other than the authorised officer or a 5  
person acting under the direction or authority of 6  
the authorised officer. 7

## **Subdivision 2 Powers to support seizure 8**

### **390ZJ Power to secure seized thing 9**

- (1) Having seized a thing under this division, an 10  
authorised officer may— 11
- (a) leave it at the place where it was seized (the 12  
*place of seizure*) and take reasonable action 13  
to restrict access to it; or 14
- (b) move it from the place of seizure. 15
- (2) For subsection (1)(a), the authorised officer may, 16  
for example— 17
- (a) seal the thing, or the entrance to the place of 18  
seizure, and mark the thing or place to show 19  
access to the thing or place is restricted; or 20
- (b) for equipment—make it inoperable; or 21
- Example—* 22
- make it inoperable by dismantling it or removing a 23  
component without which the equipment can not 24  
be used 25
- (c) require a person the authorised officer 26  
reasonably believes is in control of the place 27  
or thing to do an act mentioned in paragraph 28  
(a) or (b) or anything else an authorised 29  
officer could do under subsection (1)(a). 30

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<b>390ZK Offence to contravene seizure requirement</b>	1
A person must comply with a requirement made	2
of the person under section 390ZJ(2)(c) unless the	3
person has a reasonable excuse.	4
Maximum penalty—50 penalty units.	5
<b>390ZL Offence to interfere</b>	6
(1) If access to a seized thing is restricted under	7
section 390ZJ, a person must not tamper with the	8
thing or with anything used to restrict access to	9
the thing without—	10
(a) an authorised officer’s approval; or	11
(b) a reasonable excuse.	12
Maximum penalty—100 penalty units.	13
(2) If access to a place is restricted under section	14
390ZJ, a person must not enter the place in	15
contravention of the restriction or tamper with	16
anything used to restrict access to the place	17
without—	18
(a) an authorised officer’s approval; or	19
(b) a reasonable excuse.	20
Maximum penalty—100 penalty units.	21
<b>Subdivision 3 Safeguards for seized things</b>	22
	23
<b>390ZM Receipt and information notice for seized thing</b>	24
	25
(1) This section applies if an authorised officer seizes	26
anything under section 390ZG or 390ZH unless—	27



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- 
- (a) the authorised officer reasonably believes there is no-one apparently in possession of the thing or it has been abandoned; or
    - (b) because of the condition, nature and value of the thing it would be unreasonable to require the authorised officer to comply with this section.
  - (2) The authorised officer must, as soon as practicable after seizing the thing, give an owner or person in control of the thing before it was seized—
    - (a) a receipt for the thing that generally describes the thing and its condition; and
    - (b) an information notice about the decision to seize it.
  - (3) However, if an owner or person from whom the thing is seized is not present when it is seized, the receipt and information notice may be given by leaving them in a conspicuous position and in a reasonably secure way at the place at which the thing is seized.
  - (4) The receipt and information notice may—
    - (a) be given in the same document; and
    - (b) relate to more than 1 seized thing.
  - (5) The authorised officer may delay giving the receipt and information notice if the authorised officer reasonably suspects giving them may frustrate or otherwise hinder an investigation by the authorised officer under this chapter.
  - (6) However, the delay may be only for so long as the authorised officer continues to have the reasonable suspicion and remains in the vicinity of the place at which the thing was seized to keep it under observation.
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**390ZN Access to seized thing**

- |  |    |
|--|----|
|  | 1  |
| (1) Until a seized thing is forfeited or returned, the   | 2  |
| authorised officer who seized the thing must             | 3  |
| allow an owner of the thing—                             | 4  |
| (a) to inspect it at any reasonable time and from        | 5  |
| time to time; and  | 6  |
| (b) if it is a document—to copy it.                      | 7  |
| (2) Subsection (1) does not apply if it is impracticable | 8  |
| or would be unreasonable to allow the inspection         | 9  |
| or copying.  | 10 |
| (3) The inspection or copying must be allowed free of    | 11 |
| charge.  | 12 |

**390ZO Return of seized thing**

- |   |    |
|---|----|
|   | 13 |
| (1) This section applies if a seized thing is not—      | 14 |
| (a) forfeited or transferred under subdivision 4        | 15 |
| or 5; or  | 16 |
| (b) subject to a disposal order under division 4.       | 17 |
| (2) As soon as the chief executive stops being          | 18 |
| satisfied there are reasonable grounds for              | 19 |
| retaining the thing, the chief executive must           | 20 |
| return it to its owner.                                 | 21 |
| (3) If the thing is not returned to its owner within 3  | 22 |
| months after it was seized, the owner may apply         | 23 |
| to the chief executive for its return.                  | 24 |
| (4) Within 30 days after receiving the application, the | 25 |
| chief executive must—                                   | 26 |
| (a) if the chief executive is satisfied there are       | 27 |
| reasonable grounds for retaining the thing              | 28 |
| and decides to retain it—give the owner an              | 29 |
| information notice about the decision,                  | 30 |
| including the grounds for retaining the                 | 31 |
| thing; or   | 32 |

- 
- (b) otherwise—return the thing to the owner. 1
  - (5) For this section, there are reasonable grounds for 2  
retaining a seized thing if— 3
    - (a) the thing is being, or is likely to be, 4  
examined; or 5
    - (b) the thing is needed, or may be needed, for 6  
the purposes of— 7
      - (i) a proceeding for an offence against this 8  
Act that is likely to be started or that 9  
has been started but not completed; or 10
      - (ii) an appeal from a decision in a 11  
proceeding for an offence against this 12  
Act; or 13
    - (c) it is not lawful for the owner to possess the 14  
thing. 15
  - (6) Subsection (5) does not limit the grounds that may 16  
be reasonable grounds for retaining the seized 17  
thing. 18
  - (7) Nothing in this section affects a lien or other 19  
security over the seized thing. 20
  - (8) In this section— 21  
*examine* includes analyse, test, measure, weigh, 22  
grade, gauge and identify. 23

## **Subdivision 4 Forfeiture** 24

### **390ZP Forfeiture by chief executive decision** 25

- (1) The chief executive may decide a seized thing is 26  
forfeited to the State if an authorised officer— 27
  - (a) after making reasonable inquiries, can not 28  
find an owner; or 29

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- (b) after making reasonable efforts, can not return it to an owner; or
  - (c) for a thing seized for an offence—reasonably believes it is necessary to keep the thing to prevent it being used to commit the offence for which it was seized.
- (2) However, the authorised officer is not required to—
  - (a) make inquiries if it would be unreasonable to make inquiries to find an owner; or
  - (b) make efforts if it would be unreasonable to make efforts to return the thing to an owner.

*Example for paragraph (b)—*

The owner of the thing has migrated to another country.
- (3) Regard must be had to the thing's condition, nature and value in deciding—
  - (a) whether it is reasonable to make inquiries or efforts; and
  - (b) if inquiries or efforts are made—what inquiries or efforts, including the period over which they are made, are reasonable.

### **390ZQ Information notice about forfeiture decision**

- (1) If the chief executive decides under section 390ZP(1) to forfeit a thing, the chief executive must as soon as practicable give a person who owned the thing immediately before the forfeiture (the *former owner*) an information notice about the decision.
- (2) If the decision was made under section 390ZP(1)(a) or (b), the information notice may be given by leaving it at the place where the thing was seized, in a conspicuous position and in a reasonably secure way.

- 
- (3) The information notice must state that the former owner may apply for a stay of the decision if the former owner appeals against the decision. 1  
2  
3
- (4) However, subsections (1) to (3) do not apply if— 4
- (a) the decision was made under section 390ZP(1)(a) or (b); and 5  
6
- (b) the place where the thing was seized is— 7
- (i) a public place; or 8
- (ii) a place where the notice is unlikely to be read by the former owner. 9  
10

**Subdivision 5 Dealing with property forfeited or transferred to State** 11  
12  
13

**390ZR When thing becomes property of the State** 14

A thing becomes the property of the State if— 15

- (a) the thing is forfeited to the State under section 390ZP(1); or 16  
17
- (b) the owner of the thing and the State agree, in writing, to the transfer of the ownership of the thing to the State. 18  
19  
20

**390ZS How property may be dealt with** 21

- (1) This section applies if, under section 390ZR, a thing becomes the property of the State. 22  
23
- (2) The chief executive may deal with the thing as the chief executive considers appropriate, including, for example, by destroying it or giving it away. 24  
25  
26
- (3) The chief executive must not deal with the thing in a way that could prejudice the outcome of an appeal against the forfeiture under this chapter. 27  
28  
29

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- (4) If the chief executive sells the thing, the chief executive must, after deducting the costs of the sale, make reasonable efforts to return the proceeds of the sale to the former owner of the thing. 1  
2  
3  
4  
5
- (5) For subsection (4), the *costs of the sale* include the amount of any costs reasonably incurred, after the thing was forfeited or transferred to the State, in storing or transporting the thing. 6  
7  
8  
9
- (6) This section is subject to any disposal order made for the thing. 10  
11

## **Division 4            Disposal orders** 12

### **390ZT Disposal order** 13

- (1) This section applies if a person is convicted of an offence against this Act. 14  
15
- (2) The court may make an order (a *disposal order*), on its own initiative or on an application by the prosecution, for the disposal of any of the following things owned by the person— 16  
17  
18  
19
  - (a) anything that was the subject of, or used to commit, the offence; 20  
21
  - (b) another thing the court considers is likely to be used by the person or another person in committing a further offence against this Act. 22  
23  
24  
25
- (3) The court may make a disposal order for a thing— 26
  - (a) whether or not it has been seized under this chapter; and 27  
28
  - (b) if the thing has been seized—whether or not it has been returned to the former owner. 29  
30
- (4) In deciding whether to make a disposal order for 31

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- |  |    |
|--|----|
| a thing, the court—                                | 1  |
| (a) may require notice to be given to anyone the   | 2  |
| court considers appropriate, including, for        | 3  |
| example, any person who may have any               | 4  |
| property in the thing; and                         | 5  |
| (b) must hear any submissions that any person      | 6  |
| claiming to have any property in the thing         | 7  |
| may wish to make.                                  | 8  |
| (5) The court may make any order it considers      | 9  |
| appropriate to enforce the disposal order.         | 10 |
| (6) This section does not limit the court's powers | 11 |
| under another law.                                 | 12 |

<b>Division 5</b>	<b>Other</b>	13
	<b>information-obtaining</b>	14
	<b>powers of authorised</b>	15
	<b>officers</b>	16

<b>390ZU Power to require name and address</b>	17
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- |  |    |
|--|----|
| (1) This section applies if an authorised officer—   | 18 |
| (a) finds a person committing an offence             | 19 |
| against this Act; or                                 | 20 |
| (b) finds a person in circumstances that lead the    | 21 |
| authorised officer to reasonably suspect the         | 22 |
| person has just committed an offence                 | 23 |
| against this Act; or                                 | 24 |
| (c) has information that leads the authorised        | 25 |
| officer to reasonably suspect a person has           | 26 |
| just committed an offence against this Act.          | 27 |
| (2) The authorised officer may require the person to | 28 |
| state the person's name and residential address or,  | 29 |
| if the person does not have a residential address in | 30 |
| the State, another address in the State where the    | 31 |

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- person may be contacted. 1
- (3) The authorised officer may also require the person 2  
to give evidence of the correctness of the stated 3  
name or address if, in the circumstances, it would 4  
be reasonable to expect the person to— 5
- (a) be in possession of evidence of the 6  
correctness of the stated name or address; or 7
- (b) otherwise be able to give the evidence. 8
- (4) When making a personal details requirement, the 9  
authorised officer must give the person an offence 10  
warning for the requirement. 11
- (5) A requirement under this section is a *personal* 12  
*details requirement*. 13

### **390ZV Offence to contravene personal details 14 requirement 15**

- (1) A person of whom a personal details requirement 16  
has been made must comply with the requirement 17  
unless the person has a reasonable excuse. 18
- Maximum penalty—50 penalty units. 19
- (2) A person may not be convicted of an offence 20  
against subsection (1) unless the person is found 21  
guilty of the offence in relation to which the 22  
personal details requirement was made. 23

### **390ZW Power to require production of document 24**

- (1) An authorised officer may require a person to 25  
make available for inspection by an authorised 26  
officer, or to produce to the authorised officer for 27  
inspection, at a reasonable time and place 28  
nominated by the authorised officer— 29
- (a) a document issued to the person under this 30  
Act; or 31



- (b) a document required to be kept by the person under this Act; or
    - (c) if a document or information required to be kept by the person under this Act is stored or recorded by means of a device—a document that is a clear written reproduction of the stored or recorded document or information.
  - (2) A requirement under subsection (1) is a *document production requirement*.
  - (3) For an electronic document, compliance with the document production requirement requires the making available or production of a clear written reproduction of the electronic document.
  - (4) The authorised officer may keep the document to copy it.
  - (5) If the authorised officer copies the document, or an entry in the document, the authorised officer may require the person responsible for keeping the document to certify the copy as a true copy of the document or entry.
  - (6) A requirement under subsection (5) is a *document certification requirement*.
  - (7) The authorised officer must return the document to the person as soon as practicable after copying it.
  - (8) However, if a document certification requirement is made of a person, the authorised officer may keep the document until the person complies with the requirement.

### **390ZX Offence to contravene document production requirement**

- (1) A person of whom a document production requirement has been made must comply with the requirement unless the person has a reasonable

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- |   |    |
|---|----|
| excuse.   | 1  |
| Maximum penalty—100 penalty units.                        | 2  |
| (2) It is not a reasonable excuse for a person to fail to | 3  |
| comply with a document production requirement             | 4  |
| on the basis that complying with the requirement          | 5  |
| might tend to incriminate the person or expose the        | 6  |
| person to a penalty.                                      | 7  |
| <i>Note—</i>  | 8  |
| See, however, section 390ZZJ.                             | 9  |
| (3) The authorised officer must inform the person, in     | 10 |
| a way that is reasonable in the circumstances,            | 11 |
| that—   | 12 |
| (a) the person must comply with the document              | 13 |
| production requirement even though                        | 14 |
| complying might tend to incriminate the                   | 15 |
| person or expose the person to a penalty;                 | 16 |
| and   | 17 |
| (b) if the person is an individual—there is a             | 18 |
| limited immunity under section 390ZZJ                     | 19 |
| against the future use of the information or              | 20 |
| document given in compliance with the                     | 21 |
| requirement.  | 22 |
| (4) If the person fails to comply with the document       | 23 |
| production requirement when the authorised                | 24 |
| officer has failed to comply with subsection (3),         | 25 |
| the person may not be convicted of the offence            | 26 |
| against subsection (1).                                   | 27 |
| (5) If a court convicts a person of an offence against    | 28 |
| subsection (1), the court may, as well as imposing        | 29 |
| a penalty for the offence, order the person to            | 30 |
| comply with the document production                       | 31 |
| requirement.  | 32 |

**390ZY Offence to contravene document  
certification requirement**

- (1) A person of whom a document certification requirement has been made must comply with the requirement unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

- (2) It is not a reasonable excuse for a person to fail to comply with a document certification requirement on the basis that complying with the requirement might tend to incriminate the person or expose the person to a penalty.

*Note—*

See, however, section 390ZZJ.

- (3) The authorised officer must inform the person, in a way that is reasonable in the circumstances, that—

- (a) the person must comply with the document certification requirement even though complying might tend to incriminate the person or expose the person to a penalty; and

- (b) if the person is an individual—there is a limited immunity under section 390ZZJ against the future use of the information or document given in compliance with the requirement.

- (4) If the person fails to comply with the document certification requirement when the authorised officer has failed to comply with subsection (3), the person may not be convicted of the offence against subsection (1).

**390ZZ Power to require information**

- (1) This section applies if an authorised officer

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reasonably believes—	1
(a) an offence against this Act has been committed or a condition of a lease, licence or permit has been breached; and	2 3 4
(b) a person may be able to give information about the offence or breach.	5 6
(2) The authorised officer may, by notice given to the person, require the person to give the authorised officer information related to the offence or breach by a stated reasonable time.	7 8 9 10
(3) For information that is an electronic document, compliance with the requirement requires the giving of a clear image or written version of the electronic document.	11 12 13 14
(4) In this section— <i>information</i> includes a document.	15 16
<b>390ZZA Offence to contravene information requirement</b>	17 18
(1) A person of whom a requirement is made under section 390ZZ(2) must comply with the requirement unless the person has a reasonable excuse. Maximum penalty—100 penalty units.	19 20 21 22 23
(2) It is a reasonable excuse for an individual not to give the information if giving the information might tend to incriminate the individual or expose the individual to a penalty.	24 25 26 27
<b>Part 5</b>	
<b>Obtaining criminal history reports</b>	28 29

### **390ZZB Purpose of part**

The purpose of this part is to help an authorised officer to decide whether the authorised officer's unaccompanied entry of a place under part 3 would create an unacceptable level of risk to the authorised officer's safety.

### **390ZZC Chief executive's power to obtain criminal history report**

- (1) The chief executive may ask the commissioner of the police service for a written report about the criminal history of a person if an authorised officer reasonably suspects the person—
  - (a) may be present at a place when the authorised officer enters the place under part 3; and
  - (b) may create an unacceptable level of risk to the authorised officer's safety.
- (2) The commissioner of the police service must give the report to the chief executive.
- (3) However, the report is required to contain only criminal history in the commissioner's possession or to which the commissioner has access.
- (4) The chief executive must examine the report and identify, to the extent it is reasonably practicable to do so, offences involving the use of a weapon or violence against a person.
- (5) The chief executive may give the authorised officer information in the report about the offences identified under subsection (4).

### **390ZZD Criminal history is confidential document**

- (1) A person must not, directly or indirectly, disclose to anyone else a report about a person's criminal

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history, or information contained in the report, given under section 390ZZC.	1 2
Maximum penalty—100 penalty units.	3
(2) However, the person does not contravene subsection (1) if—	4 5
(a) the disclosure of the report or information is for the purpose of the other person performing a function in relation to this Act; or	6 7 8 9
(b) the disclosure of the report or information is otherwise required or permitted by law.	10 11
(3) The chief executive or an authorised officer to whom the report or written information in the report is provided must destroy the report or written information as soon as practicable after the authorised officer considers the risk mentioned in section 390ZZB.	12 13 14 15 16 17
<b>Part 6</b>	
<b>Miscellaneous provisions relating to authorised officers</b>	18 19 20
<b>Division 1</b>	
<b>Damage</b>	21
<b>390ZZE Duty to avoid inconvenience and minimise damage</b>	22 23
In exercising a power, an authorised officer must take all reasonable steps to cause as little inconvenience, and do as little damage, as possible.	24 25 26 27
<i>Note—</i>	28
See also section 390ZZG.	29

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**390ZZF Notice of damage**

- |   |    |
|---|----|
|   | 1  |
| (1) This section applies if—                            | 2  |
| (a) an authorised officer damages something             | 3  |
| when exercising, or purporting to exercise, a           | 4  |
| power; or   | 5  |
| (b) a person (the <i>assistant</i> ) acting under the   | 6  |
| direction or authority of an authorised                 | 7  |
| officer damages something.                              | 8  |
| (2) However, this section does not apply in relation to | 9  |
| damage the authorised officer reasonably                | 10 |
| considers is trivial or if the authorised officer       | 11 |
| reasonably believes—                                    | 12 |
| (a) there is no-one apparently in possession of         | 13 |
| the thing; or   | 14 |
| (b) the thing has been abandoned.                       | 15 |
| (3) The authorised officer must give notice of the      | 16 |
| damage to a person who appears to the authorised        | 17 |
| officer to be an owner, or person in control, of the    | 18 |
| thing.  | 19 |
| (4) However, if for any reason it is not practicable to | 20 |
| comply with subsection (3), the authorised officer      | 21 |
| must—   | 22 |
| (a) leave the notice at the place where the             | 23 |
| damage happened; and                                    | 24 |
| (b) ensure it is left in a conspicuous position         | 25 |
| and in a reasonably secure way.                         | 26 |
| (5) The authorised officer may delay complying with     | 27 |
| subsection (3) or (4) if the authorised officer         | 28 |
| reasonably suspects complying with the                  | 29 |
| subsection may frustrate or otherwise hinder an         | 30 |
| investigation by the authorised officer.                | 31 |
| (6) However, the delay may be only for so long as the   | 32 |
| authorised officer continues to have the                | 33 |
| reasonable suspicion and remains in the vicinity        | 34 |

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- of the place. 1
- (7) If the authorised officer believes the damage was 2  
caused by a latent defect in the thing or other 3  
circumstances beyond the control of the 4  
authorised officer or the assistant, the authorised 5  
officer may state the belief in the notice. 6
- (8) The notice must state— 7
- (a) particulars of the damage; and 8
- (b) that the person who suffered the damage 9  
may claim compensation under section 10  
390ZZG. 11

**Division 2 Compensation 12**

**390ZZG Compensation 13**

- (1) A person may claim compensation from the State 14  
if the person incurs loss because of the exercise, 15  
or purported exercise, of a power by or for an 16  
authorised officer under this chapter, including a 17  
loss arising from compliance with a requirement 18  
made of the person under part 4, division 3 or 5. 19
- (2) The compensation may be claimed and ordered in 20  
a proceeding— 21
- (a) brought in a court with jurisdiction for the 22  
recovery of the amount of compensation 23  
claimed; or 24
- (b) for an alleged offence against this Act the 25  
investigation of which gave rise to the claim 26  
for compensation. 27
- (3) A court may order the payment of compensation 28  
only if it is satisfied it is just to make the order in 29  
the circumstances of the particular case. 30
- (4) In considering whether it is just to order 31



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- 
- compensation, the court must have regard to— 1
- (a) any relevant offence committed by the 2  
claimant; and 3
- (b) any relevant breach of a condition of any 4  
licence, lease or permit of the claimant; and 5
- (c) whether the loss arose from a lawful seizure 6  
or lawful forfeiture. 7
- (5) A regulation may prescribe other matters that 8  
may, or must, be taken into account by the court 9  
when considering whether it is just to order 10  
compensation. 11
- (6) Section 390ZZE does not provide for a statutory 12  
right of compensation other than as provided by 13  
this section. 14
- (7) In this section— 15  
*loss* includes costs and damage. 16

### **Division 3                      Other offences relating to 17 authorised officers 18**

*Note— 19*

See also section 440 in relation to the obstruction of 20  
authorised officers and other persons. 21

### **390ZZH Giving authorised officer false or 22 misleading information 23**

- (1) A person must not, in relation to the 24  
administration of this Act, give an authorised 25  
officer information the person knows is false or 26  
misleading in a material particular. 27
- Maximum penalty—100 penalty units. 28
- (2) Subsection (1) applies to information given in 29

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relation to the administration of this Act whether	1
or not the information was given in response to a	2
specific power under this Act.	3
(3) Subsection (1) does not apply to a person if the	4
person, when giving information in a document—	5
(a) tells the authorised officer, to the best of the	6
person’s ability, how the document is false	7
or misleading; and	8
(b) if the person has, or can reasonably obtain,	9
the correct information—gives the correct	10
information.	11
<b>390ZZI Impersonating authorised officer</b>	12
A person must not impersonate an authorised	13
officer.	14
Maximum penalty—100 penalty units.	15
<b>Division 4            Other provisions</b>	16
<b>390ZZJ Evidential immunity for individuals</b>	17
<b>complying with particular requirements</b>	18
(1) Subsection (2) applies if an individual gives or	19
produces information or a document to an	20
authorised officer under section 390ZE or	21
390ZW.	22
(2) Evidence of the information or document, and	23
other evidence directly or indirectly derived from	24
the information or document, is not admissible	25
against the individual in any proceeding to the	26
extent it tends to incriminate the individual, or	27
expose the individual to a penalty, in the	28
proceeding.	29
(3) Subsection (2) does not apply to a proceeding	30
about the false or misleading nature of the	31

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information or anything in the document or in 1  
which the false or misleading nature of the 2  
information or document is relevant evidence. 3

**Clause 204 Omission of ch 7, pt 1, divs 2–5** 4  
Chapter 7, part 1, divisions 2 to 5— 5  
*omit.* 6

**Clause 205 Insertion of new ch 7, pts 1A–1C** 7  
Chapter 7— 8  
*insert—* 9

## **Part 1A Safety notices** 10

### **Division 1 Show cause procedure for particular safety notices** 11 12

#### **403D Show cause notice** 13

- (1) This section applies if the chief executive 14  
proposes to give a person a safety notice under 15  
section 403G(2)(c) in relation to a building or 16  
other structure or equipment. 17
- (2) The chief executive must first give the person a 18  
notice (a *show cause notice*) stating the 19  
following— 20
  - (a) that the chief executive proposes to give the 21  
person a safety notice requiring the person 22  
to demolish or remove a stated building or 23  
another structure or stated equipment; 24
  - (b) the grounds for giving the proposed safety 25  
notice; 26

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- (c) an outline of the facts and circumstances forming the basis for the grounds; 1  
2
    - (d) that the person may, within a stated period (the *show cause period*), make written representations to the chief executive to show why the safety notice should not be given. 3  
4  
5  
6  
7
  - (3) The show cause period must end at least 21 days after the person is given the show cause notice. 8  
9

#### **403E Representations about show cause notice** 10

- (1) The person may, within the show cause period, make written representations to the chief executive about why the safety notice should not be given. 11  
12  
13  
14
  - (2) The chief executive must consider all representations (the *accepted representations*) made under subsection (1). 15  
16  
17

#### **403F Ending show cause process without further action** 18 19

- (1) If, after considering the accepted representations for the show cause notice, the chief executive no longer believes a ground exists to give the safety notice, the chief executive— 20  
21  
22  
23
    - (a) must not take any further action about the show cause notice; and 24  
25
    - (b) must give the person a notice that no further action is to be taken about the show cause notice. 26  
27  
28
  - (2) Subsection (1) does not prevent the chief executive giving the person a safety notice under section 403G(2)(a) or (b) in relation to the same building, structure or equipment. 29  
30  
31  
32

<b>Division 2</b>	<b>Giving of safety notices and related matters</b>	1 2
<b>403G Chief executive may give safety notice</b>		3
(1) This section applies if the chief executive reasonably believes a building or other structure or equipment on non-freehold land—		4 5 6
(a) is dangerous; and		7
(b) poses a serious risk to the safety of the public.		8 9
(2) The chief executive may give the occupier of the land on which the building, structure or equipment is situated a notice (a <i>safety notice</i> ) requiring the person, within a stated reasonable period, to take any of the following actions (each a <i>safety action</i> )—		10 11 12 13 14 15
(a) to repair or rectify the building, structure or equipment to make it safe;		16 17
(b) to fence off the building, structure or equipment to protect the public;		18 19
(c) to demolish or remove the building, structure or equipment.		20 21
(3) However, a person may be required to take a safety action mentioned in subsection (2)(c) only if—		22 23 24
(a) the chief executive reasonably believes it is not possible or practicable to take steps to comply with a safety action mentioned in subsection (2)(a) or (b); and		25 26 27 28
(b) the chief executive has complied with division 1.		29 30
(4) The safety notice must be accompanied by or include an information notice about the decision		31 32

[s 205]

to give the safety notice.	1
(5) In this section—	2
<i>occupier</i> , of land, means—	3
(a) if the land is the subject of a lease registered under this Act—the lessee of the land; or	4 5
(b) if the land is a reserve—the trustee of the reserve; or	6 7
(c) if a person has occupation rights in relation to the land under a licence or permit—the licensee or permittee.	8 9 10
<b>403H Person must comply with safety notice</b>	11
A person to whom a safety notice is given must comply with the notice unless the person has a reasonable excuse.	12 13 14
Maximum penalty—400 penalty units.	15
<b>Division 3 Noncompliance with safety notices</b>	16 17
<b>403I Safety notice requiring repair, rectification or fencing</b>	18 19
(1) This section applies if—	20
(a) a person is given a safety notice under section 403G(2)(a) or (b); and	21 22
(b) the person fails to comply with the notice, whether or not the person has been convicted of an offence against section 403H for the noncompliance.	23 24 25 26
(2) The State may—	27

[s 205]

- 
- (a) take the safety action required under the safety notice; and 1  
2
  - (b) recover from the person the reasonable costs of taking the safety action as a debt due to the State. 3  
4  
5

**403J Safety notice requiring demolition or removal** 6

- (1) This section applies if— 7
  - (a) a person is given a safety notice under section 403G(2)(c); and 8  
9
  - (b) the person fails to comply with the notice, whether or not the person has been convicted of an offence against section 403H for the noncompliance. 10  
11  
12  
13
- (2) The chief executive may give the person a notice (a **warning notice**) stating— 14  
15
  - (a) the chief executive is satisfied the person has failed to take a stated safety action required under the safety notice; and 16  
17  
18
  - (b) if the person fails to take the safety action within 7 days after the person is given the warning notice (the **relevant period**), the State may— 19  
20  
21  
22
    - (i) take the safety action; and 23
    - (ii) recover from the person the reasonable costs of taking the safety action, including any disposal costs, as a debt due to the State. 24  
25  
26  
27
- (3) The warning notice must be accompanied by or include an information notice about the decision to give the warning notice. 28  
29  
30
- (4) If the person does not, within the relevant period, take the safety action required under the safety notice, the State may— 31  
32  
33

[s 205]

- 
- (a) take the safety action; and 1
    - (b) for the purpose of taking the safety action, 2
      - remove anything in or on the building, 3
      - structure or equipment to which the safety 4
      - notice applies; and 5
    - (c) recover from the person the reasonable costs 6
      - of taking the safety action as a debt due to 7
      - the State. 8
  - (5) When the safety action is started, the building, 9
    - structure or equipment to which the safety notice 10
    - applies is forfeited to the State. 11
  - (6) If a thing becomes the property of the State under 12
    - subsection (5), the chief executive may deal with 13
    - the thing (the *forfeited thing*) as the chief 14
    - executive considers appropriate, including, for 15
    - example, by destroying it, giving it away or 16
    - otherwise disposing of it. 17
  - (7) For subsection (4)(c), the costs of taking the 18
    - safety action include the following costs (each the 19
    - disposal costs*)— 20
    - (a) any costs reasonably incurred in disposing 21
      - of the forfeited thing or any part of it; 22
      - Examples of disposal costs—* 23
        - transport costs, dump fees, storage costs, costs of 24
        - sale 25
    - (b) any costs reasonably incurred in removing a 26
      - thing in or on the forfeited thing for the 27
      - purpose of taking the safety action. 28
  - (8) If the chief executive sells the forfeited thing, or 29
    - any part of it, the amount for which the thing or 30
    - part is sold must be offset against the amount that 31
    - may otherwise be recovered under subsection 32
    - (4)(c). 33
  - (9) If the amount for which the forfeited thing or part 34
    - is sold is greater than the reasonable costs of 35



taking the safety action and any disposal costs, the 1  
chief executive must, after deducting the costs of 2  
taking the safety action and any disposal costs, 3  
make reasonable efforts to return the proceeds of 4  
the sale to the person. 5

## Part 1B Regulatory and other 6 notices on unallocated 7 State land and 8 particular trust land 9

### 403K Regulatory notices 10

- (1) The chief executive may, for the purpose of 11  
regulating or prohibiting a stated activity in an 12  
area of unallocated State land or relevant trust 13  
land, erect or display a notice (a *regulatory* 14  
*notice*) at or near the access points to the area of 15  
land to which the notice applies (the *restricted use* 16  
*area*). 17

*Example of an access point to an area of unallocated State* 18  
*land—* 19

a track or trail giving access to the area 20

- (2) A person must not contravene a requirement of 21  
the regulatory notice unless the person has a 22  
reasonable excuse. 23

Maximum penalty—400 penalty units. 24

- (3) The regulation or prohibition of the stated activity 25  
under the regulatory notice must be for 1 or more 26  
of the following purposes— 27
- (a) to protect public health or safety; 28
- (b) to prevent a nuisance in the restricted use 29  
area; 30

[s 205]

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- |   |                      |
|---|----------------------|
| <i>Example of a nuisance—</i>   | 1                    |
| excessive noise from trail bike riding  | 2                    |
| (c) to protect infrastructure in the restricted use area;   | 3<br>4               |
| (d) to protect the cultural or environmental value of the restricted use area;  | 5<br>6               |
| (e) another purpose prescribed by regulation.   | 7                    |
| (4) The regulatory notice must—   | 8                    |
| (a) be easily visible to passers-by; and  | 9                    |
| (b) identify the restricted use area—   | 10                   |
| (i) by describing or depicting the limits of the area; or   | 11<br>12             |
| (ii) by reference to an area or feature beyond a stated access point; and   | 13<br>14             |
| (c) state the activity to which it applies and how the activity is regulated or prohibited.   | 15<br>16             |
| (5) The regulatory notice may state that a contravention of a requirement of the notice is an offence against this Act and the penalty for the offence.   | 17<br>18<br>19<br>20 |
| (6) Evidence that the regulatory notice was erected or displayed at or near an access point to the restricted use area is evidence that the notice was erected or displayed by the chief executive. | 21<br>22<br>23<br>24 |
| (7) In this section—  | 25                   |
| <i>relevant trust land</i> means—   | 26                   |
| (a) trust land of which the State is the trustee; or  | 27                   |
| (b) trust land for which there is no trustee.   | 28                   |

#### **403L Regulatory information notices** 29

- |   |          |
|---|----------|
| (1) This section applies if a regulatory notice for a restricted use area does not state that a | 30<br>31 |
|---|----------|

- contravention of a requirement of the notice is an offence against this Act and the penalty for the offence. 1  
2  
3
- (2) The chief executive must erect or display at or near the access points to the restricted use area, and at other places the chief executive considers appropriate, a notice (a *regulatory information notice*) stating— 4  
5  
6  
7  
8
- (a) that a contravention of a requirement of the regulatory notice is an offence against this Act; and 9  
10  
11
- (b) the penalty for the offence. 12
- (3) The regulatory information notices must be placed so at least 1 of them is likely to be seen by anyone who sees a regulatory notice mentioned in subsection (1). 13  
14  
15  
16
- (4) The regulatory information notice may contain any other information about the restricted use area the chief executive considers appropriate. 17  
18  
19

#### **403M Person must not interfere with notices** 20

- A person must not move, destroy, damage, deface, alter or otherwise interfere with— 21  
22
- (a) a regulatory notice; or 23
- (b) a regulatory information notice. 24
- Maximum penalty—400 penalty units. 25

### **Part 1C                      Directions to leave unallocated State land and particular trust land** 26 27 28 29

[s 205]

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**403N Authorised officer may give direction**

- |   |    |
|---|----|
|   | 1  |
| (1) This section applies in relation to a person on     | 2  |
| unallocated State land or relevant trust land.          | 3  |
| (2) An authorised officer may direct the person to      | 4  |
| leave the land, or a stated part of the land, if the    | 5  |
| authorised officer reasonably believes—                 | 6  |
| (a) it is unsafe for the person to remain on the        | 7  |
| land; or  | 8  |
| <i>Example of when it may be unsafe for a person to</i> | 9  |
| <i>remain on the land—</i>                              | 10 |
| A controlled burn is being carried out on the land.     | 11 |
| (b) the person is contravening a requirement of         | 12 |
| a regulatory notice that applies to the land            | 13 |
| and leaving the land is the only way the                | 14 |
| person can comply with the requirement.                 | 15 |
| <i>Example—</i>   | 16 |
| A person is driving a vehicle in a part of              | 17 |
| unallocated State land where the driving of             | 18 |
| vehicles is prohibited under a regulatory notice.       | 19 |
| An authorised officer may direct the person to          | 20 |
| leave the part of the unallocated State land to         | 21 |
| which the regulatory notice applies.                    | 22 |
| (3) The direction may be given orally or in writing.    | 23 |
| (4) If the direction is given orally, the authorised    | 24 |
| officer must, when giving the direction, tell the       | 25 |
| person—   | 26 |
| (a) for a direction under subsection (2)(a)—            | 27 |
| (i) why it is unsafe for the person to                  | 28 |
| remain on the land; and                                 | 29 |
| (ii) that it is an offence for the person not           | 30 |
| to comply with the direction unless the                 | 31 |
| person has a reasonable excuse; or                      | 32 |
| (b) for a direction under subsection (2)(b)—            | 33 |

[s 205]

- 
- (i) the requirement of the regulatory notice the authorised officer believes is being contravened; and
    - (ii) the way in which it is believed the requirement is being contravened; and
    - (iii) that it is an offence for the person not to comply with the direction unless the person has a reasonable excuse.
  - (5) If the direction is given in writing, the direction must state the matters mentioned in subsection (4)(a) or (b).
  - (6) The person must comply with the direction unless the person has a reasonable excuse.  
Maximum penalty—400 penalty units.
  - (7) In this section—  
*relevant trust land* means—
    - (a) trust land of which the State is the trustee; or
    - (b) trust land for which there is no trustee.
- 403O Authorised officer must make record of direction**
- (1) This section applies if an authorised officer—
    - (a) gives a direction under section 403N orally; or
    - (b) gives a direction under section 403N in writing, but does not have a copy of the direction.
  - (2) The authorised officer must, as soon as reasonably practicable after the direction is given, make a written record of—
    - (a) the name of the person to whom the direction was given; and
-

[s 206]

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	(b) details of the direction; and	1
	(c) the day and time the direction was given.	2
<b>Clause 206</b>	<b>Insertion of new s 405AA</b>	3
	After section 405—	4
	<i>insert—</i>	5
	<b>405AA Definitions for division</b>	6
	In this division—	7
	<b><i>compliance period</i></b> see section 406(4)(a).	8
	<b><i>relevant period</i></b> see section 409(2).	9
<b>Clause 207</b>	<b>Amendment of s 406 (Notice to person to leave land, remove structures etc.)</b>	10
	(1) Section 406(4)(a)—	11
	<i>omit, insert—</i>	12
	(a) the period (the <b><i>compliance period</i></b> ) within	13
	which the person must comply with the	14
	notice; and	15
	(2) Section 406(5)—	16
	<i>omit, insert—</i>	17
	(5) The trespass notice may be given by fixing the	18
	notice in a conspicuous position and in a	19
	reasonably secure way on the land, or on a thing	20
	on the land.	21
	(6) The compliance period must be at least the period	22
	prescribed by regulation after—	23
	(a) if the trespass notice is given to the person	24
	in the way mentioned in subsection (5)—the	25
	person becomes aware of the existence of	26
	the notice; or	27
	(b) otherwise—the notice is given to the person.	28
		29

<b>Clause 208</b>	<b>Replacement of s 408 (Improvements etc. forfeited)</b>	1
	Section 408—	2
	<i>omit, insert—</i>	3
	<b>408 Forfeiture of improvements and other things on land</b>	4
		5
	(1) This section applies if a person to whom a trespass notice is given—	6
		7
	(a) does not comply with the notice; and	8
	(b) does not start a proceeding under this division within the relevant period.	9
		10
	(2) On the expiry of the relevant period, any improvements, goods or anything else belonging to the person that is on the land the subject of the trespass notice is forfeited to the State.	11
		12
		13
		14
	(3) In this section—	15
	<i>goods</i> includes stock.	16
<b>Clause 209</b>	<b>Amendment of s 409 (Person may start proceeding in Magistrates Court)</b>	17
		18
	Section 409(2)—	19
	<i>omit, insert—</i>	20
	(2) The proceeding must be started by the person within the following period (the <i>relevant period</i> )—	21
		22
		23
	(a) if the compliance period stated in the trespass notice is 7 days or less—7 days;	24
		25
	(b) otherwise—the compliance period stated in the trespass notice.	26
		27
<b>Clause 210</b>	<b>Amendment of s 410 (Chief executive may start proceeding)</b>	28
		29
	Section 410(6)(a), ‘required time’—	30

[s 211]

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*omit, insert—*

relevant period

**Clause 211      Insertion of new ch 7, pt 2, div 5**

Chapter 7, part 2—

*insert—*

**Division 5              Dealing with property  
   forfeited to the State**

**420AA How property may be dealt with**

(1) This section applies if a thing becomes the property of the State under—

(a) section 408; or

(b) a trespass order.

(2) The chief executive may deal with the thing as the chief executive considers appropriate, including, for example, by destroying it, giving it away or otherwise disposing of it.

(3) However, if the thing is forfeited to the State under a trespass order, the chief executive must not deal with the thing in a way that could prejudice the outcome of an appeal against the making of the trespass order.

(4) The State may recover from the former owner any costs reasonably incurred in disposing of the thing (the *disposal costs*) as a debt due to the State.

*Examples of disposal costs—*

transport costs, dump fees, storage costs, costs of sale

(5) If the chief executive sells the thing or any part of it, the amount for which the thing or part is sold must be offset against the amount that may otherwise be recovered under subsection (4).



- (6) If the amount for which the thing or part is sold is greater than the disposal costs, the chief executive must, after deducting the disposal costs, make reasonable efforts to return the proceeds of the sale to the former owner. 1  
2  
3  
4  
5
- (7) In this section— 6  
*former owner*, in relation to a thing that has been forfeited, means the person who owned the thing immediately before the forfeiture. 7  
8  
9

<b>Clause 212</b>	<b>Insertion of new ch 7, pt 3, div 1AA</b>	10
	Chapter 7, part 3, before division 1—	11
	<i>insert—</i>	12
	<b>Division 1AA Preliminary</b>	13
	<b>420J Definitions for part</b>	14
	In this part—	15
	<i>court</i> , in relation to an original decision or a review decision relating to an original decision, means—	16 17 18
	(a) if the original decision is an investigation decision—a Magistrates Court; or	19 20
	(b) otherwise—the Land Court.	21
	<i>investigation decision</i> means an original decision under any of the following provisions—	22 23
	(a) section 390ZG;	24
	(b) section 390ZH;	25
	(c) section 390ZO;	26
	(d) section 390ZP(1).	27

[s 213]

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<b>Clause 213</b>	<b>Insertion of new s 420K</b>	1
	Chapter 7, part 3, division 1, before section 421—	2
	<i>insert—</i>	3
	<b>420K Right of appeal</b>	4
	(1) A person who is given, or is entitled to be given, an information notice about an original decision may appeal against the decision.	5 6 7
	(2) Subsection (1) does not limit any other provision of this Act that gives a person a right to appeal against an original decision.	8 9 10
<b>Clause 214</b>	<b>Amendment of s 421 (Notice of right of appeal to be given)</b>	11 12
	Section 421—	13
	<i>insert—</i>	14
	(3) Subsections (1) and (2) do not apply in relation to an original decision for which a person is entitled to be given an information notice.	15 16 17
<b>Clause 215</b>	<b>Replacement of s 440 (Obstruction of officers etc.)</b>	18
	Section 440—	19
	<i>omit, insert—</i>	20
	<b>440 Obstructing particular officers</b>	21
	(1) A person must not obstruct a relevant officer exercising a power under this Act, or a person helping a relevant officer exercising a power under this Act, unless the person has a reasonable excuse.	22 23 24 25 26
	Maximum penalty—400 penalty units.	27
	(2) If a person has obstructed a relevant officer, or someone helping a relevant officer, and the relevant officer decides to proceed with the	28 29 30

[s 216]

- exercise of the power, the relevant officer must  
warn the person that—
- (a) it is an offence to cause an obstruction  
unless the person has a reasonable excuse;  
and
  - (b) the relevant officer considers the person's  
conduct an obstruction.
- (3) In this section—
- obstruct** includes assault, hinder, resist, attempt to  
obstruct and threaten to obstruct.
- relevant officer** means—
- (a) an authorised officer; or
  - (b) a public service employee employed in the  
department.

**Clause 216 Amendment of s 441 (Protection from liability)**

- (1) Section 441(1), 'officer or employee of the department'—  
*omit, insert—*  
official
- (2) Section 441(2), 'officer or employee'—  
*omit, insert—*  
official
- (3) Section 441—  
*insert—*
- (3) This section does not apply to an official if the  
official is a State employee within the meaning of  
the *Public Service Act 2008*, section 26B(4).
- Note—*  
For protection from civil liability in relation to State  
employees, see the *Public Service Act 2008*, section  
26C.

[s 217]

	(4) In this section—	1
	<i>official</i> means—	2
	(a) an authorised officer; or	3
	(b) a person acting under the direction or authority of an authorised officer.	4 5
<b>Clause 217</b>	<b>Amendment of s 448 (Regulation-making power)</b>	6
	(1) Section 448—	7
	<i>insert</i> —	8
	(2A) Without limiting subsection (2)(a), a regulation may require the following to be lodged or deposited using an Electronic Lodgment Network—	9 10 11 12
	(a) documents of a stated class;	13
	(b) documents lodged or deposited by a person of a stated class.	14 15
	(2) Section 448(4), ‘Subsection (3)’—	16
	<i>omit, insert</i> —	17
	Subsection (4)	18
	(3) Section 448—	19
	<i>insert</i> —	20
	(6) In this section—	21
	<i>Electronic Lodgment Network</i> has the meaning given by the Electronic Conveyancing National Law (Queensland), section 13.	22 23 24
	(4) Section 448(2A) to (6)—	25
	<i>renumber</i> as section 448(3) to (7).	26
<b>Clause 218</b>	<b>Insertion of new ch 9, pt 3</b>	27
	Chapter 9—	28

*insert—*

**Part 3                      Transitional provisions  
                                    for Land, Explosives  
                                    and Other Legislation  
                                    Amendment Act 2018**

**525 Application of s 199B to existing leases and permits**

Section 199B applies to a lease or permit, whether it was issued before or after the commencement.

**526 Application of s 294E(3)**

Section 294E(3) applies to a registered building management statement whether the statement was registered before or after the commencement.

**527 Authorised persons**

- (1) This section applies to a person who, immediately before the commencement, held an appointment as an authorised person under this Act.
- (2) The person holds office as an authorised officer under this Act on the same conditions until the person's office as an authorised officer ends under this Act.

**528 Identity cards issued before commencement**

- (1) This section applies to an identity card given under former section 397 to a person who, under section 527, holds office as an authorised officer under this Act.
- (2) From the commencement, the identity card is taken to be an identity card issued to the authorised officer under section 390I.

[s 219]

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- (3) In this section— 1  
*former section 397* means section 397 as in force 2  
from time to time before the commencement. 3

**529 Compensation** 4

- (1) Despite its repeal, former section 402 continues to 5  
apply in relation to a loss or expense mentioned in 6  
former section 402(1). 7
- (2) In this section— 8  
*former section 402* means section 402 as in force 9  
immediately before the commencement. 10

**Clause 219 Amendment of sch 2 (Original decisions)** 11

- (1) Schedule 2, authorising provision, ‘section 423’— 12  
*omit, insert—* 13  
schedule 6, definition *original decision*, 14  
paragraph (a) 15
- (2) Schedule 2— 16  
*insert—* 17

- 156A(1) giving an improvements notice
- 180I(1) giving an improvements notice
- 214H(2) giving a compliance notice
- 244(1) giving an improvements notice
- 390ZG seizing a thing unless a circumstance mentioned in section  
390ZM(1)(a) or (b) applies in relation to the thing
- 390ZH seizing a thing unless a circumstance mentioned in section  
390ZM(1)(a) or (b) applies in relation to the thing
- 390ZO retaining a seized thing

- 390ZP(1) forfeiting a seized thing unless—
- (a) the decision to forfeit the thing was made under section 390ZP(1)(a) or (b); and
  - (b) the place where the thing was seized is a place mentioned in section 390ZQ(4)(b)(i) or (ii)
- 403G(2) giving a safety notice
- 403J(2) giving a warning notice

**Clause 220 Amendment of sch 6 (Dictionary)**

- (1) Schedule 6, definitions *authorised person, court, monitoring device, monitoring site* and *required time*—  
*omit.*
- (2) Schedule 6—  
*insert—*
- accepted representations*** see section 403E(2).
- authorised officer*** means a person who holds office under chapter 6A, part 2 as an authorised officer.
- compliance notice*** see section 214H(2).
- compliance order*** see section 214J(2)(a).
- compliance period***, for chapter 7, part 2, division 2, see section 406(4)(a).
- court***—
- (a) generally, other than in relation to an offence—means the Land Court; or
  - (b) in relation to an offence—means a Magistrates Court; or
  - (c) for chapter 6A—see section 390C; or
  - (d) for chapter 7, part 3—see section 420J.
- criminal history***, of a person, means the person's

[s 220]

criminal history, as defined under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> , other than a spent conviction.	1 2 3
<b>disposal order</b> , for chapter 6A, see section 390ZT(2).	4 5
<b>document certification requirement</b> , for chapter 6A, see section 390ZW(6).	6 7
<b>document production requirement</b> , for chapter 6A, see section 390ZW(2).	8 9
<b>electronic document</b> , for chapter 6A, see section 390C.	10 11
<b>former owner</b> , for chapter 6A, see section 390ZQ(1).	12 13
<b>general power</b> , for chapter 6A, see section 390ZD(1) and (2).	14 15
<b>help requirement</b> , for chapter 6A, see section 390ZE(1).	16 17
<b>identity card</b> , for a provision about authorised officers, means an identity card issued under section 390I.	18 19 20
<b>improvements notice</b> —	21
(a) for chapter 4, part 3, division 2, subdivision 1AA—see section 156A(1); or	22 23
(b) for chapter 4, part 4—see section 180I(1); or	24
(c) for chapter 5, part 4, division 4—see section 244(1).	25 26
<b>improvements report</b> —	27
(a) for chapter 4, part 3, division 2, subdivision 1AA—see section 156(2); or	28 29
(b) for chapter 4, part 4—see section 180C(1); or	30 31



(c) for chapter 5, part 4, division 4—see section 242A(2).	1 2
<b>information notice</b> , about a decision, means a notice stating—	3 4
(a) the decision and the reasons for it; and	5
(b) the rights of review and appeal under this Act; and	6 7
(c) the period in which any review or appeal under this Act must be started; and	8 9
(d) how rights of review and appeal under this Act are to be exercised; and	10 11
(e) that, if the person who is given the notice applies under this Act for review of the decision, the person may apply for a stay of the decision.	12 13 14 15
<b>investigation decision</b> , for chapter 7, part 3, see section 420J.	16 17
<b>monitoring device</b> see section 390ZD(2)(c).	18
<b>monitoring site</b> see section 390ZD(2)(a).	19
<b>occupier</b> , of a place, for chapter 6A, see section 390C.	20 21
<b>of</b> , a place, for chapter 6A, see section 390C.	22
<b>offence warning</b> , for a direction or requirement by an authorised officer, for chapter 6A, see section 390C.	23 24 25
<b>personal details requirement</b> , for chapter 6A, see section 390ZU(5).	26 27
<b>person in control</b> , for chapter 6A, see section 390C.	28 29
<b>place</b> , for chapter 6A, see section 390C.	30
<b>premises</b> , for chapter 6A, see section 390C.	31
<b>public place</b> , for chapter 6A, see section 390C.	32

[s 221]

- reasonably believes* means believes on grounds that are reasonable in the circumstances. 1  
2
- reasonably suspects* means suspects on grounds that are reasonable in the circumstances. 3  
4
- regulatory information notice* see section 403L(2). 5  
6
- regulatory notice* see section 403K(1). 7
- relevant period*, for chapter 7, part 2, division 2, see section 409(2). 8  
9
- restricted use area* see section 403K(1). 10
- review decision* see section 426(1). 11
- safety action* see section 403G(2). 12
- safety notice* see section 403G(2). 13
- show cause notice* see section 403D(2). 14
- show cause period* see section 403D(2)(d). 15
- vehicle*, for chapter 6A, see section 390C. 16
- (3) Schedule 6, definition *marker*, ‘section 400’— 17  
*omit, insert*— 18  
section 390ZD 19
- (4) Schedule 6, definition *owner*, paragraph (c)— 20  
*omit, insert*— 21  
(c) for chapter 6A, see section 390C; or 22  
(d) for chapter 7, part 3B, see section 431O. 23

## Part 8 Amendment of Land Regulation 2009 24 25

Clause 221 Regulation amended 26  
This part amends the *Land Regulation 2009*. 27

[s 222]

<b>Clause 222</b>	<b>Amendment of s 48 (Required time for trespass notice—Act, s 406)</b>	1 2
	(1) Section 48, heading, ‘Required time’—	3
	<i>omit, insert—</i>	4
	<b>Compliance period</b>	5
	(2) Section 48(1)—	6
	<i>omit, insert—</i>	7
	(1) For section 406(6) of the Act, the compliance period is—	8 9
	(a) for a trespass related act that is building, placing or maintaining an improvement, other than a relevant improvement, on the land—28 days; or	10 11 12 13
	(b) for a trespass act related act, other than an act to which paragraph (a) applies or an act related to camping—7 days; or	14 15 16
	(c) for a trespass related act related to camping—4 hours.	17 18

<b>Part 9</b>	<b>Amendment of Land Title Act 1994</b>	19 20
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<b>Division 1</b>	<b>Preliminary</b>	21
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<b>Clause 223</b>	<b>Act amended</b>	22
	This part amends the <i>Land Title Act 1994</i> .	23
	<i>Note—</i>	24
	See also the amendments in schedule 1, part 1.	25

[s 224]

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<b>Division 2</b>	<b>Amendments commencing on assent</b>	1 2
<b>Clause 224</b>	<b>Insertion of new s 10A</b>	3
	After section 10—	4
	<i>insert—</i>	5
	<b>10A Registration of, or dealing with, particular instruments or other documents</b>	6 7
	(1) This section applies if an instrument or other document is lodged or deposited other than in compliance with a requirement under this Act.	8 9 10
	(2) The registrar may register, or otherwise deal with, the instrument or document if the registrar is satisfied it is reasonable not to require the compliance.	11 12 13 14
<b>Clause 225</b>	<b>Insertion of new s 29A</b>	15
	After section 29—	16
	<i>insert—</i>	17
	<b>29A Particulars the registrar may remove</b>	18
	The registrar may remove from the freehold land register anything recorded under section 28(2) or 29 if—	19 20 21
	(a) the registrar no longer considers the thing should be recorded to ensure the freehold land register is an accurate, comprehensive and useable record of freehold land in the State; and	22 23 24 25 26
	(b) the removal of the thing will not prejudice the rights of the holder of an interest recorded in the register.	27 28 29

<b>Clause 226</b>	<b>Amendment of s 54D (Registration of building management statement)</b>	1
		2
	Section 54D—	3
	<i>insert—</i>	4
	(3) A registered building management statement	5
	binds the successors in title to the registered	6
	owner of each lot to which the statement applies.	7
<b>Clause 227</b>	<b>Amendment of s 69 (Surrendering a lease)</b>	8
	(1) Section 69(2), ‘mortgagee and sublessee’—	9
	<i>omit, insert—</i>	10
	registered mortgagee and registered sublessee	11
	(2) Section 69—	12
	<i>insert—</i>	13
	(2A) Also, if a registered lease (the <i>surrendered lease</i> )	14
	has been wholly or partly surrendered by	15
	operation of law, the registrar may register an	16
	instrument evidencing the surrender if satisfied	17
	every registered mortgagee and registered	18
	sublessee of the lessee under the surrendered lease	19
	has been given written notice of the surrender.	20
	(3) Section 69(2A) to (5)—	21
	<i>renumber</i> as section 69(3) to (6).	22
<b>Clause 228</b>	<b>Amendment of s 111 (Registering personal representative)</b>	23
		24
	(1) Section 111(1), ‘lodge an application’—	25
	<i>omit, insert—</i>	26
	apply to the registrar	27
	(2) Section 111(2)(a)—	28
	<i>omit, insert—</i>	29

[s 229]

	(a) the person has obtained—	1
	(i) a grant of representation in Queensland; or	2 3
	(ii) the resealing in Queensland of a grant of representation; or	4 5
<b>Clause 229</b>	<b>Amendment of s 114 (Applying for Supreme Court order)</b>	6
	Section 114(1)(c)—	7
	<i>insert—</i>	8
	(iii) a lot registered in the name of a person as personal representative.	9 10
	<i>Example of a person interested in a lot mentioned in subparagraph (iii)—</i>	11 12
	a person claiming to be entitled to be appointed as personal representative in the place of the person in whose name the lot is registered	13 14 15
<b>Clause 230</b>	<b>Amendment of s 121 (Requirements of caveats)</b>	16
	(1) Section 121(2)(c)(i), ‘owner’—	17
	<i>omit, insert—</i>	18
	proprietor	19
	(2) Section 121(2)(c)(ii)—	20
	<i>omit, insert—</i>	21
	(ii) each other person whose interest or whose right to registration of an instrument is affected by the caveat; and	22 23 24
	(3) Section 121—	25
	<i>insert—</i>	26
	(2A) Without limiting subsection (2)(b), the address stated may be the address of a stated legal practitioner.	27 28 29

<b>Clause 231</b>	<b>Replacement of s 123 (Notifying caveat)</b>	1
	Section 123—	2
	<i>omit, insert—</i>	3
	<b>123 Notifying caveat</b>	4
	The registrar must give written notice of the	5
	lodgement of a caveat to each person mentioned	6
	in section 121(2)(c)(i) and (ii).	7
<b>Clause 232</b>	<b>Amendment of s 124 (Effect of lodging caveat)</b>	8
	(1) Section 124(2)—	9
	<i>insert—</i>	10
	(da) if the caveator is a person who has the	11
	benefit of an order mentioned in section	12
	122(1)(e)—an instrument for a dealing other	13
	than a dealing restrained by the order;	14
	<i>Example—</i>	15
	A caveat lodged by a person who has the benefit	16
	of an order mentioned in section 122(1)(e)	17
	restrains the registered owner of a lot from	18
	transferring or mortgaging the lot. The lodgement	19
	of the caveat does not prevent registration of an	20
	instrument of lease for the lot.	21
	(2) Section 124(2)(da) and (e)—	22
	<i>renumber</i> as section 124(2)(e) and (f).	23
<b>Clause 233</b>	<b>Amendment of s 126 (Lapsing of caveat)</b>	24
	(1) Section 126(2) and (3)—	25
	<i>omit, insert—</i>	26
	(2) The caveatee of a caveat to which this section	27
	applies—	28
	(a) may serve on the caveator a notice requiring	29
	the caveator to start a proceeding in a court	30

[s 234]

	of competent jurisdiction to establish the interest claimed under the caveat; and	1 2
	<i>Note—</i>	3
	See section 131 in relation to the service of notices on the caveator.	4 5
	(b) if the caveatee serves a notice under paragraph (a)—must, within 14 days after the notice is served, deposit an instrument notifying the registrar of the service of the notice.	6 7 8 9 10
(2)	Section 126(4)(a)(i) and (ii)—	11
	<i>omit, insert—</i>	12
	(i) if the caveatee has served a notice under subsection (2)(a) on the caveator and has complied with subsection (2)(b)—within 14 days after the notice is served on the caveator; or	13 14 15 16 17
	(ii) otherwise—within 3 months after the lodgement of the caveat; and	18 19
(3)	Section 126(4)(b), ‘in the way the registrar requires’—	20
	<i>omit, insert—</i>	21
	by depositing an instrument	22
<b>Clause 234</b>	<b>Amendment of s 128 (Cancelling a caveat)</b>	23
(1)	Section 128(1)—	24
	<i>insert—</i>	25
	(d) if the caveator is a person who has the benefit of an order mentioned in section 122(1)(e)—the proceeding in which the order was made has been discontinued or dismissed, or has otherwise ended.	26 27 28 29 30
(2)	Section 128(3), ‘remove’—	31
	<i>omit, insert—</i>	32



[s 235]

	cancel	1
(3)	Section 128—	2
	<i>insert—</i>	3
(4)	Also, the registrar may cancel a caveat lodged by a person who has the benefit of an order mentioned in section 122(1)(e) if—	4 5 6
(a)	an instrument for a dealing other than a dealing restrained by the order is registered; and	7 8 9
(b)	because of the registration of the instrument, the order can have no further effect to restrain dealings by the person subject to the order.	10 11 12 13
<b>Clause 235</b>	<b>Amendment of s 156 (Requisitions)</b>	14
	Section 156—	15
	<i>insert—</i>	16
(6)	Also, subsections (7) and (8) apply in relation to an instrument or other document that is lodged if the registrar is satisfied—	17 18 19
(a)	the instrument or document is not capable of registration; and	20 21
(b)	the reason the instrument or document is not capable of registration is not a matter for which a requisition may be given under subsection (1).	22 23 24 25
(7)	The registrar may give written notice (also the <b><i>requisition</i></b> ) to the person who lodged the instrument or document, or to another person who reasonably appears to the registrar to be relevantly associated with the instrument or document, stating—	26 27 28 29 30 31

[s 236]

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	(a) that the instrument or document is not capable of registration; and	1 2
	(b) why the instrument or document is not capable of registration.	3 4
	(8) The requisition may, if it relates to an electronic conveyancing document, be accompanied by a copy of the document.	5 6 7
<b>Clause 236</b>	<b>Amendment of s 157 (Rejecting instrument or document for failure to comply with requisition)</b>	8 9
	(1) Section 157, heading, ‘for failure to comply with requisition’—	10 11
	<i>omit, insert—</i>	12
	<b>after requisition given</b>	13
	(2) Section 157(1)—	14
	<i>omit, insert—</i>	15
	(1) The registrar may reject an instrument or document to which a requisition relates and any instrument that depends on it for registration if—	16 17 18
	(a) for a requisition given under section 156(1)—the requisition is not complied with by a person within the time stated or extended by the registrar; or	19 20 21 22
	(b) the requisition is given under section 156(7).	23 24
	(3) Section 157(6), ‘a rejected instrument’—	25
	<i>omit, insert—</i>	26
	an instrument rejected under subsection (1)(a)	27
<b>Clause 237</b>	<b>Amendment of s 197 (Service)</b>	28
	(1) Section 197—	29

*insert—*

- (1A) Subsection (1) does not apply to a notice required or permitted to be served on a caveator under part 7, division 2.

*Note—*

See section 131 in relation to the service of notices on a caveator.

- (2) Section 197(2), after ‘permitted’—

*insert—*

to

- (3) Section 197(3), ‘subsection (2)’—

*omit, insert—*

subsection (3)

- (4) Section 197(1A) to (4)—

*renumber* as section 197(2) to (5).

**Clause 238 Amendment of s 199 (Regulation-making power)**

- (1) Section 199(2)(a)—

*omit, insert—*

- (a) the requirements for lodging and depositing instruments and other documents;

- (2) Section 199—

*insert—*

- (2A) Without limiting subsection (2)(a), a regulation may require the following to be lodged or deposited using an Electronic Lodgment Network—

- (a) instruments or other documents of a stated class;

- (b) instruments or other documents lodged or deposited by a person of a stated class.

[s 239]

---

(3) Section 199—	1
<i>insert—</i>	2
(4) In this section—	3
<i>Electronic Lodgment Network</i> has the meaning	4
given by the Electronic Conveyancing National	5
Law (Queensland), section 13.	6
(4) Section 199(2A) to (4)—	7
<i>renumber</i> as section 199(3) to (5).	8

Clause	239	Insertion of new pt 12, div 7, sdiv 1	9
		Part 12—	1
		<i>insert—</i>	1
		<b>Division 7</b>	1
		<b>Transitional provisions for</b>	1
		<b>Land, Explosives and</b>	1
		<b>Other Legislation</b>	1
		<b>Amendment Act 2018</b>	1
		<b>Subdivision 1</b>	1
		<b>Registered building</b>	1
		<b>management statements</b>	1
		<b>213 Application of s 54D(3)</b>	1
		Section 54D(3) applies to a registered building	1
		management statement whether the statement was	2
		registered before or after the commencement.	2

<b>Division 3</b>	<b>Amendments commencing on 1 July 2019</b>	1 2
<b>Clause 240</b>	<b>Amendment of s 41C (Application of provisions of Act to common property)</b>	3 4
	Section 41C(3), first dot point—	5
	<i>omit.</i>	6
<b>Clause 241</b>	<b>Omission of pt 3, div 3 (Certificates of title)</b>	7
	Part 3, division 3—	8
	<i>omit.</i>	9
<b>Clause 242</b>	<b>Omission of s 75 (Equitable mortgage)</b>	10
	Section 75—	11
	<i>omit.</i>	12
<b>Clause 243</b>	<b>Omission of s 154 (Returning certificate of title for cancellation)</b>	13 14
	Section 154—	15
	<i>omit.</i>	16
<b>Clause 244</b>	<b>Amendment of s 164 (Dispensing with production of paper instrument)</b>	17 18
	(1) Section 164(3) and (4)—	19
	<i>omit.</i>	20
	(2) Section 164(5)—	21
	<i>renumber</i> as section 164(3).	22

[s 245]

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<b>Clause 245</b>	<b>Amendment of s 166 (Destroying instrument in certain circumstances)</b>	1 2
	(1) Section 166(5) to (7)—	3
	<i>omit.</i>	4
	(2) Section 166(8)—	5
	<i>renumber</i> as section 166(5).	6
 <b>Clause 246</b>	 <b>Amendment of s 189 (Matters for which there is no entitlement to compensation)</b>	 7 8
	Section 189(2)—	9
	<i>insert—</i>	10
	<i>certificate of title</i> means a certificate of title issued under this Act before the commencement of the <i>Land, Explosives and Other Legislation Amendment Act 2018</i> , part 9, division 3.	11 12 13 14
 <b>Clause 247</b>	 <b>Insertion of new pt 12, div 7, sdiv 2</b>	 15
	Part 12, division 7, as inserted by this Act—	16
	<i>insert—</i>	17
	<b>Subdivision 2 Certificates of title</b>	18
	 <b>214 Definition for subdivision</b>	 19
	In this subdivision—	20
	<i>certificate of title</i> means a certificate of title issued under this Act before the commencement.	21 22
	 <b>215 Certificates of title cease to be instruments</b>	 23
	(1) On the commencement, a certificate of title—	24
	(a) ceases to be an instrument under this Act;	25
	and	26

[s 247]

- (b) ceases to be evidence, conclusive or otherwise, of the indefeasible title for the lot for which it was issued. 1  
2  
3
- (2) To remove any doubt, it is declared that subsection (1) does not affect— 4  
5
- (a) the indefeasible title for the lot for which the certificate of title was issued; or 6  
7
- (b) any interest in the lot for which the certificate of title was issued. 8  
9

**216 Registration of particular instruments lodged before commencement without certificate of title** 10  
11  
12

- (1) This section applies to an instrument lodged before the commencement if— 13  
14
  - (a) the instrument could not be registered for a lot because the certificate of title for the lot had not been returned for cancellation as required under former section 154; and 15  
16  
17  
18
  - (b) immediately before the commencement, the instrument had not been rejected under section 157(1). 19  
20  
21
  - (2) The instrument may be registered despite the noncompliance with former section 154. 22  
23
  - (3) In this section— 24
- former section 154* means section 154 as in force from time to time before the commencement. 25  
26

**217 Provisions of other Acts relating to certificates of title** 27  
28

To the extent a provision of another Act requires or permits a person to take an action in relation to a certificate of title, the provision is taken, from the commencement, not to apply. 29  
30  
31  
32

[s 248]

	<i>Examples of an action in relation to a certificate of title—</i>	1
	deposit, give, inspect, produce, or dispense with	2
	production of a certificate of title	3
<b>Clause 248</b>	<b>Amendment of sch 2 (Dictionary)</b>	4
	(1) Schedule 2, definition <i>certificate of title</i> —	5
	<i>omit.</i>	6
	(2) Schedule 2, definition <i>instrument</i> , paragraph (a), ‘or	7
	certificate of title’—	8
	<i>omit.</i>	9
<b>Part 10</b>	<b>Amendment of Mineral and</b>	10
	<b>Energy Resources (Common</b>	11
	<b>Provisions) Act 2014</b>	12
<b>Clause 249</b>	<b>Act amended</b>	13
	This part amends the <i>Mineral and Energy Resources</i>	14
	<i>(Common Provisions) Act 2014.</i>	15
<b>Clause 250</b>	<b>Amendment of s 103 (Definitions for ch 4)</b>	16
	Section 103, definition <i>relevant matter</i> —	17
	<i>omit, insert—</i>	18
	<b><i>relevant matter</i></b> , in relation to a joint development	19
	plan, means—	20
	(a) for a joint development plan under part 2,	21
	division 3—a matter mentioned in section	22
	130(3); or	23
	(b) for a joint development plan under part 3—a	24
	matter mentioned in section 142(3).	25



<b>Clause 251</b>	<b>Amendment of s 165 (What is <i>PL connecting infrastructure</i>)</b>	1 2
	Section 165(1), ‘in an overlapping area the subject of the PL’—	3 4
	<i>omit.</i>	5
<b>Clause 252</b>	<b>Insertion of new ch 7, pt 5</b>	6
	Chapter 7—	7
	<i>insert—</i>	8
	<b>Part 5</b>	9
	<b>Provisions about application of section 232</b>	10 11
	<b>243A Application generally</b>	12
	Section 232 does not, and never did, affect the operation of the Mineral Resources Act, section 826.	13 14 15
	<b>243B Application to coal resource authority granted over replacement PL</b>	16 17
	(1) This section applies if a coal resource authority, whenever granted, overlaps a PL that—	18 19
	(a) was granted after the relevant commencement; and	20 21
	(b) is a replacement tenure under the P&G Act, section 908(2).	22 23
	(2) Section 232 applies to the coal resource authority and PL as if the PL were granted before the relevant commencement.	24 25 26
	(3) This section applies to a PL mentioned in subsection (1) even if it was granted before the commencement of this section.	27 28 29

[s 253]

---

(4) In this section—	1
<i>coal resource authority</i> see section 103.	2
<i>overlaps</i> see section 231.	3
<i>PL</i> means a petroleum lease (csg) within the meaning of section 103.	4
	5
<i>relevant commencement</i> means the commencement of part 4.	6
	7

<b>Part 11</b>	<b>Amendment of Mineral Resources Act 1989</b>	8
		9

<b>Clause 253</b>	<b>Act amended</b>	10
	This part amends the <i>Mineral Resources Act 1989</i> .	11

<b>Clause 254</b>	<b>Insertion of new ch 15, pt 10A</b>	12
	Chapter 15—	13
	<i>insert—</i>	14

<b>Part 10A</b>	<b>Other provision for Mineral and Energy Resources (Common Provisions) Act 2014</b>	15
		16
		17
		18

<b>837A Application of Common Provisions Act, s 138 to particular coal mining leases</b>	19
	20

(1) This section applies if—	21
(a) the area of a coal mining lease granted after the relevant commencement overlaps the area of a petroleum lease granted before the relevant commencement; and	22
	23
	24
	25

- 
- (b) the new overlap provisions do not apply to the circumstance of the overlap under the Common Provisions Act, section 232(2). 1  
2  
3
  - (2) For applying the Common Provisions Act, section 138 to the coal mining lease, each of the following applies— 4  
5  
6
    - (a) the written notice of the offer given under section 138(2) need not comply with the requirements under section 138(2)(a) to (c); 7  
8  
9
    - (b) section 138(3) is taken to provide only that the petroleum lease holder may accept the offer within 12 months after receiving the written notice, or a later period agreed to by the coal mining lease holder; 10  
11  
12  
13  
14
    - (c) the reference in section 138(7) to ‘gas offered to a petroleum resource authority holder under subsection (2)(a)’ is taken to be a reference to ‘undiluted incidental coal seam gas offered to a petroleum resource authority holder under subsection (2)’. 15  
16  
17  
18  
19  
20
  - (3) This section applies to a coal mining lease mentioned in subsection (1) even if it was granted before the commencement of this section. 21  
22  
23
  - (4) In this section— 24
    - new overlap provisions*** means the Common Provisions Act, chapter 4. 25  
26
    - relevant commencement*** means the commencement of section 826. 27  
28

[s 255]

<b>Part 12</b>	<b>Amendment of Petroleum and Gas (Production and Safety) Act 2004</b>	1
		2
		3

<b>Division 1</b>	<b>Preliminary</b>	4
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<b>Clause 255</b>	<b>Act amended</b>	5
	This part amends the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	6
		7
	<i>Note—</i>	8
	See also the amendments in schedule 1, parts 1 and 3.	9

<b>Division 2</b>	<b>Amendments commencing on assent</b>	10
		11

<b>Clause 256</b>	<b>Amendment of s 343 (Exclusion)</b>	12
	Section 343, from ‘for land’—	13
	<i>omit, insert—</i>	14
	for—	15
	(a) land in the area of a coal or oil shale mining lease; or	16
		17
	(b) land that is the subject of an application for a coal or oil shale mining lease when the call for tenders is made.	18
		19
		20

<b>Clause 257</b>	<b>Amendment of s 670 (What is an <i>operating plant</i>)</b>	21
	(1) Section 670(2)(k)—	22
	<i>omit, insert—</i>	23

[s 258]

- 
- (k) a facility used to drill, complete, maintain, repair, convert or decommission an authorised water bore. 1  
2  
3
- (2) Section 670(8)— 4  
*insert—* 5
- (c) a facility mentioned in subsection (2)(k) for an authorised water bore after either of the following happens— 6  
7  
8
- (i) a transfer of the bore takes effect under section 288 or the 1923 Act, section 75Q; 9  
10  
11
- (ii) the bore is decommissioned and the relevant time for the bore under section 294(2) or the 1923 Act, section 75W(2) passes. 12  
13  
14  
15
- (3) Section 670(10)— 16  
*insert—* 17
- authorised water bore*** means a water injection bore, water observation bore or water supply bore that a relevant holder or a person for the relevant holder— 18  
19  
20  
21
- (a) drills or converts under this Act or the 1923 Act; or 22  
23
- (b) decommissions under this Act or the 1923 Act. 24  
25
- relevant holder*** means the holder of a petroleum tenure, water monitoring authority, 1923 Act petroleum tenure or water monitoring authority under the 1923 Act. 26  
27  
28  
29

**Clause 258 Amendment of s 677 (Operator responsible for compliance with safety management system)** 30  
31  
Section 677, ‘ensure’— 32

[s 259]

---

*omit, insert—* 1  
take all reasonable steps to ensure 2

**Clause 259 Amendment of s 693 (Site safety manager’s obligations)** 3  
Section 693, ‘ensure’— 4  
*omit, insert—* 5  
take all reasonable steps to ensure 6

**Clause 260 Omission of ch 9, pt 4, div 2 (Operating plant owners)** 7  
Chapter 9, part 4, division 2— 8  
*omit.* 9

**Clause 261 Replacement of s 699 (General obligation to keep risk to acceptable level)** 10  
Section 699— 11  
*omit, insert—* 12  
**699 General obligation to keep risk to acceptable level** 13  
14  
15  
(1) This section applies to a person on whom— 16  
(a) an obligation is imposed under this Act for 17  
an operating plant; or 18  
(b) an obligation is imposed under the safety 19  
management system for an operating plant. 20  
(2) To the extent of the person’s obligation 21  
mentioned in subsection (1), the person must take 22  
all reasonable steps to ensure no person or 23  
property is exposed to a level of risk in relation to 24  
the operating plant that is more than an acceptable 25  
level. 26  
Maximum penalty—100 penalty units. 27

<b>Clause 262</b>	<b>Amendment of s 702 (Requirement to comply with safety management system)</b>	1
	Section 702, after ‘must’—	2
	<i>insert</i> —	3
	take all reasonable steps to	4
<b>Clause 263</b>	<b>Amendment of s 725 (What is <i>gas work</i>)</b>	5
	Section 725, from ‘the gas’—	6
	<i>omit, insert</i> —	7
	a gas system.	8
<b>Clause 264</b>	<b>Insertion of new ch 10, pt 3</b>	9
	Chapter 10—	10
	<i>insert</i> —	11
	<b>Part 3 Remediation of abandoned operating plant</b>	12
	<b>799B Definitions for part</b>	13
	In this part—	14
	<i>abandoned operating plant</i> see section 799C.	15
	<i>authorised person</i> means a person authorised by the chief executive under section 799D.	16
	<i>former tenure or authority</i> , for an abandoned operating plant, means a relevant tenure or authority—	17
	(a) under which an authorised activity was previously carried out in relation to the abandoned operating plant; and	18
	(b) that is no longer in force.	19

[s 264]

<b><i>primary land</i></b> , for an abandoned operating plant,	1
means—	2
(a) land on which the abandoned operating	3
plant is located; or	4
(b) land within the boundary of a former tenure	5
or authority for the abandoned operating	6
plant.	7
<b><i>relevant tenure or authority</i></b> means any of the	8
following tenures or authorities—	9
(a) a 1923 Act petroleum tenure;	10
(b) a coal or oil shale mining tenement;	11
(c) a geothermal tenure;	12
(d) a GHG tenure;	13
(e) a mineral hydrocarbon mining lease;	14
(f) a petroleum authority.	15
<b><i>remediation activities</i></b> see section 799D.	16

## **799C Meaning of *abandoned operating plant*** 17

(1) An <b><i>abandoned operating plant</i></b> is—	18
(a) a facility, pipeline or system—	19
(i) that is or was an operating plant	20
mentioned in section 670(2); and	21
(ii) for which a relevant tenure or authority	22
required under an Act is not in force;	23
and	24
(iii) for which no environmental authority is	25
in force; or	26
(b) a place, or part of a place—	27
(i) that is or was an operating plant	28
mentioned in section 670(5); and	29



- (ii) if an activity at the place, or part of the place, was carried out for a relevant tenure or authority—for which the relevant tenure or authority is not in force; and
    - (iii) for which no environmental authority is in force; or
  - (c) an authorised activity—
    - (i) that was an operating plant mentioned in section 670(6) and (7); and
    - (ii) for which no relevant tenure or authority is in force; and
    - (iii) for which no environmental authority is in force; or
  - (d) any other thing prescribed by regulation that is or was an operating plant.
- (2) An *abandoned operating plant* does not include a site where a bore drilled under the Water Act or a legacy borehole is located.

#### **799D Authorised person to carry out remediation activities**

The chief executive may authorise a person to carry out 1 or more of the following activities (*remediation activities*) in relation to an abandoned operating plant—

- (a) investigate the condition of the abandoned operating plant or the primary land for the abandoned operating plant;
- (b) cap a wellhead;
- (c) drill a well or water bore on the primary land to monitor or remediate the abandoned operating plant or the primary land;

[s 264]

- |   |                      |
|---|----------------------|
| (d) maintain the abandoned operating plant to make it safe;   | 1<br>2               |
| <i>Example for paragraph (d)—</i>   | 3                    |
| monitor, inspect, carry out repairs   | 4                    |
| (e) decommission the abandoned operating plant;   | 5<br>6               |
| <i>Example for paragraph (e)—</i>   | 7                    |
| degassing a facility, removing part of a facility   | 8                    |
| (f) remove, or make safe, structures or equipment on the primary land that are associated with the abandoned operating plant;             | 9<br>10<br>11<br>12  |
| (g) repair erosion, or prevent further erosion, of the primary land or vegetation on the primary land;                                    | 13<br>14<br>15       |
| (h) clean up pollution remaining on the primary land;   | 16<br>17             |
| (i) if the primary land is contaminated land under the Environmental Protection Act—conduct work to remediate the primary land;           | 18<br>19<br>20       |
| (j) any other activity prescribed by regulation that relates to ensuring the safety of the abandoned operating plant or the primary land. | 21<br>22<br>23<br>24 |

## 799E Entering land to carry out remediation activities 25 26

- |   |                      |
|---|----------------------|
| (1) This section applies to the following land—   | 27                   |
| (a) primary land for an abandoned operating plant;  | 28<br>29             |
| (b) land ( <i>adjacent land</i> ) that is adjacent to primary land for an abandoned operating plant if an authorised person has no other reasonably practicable way of entering the | 30<br>31<br>32<br>33 |

- 
- primary land without entering the adjacent land. 1  
2
  - (2) An authorised person may, to carry out remediation activities, enter the land— 3  
4
    - (a) if the carrying out of remediation activities is necessary to preserve life or property—at any time; or 5  
6  
7
    - (b) otherwise—at any time after the earlier of the following days— 8  
9
      - (i) the day the owner of the land is given notice of the entry under section 799F; 10  
11
      - (ii) the day the occupier of the land is given notice of the entry under section 799F. 12  
13
  - (3) However, this section does not permit an authorised person to enter a structure, or a part of a structure, used for residential purposes without the consent of the occupier of the structure or part. 14  
15  
16  
17
  - (4) Despite subsection (2), the authorised person may enter adjacent land only for the purpose of entering primary land for an abandoned operating plant. 18  
19  
20  
21

### **799F Notice of entry**

- (1) An authorised person entering land under this part must give the owner and any occupier of the land notice of the entry— 22  
23  
24  
25
  - (a) if the carrying out of remediation activities is necessary to preserve life or property—within 10 business days after the entry is made; or 26  
27  
28  
29
  - (b) otherwise—before entering the land. 30
- (2) The notice must state the following matters— 31
  - (a) the day on which entry was, or is to be, made; 32  
33

[s 265]

- (b) the purpose of the entry and, if the land is primary land, the remediation activities carried out or proposed to be carried out; 1  
2  
3
- (c) that the authorised person is permitted under this part to enter the land without consent or a warrant. 4  
5  
6

### **799G Obligation of authorised person in carrying out remediation activities**

- An authorised person who enters land under this part— 7  
8
- (a) must not cause, or contribute to, unnecessary damage to any structure or works on the land; and 9  
10  
11  
12  
13
  - (b) must take all reasonable steps to ensure the person causes as little inconvenience, and does as little other damage, as is practicable in the circumstances. 14  
15  
16  
17

### **799H Abandoned operating plant is not operating plant**

- (1) For the purposes of chapter 9 and the *Work Health and Safety Act 2011*, an abandoned operating plant is taken not to be an operating plant. 18  
19  
20  
21  
22
- (2) This section applies despite section 670. 23

## **Clause 265 Replacement of s 813 (False or misleading information)**

Section 813— 24  
25  
*omit, insert—* 26

### **813 False or misleading documents or statements**

- (1) A person must not make an entry in a document required to be made, adopted, held or kept under this Act knowing the entry is false or misleading 27  
28  
29  
30

in a material particular.	1
Maximum penalty—100 penalty units.	2
<i>Notes—</i>	3
1 This provision is an executive liability provision— see section 814.	4 5
2 If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 814A, to have also committed the offence.	6 7 8 9
(2) A person must not state anything to an authorised officer that the person knows is false or misleading in a material particular.	10 11 12
Maximum penalty—100 penalty units.	13
<i>Notes—</i>	14
1 This provision is an executive liability provision— see section 814.	15 16
2 If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 814A, to have also committed the offence.	17 18 19 20
(3) A person must not, in relation to the administration of this Act, give to an authorised officer a document that the person knows to be false or misleading in a material particular.	21 22 23 24
Maximum penalty—100 penalty units.	25
<i>Notes—</i>	26
1 This provision is an executive liability provision— see section 814.	27 28
2 If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 814A, to have also committed the offence.	29 30 31 32
(4) Subsection (3) applies to a document given in relation to the administration of this Act whether or not the document was given in response to a specific power under this Act.	33 34 35 36

[s 266]

	(5) Subsection (3) does not apply to a person if the person, when giving the document—	1 2
	(a) tells the authorised officer, to the best of the person’s ability, how the document is false or misleading; and	3 4 5
	(b) if the person has, or can reasonably obtain, the correct information—gives the correct information.	6 7 8
	(6) This section does not apply to a person for an act or omission of the person if section 606 or 607 applies to the person for the act or omission.	9 10 11
<b>Clause 266</b>	<b>Amendment of s 814 (Liability of executive officer—particular offences committed by corporation)</b>	12 13
	Section 814(5), definition <i>executive liability provision</i> —	14
	<i>insert</i> —	15
	• section 813(3)	16
<b>Clause 267</b>	<b>Amendment of s 814A (Executive officer may be taken to have committed offence)</b>	17 18
	(1) Section 814A(5), definition <i>deemed executive liability provision</i> , paragraph (a), ‘698,’—	19 20
	<i>omit</i> .	21
	(2) Section 814A(5), definition <i>deemed executive liability provision</i> , paragraph (a), ‘or 813(2)’—	22 23
	<i>omit, insert</i> —	24
	813(2) or 813(3)	25
<b>Clause 268</b>	<b>Replacement of s 836 (Safety management systems)</b>	26
	Section 836—	27
	<i>omit, insert</i> —	28

### 836 Safety management systems

- (1) This section applies if it is relevant for a proceeding to establish what was the safety management system for an operating plant at a particular time.
- (2) For the proceeding, the safety management system the copy of which was accessible at the plant under section 676(1)(a) at that time is taken to be the safety management system for the plant at that time.

### Clause 269 Amendment of s 837 (Offences under Act are summary)

- (1) Section 837(1), from ‘must be’—  
*omit, insert—*  
are to be heard and decided summarily.
- (2) Section 837(4)(a) and (b)—  
*omit, insert—*  
(a) 2 years after the offence first comes to the notice of the complainant;
- (3) Section 837(4)(c)—  
*renumber* as section 837(4)(b).

### Clause 270 Replacement of s 840 (Conduct of representatives)

Section 840—  
*omit, insert—*

#### 840 Responsibility for acts or omissions of representative

- (1) This section applies to a proceeding for an offence against this Act.
- (2) If it is relevant to prove a person’s state of mind about a particular act or omission, it is enough to show—

[s 270]

---

- (a) the act was done or omitted to be done by a representative of the person within the scope of the representative's actual or apparent authority; and
  - (b) the representative had the state of mind.
- (3) An act done or omitted to be done for a person by a representative of the person within the scope of the representative's actual or apparent authority is taken to have been done or omitted to be done also by the person, unless the person proves the person could not, by the exercise of reasonable precautions and proper diligence, have prevented the act or omission.
- (4) In this section—
  - representative* means—
    - (a) for an individual—an employee or agent of the individual; or
    - (b) for a corporation—an executive officer, employee or agent of the corporation.
  - state of mind*, of a person, includes—
    - (a) the person's knowledge, intention, opinion, belief or purpose; and
    - (b) the person's reasons for the intention, opinion, belief or purpose.

#### **840A Costs of investigation**

- (1) If a court convicts a person of an offence against this Act, the court may order the person to pay the department's reasonable costs of investigating the offence, including reasonable costs of preparing for the prosecution of the offence.
- (2) This section does not limit the orders for costs the court may make.



<b>Clause 271</b>	<b>Amendment of s 851A (Public statements)</b>	1
	Section 851A—	2
	<i>insert—</i>	3
	(4) No liability is incurred by the State for anything done in good faith for the purpose of issuing a public statement under this section.	4
	(5) No liability is incurred by a person for publishing, in good faith, information that has been included in a public statement under this section.	5
	(6) In this section—	6
	<i>liability</i> includes liability in defamation.	7
<b>Clause 272</b>	<b>Amendment of s 856 (Protection from liability for particular persons)</b>	8
	Section 856(1)—	9
	<i>insert—</i>	10
	(f) an authorised person carrying out remediation activities under chapter 10, part 3.	11
<b>Clause 273</b>	<b>Insertion of new ch 15, pt 22</b>	12
	Chapter 15—	13
	<i>insert—</i>	14
	<b>Part 22</b>	15
	<b>Transitional provisions for Land, Explosives and Other Legislation Amendment Act 2018</b>	16
		17
		18
	<b>996 Definition for part</b>	19
	In this part—	20

[s 274]

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*former*, for a provision of this Act, means as in 1  
force before the commencement of the section in 2  
which the term is used. 3

**997 Offence proceedings** 4

- (1) This section applies if, for a proceeding for an 5  
offence against this Act, an act or omission to 6  
which the proceeding relates was done or omitted 7  
to be done before the commencement. 8
- (2) Former sections 837 and 840 apply to the 9  
proceeding. 10

**Clause 274 Amendment of sch 2 (Dictionary)** 11

- (1) Schedule 2, definitions *authorised person*, *distribution* 12  
*system*, *gas system* and *multi-tenanted premises*— 13  
*omit*. 14
- (2) Schedule 2— 15  
*insert*— 16

*abandoned operating plant*, for chapter 10, part 17  
3, see section 799C. 18

*authorised person*— 19

- (a) for chapter 2, part 10, division 5, see section 20  
294A; or 21
- (b) for chapter 10, part 3, see section 799B. 22

*distribution system* means a system of 23  
distribution pipelines and meters and other 24  
equipment used in the supply of fuel gas to more 25  
than 1 consumer within a fuel gas market, but 26  
does not include— 27

- (a) pipelines connected from the exit point of a 28  
meter installed for a consumer's premises; 29  
or 30

- 
- (b) appliances or equipment connected to pipelines mentioned in paragraph (a). 1 2
- former tenure or authority***, for an abandoned operating plant, for chapter 10, part 3, see section 799B. 3 4 5
- gas system*** means a system that— 6
- (a) consists of the following things in any combination— 7 8
- (i) gas devices; 9
- (ii) containers; 10
- (iii) fittings; 11
- (iv) flues; 12
- (v) pipes; and 13
- (b) is used with, or designed or intended to be used with, fuel gas. 14 15
- Examples of gas systems—*** 16
- 1 an existing system of interconnected domestic gas devices installed in a dwelling house 17 18
- 2 a gas device, and associated pipe work, added to an existing system 19 20
- 3 a gas-fired industrial boiler installation 21
- 4 pipes and fittings installed without a gas device in a dwelling house 22 23
- primary land***, for an abandoned operating plant, for chapter 10, part 3, see section 799B. 24 25
- relevant tenure or authority***, for chapter 10, part 3, see section 799B. 26 27
- remediation activities***, for chapter 10, part 3, see section 799D. 28 29

[s 275]

<b>Division 3</b>	<b>Amendments commencing by proclamation</b>	1 2
<b>Clause 275</b>	<b>Amendment of s 18 (Types of authority under Act)</b>	3
	(1) Section 18(1)—	4
	<i>insert—</i>	5
	(j) a <i>gas device approval authority</i> granted under chapter 9, part 6A, division 2.	6 7
	(2) Section 18(2), ‘or authorisation’—	8
	<i>omit, insert—</i>	9
	, gas work authorisation or gas device approval authority	10 11
<b>Clause 276</b>	<b>Amendment of s 670 (What is an <i>operating plant</i>)</b>	12
	(1) Section 670(2)(g)—	13
	<i>omit.</i>	14
	(2) Section 670(2)(h) to (k)—	15
	<i>renumber</i> as section 670(2)(g) to (j).	16
	(3) Section 670(5)(a), ‘an LPG delivery network’—	17
	<i>omit, insert—</i>	18
	a fuel gas delivery network	19
	(4) Section 670(5)(b) and (c)—	20
	<i>omit.</i>	21
	(5) Section 670(5)(d) to (e)—	22
	<i>renumber</i> as section 670(5)(b) to (d).	23
	(6) Section 670(8)(c), ‘subsection (2)(k)’—	24
	<i>omit, insert—</i>	25
	subsection (2)(j)	26

<b>Clause 277</b>	<b>Amendment of s 673 (Who is the <i>operator</i> of an operating plant)</b>	1 2
(1)	Section 673(3), from ‘has the role’— <i>omit, insert—</i> is responsible for managing and ensuring the safe operation of the plant.	3 4 5 6
(2)	Section 673(4) and examples— <i>omit.</i>	7 8
<b>Clause 278</b>	<b>Omission of s 673A (Operator must ensure chief inspector is given notice before a plant is commissioned or operated)</b>	9 10 11
	Section 673A— <i>omit.</i>	12 13
<b>Clause 279</b>	<b>Amendment of s 688 (Executive safety manager’s general obligations)</b>	14 15
(1)	Section 688(a)— <i>omit, insert—</i> (a) if the operator is a corporation—nominate an individual as a representative of the operator to give and receive information for the operator under this Act; and	16 17 18 19 20 21
(2)	Section 688— <i>insert—</i> (2) To remove any doubt, it is declared that— (a) a nomination of an operator’s representative under subsection (1)(a) does not affect an obligation imposed on the operator under this Act; and	22 23 24 25 26 27 28

[s 280]

	(b) any information given to or by an operator's representative is taken to have been given to or by the operator.	1 2 3
<b>Clause 280</b>	<b>Omission of ss 689–691</b>	4
	Sections 689 to 691—	5
	<i>omit.</i>	6
<b>Clause 281</b>	<b>Replacement of s 694 (Operator is default site safety manager)</b>	7 8
	Section 694—	9
	<i>omit, insert—</i>	10
	<b>694 Default site safety manager</b>	11
	(1) This section applies if no-one has been appointed as the site safety manager for a site at an operating plant.	12 13 14
	(2) The site safety manager for the site is—	15
	(a) if the operator is an individual—the operator; or	16 17
	(b) if the operator is a corporation—the executive safety manager of the operating plant.	18 19 20
<b>Clause 282</b>	<b>Insertion of new ch 9, pt 3, div 3</b>	21
	Chapter 9, part 3—	22
	<i>insert—</i>	23
	<b>Division 3 Information notices</b>	24
	<b>694A Executive safety manager and operator to give information notices</b>	25 26
	(1) The executive safety manager of an operating	27

- 
- plant must give the chief inspector a notice stating who is—
- (a) the operator; and
  - (b) the executive safety manager; and
  - (c) if the operator is a corporation, the representative of the operator.
- Maximum penalty—500 penalty units.
- (2) The operator of an operating plant must give the chief inspector a notice stating the information prescribed by regulation about the operating plant.
- Maximum penalty—500 penalty units.
- (3) For subsection (2), a regulation may prescribe information that is necessary for ensuring and promoting the safety of the operating plant.
- Examples of information for ensuring and promoting the safety of an operating plant—*
- 1 a description of the operating plant including the operating plant's location and nature and extent of activities
  - 2 details of the commissioning or decommissioning of the operating plant
- (4) A notice under this section must be given—
- (a) in the approved form; and
  - (b) in the way prescribed by regulation; and
  - (c) no later than—
    - (i) for a notice under subsection (1)—10 business days after the commencement and, after that period, any time the operator, executive safety manager or representative (if any) of the operator changes; and
    - (ii) for a notice under subsection (2)—a day prescribed by regulation.
-

[s 283]

	(5) In this section—	1
	<i>representative</i> , of an operator, means a individual nominated under section 688(1)(a).	2 3
<b>Clause 283</b>	<b>Amendment of s 726 (Gas work for which licence is required)</b>	4 5
	Section 726—	6
	<i>insert</i> —	7
	(5) This section does not apply to gas work carried out by a person under a safety management system for an operating plant in circumstances prescribed by regulation.	8 9 10 11
<b>Clause 284</b>	<b>Amendment, relocation and renumbering of s 730 (Register of gas work licences and authorisations)</b>	12 13
	(1) Section 730, heading, from ‘of gas’—	14
	<i>omit.</i>	15
	(2) Section 730, ‘and authorisations’—	16
	<i>omit, insert</i> —	17
	, gas work authorisations and gas device approval authorities	18 19
	(3) Section 730—	20
	<i>relocate</i> to chapter 9, part 7 and <i>renumber</i> as section 734AB.	21
<b>Clause 285</b>	<b>Amendment, relocation and renumbering of s 731 (Access to register)</b>	22 23
	(1) Section 731(1)(a), ‘of gas work licences and authorisations’—	24
	<i>omit, insert</i> —	25
	under section 734AB	26
	(2) Section 731(2)(a)—	27



*omit, insert—*

- (a) an individual who is a holder of a gas work licence, gas work authorisation or gas device approval authority; or

(3) Section 731—

*relocate* to chapter 9, part 7 and *renumber* as section 734AC.

## Clause 286 Insertion of new ch 9, pt 6A

Chapter 9—

*insert—*

### **Part 6A                      Approval of gas devices**

#### **Division 1                  Approval requirement**

##### **731AA Approval of gas devices for supply, installation and use**

- (1) A person must not supply a gas device (type A), or install or use any type of gas device, unless—

- (a) the supply, installation or use has been approved by—

- (i) the chief inspector; or

- (ii) a person who holds a gas device approval authority for the gas device; and

- (b) the gas device complies with any labelling requirements prescribed by regulation for the device.

Maximum penalty—200 penalty units.

[s 286]

<i>Note—</i>	1
This provision is an executive liability provision—see section 814.	2 3
(2) Also, a person must not supply a gas device unless the person gives the person to whom the device is supplied a written notice in the approved form stating that the installation and use of the device must be approved under subsection (1)(a).	4 5 6 7 8
Maximum penalty—200 penalty units.	9
<i>Note—</i>	10
If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 814A, to have also committed the offence.	11 12 13 14

<b>Division 2</b>	<b>Gas device approval authorities</b>	15
		16

<b>731AB Who may apply</b>	17
----------------------------	----

A person may apply to the chief inspector for a gas device approval authority for a gas device.	18 19
---	----------

<b>731AC Requirements for application</b>	20
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The application must be in the approved form and comply with any requirement prescribed by regulation.	21 22 23
--	----------------

<b>731AD Deciding application</b>	24
-----------------------------------	----

(1) The chief inspector must decide whether to grant or refuse the application.	25 26
(2) However, the chief inspector must refuse the application if the chief inspector considers the applicant—	27 28 29

- 
- (a) does not have the qualifications or experience for approving a gas device prescribed by regulation; or
    - (b) is not a suitable person to hold the authority.
  - (3) In deciding whether the applicant is a suitable person to hold the authority, the chief inspector may have regard to the following matters—
    - (a) any noncompliance action taken against the applicant;
    - (b) whether the applicant has been convicted of an indictable offence or an offence against this Act;
    - (c) any other matter prescribed by regulation.
  - (4) The chief inspector may impose a condition on the authority when making a decision.
  - (5) If the chief inspector makes any of the following decisions, the chief inspector must give the applicant an information notice about the decision—
    - (a) a decision to refuse the application;
    - (b) a decision to impose a condition on the authority, other than a condition agreed to or requested by the applicant.

### **731AE Term of gas device approval authority**

- (1) A gas device approval authority takes effect—
  - (a) on a day stated in it; or
  - (b) if no day of effect is stated, on the day it is granted.
- (2) The authority may be issued for a stated term and remains in force until the end of the term unless it is cancelled, suspended or surrendered under this Act.

[s 287]

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- (3) If no term is stated, the authority continues in 1  
force unless it is cancelled, suspended or 2  
surrendered under this Act. 3

**731AF Conditions for gas device approval 4  
authority 5**

A regulation may prescribe— 6

- (a) a condition of a gas device approval 7  
authority that applies in addition to a 8  
condition imposed under section 731AD; 9  
and 10

- (b) a requirement the chief inspector must 11  
comply with to vary or revoke a condition 12  
imposed under section 731AD. 13

**731AG Offence not to comply with conditions 14**

The holder of a gas device approval authority 15  
must comply with the conditions of the authority. 16

Maximum penalty—250 penalty units. 17

*Note—* 18

If a corporation commits an offence against this 19  
provision, an executive officer of the corporation may be 20  
taken, under section 814A, to have also committed the 21  
offence. 22

**Clause 287 Omission of s 733 (Approval of gas devices and gas 23  
fittings for supply, installation and use) 24**

Section 733— 25

*omit.* 26

**Clause 288 Amendment of s 734A (Safety obligations of gas system 27  
installer) 28**

Section 734A, ‘LPG delivery network’— 29

*omit, insert—* 1  
fuel gas delivery network 2

<b>Clause 289</b>	<b>Insertion of new s 734AA</b>	3
	Chapter 9, part 7—	4
	<i>insert—</i>	5
	<b>734AA Safe use of gas devices</b>	6
	(1) A person who uses a gas device must take	7
	reasonable steps to ensure the gas device is used	8
	safely.	9
	Maximum penalty—100 penalty units.	10
	(2) A person does not contravene subsection (1) if the	11
	person uses a gas device in accordance with—	12
	(a) if the gas device is a gas device (type A)—	13
	the manufacturer’s instructions for the safe	14
	use of the gas device; or	15
	(b) if the gas device is a gas device (type B)—	16
	(i) an approval for use of the gas device	17
	under section 731AA(1)(a); and	18
	(ii) the manufacturer’s instructions for the	19
	safe use of the gas device.	20

<b>Clause 290</b>	<b>Amendment of s 789 (Operation of div 4)</b>	21
	Section 789(2)(b), ‘or authorisation’—	22
	<i>omit, insert—</i>	23
	, gas work authorisation or gas device approval	24
	authority	25

<b>Clause 291</b>	<b>Amendment of s 790 (Types of noncompliance action that may be taken)</b>	26
	(1) Section 790(1)—	27
		28

[s 292]

*insert—*

(da) if the authority is a gas device approval  
authority—suspending it for a period by a  
notice under subdivision 4;

(2) Section 790(1)(da) to (f)—

*renumber* as section 790(1)(e) to (g).

(3) Section 790(2), ‘subsection (1)(f)’—

*omit, insert—*

subsection (1)(g)

**Clause 292 Amendment of s 814 (Liability of executive officer—  
particular offences committed by corporation)**

(1) Section 814(5), definition *executive liability provision*, entry  
for section 733(1)—

*omit.*

(2) Section 814(5), definition *executive liability provision*—

*insert—*

- section 731AA(1)

**Clause 293 Amendment of s 814A (Executive officer may be taken to  
have committed offence)**

Section 814A(5), definition *deemed executive liability  
provision*, paragraph (a), ‘733(2),’—

*omit, insert—*

731AA(2), 731AG,

**Clause 294 Insertion of new ss 998–1000**

Chapter 15, part 22—

*insert—*

<b>998 Existing approvals</b>	1
(1) This section applies if—	2
(a) before the commencement, a person or body approved a gas device or gas fitting under former section 733(1)(a)(ii); and	3 4 5
(b) immediately before the commencement, the approval had not been cancelled or suspended.	6 7 8
(2) The approval is taken to have been given by the holder of a gas device approval authority.	9 10
 <b>999 Persons or bodies approved by the chief inspector</b>	 11 12
(1) This section applies if—	13
(a) before the commencement, the chief inspector approved a person or body under former section 733(1)(a) for a particular type of gas device; and	14 15 16 17
(b) immediately before the commencement, the approval had not been cancelled or suspended.	18 19 20
(2) The approval is taken to be a gas device approval authority until 1 year after the commencement.	21 22
 <b>1000 Fuel gas delivery networks</b>	 23
(1) This section applies if—	24
(a) immediately before the commencement—	25
(i) a supply of fuel gas to or in a container owned or provided by a person was not an LPG delivery network under this Act as in force before the commencement; and	26 27 28 29 30

[s 295]

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	(ii) the place in which the supply was carried out was not an operating plant; and	1 2 3
	(b) on the commencement, the supply of fuel gas by the person is a fuel gas delivery network.	4 5 6
	(2) Section 670(5) does not apply to the supply of fuel gas by the person until 3 months after the commencement.	7 8 9
<b>Clause 295</b>	<b>Amendment of sch 1 (Reviews and appeals)</b>	10
	(1) Schedule 1, table 1—	11
	<i>insert—</i>	12
731AD	Refusal of application for gas device approval authority	
731AD	Decision to impose condition on a gas device approval authority, other than a condition agreed to or requested by the applicant	
	(2) Schedule 1, table 1, entry for section 798, ‘or authorisation’—	13
	<i>omit, insert—</i>	14
	, gas work authorisation or gas device approval authority	15 16
	(3) Schedule 1, table 2, second entry for section 798, ‘or authorisation’—	17 18
	<i>omit, insert—</i>	19
	, gas work authorisation or gas device approval authority	20 21



<b>Clause 296</b>	<b>Amendment of sch 2 (Dictionary)</b>	1
(1)	Schedule 2, definitions <i>bulk fuel gas storage facility</i> and <i>LPG delivery network</i> —	2
	<i>omit.</i>	3
(2)	Schedule 2—	4
	<i>insert—</i>	5
	<i>fuel gas delivery network—</i>	6
(a)	means the supply of fuel gas to or in a container owned or provided (other than by being sold) by a person (a <b>product supplier</b> ) to a consumer or another person in the business of distributing fuel gas; and	7
(b)	includes an activity that is part of or incidental to the supply mentioned in paragraph (a) that is carried out by the product supplier or the product supplier's agent.	8
	<i>Examples of fuel gas delivery networks—</i>	9
	• the delivery of cylinders of fuel gas to a consumer or to a distributor	10
	• the filling and storing of cylinders of fuel gas, including cages of 4kg and 8.5kg exchange cylinders	11
	• the bulk delivery of fuel gas to a container	12
	• the filling of a tanker for delivery of fuel gas	13
	• the maintenance of containers and storage equipment used for the supply of fuel gas	14
	• the dispensing of fuel gas to vehicles	15
	<b>gas device approval authority</b> see section 18(1)(j).	16
(3)	Schedule 2, definition <i>holder</i> , paragraph (d)—	17
	<i>omit, insert—</i>	18
	(d) of a gas work licence, gas work authorisation or gas device approval	19

[s 297]

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authority, means each person recorded as its 1  
holder in the register the chief inspector 2  
keeps under section 734AB. 3

**Part 13** **Amendment of State Penalties** 4  
**Enforcement Regulation 2014** 5

**Clause 297** **Regulation amended** 6  
This part amends the *State Penalties Enforcement Regulation* 7  
*2014*. 8

**Clause 298** **Amendment of sch 1 (Infringement notice offences and** 9  
**finances for nominated laws)** 10  
Schedule 1, entry for *Land Act 1994*— 11  
*omit, insert—* 12  
**Land Act 1994** 13

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
s 214J(1)	20	100
s 390ZB(1)	3	15
s 390ZF(1)	10	—
s 390ZK	5	—
s 390ZL(1)	10	50
s 390ZL(2)	10	50
s 403K(2)	2	10

[s 299]

	Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
		Individual	Corporation
s 403M		4	20
s 403N(6)	for a direction given under s 403N(2)(a)	10	50
	for a direction given under s 403N(2)(b)	3	15
s 404(1)	for a trespass related act mentioned in s 404(1)(a)	10	50
	for a trespass related act mentioned in s 404(1)(b)	5	25
	for a trespass related act mentioned in s 404(1)(c)	3	15
	for a trespass related act mentioned in s 404(1)(d)	10	50
	for a trespass related act mentioned in s 404(1)(e)	10	50
s 407		10	50

**Authorised person for service of infringement notices**—an authorised officer appointed under the *Land Act 1994*, section 390E 1  
2  
3

## Part 14 Amendment of Torres Strait Islander Land Act 1991 4 5

**Clause 299 Act amended** 6  
This part amends the *Torres Strait Islander Land Act 1991*. 7

[s 300]

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*Note—*

See also the amendments in schedule 1, part 1.

<b>Clause 300</b>	<b>Amendment of s 28B (Definitions for pt 2A)</b>	3
	Section 28B, definition <i>interest holder</i> , paragraph (d), ‘registered lease’—	4 5
	<i>omit, insert—</i>	6
	registered sublease	7
 <b>Clause 301</b>	 <b>Amendment of s 28R (Dwelling on available land)</b>	 8
	(1) Section 28R(5)—	9
	<i>omit, insert—</i>	10
	(5) If the dwelling notice states the housing chief executive consents to the applicant making the application, the trustee must decide the price of the dwelling—	11 12 13 14
	(a) by agreement with the housing chief executive; or	15 16
	(b) by using a methodology agreed between the trustee and the housing chief executive.	17 18
	(2) Section 28R(6), ‘valuation’—	19
	<i>omit.</i>	20
 <b>Clause 302</b>	 <b>Amendment of s 28T (Offer to allocate available land)</b>	 21
	Section 28T(3), ‘value’—	22
	<i>omit, insert—</i>	23
	price	24

<b>Clause 303</b>	<b>Amendment of s 36 (Appointment of grantee to hold land for benefit of Torres Strait Islanders)</b>	1 2
	Section 36(3)—	3
	<i>omit, insert—</i>	4
	(3) However, the Minister may appoint a CATSI corporation that is a registered native title body corporate as the grantee of the land under subsection (2) only if—	5 6 7 8
	(a) under the Commonwealth Native Title Act, a determination has been made that native title exists in relation to all or a part of the land and the CATSI corporation is the registered native title body corporate for the determination; or	9 10 11 12 13 14
	(b) a determination has not been made under the Commonwealth Native Title Act that native title exists in relation to all or a part of the land, but the Minister is satisfied it is appropriate in all the circumstances to appoint the CATSI corporation as the grantee of the land.	15 16 17 18 19 20 21
	<i>Examples of when it is appropriate to appoint the CATSI corporation as the grantee of the land—</i>	22 23
	1 The appointment of the CATSI corporation is supported by consultation with Torres Strait Islanders particularly concerned with the land.	24 25 26 27
	2 The land is within the external boundaries of an area of land the subject of a native title determination and the CATSI corporation is the registered native title body corporate for the determination.	28 29 30 31 32
	3 An ILUA has been entered into for the land and the CATSI corporation is nominated in the ILUA as the proposed grantee for the land under this Act.	33 34 35 36
	4 Anthropological research supports the CATSI corporation as being the appropriate grantee.	37 38

[s 304]

<b>Clause 304</b>	<b>Amendment of s 60 (Transfer to entity to hold for benefit of Torres Strait Islanders)</b>	1 2
	Section 60(3)(a) and (b)—	3
	<i>omit, insert—</i>	4
	(a) under the Commonwealth Native Title Act, a determination has been made that native title exists in relation to all or a part of the land and the CATSI corporation is the registered native title body corporate for the determination; or	5 6 7 8 9 10
	(b) a determination has not been made under the Commonwealth Native Title Act that native title exists in relation to all or a part of the land, but the Minister is satisfied it is appropriate in all the circumstances for the land to be transferred to the CATSI corporation.	11 12 13 14 15 16 17
	<i>Examples of when it is appropriate for the land to be transferred to the CATSI corporation—</i>	18 19
	1 The transfer to the CATSI corporation is supported by consultation with Torres Strait Islanders particularly concerned with the land.	20 21 22 23
	2 The land is within the external boundaries of an area of land the subject of a native title determination and the CATSI corporation is the registered native title body corporate for the determination.	24 25 26 27 28
	3 An ILUA has been entered into for the land and the CATSI corporation is nominated in the ILUA as the proposed transferee for the land under this Act.	29 30 31 32
	4 Anthropological research supports the CATSI corporation as being the appropriate transferee.	33 34 35

<b>Clause 305</b>	<b>Amendment of s 71 (Transfer of Torres Strait Islander land)</b>	1 2
	(1) Section 71(2)—	3
	<i>omit.</i>	4
	(2) Section 71(3)—	5
	<i>renumber</i> as section 71(2).	6
<b>Clause 306</b>	<b>Amendment of s 72 (Application for approval to transfer)</b>	7
	Section 72(2)(c), ‘the matters mentioned in section 73(1)(c)’—	8 9
	<i>omit, insert—</i>	10
	each matter mentioned in section 73(1)(c) or (d) that applies to the transfer	11 12
<b>Clause 307</b>	<b>Amendment of s 73 (Minister’s approval to transfer)</b>	13
	(1) Section 73(1)—	14
	<i>insert—</i>	15
	(ca) if the transferee is a CATSI corporation that is a registered native title body corporate—	16 17
	(i) under the Commonwealth Native Title Act, a determination has been made that native title exists in relation to all or a part of the land and the CATSI corporation is the registered native title body corporate for the determination; or	18 19 20 21 22 23 24
	(ii) a determination has not been made under the Commonwealth Native Title Act that native title exists in relation to all or a part of the land, but it is appropriate in all the circumstances for the land to be transferred to the CATSI corporation; and	25 26 27 28 29 30 31

[s 308]

	<i>Examples of when it is appropriate for the land to be transferred to the CATSI corporation—</i>	1 2
	1 The transfer to the CATSI corporation is supported by consultation with Torres Strait Islanders particularly concerned with the land.	3 4 5 6
	2 The land is within the external boundaries of an area of land the subject of a native title determination and the CATSI corporation is the registered native title body corporate for the determination.	7 8 9 10 11 12
	3 An ILUA has been entered into for the land and the CATSI corporation is nominated in the ILUA as the proposed transferee for the land under this Act.	13 14 15 16
	4 Anthropological research supports the CATSI corporation as being the appropriate transferee.	17 18 19
	(2) Section 73(1)(ca) and (d)— <i>renumber</i> as section 73(1)(d) and (e).	20 21
	(3) Section 73(3)(b), ‘section 71(3)(d)(i)’— <i>omit, insert—</i> section 71(2)(d)(i)	22 23 24
<b>Clause 308</b>	<b>Amendment of s 76 (Transfer of Torres Strait Islander land)</b>	25 26
	(1) Section 76(2)— <i>omit.</i>	27 28
	(2) Section 76(3)— <i>renumber</i> as section 76(2).	29 30
<b>Clause 309</b>	<b>Amendment of s 78 (Minister’s approval to transfer)</b>	31
	(1) Section 78(1)— <i>insert—</i>	32 33



- 
- (ba) if the transferee is a CATSI corporation that  
is a registered native title body corporate—
- (i) under the Commonwealth Native Title  
Act, a determination has been made  
that native title exists in relation to all  
or a part of the land and the CATSI  
corporation is the registered native title  
body corporate for the determination;  
or
- (ii) a determination has not been made  
under the Commonwealth Native Title  
Act that native title exists in relation to  
all or a part of the land, but it is  
appropriate in all the circumstances for  
the land to be transferred to the CATSI  
corporation; and
- Examples of when it is appropriate for the land  
to be transferred to the CATSI corporation—*
- 1 The transfer to the CATSI corporation  
is supported by consultation with  
Torres Strait Islanders particularly  
concerned with the land.
  - 2 The land is within the external  
boundaries of an area of land the  
subject of a native title determination  
and the CATSI corporation is the  
registered native title body corporate  
for the determination.
  - 3 An ILUA has been entered into for the  
land and the CATSI corporation is  
nominated in the ILUA as the proposed  
transferee for the land under this Act.
  - 4 Anthropological research supports the  
CATSI corporation as being the  
appropriate transferee.
- (2) Section 78(1)(ba) and (c)—  
*renumber* as section 78(1)(c) and (d).

[s 310]

<b>Clause 310</b>	<b>Amendment of s 93 (Additional conditions and requirements for social housing dwelling)</b>	1
		2
	(1) Section 93(2)—	3
	<i>omit, insert—</i>	4
	(2) Before the lease is granted, the lessor must decide the price of the dwelling—	5
		6
	(a) by agreement with the housing chief executive; or	7
		8
	(b) by using a methodology agreed between the lessor and the housing chief executive.	9
		10
	(2) Section 93(3), (4)(b) and (6), note, ‘value’—	11
	<i>omit, insert—</i>	12
	price	13
<b>Clause 311</b>	<b>Amendment of s 192 (Dealing with particular trust property)</b>	14
		15
	Section 192(1) and (3), ‘value’—	16
	<i>omit, insert—</i>	17
	price	18
<b>Clause 312</b>	<b>Amendment of sch 1 (Dictionary)</b>	19
	(1) Schedule 1—	20
	<i>insert—</i>	21
	<i>native title determination</i> , in relation to land,	22
	means a determination under the Commonwealth	23
	Native Title Act that native title exists in relation	24
	to all or a part of the land.	25
	(2) Schedule 1, definition <i>social housing</i> , paragraph (b), ‘the value of’—	26
		27
	<i>omit.</i>	28

[s 313]

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<b>Part 15</b>	<b>Other amendments</b>	1
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<b>Clause 313</b>	<b>Legislation amended</b>	2
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	Schedule 1 amends the legislation it mentions.	3
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<b>Schedule 1</b>	<b>Other amendments</b>	1
	section 311	2
<b>Part 1</b>	<b>Amendments commencing on assent</b>	3
		4
	<b>Aboriginal Land Act 1991</b>	5
<b>1</b>	<b>Section 305(2), definition <i>renumbered Act</i>, ‘former section 306’—</b>	6
	<i>omit, insert—</i>	7
	section 148, as inserted by the <i>Aboriginal Land and Torres Strait Islander Land and Other Legislation Amendment Act 2011</i> , section 90	8
		9
		10
		11
<b>2</b>	<b>Section 306(1), note, ‘on 7 December 2012’—</b>	12
	<i>omit.</i>	13
	<b>Land Act 1994</b>	14
<b>1</b>	<b>Section 29(1), ‘chapter 7, part 1, division 3’—</b>	15
	<i>omit, insert—</i>	16
	chapter 6A, part 3	17
<b>2</b>	<b>Section 29(1), note—</b>	18
	<i>omit, insert—</i>	19

	<i>Note—</i>	1
	Chapter 6A, part 3 deals with the power of an authorised officer to enter a place, including a place that is freehold land or non-freehold land.	2 3 4
<b>3</b>	<b>Section 130A(5), ‘section 234(c)’—</b>	5
	<i>omit, insert—</i>	6
	section 234(d)	7
<b>4</b>	<b>Section 237A, ‘section 234(b), (c), (d) or (f)’—</b>	8
	<i>omit, insert—</i>	9
	section 234(b), (c), (d), (e) or (f)	10
<b>5</b>	<b>Sections 238(1) and 239(1)(b), ‘section 234(d)’—</b>	11
	<i>omit, insert—</i>	12
	section 234(e)	13
<b>6</b>	<b>Section 252(1) and (2)(b), ‘section 400’—</b>	14
	<i>omit, insert—</i>	15
	section 390ZD	16
<b>7</b>	<b>Particular references to authorised person</b>	17
	Each of the following provisions is amended by omitting ‘authorised person’ and inserting ‘authorised officer’—	18 19
	• section 253	20
	• section 431B(1) and (2)	21
	• section 431C(c)	22
<b>8</b>	<b>Schedule 1B, authorising provision, ‘section 448(3)’—</b>	23
	<i>omit, insert—</i>	24

	section 448(4)	1
	<b>Land Title Act 1994</b>	2
1	<b>Section 4, heading, ‘—the dictionary’—</b> <i>omit.</i>	3 4
2	<b>Section 54E(2), ‘owner’—</b> <i>omit, insert—</i> owners	5 6 7
3	<b>Section 67(2)(b), ‘a lease’—</b> <i>omit, insert—</i> the lease	8 9 10
4	<b>Section 133(4), definition <i>power of attorney</i>, ‘<i>Powers of Attorney Act 1988</i>’—</b> <i>omit, insert—</i> <i>Powers of Attorney Act 1998</i>	11 12 13 14
	<b>Petroleum and Gas (Production and Safety) Act 2004</b>	15
1	<b>Section 392BN(4)(a), ‘a copy’—</b> <i>omit, insert—</i> an overview	16 17 18

<b>2</b>	<b>Section 392BN(4)(b), ‘copy’—</b>	<b>1</b>
	<i>omit, insert—</i>	<b>2</b>
	overview	<b>3</b>
<b>3</b>	<b>Section 392BN(7)(a), ‘a copy’—</b>	<b>4</b>
	<i>omit, insert—</i>	<b>5</b>
	an overview of the safety management system	<b>6</b>
<b>4</b>	<b>Section 586(1), note, ‘(Additional orders that may be made on conviction)’—</b>	<b>7</b>
	<i>omit.</i>	<b>8</b>
		<b>9</b>
<b>5</b>	<b>Section 587(6), note, ‘(Additional orders that may be made on conviction)’—</b>	<b>10</b>
	<i>omit.</i>	<b>11</b>
		<b>12</b>
<b>6</b>	<b>Section 674(1)(a), after ‘make’—</b>	<b>13</b>
	<i>insert—</i>	<b>14</b>
	or adopt	<b>15</b>
<b>7</b>	<b>Section 674(2)(a), after ‘made’—</b>	<b>16</b>
	<i>insert—</i>	<b>17</b>
	or adopted	<b>18</b>
<b>8</b>	<b>Section 675A(1), ‘made’—</b>	<b>19</b>
	<i>omit.</i>	<b>20</b>
<b>9</b>	<b>Section 687(5), definition <i>senior managing officer</i>, after ‘corporation’—</b>	<b>21</b>
	<i>insert—</i>	<b>22</b>
		<b>23</b>

Schedule 1

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	or organisation	1
<b>10</b>	<b>Section 687A(3), ‘the responsible’—</b>	2
	<i>omit, insert—</i>	3
	responsible	4
<b>11</b>	<b>Section 697(3), ‘in the approved form’—</b>	5
	<i>omit.</i>	6
<b>12</b>	<b>Section 724(3)(b) and (c)—</b>	7
	<i>omit, insert—</i>	8
	(b) a thermal oxidiser.	9
<b>13</b>	<b>Section 724(4)—</b>	10
	<i>omit, insert—</i>	11
	(4) To remove any doubt, it is declared that—	12
	(a) an industrial facility constructed for the	13
	purpose of producing liquified gas is not, of	14
	itself, a fuel gas refrigeration device; and	15
	(b) a gas flare is not, of itself, a gas device (type	16
	B).	17
<b>14</b>	<b>Section 724(5), definition <i>gas flare</i>—</b>	18
	<i>omit, insert—</i>	19
	<i>gas flare</i> means a device, or system of devices,	20
	that is used or designed or intended for use for	21
	relieving pressure, or disposing of fuel gas, using	22
	combustion.	23



<b>15</b>	<b>Section 774(1), note, ‘(Additional orders that may be made on conviction)’—</b>	<b>1</b>
	<i>omit.</i>	<b>2</b>
		<b>3</b>
<b>16</b>	<b>Section 791(1)(c), ‘petroleum’—</b>	<b>4</b>
	<i>omit.</i>	<b>5</b>
<b>17</b>	<b>Section 809(c), from ‘fitting’—</b>	<b>6</b>
	<i>omit, insert—</i>	<b>7</b>
	fitting.	<b>8</b>
<b>18</b>	<b>Section 834(1)(a), after ‘given,’—</b>	<b>9</b>
	<i>insert—</i>	<b>10</b>
	held,	<b>11</b>
<b>19</b>	<b>Section 834(1)(aa) and (b), after ‘kept’—</b>	<b>12</b>
	<i>insert—</i>	<b>13</b>
	or held	<b>14</b>
<b>20</b>	<b>Section 841, heading, ‘Additional orders’—</b>	<b>15</b>
	<i>omit, insert—</i>	<b>16</b>
	<b>Orders about forfeiture</b>	<b>17</b>
	<b>Torres Strait Islander Land Act 1991</b>	<b>18</b>
<b>1</b>	<b>Section 151, heading, after ‘Act’—</b>	<b>19</b>
	<i>insert—</i>	<b>20</b>
	<b>1989</b>	<b>21</b>

Schedule 1

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<b>2</b>	<b>Section 201, definition <i>previous</i>, editor's note, 'section 205'—</b>	1 2
	<i>omit, insert—</i>	3
	section 142, as inserted by the <i>Aboriginal Land and Torres Strait Islander Land and Other Legislation Amendment Act 2011</i> , section 188	4 5 6
<b>3</b>	<b>Section 204(2), definition <i>renumbered Act</i>, 'section 205'—</b>	7
	<i>omit, insert—</i>	8
	section 142, as inserted by the <i>Aboriginal Land and Torres Strait Islander Land and Other Legislation Amendment Act 2011</i> , section 188	9 10 11
<b>Part 2</b>	<b>Amendments commencing on 1 July 2019</b>	12 13
	<b>Acquisition of Land Act 1967</b>	14
<b>1</b>	<b>Section 12(2B)—</b>	15
	<i>omit.</i>	16
<b>2</b>	<b>Section 17(3)—</b>	17
	<i>omit.</i>	18

<b>Integrated Resort Development Act 1987</b>	<b>1</b>
<b>1 Sections 106(5)(a) and 143(5)(a), ‘(other than certificates of title for lots)’—</b>	<b>2</b>
<i>omit.</i>	<b>3</b>
	<b>4</b>
<b>Land Title Regulation 2015</b>	<b>5</b>
<b>1 Schedule 2, item 2(i)—</b>	<b>6</b>
<i>omit.</i>	<b>7</b>
<b>2 Schedule 2, item 2(j) to (m)—</b>	<b>8</b>
<i>renumber</i> as schedule 2, item 2(i) to (l).	<b>9</b>
<b>Queensland Building and Construction Commission Act 1991</b>	<b>10</b>
	<b>11</b>
<b>1 Section 46, heading, ‘on certificate of title’—</b>	<b>12</b>
<i>omit, insert—</i>	<b>13</b>
<b>of permit in register</b>	<b>14</b>
<b>2 Section 46(3), ‘the file attached to’—</b>	<b>15</b>
<i>omit.</i>	<b>16</b>
<b>3 Section 46(4), ‘file’—</b>	<b>17</b>
<i>omit, insert—</i>	<b>18</b>
<b>register</b>	<b>19</b>

**Retirement Villages Regulation 2010** 1

- 1 Section 2(m), ‘certificate of title’—** 2  
*omit, insert—* 3  
real property description 4

**Sanctuary Cove Resort Act 1985** 5

- 1 Sections 27(4)(a) and 70(4)(a) and (4A)(a), ‘(other than** 6  
**certificates of title for lots)’—** 7  
*omit.* 8
- 2 Section 27(4A)(a), ‘(other than certificates of titles for** 9  
**lots)’—** 10  
*omit.* 11

**Water Act 2000** 12

- 1 Section 173(1)(b), ‘divisions 2, 2A and 3’—** 13  
*omit, insert—* 14  
divisions 2 and 2A 15
- 2 Section 173(1)(g), ‘sections 154 and’—** 16  
*omit, insert—* 17  
section 18

<b>Part 3</b>	<b>Amendments commencing by proclamation</b>	1 2
<b>Explosives Act 1999</b>		3
<b>1</b>	<b>Section 102(3)(b), note—</b> <i>omit.</i>	4 5
<b>2</b>	<b>Sections 102(5) and (7) and 103(5) and (7), ‘, boat’—</b> <i>omit.</i>	6 7
<b>3</b>	<b>Section 103(3)(b), note—</b> <i>omit.</i>	8 9
<b>4</b>	<b>Section 107, heading, ‘s 56’—</b> <i>omit, insert—</i> <b>s 56A</b>	10 11 12
<b>5</b>	<b>Section 107(1), ‘section 56’—</b> <i>omit, insert—</i> <b>section 56A</b>	13 14 15
<b>6</b>	<b>Section 121, ‘74, 99 or 101’—</b> <i>omit, insert—</i> <b>74 or 99</b>	16 17 18

## Explosives Regulation 2017

- |   |   |                  |
|---|---|------------------|
| 1 | <b>Sections 41(2), 49(2)(b), 51(3), definition <i>prescribed vehicle</i>, 133(a) and (b), 134(1), 137(1), 138, 142(a)(i) and (b), 144(1) and (2), definition <i>relevant event</i> and 145(1) and (2), ‘or boat’—</b> | 2<br>3<br>4<br>5 |
|   | <i>omit.</i>  | 6                |
| 2 | <b>Section 44(2), ‘proposed action’—</b>  | 7                |
|   | <i>omit, insert—</i>  | 8                |
|   | proposal  | 9                |
| 3 | <b>Section 80(1)(a), after ‘factory’—</b>   | 10               |
|   | <i>insert—</i>  | 11               |
|   | that involves an imminent risk of death or injury to a person   | 12<br>13         |
| 4 | <b>Section 130(1)(a), after ‘magazine’—</b>   | 14               |
|   | <i>insert—</i>  | 15               |
|   | that involves an imminent risk of death or injury to a person   | 16<br>17         |
| 5 | <b>Section 141(1)(a), after ‘explosives’—</b>   | 18               |
|   | <i>insert—</i>  | 19               |
|   | that involves an imminent risk of death or injury to a person   | 20<br>21         |

<b>Petroleum and Gas (Production and Safety) Act 2004</b>	<b>1</b>
<b>1 Section 546(a)(iv), ‘690(1)(f) or’—</b>	<b>2</b>
<i>omit.</i>	<b>3</b>
<b>2 Chapter 9, part 2, division 2, note, ‘(Operator is default site safety manager)’—</b>	<b>4</b>
<i>omit.</i>	<b>5</b>
<b>3 Chapter 9, part 3, heading, ‘report’—</b>	<b>7</b>
<i>omit, insert—</i>	<b>8</b>
<b>information notice</b>	<b>9</b>
<b>4 Chapter 9, part 3, division 1, heading, ‘and safety report’—</b>	<b>10</b>
<i>omit.</i>	<b>11</b>
	<b>12</b>
<b>5 Section 708A(2), ‘733’—</b>	<b>13</b>
<i>omit, insert—</i>	<b>14</b>
<b>731AA</b>	<b>15</b>
<b>6 Chapter 9, part 6, division 3, subdivision 1, heading—</b>	<b>16</b>
<i>omit.</i>	<b>17</b>
<b>7 Chapter 9, part 6, division 3, subdivision 2, heading—</b>	<b>18</b>
<i>omit.</i>	<b>19</b>
<b>8 Section 834(1)(a)(v), ‘730’—</b>	<b>20</b>
<i>omit, insert—</i>	<b>21</b>
<b>734AB</b>	<b>22</b>

<b>Statutory Instruments Regulation 2012</b>	1
<b>1 Schedule 1—</b>	2
<i>insert—</i>	3
4 a notice making a determination, other than	4
an administrative determination, under the	5
<i>Explosives Regulation 2017</i> , section 145B	6
 <b>Transport Operations (Road Use Management) Act 1995</b>	 7 8
<b>1 Sections 31(2)(a), 32(2) and 39A(2), after ‘inspector’—</b>	9
<i>insert—</i>	10
or an authorised officer	11
 <b>2 Section 47(2), after ‘inspectors’—</b>	12
<i>insert—</i>	13
or authorised officers	14
 <b>Transport Operations (Road Use Management— Dangerous Goods) Regulation 2008</b>	 15 16
<b>1 Section 24(3)(b), note, from ‘under the’—</b>	17
<i>omit, insert—</i>	18
under the <i>Statutory Instruments Regulation 2012</i> ,	19
section 2(3) and schedule 1.	20



<b>2</b>	<b>Section 25(2)(b), note, from ‘under the’—</b>	<b>1</b>
	<i>omit, insert—</i>	<b>2</b>
	under the <i>Statutory Instruments Regulation 2012</i> ,	<b>3</b>
	section 2(3) and schedule 1.	<b>4</b>

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