



Queensland

Stock Route Network Management Bill 2016



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2016

A Bill

for

An Act about the management of the stock route network and associated land, to repeal the *Stock Route Management Act 2002*, and to amend this Act, the *City of Brisbane Act 2010*, the *Land Act 1994*, the *Local Government Act 2009*, the *Transport Infrastructure Act 1994*, the *Transport Infrastructure (State-controlled Roads) Regulation 2006*, the *Transport Operations (Road Use Management) Act 1995* and the Acts mentioned in schedule 2, for particular purposes

[s 1]

The Parliament of Queensland enacts—	1
Chapter 1 Preliminary	2
1 Short title	3
This Act may be cited as the <i>Stock Route Network Management Act 2016</i> .	4 5
2 Commencement	6
This Act commences on a day to be fixed by proclamation.	7
3 Purposes of Act	8
(1) The main purpose of this Act is to manage the stock route network for—	9 10
(a) its main use for travelling stock; and	11
(b) its secondary use for grazing stock.	12
(2) Other purposes of this Act are—	13
(a) to manage the stock route network in a way that—	14
(i) minimises the impact on the other uses of the land that comprises the network, including, for example, its use by motor vehicles; and	15 16 17
(ii) ensures road safety and the operational integrity of the transport network; and	18 19
(b) to enable stock to travel and graze, and pasture to be harvested, on related roads or reserves; and	20 21
(c) to recognise natural heritage, cultural heritage, recreation and tourism values on the stock route network.	22 23 24
(3) The purposes of this Act are to be achieved mainly by—	25

-
- (a) identifying the stock route network; and 1
 - (b) providing for the sustainable management of the stock route network, including by— 2
3
 - (i) establishing principles for managing the network; 4
and 5
 - (ii) providing for strategic planning for managing the network; and 6
7
 - (iii) providing for local governments to manage parts of the network; and 8
9
 - (c) providing for the use of the stock route network, including by establishing the order of priority in which the network is to be used; and 10
11
12
 - (d) providing for the administration of the use of related roads or reserves for travelling and grazing of stock, and harvesting of pasture; and 13
14
15
 - (e) providing for the recognition of areas of natural heritage and cultural heritage on the stock route network as special interest areas; and 16
17
18
 - (f) providing for monitoring compliance, and enforcing compliance, with this Act. 19
20

4 Principles for the administration of this Act 21

To achieve the purposes of this Act, any action taken under this Act must be taken in a way that is consistent with the following principles— 22
23
24

- (a) the integrity and connectivity of the stock route network for travelling stock must be maintained; 25
26
- (b) road safety and the operational integrity of the transport network should be ensured; 27
28
- (c) the stock route network should be sustainably managed to ensure it remains available for use; 29
30
- (d) the users of the stock route network should pay a reasonable amount to help maintain the network that 31
32

[s 5]

	reflects the benefit the users derive from using the network;	1 2
(e)	approvals to use the stock route network are given in the following order of priority—	3 4
	(i) a travel approval;	5
	(ii) an unfit stock approval or a grazing approval (emergency);	6 7
	(iii) a grazing approval (short-term) or a grazing approval (long-term);	8 9
	(iv) a harvesting approval.	10
5	Act binds all persons	11
	This Act binds all persons, including the State, and, as far as the legislative power of the Parliament permits, the Commonwealth and the other States.	12 13 14
6	Dictionary	15
	The dictionary in schedule 1 defines particular words used in this Act.	16 17
Chapter 2	Stock route network	18
Part 1	Identifying the stock route network	19 20
7	Stock route network register	21
(1)	The chief executive must keep a register (the <i>stock route network register</i>) about the stock routes and reserves that make up the stock route network.	22 23 24

-
- | | | |
|----------|--|----------------|
| (2) | The stock route network register must include— | 1 |
| (a) | the location of each stock route and reserve; and | 2 |
| (b) | whether a stock route is classified as a primary stock route or a secondary stock route; and | 3
4 |
| (c) | whether access to a part of the stock route network is temporarily restricted or temporarily prevented; and | 5
6 |
| (d) | for each special interest area on the stock route network— | 7
8 |
| (i) | the location of the special interest area; and | 9 |
| (ii) | the basis on which the area has been registered as a special interest area; and | 10
11 |
| (iii) | whether the special interest area is a local special interest area or a State special interest area; and | 12
13 |
| (e) | any other information required to be registered under this Act. | 14
15 |
| (3) | The chief executive must ensure the stock route network register is publicly available on the department's website. | 16
17 |
| 8 | Registering stock routes and reserves | 18 |
| (1) | The chief executive may decide to register the following as part of the stock route network— | 19
20 |
| (a) | a road or route that is ordinarily used for travelling stock if the road or route is suitable for travelling stock; | 21
22 |
| (b) | a reserve that may be used for travelling or grazing stock under the <i>Land Act 1994</i> . | 23
24 |
| (2) | However, the chief executive must consult with— | 25 |
| (a) | each affected local government before the chief executive decides to register a road, route or reserve as part of the stock route network; and | 26
27
28 |

[s 9]

- (b) the chief executive (transport) before deciding to register a State-controlled road as part of the stock route network. 1
2
3
 - (3) In deciding whether to classify a stock route as a primary stock route or a secondary stock route, the chief executive must consider— 4
5
6
 - (a) whether there is access from the stock route to a natural water source or a water facility; and 7
8
 - (b) whether the stock route is reasonably suitable for travelling stock, as stated in the State management plan; and 9
10
11
 - (c) whether the stock route is travelled by stock as stated in the State management plan; and 12
13
 - (d) whether there is access to, and connectivity of, the stock route; and 14
15
 - (e) any other matter prescribed by regulation. 16
- 9 Changing or removing stock routes or reserves 17**
 - (1) The chief executive must consult each affected entity before the chief executive decides to— 18
19
 - (a) change the classification of a stock route; or 20
 - (b) remove a stock route or reserve from the stock route network register. 21
22
 - (2) If, after consulting each affected entity, the chief executive decides to amend the stock route network register, the chief executive must give notice of the decision to the affected entity. 23
24
25
26
 - (3) In this section— 27
 - affected entity* means— 28
 - (a) each affected local government; or 29
 - (b) for a stock route on a State-controlled road—the chief executive (transport). 30
31

Part 2	Special interest areas	1
10	Local special interest areas	2
(1)	This section applies to an area on the stock route network in a local government's area.	3 4
(2)	If the local government considers the area contains a special feature of natural heritage or cultural heritage that is of local significance, the local government may decide the area is a local special interest area.	5 6 7 8
	<i>Examples of features for subsection (2)—</i>	9
	• the presence of particular wildlife	10
	• a matter identified on a local heritage register	11
	• a gravesite associated with historical European settlement	12
(3)	However, a feature of natural heritage or cultural heritage can not be registered as both a local special interest area and a State special interest area.	13 14 15
(4)	The local government must consult with the chief executive (transport) before deciding that an area on a State-controlled road is a local special interest area.	16 17 18
(5)	The local government must give the chief executive notice, in the approved form, that the local government has decided the area is a local special interest area.	19 20 21
(6)	However, if the local government considers registering information about the local special interest area may pose a risk of adversely affecting the area, the local government may give the chief executive the information in a way that minimises the risk.	22 23 24 25 26
	<i>Example—</i>	27
	A local government decides an area where migratory birds feed is a local special interest area. The local government considers stating the exact location of the area poses a risk of the birds being adversely affected. The local government may describe the location of the area to the chief executive in a generic way.	28 29 30 31 32
(7)	The chief executive must register—	33

[s 11]

(a)	the location of the local special interest area; and	1
(b)	the basis on which the area has been registered as a local special interest area.	2 3
11	Maintenance conditions for local special interest areas	4
(1)	If a local government decides an area on the stock route network is a local special interest area, the local government may maintain the feature of natural heritage or cultural heritage by imposing a condition (a <i>maintenance condition</i>) on the use of the area.	5 6 7 8 9
(2)	However, a maintenance condition must not prevent access to the stock route network.	10 11
(3)	The local government may, under chapter 4—	12
(a)	impose the maintenance condition on a new approval; or	13
(b)	amend the conditions of an approval to include the maintenance condition; or	14 15
(c)	for an approval other than a travel approval—cancel the approval if the local government is satisfied imposing a maintenance condition on the approval will not maintain the feature.	16 17 18 19
(4)	Compensation is not payable for an approval that is amended or cancelled under subsection (3).	20 21
12	Changing or removing local special interest areas	22
	A local government must give the chief executive notice, in the approved form, if the local government decides—	23 24
(a)	to change the area of a local special interest area; or	25
(b)	an area is no longer a local special interest area.	26

-
- 13 State special interest areas** 1
- (1) This section applies to a feature of natural heritage or cultural 2
heritage on any of the following areas (each a *State special* 3
interest area) on the stock route network that a responsible 4
chief executive decides is a State special interest area— 5
- (a) an area on a heritage database or heritage register; 6
- (b) a protected area under the *Nature Conservation Act* 7
1992; 8
- (c) an area used by endangered wildlife, vulnerable wildlife 9
or near threatened wildlife under the *Nature* 10
Conservation Act 1992. 11
- (2) The responsible chief executive must give the chief executive 12
notice, in the approved form, that the responsible chief 13
executive has decided the area is a State special interest area. 14
- (3) If the area mentioned in subsection (2) is registered as a local 15
special interest area, the chief executive must— 16
- (a) amend the stock route network register to change the 17
local special interest area to a State special interest area; 18
and 19
- (b) give the local government for the area notice that the 20
area is no longer a local special interest area but has 21
become a State special interest area. 22
- (4) If the responsible chief executive considers registering 23
information about a special interest area may pose a risk of 24
adversely affecting the area, the responsible chief executive 25
may give the information in a way that minimises the risk. 26
- Example—* 27
- The responsible chief executive decides an area of Aboriginal cultural 28
heritage is a State special interest area. The responsible chief executive 29
considers stating the exact location of the area poses a risk of the area 30
being adversely affected. The responsible chief executive may describe 31
the location of the area to the chief executive in a generic way. 32
- (5) The chief executive must register— 33
- (a) the location of the State special interest area; and 34
-

[s 14]

- (b) the basis on which the area has been registered as a State special interest area. 1
2
- 14 Maintenance conditions for State special interest areas** 3
- (1) The responsible chief executive for a State special interest area, after consulting with the local government for the area, may require the local government to impose on an approval issued for the area a condition (a *maintenance condition*) the responsible chief executive considers necessary— 4
5
6
7
8
- (a) for a State special interest area that is on a heritage database or heritage register—to maintain the feature of cultural heritage of the area; or 9
10
11
- (b) for another State special interest area—to maintain the feature of natural heritage of the area. 12
13
- (2) However, the chief executive must decide the maintenance condition to be imposed if the responsible chief executive and the local government can not agree on the maintenance condition to be imposed. 14
15
16
17
- (3) The maintenance condition must not prevent access to the stock route network. 18
19
- (4) The local government may, under chapter 4— 20
- (a) impose the maintenance condition on a new approval; or 21
- (b) amend the conditions of an approval to include the maintenance condition; or 22
23
- (c) for an approval other than a travel approval—cancel the approval if the local government is satisfied imposing the maintenance condition will not maintain the feature. 24
25
26
- (5) Compensation is not payable for an approval that is amended or cancelled under subsection (4). 27
28

15	Changing or removing State special interest areas	1
	The responsible chief executive for a State special interest area must give the chief executive notice, in the approved form, that—	2 3 4
	(a) the area of a State special interest area has changed; or	5
	(b) an area is no longer a State special interest area.	6
Part 3	Status of stock route network	7
16	Temporarily restricting or temporarily preventing access to stock route network	8 9
(1)	This section applies if a local government considers it is necessary to temporarily restrict, or temporarily prevent, access to a part of the stock route network that is in the local government's area—	10 11 12 13
	(a) in the interests of public safety, including, for example, because of a fire or flood affecting that part of the stock route network; or	14 15 16
	(b) to maintain a special interest area, or to otherwise maintain a feature of natural heritage or cultural heritage in the area; or	17 18 19
	(c) because—	20
	(i) of a temporary obstruction to road traffic on the part of the stock route network, including, for example, road works; or	21 22 23
	(ii) a part of the stock route network that is a road has been temporarily closed to traffic; or	24 25
	(d) because all of the estimated pasture or water in the part of the stock route network has been allocated for use under approvals; or	26 27 28

[s 16]

- (e) because of a temporary decline in the amount or the quality of the pasture or water in the part of the stock route network; or 1
2
3
- (f) to maintain or increase the amount or the quality of the pasture or water in the part of the stock route network; 4
5
or 6
- (g) because another situation, of a type prescribed by regulation, exists. 7
8
- (2) The local government may decide— 9
- (a) to temporarily restrict access to the part of the stock route network by imposing a condition (a *restrictive condition*) on the use of that part of the stock route network; or 10
11
12
13
- (b) to temporarily prevent access to the part of the stock route network by temporarily closing that part of the stock route network. 14
15
16
- (3) In making its decision, the local government must consider any matters prescribed by regulation. 17
18
- Example—* 19
- A regulation may require a local government to consult with another local government if a decision may affect the use of the stock route network in the other local government's area. 20
21
22
- (4) The local government must give the chief executive notice, in the approved form, of the decision within 3 days after making the decision. 23
24
25
- (5) The decision stops having effect on the earliest of the following days— 26
27
- (a) the day that is 84 days after the day the local government gives the chief executive notice of the decision; 28
29
30
- (b) the day stated in the notice given to the chief executive; 31
- (c) the day the decision is revoked by the local government. 32

17	Temporarily restricting or temporarily preventing access to State-controlled roads	1 2
(1)	This section applies if the chief executive (transport) gives a local government notice that access is temporarily restricted or temporarily prevented to all or part of a State-controlled road on the stock route network in the local government's area.	3 4 5 6 7
(2)	The local government must as soon as practicable decide to temporarily restrict or temporarily prevent access as required under the notice.	8 9 10
18	Consequences of temporarily restricting or preventing access to part of stock route network	11 12
(1)	If a local government decides to temporarily restrict access to part of the stock route network, the local government may, under chapter 4—	13 14 15
(a)	impose a restrictive condition on a new approval issued for that part of the network; or	16 17
(b)	amend the conditions of an approval to include a restrictive condition.	18 19
(2)	If a local government decides to temporarily prevent access to part of the stock route network, the local government—	20 21
(a)	must not issue an approval to use that part of the stock route network; and	22 23
(b)	must, under chapter 4—	24
(i)	suspend an approval to use that part of the network for the period for which access to the network is temporarily prevented; or	25 26 27
(ii)	cancel an approval to use that part of the network if the approval will expire before the end of the period for which access to the network is temporarily prevented.	28 29 30 31

[s 19]

(3)	Compensation is not payable for an approval that is amended, suspended or cancelled under this section.	1 2
Chapter 3	Managing the stock route network	3 4
Part 1	State management plan	5
19	State management plan	6
(1)	The Minister must prepare, in the way prescribed by regulation, a plan (the <i>State management plan</i>) for managing the stock route network.	7 8 9
(2)	The State management plan must state—	10
(a)	the outcomes to be achieved by managing the stock route network; and	11 12
(b)	the strategies and actions to be used to achieve the outcomes; and	13 14
	<i>Examples—</i>	15
	• forming partnerships, or entering into arrangements, about the management of the stock route network	16 17
	• fire management strategies and actions	18
(c)	the term of the plan; and	19
(d)	any other information prescribed by regulation.	20
(3)	The Governor in Council may, by gazette notice, approve the State management plan.	21 22
(4)	The State management plan is not subordinate legislation.	23
(5)	The Minister must publish a copy of the State management plan on the department’s website.	24 25

Part 2	Pasture	1
20	Managing pasture generally	2
(1)	This section applies to an area on the stock route network in a local government's area.	3 4
(2)	The local government must manage the pasture in the area, consistently with the State management plan, to ensure as far as practicable—	5 6 7
(a)	there is an adequate supply of pasture for travelling stock; and	8 9
(b)	land degradation in the area is prevented or minimised.	10
21	Offering excess pasture for short-term grazing or harvesting	11 12
(1)	This section applies to an area on the stock route network in a local government's area if—	13 14
(a)	the boundary between the area and adjacent land is fenced; and	15 16
(b)	the local government considers there is more pasture on the area than is needed for travelling stock; and	17 18
(c)	short-term grazing or harvesting the pasture on the area is not likely to—	19 20
(i)	reduce the amount of the pasture below the amount needed for travelling stock; or	21 22
(ii)	adversely affect a special interest area; and	23
(d)	for a State-controlled road—the local government has the written consent of the chief executive (transport) to offer excess pasture on the area for short-term grazing or harvesting; and	24 25 26 27
(e)	the local government has asked the owner of the adjacent land whether the owner wants to apply for a grazing approval (short-term) for the area; and	28 29 30

[s 22]

- (f) the owner has advised the local government in writing 1
the owner does not want to apply for a grazing approval 2
(short-term) for the area. 3
- (2) The local government may, by a public notice, invite persons 4
to apply for a grazing approval (short-term), or harvesting 5
approval, for the area. 6
- (3) In deciding the type of approval to invite persons to apply for, 7
the local government must consider— 8
- (a) the amount of pasture available for use; and 9
- (b) the order in which approvals to use the stock route 10
network are to be issued under the principle mentioned 11
in section 4(e). 12
- (4) A public notice under this section may be made jointly by 2 or 13
more local governments. 14
- (5) In this section— 15
- area* means an area that is not subject to— 16
- (a) an approval; or 17
- (b) an approval, however described, under— 18
- (i) the *Land Act 1994*; or 19
- (ii) a transport Act. 20

Part 3 Stock facilities 21

Division 1 Stock facilities generally 22

22 Primary stock facilities 23

- (1) The chief executive may, by notice given to a local 24
government, require the local government to provide a 25
primary stock facility in the local government's area. 26

-
- (2) However, if the primary stock facility is to be on a State-controlled road, the chief executive must consult with the chief executive (transport) before giving the notice to the local government.
- (3) The local government must comply with the notice.
- (4) The local government must ensure the primary stock facility is maintained in good working order.
- (5) To remove any doubt, it is declared that a notice under subsection (1) is not, for another Act, an approval to build the stock facility.
- (6) In this section—
primary stock facility means a stock facility on, or provided for the benefit of persons using, a primary stock route or primary reserve.

23 Secondary stock facilities

- (1) The chief executive may, by a notice given to a local government, require the local government to maintain a secondary stock facility in the local government's area.
- (2) The local government must comply with the notice.
- (3) A local government may, with the chief executive's written approval, relocate, remove or sell a secondary stock facility or part of a secondary stock facility.
- (4) To remove any doubt, it is declared that a notice under subsection (1) is not, for another Act, an approval to build the stock facility.
- (5) In this section—
secondary stock facility means a stock facility on, or provided for the benefit of persons using, a secondary stock route or secondary reserve.

[s 24]

24	Maintenance of stock facility by approval holder	1
	If an approval allows an approval holder to use a stock facility,	2
	the local government may impose a condition on the approval	3
	requiring the holder to maintain the stock facility in good	4
	working order.	5
Division 2	Water facilities	6
25	Water facility agreements	7
(1)	A local government and the chief executive may enter into an	8
	agreement (a <i>water facility agreement</i>) with the owner of	9
	private land about—	10
(a)	the supply of water from a public water facility under	11
	the local government’s control; or	12
(b)	the supply of water from a private water facility owned	13
	by the owner of the private land; or	14
(c)	building a public water facility on the private land; or	15
(d)	access to a private water facility or public water facility;	16
	or	17
(e)	maintaining a private water facility or public water	18
	facility.	19
(2)	A local government and the chief executive may enter into an	20
	agreement (also a <i>water facility agreement</i>) with the holder of	21
	a grazing approval about—	22
(a)	the supply of water from a public water facility under	23
	the local government’s control; or	24
(b)	maintaining a public water facility.	25
(3)	A water facility agreement must—	26
(a)	be in the approved form; and	27
(b)	state—	28
(i)	who controls or owns the water facility; and	29

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- | | |
|---|----------------|
| (ii) any requirements relating to access to the water facility; and | 1
2 |
| (iii) the requirements for supplying water from the water facility; and | 3
4 |
| (iv) who is responsible for maintaining the water facility; and | 5
6 |
| (v) the maintenance required for the water facility; and | 7 |
| (vi) any fee or other consideration for supplying water from, or maintaining, the water facility; and | 8
9 |
| (vii) when and how the agreement may be suspended; and | 10
11 |
| (viii) the term of the agreement; and | 12 |
| (ix) any other information prescribed by regulation. | 13 |
| (4) A water facility agreement, other than a water facility agreement made about the matter mentioned in subsection (1)(c), is terminated— | 14
15
16 |
| (a) if a party to the agreement gives the other parties to the agreement notice in the approved form; or | 17
18 |
| (b) for an agreement relating to private land or a private water facility—if the owner of the private land or the private water facility changes; or | 19
20
21 |
| (c) at the end of the term of the agreement. | 22 |
| (5) A water facility agreement made about the matter mentioned in subsection (1)(c) is terminated at the end of the term of the agreement. | 23
24
25 |
| (6) A party to a water facility agreement is not entitled to compensation because the agreement is suspended or terminated under the agreement or this section. | 26
27
28 |
| (7) The chief executive must register each water facility agreement. | 29
30 |
| (8) In this section— | 31 |

[s 26]

water facility includes part of a water facility. 1

- 26 Registering particular agreements on land registers** 2
- (1) This section applies to a water facility agreement to build a water facility on private land that requires the State to pay all or part of the costs of building the facility. 3
4
5
 - (2) As soon as practicable after entering into the agreement, the chief executive must give the land registrar notice of the agreement. 6
7
8
 - (3) The land registrar must keep records showing the land is the subject of the agreement. 9
10
 - (4) The land registrar must keep the records in a way that ensures a search of a register kept by the registrar under an Act relating to title to the land shows the existence of the agreement. 11
12
13
14
 - (5) As soon as practicable after the agreement is terminated, the chief executive must give the land registrar a notice about the termination. 15
16
17
 - (6) As soon as practicable after receiving the notice about the termination, the land registrar must amend the registrar's records so that the records no longer show the land is the subject of the agreement. 18
19
20
21
 - (7) While the agreement is in force, the obligations under the agreement bind the owner of the land and the owner's successors in title to the land. 22
23
24
 - (8) In this section— 25
 - land registrar* means— 26
 - (a) for freehold land—the registrar of titles under the *Land Title Act 1994*; or 27
28
 - (b) for land registered in the land registry under the *Land Act 1994*—the chief executive of the department in which that Act is administered. 29
30
31

Chapter 4	Approvals to use the stock route network or related roads or reserves	1
		2
		3
Part 1	Approvals	4
Division 1	Applications	5
27	Applications for approvals	6
(1)	A person may apply for any of the following approvals to use the stock route network—	7
		8
(a)	a travel approval;	9
(b)	an unfit stock approval;	10
(c)	a grazing approval;	11
(d)	a harvesting approval.	12
(2)	The application must be made to—	13
(a)	for a travel approval—the local government for the area in which the travelling of the stock is to start; or	14
		15
(b)	for an unfit stock approval—the local government for the area in which the unfit stock are located; or	16
		17
(c)	for a grazing approval—the local government for the area in which the stock are to graze; or	18
		19
(d)	for a grazing approval or harvesting approval mentioned in a pasture availability notice—the local government nominated in the pasture availability notice.	20
		21
		22
(3)	The applicant may also apply for approval to use related roads or reserves near the part of the stock route network mentioned in the application.	23
		24
		25
(4)	The application must be made—	26

[s 28]

- (a) for an unfit stock approval or a grazing approval (emergency)—orally; or 1
2
- (b) for a travel approval—orally or in the approved form; or 3
- (c) for a grazing approval (short-term), a grazing approval (long-term) or a harvesting approval—in the approved form. 4
5
6
- (5) The applicant must pay the application fee to the local government before the approval is issued. 7
8

28 When application must be made 9

The application must be made— 10

- (a) for a travel approval— 11
 - (i) not sooner than 28 days before the approval period is to start; and 12
13
 - (ii) unless the applicant is applying for a travel approval to travel stock that are the subject of an unfit stock approval, not later than 14 days before the approval period is to start; or 14
15
16
17
- (b) for a grazing approval (short-term)— 18
 - (i) if a pasture availability notice has been published—within the period stated in the pasture availability notice; or 19
20
21
 - (ii) if no pasture availability notice has been published—not later than 14 days before the approval period is to start; or 22
23
24
- (c) for a grazing approval (long-term)—not later than 28 days before the approval period is to start; or 25
26
- (d) for a harvesting approval—within the period stated in the pasture availability notice. 27
28

29	Requiring more information for application	1
(1)	The local government may, by a notice in the approved form given to the applicant within 7 days after the application is made, ask the applicant for more information the local government needs to decide the application.	2 3 4 5
(2)	The local government need not deal with the application until the applicant gives the information to the local government.	6 7
(3)	If the applicant does not give the information to the local government within the period, of not less than 7 days, stated in the notice, the local government may treat the application as having been withdrawn.	8 9 10 11
30	Amending applications	12
	An applicant may, within 3 days after making an application, amend the application, by a notice in the approved form given to the local government.	13 14 15
Division 2	Deciding applications	16
31	Considerations—generally	17
(1)	A local government may issue an approval to use part of the stock route network only if the local government is satisfied—	18 19
(a)	access to that part of the stock route network is not temporarily prevented; and	20 21
(b)	issuing the approval is not likely to—	22
(i)	prevent or interfere with another approval to use the stock route network that is higher in the order of priority in the principle mentioned in section 4(e); or	23 24 25 26
(ii)	adversely affect road safety or the operational integrity of the transport network; and	27 28

[s 32]

- (c) the condition of that part of the stock route network will be able to support the use allowed under the approval; and 1
2
3
- (d) the applicant is a suitable person to hold the approval; and 4
5
- (e) of any other matter prescribed by regulation. 6
- (2) In deciding whether the applicant is a suitable person to hold the approval, the local government may consider whether the applicant, or an associate of the applicant— 7
8
9
 - (a) held an approval or a similar permit that was suspended or cancelled because of a contravention of a condition of the approval or permit; or 10
11
12
 - (b) has a conviction, other than a spent conviction, for an offence against this Act or the repealed Act. 13
14
- (3) In this section— 15
 - similar permit* means— 16
 - (a) a stock route agistment permit or stock route travel permit under the repealed Act; or 17
18
 - (b) a permit to occupy land for grazing purposes on roads or reserves under the *Land Act 1994*; or 19
20
 - (c) an approval for travelling or grazing stock under the *Transport Infrastructure Act 1994* or the *Transport Operations (Road Use Management) Act 1995*. 21
22
23

32 Considerations—travel approval 24

A local government may issue a travel approval only if the local government is satisfied— 25
26

- (a) the stock under the travel approval can travel at a speed of not less than— 27
28
 - (i) for a travel approval (slow)—5km in a day; or 29
 - (ii) for a travel approval (standard)—10km in a day; and 30
31

-
- (b) for a travel approval to be issued to a person who has, 1
within the previous 28 days, held a travel approval for 2
the same stock and the same route—exceptional 3
circumstances exist. 4
- 33 Considerations—unfit stock approval 5**
- (1) A local government may issue an unfit stock approval only if 6
the local government is satisfied— 7
- (a) the applicant holds a travel approval for the unfit stock; 8
and 9
- (b) the stock under the travel approval can not reasonably 10
travel at the speed stated in the travel approval; and 11
- (c) the applicant has given an unfit stock notice for the 12
stock to the local government. 13
- (2) The unfit stock approval may be issued for— 14
- (a) the unfit stock under the travel approval; or 15
- (b) if more than half of the stock under the travel approval 16
are unfit stock—all of the stock under the travel 17
approval. 18
- 34 Considerations—grazing approval (emergency) 19**
- (1) A local government may issue a grazing approval 20
(emergency) for an area on the stock route network only if the 21
local government is satisfied the area on which the stock are 22
located has been affected by an adverse natural event and can 23
not sustain the stock. 24
- (2) A local government may approve an application for another 25
grazing approval (emergency) by the holder of a grazing 26
approval (emergency) for a period immediately after the 27
approval ends. 28
- (3) In this section— 29
adverse natural event— 30

[s 35]

- (a) means— 1
- (i) a natural disaster, including, for example, a 2
cyclone, fire or flood; or 3
- (ii) another event affecting land that could not 4
reasonably have been foreseen; but 5
- (b) does not include— 6
- (i) drought; or 7
- (ii) an event for which the effect on the land could 8
reasonably have been avoided or significantly 9
mitigated. 10
- Example of an event for subparagraph (ii)— 11*
- A landowner allows stock to overgraze the land. A severe 12
storm causes significant erosion on the land that could 13
have been avoided if the land had not been overgrazed. 14

35 Considerations—grazing approval (short-term) 15

- (1) A local government may issue a grazing approval (short-term) 16
for an area on the stock route network only if the local 17
government is satisfied— 18
- (a) the area on which the stock are located is a 19
drought-declared area and can not sustain the stock; or 20
- (b) an owner mentioned in section 21(1)(e) has advised the 21
local government in writing that the owner wants to 22
apply for a grazing approval (short-term); or 23
- (c) a pasture availability notice has been published inviting 24
persons to apply for a grazing approval (short-term) for 25
the area. 26
- (2) However, if there is a boundary fence between a proposed 27
approval area and private land owned by a person other than 28
the applicant, a local government must not issue a grazing 29
approval (short-term), unless the local government is satisfied 30
the applicant has a fencing maintenance agreement with the 31
owner or occupier of the private land. 32

-
- (3) A local government may approve an application for another grazing approval (short-term) by the holder of a grazing approval (short-term) for a period immediately after the approval ends. 1
2
3
4
- (4) In this section— 5
drought-declared area means an area that has been declared 6
by the Commonwealth or the State as being affected by 7
drought. 8
- 36 Considerations—grazing approval (long-term)** 9
- (1) A local government may issue a grazing approval (long-term) 10
for an area on the stock route network only if the local 11
government is satisfied— 12
- (a) the applicant owns or occupies private land next to the 13
area; or 14
- (b) of all of the following— 15
- (i) the applicant owns or occupies private land next to 16
a person (the *neighbour*) who owns or occupies 17
private land next to the area on the stock route 18
network; 19
- (ii) the neighbour has not applied for a grazing 20
approval (long-term) for the area; 21
- (iii) the applicant can demonstrate the stock will have 22
access to water. 23
- (2) However, if there is a boundary fence between a proposed 24
approval area and private land owned by a person other than 25
the applicant, a local government must not issue a grazing 26
approval (long-term), unless the local government is satisfied 27
the applicant has a fencing maintenance agreement with the 28
owner or occupier of the private land. 29
- (3) A local government may approve an application for another 30
grazing approval (long-term) by the holder of a grazing 31

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approval (long-term) for a period immediately after the approval ends.	1 2
37 Considerations—harvesting approval	3
(1) A local government may issue a harvesting approval for an area on the stock route network only if the local government is satisfied—	4 5 6
(a) a pasture availability notice has been published inviting persons to apply for a harvesting approval for the area; and	7 8 9
(b) the harvesting is not likely to adversely affect forest products or the rights of the holder of an approval under the <i>Forestry Act 1959</i> .	10 11 12
(2) A local government may approve an application for another harvesting approval by the holder of a harvesting approval for a period immediately after the harvesting approval ends.	13 14 15
38 Deciding applications	16
(1) After considering the application for an approval, the local government must decide—	17 18
(a) to issue the approval, with or without conditions stated in the approval; or	19 20
(b) to refuse to issue the approval.	21
(2) If the local government decides to issue the approval, the local government must—	22 23
(a) give the applicant an approval in the approved form; and	24
(b) give the chief executive a notice, in the approved form, that the approval has been issued.	25 26
(3) If the local government decides to issue an approval on terms that are not the same as the terms applied for, or imposes conditions on the approval, the local government must give the applicant a review notice for the decision.	27 28 29 30

-
- (4) If the local government decides to refuse to issue the approval, the local government must—
- (a) give the applicant a review notice for the decision; and
 - (b) refund the approval fee to the applicant.
- (5) The local government is taken to have refused to issue the approval if the local government fails to decide the application within the required period after the local government receives—
- (a) the application; or
 - (b) if the local government asks for information under section 29(1)—the information.
- (6) In this section—
- required period* means—
- (a) for an application for an unfit stock approval or a grazing approval (emergency)—3 days; or
 - (b) for an application for a travel approval—14 days; or
 - (c) for an application for a grazing approval (short-term) or a harvesting approval—21 days; or
 - (d) for an application for a grazing approval (long-term)—28 days.
- 39 Approval routes and approval areas**
- (1) A local government may issue an approval for a route or an area—
- (a) in the local government’s area; and
 - (b) on part of the stock route network to which access is not temporarily prevented.
- (2) The approval route or approval area may also include—
- (a) for an approval other than a grazing approval (long-term)—an area in another local government’s area, with the other local government’s approval, and

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- subject to any conditions imposed by the other local government; and 1
2
- (b) a local special interest area, if the local government is satisfied the use allowed under the approval will not adversely affect the local special interest area; and 3
4
5
- (c) a State special interest area subject to any conditions imposed by the responsible chief executive. 6
7
- (3) A local government may issue an approval for part of the stock route network, or related roads and reserves, that are a State-controlled road only if— 8
9
10
- (a) the chief executive (transport) has given written consent to the issue of the approval; and 11
12
- (b) the local government imposes, on the approval, any conditions of the consent of the chief executive (transport) relating to road safety or the operational integrity of the transport network. 13
14
15
16

40 Approval periods 17

- An approval may be issued for a period of not more than— 18
- (a) for an unfit stock approval—14 days; or 19
- (b) for a grazing approval (emergency)— 20
- (i) to use an area that includes part of a primary stock route or primary reserve—14 days; or 21
22
- (ii) otherwise—28 days; or 23
- (c) for a grazing approval (short-term)— 24
- (i) to use an area that includes part of a primary stock route or primary reserve—42 days; or 25
26
- (ii) otherwise—84 days; or 27
- (d) for a grazing approval (long-term)— 28
- (i) to use an area that includes part of a primary stock route or primary reserve—1 year; or 29
30

	(ii) otherwise—5 years; or	1
	(e) for a harvesting approval—28 days.	2
41	Contents of approvals	3
	An approval must state—	4
	(a) the use allowed on the approval route or approval area under the approval; and	5 6
	(b) the location of the approval route or approval area; and	7
	(c) the dates on which the approval period for the approval starts and ends; and	8 9
	(d) that the approval is not transferable; and	10
	(e) that it is a condition of the approval that the approval holder exercise a duty of care for the approval route or approval area during the approval period; and	11 12 13
	(f) that it is a condition of the approval that the approval holder have adequate public liability insurance for the use allowed under the approval for the approval period; and	14 15 16 17
	(g) any other conditions of the approval, including—	18
	(i) any maintenance conditions; or	19
	(ii) any restrictive conditions; or	20
	(iii) any conditions mentioned in section 39(2) or (3); and	21 22
	(h) any other matter prescribed by regulation.	23
42	Unfit stock approvals	24
	(1) This section applies to an application for an unfit stock approval by a person who holds a travel approval.	25 26
	(2) If the local government decides to issue the unfit stock approval, the local government must—	27 28

[s 43]

- | | | |
|-----|--|----------------------|
| (a) | if some of the stock under the travel approval are unfit—amend the travel approval to remove the unfit stock; or | 1
2
3 |
| (b) | if all of the stock under the travel approval are unfit—cancel the travel approval. | 4
5 |
| (3) | If the local government decides to refuse to issue the unfit stock approval, the review notice for the decision under section 38 must also state— | 6
7
8 |
| (a) | the applicant is required to remove the unfit stock from the stock route network within a stated period, of not less than 3 days, after the notice is given; and | 9
10
11 |
| (b) | that, if the stock are not removed by the end of that period, the stock may be seized under section 80. | 12
13 |
| (4) | If the review notice states the applicant is required to remove the unfit stock from the stock route network within a stated period, the local government must amend the travel approval to remove the unfit stock from the travel approval. | 14
15
16
17 |
| (5) | If the local government decides to amend or cancel the travel approval, the local government must refund that part of the approval fee that relates to the unfit stock. | 18
19
20 |
| (6) | If the unfit stock are still unfit at the end of the approval period for the unfit stock approval, the person in charge of the stock must remove the stock from the stock route network within 3 days after the end of the approval period. | 21
22
23
24 |

Part 2	Amending approval on approval holder's application	25 26
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43	Applications to amend approvals	27
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|-----|---|----------|
| (1) | An approval holder may apply to the issuing local government to amend the approval. | 28
29 |
|-----|---|----------|

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- (2) However, an approval holder may not apply to amend an approval—
- (a) for a travel approval—
 - (i) to delay the start of the approval by more than 7 days; or
 - (ii) to extend the approval period by more than 3 days; or
 - (iii) to increase the number of stock to which the approval applies by more than 20 head; or
 - (iv) to extend the approval route by more than 30km; or
 - (b) for a grazing approval—
 - (i) to increase the number of stock to which the approval applies; or
 - (ii) to change the approval area; or
 - (c) for a harvesting approval—to change the approval area.
- (3) The application must be—
- (a) in the approved form; and
 - (b) accompanied by the application fee.

44 Deciding applications to amend approvals

- (1) After considering the application, the local government must decide—
- (a) to amend the approval in the way stated in the application; or
 - (b) to amend the approval in another way, including, for example, by imposing a condition on the approval; or
 - (c) to refuse to amend the approval.
- (2) However, the local government may amend the approval route to allow stock to travel on a part of the route on which the stock have already travelled under the approval only if the

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	local government is satisfied it is necessary because of an event beyond the approval holder's control.	1 2
	<i>Examples of an event beyond the approval holder's control—</i>	3
	fire, flooding or extreme weather conditions	4
45	Action if approval amended	5
	If the local government decides to amend the approval, the local government must—	6 7
	(a) give the applicant an amended approval, in the approved form; and	8 9
	(b) give the chief executive notice, in the approved form, that the approval has been amended.	10 11
46	Action if approval not amended as requested	12
	(1) This section applies if the local government decides—	13
	(a) to amend the approval other than in the way stated in the application; or	14 15
	(b) to impose a condition on the approval; or	16
	(c) to refuse to amend the approval.	17
	(2) The local government must give the applicant a review notice for the decision.	18 19
	(3) The local government is taken to have refused to amend the approval if the local government fails to decide the application within 7 days after the local government receives the application.	20 21 22 23

Part 3	Amending, suspending or cancelling approval by local government	1 2 3
47	Grounds for amending, suspending or cancelling approval	4 5
(1)	A ground exists to amend, suspend or cancel an approval if the issuing local government reasonably believes the approval must be amended, suspended or cancelled—	6 7 8
(a)	to issue an approval to use the stock route network that is higher in the order of priority in the principle mentioned in section 4(e); or	9 10 11
(b)	in the interests of public safety; or	12
(c)	to maintain the condition of the stock route network; or	13
(d)	to maintain the natural heritage or cultural heritage of the stock route network; or	14 15
(e)	to prevent damage to stock facilities; or	16
(f)	to allow road works to be carried out; or	17
(g)	for another ground prescribed by regulation.	18
(2)	A ground exists to suspend or cancel an approval if the issuing local government reasonably believes the approval holder—	19 20
(a)	is not, or is no longer, a suitable person under section 31 to hold the approval; or	21 22
(b)	obtained the approval by materially incorrect or misleading information; or	23 24
(c)	has contravened a condition of the approval.	25
(3)	A ground exists to immediately suspend an approval if the issuing local government reasonably believes—	26 27
(a)	a ground exists under subsection (1) or (2) to suspend or cancel the approval; and	28 29

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- (b) the approval must be immediately suspended because of an immediate and serious risk to—
 - (i) public safety; or
 - (ii) the condition of the stock route network; or
 - (iii) the natural heritage or cultural heritage of the stock route network.

48 Show cause notice

- (1) If the issuing local government reasonably believes grounds exist to amend, suspend, or cancel an approval, the local government must give the approval holder a notice (a *show cause notice*) that—
 - (a) states the local government reasonably believes grounds exist to amend, suspend or cancel the approval; and
 - (b) outlines the facts and circumstances that form the basis for the local government’s belief that grounds exist to amend, suspend or cancel the approval; and
 - (c) if the local government proposes to amend the approval—states the amendment; and
 - (d) if the local government proposes to suspend the approval for a period—states the period; and
 - (e) states the holder may, within a stated period of not less than 7 days after the notice is given to the holder, make written representations to the local government about why the grounds stated under paragraph (a) do not exist.
- (2) If the show cause notice states the approval is immediately suspended, the approval is suspended for the period that—
 - (a) starts on the day the local government gives the approval holder the show cause notice; and
 - (b) ends—
 - (i) on the day the local government gives the approval holder a notice under section 49(2) or (4); or

-
- (ii) if the local government does not give the approval holder a notice under section 49(2) or (4) before the end of the immediate suspension period—at the end of the immediate suspension period. 1
2
3
4
- (3) In this section— 5
immediate suspension period means a period of 56 days starting on the day a local government gives a show cause notice to an approval holder. 6
7
8
- 49 Decision after show cause notice** 9
- (1) The local government must consider any representations the approval holder makes under section 48(1)(e). 10
11
- (2) If the local government does not believe grounds exist to amend, suspend or cancel the approval, the local government must give a notice to that effect to the approval holder. 12
13
14
- (3) If the local government believes grounds exist to amend, suspend or cancel the approval, the local government may decide— 15
16
17
- (a) to take the action proposed in the show cause notice; or 18
- (b) if the action proposed in the show cause notice was to suspend the approval—to amend the approval; or 19
20
- (c) if the action proposed in the show cause notice was to cancel the approval— 21
22
- (i) to amend the approval; or 23
- (ii) to suspend the approval for a period. 24
- (4) If the local government decides to act under subsection (3), the local government must— 25
26
- (a) give the approval holder— 27
- (i) a review notice; and 28
- (ii) for a decision to amend the approval—an amended approval in the approved form; and 29
30

[s 50]

- (b) give the chief executive notice, in the approved form, that the action was taken. 1
2
- (5) If the local government decides to suspend or cancel a travel approval, unfit stock approval or grazing approval, the review notice must also state— 3
4
5
 - (a) the approval holder is required to remove the stock under the approval from the stock route network within a stated period, of not less than 3 days, after the notice is given; and 6
7
8
9
 - (b) that, if the stock are not removed by the end of that period, the stock may be seized under section 80. 10
11
- (6) If the local government decides to cancel an approval, the local government must refund the part of the approval fee that relates to the cancelled period of the approval. 12
13
14
- (7) A decision under subsection (3) has effect— 15
 - (a) on the day the review notice is given to the approval holder; or 16
17
 - (b) on a later day stated in the review notice. 18

Part 4 **Replacing or surrendering approvals** 19 20

50 **Replacing approvals** 21

- (1) A local government may replace an approval if the approval holder gives the local government— 22
23
 - (a) a notice, under section 68, about a change in a prescribed particular of the approval; or 24
25
 - (b) a notice, in the approved form, stating the approval has been lost, damaged or destroyed. 26
27
- (2) The local government must give the chief executive a notice, in the approved form, that the approval has been replaced. 28
29

51	Surrendering approvals	1
(1)	An approval holder may surrender an approval by returning the approval to the issuing local government.	2 3
(2)	The holder of an approval, other than a harvesting approval, must remove the stock under the approval from the approval route or approval area before returning the approval to the issuing local government.	4 5 6 7
(3)	The issuing local government may refund part of the approval fee to the approval holder.	8 9
Part 5	Local laws about approvals	10
52	Local laws	11
(1)	A local government may make a local law under the relevant empowering Act about approvals to use related roads or reserves.	12 13 14
	<i>Example—</i>	15
	A local law may provide for approvals to be issued under this chapter.	16
(2)	However, the local government must have the written consent of the chief executive (transport) before making a local law relating to related roads or reserves that are a State-controlled road.	17 18 19 20
(3)	If a person applies for an approval to use the stock route network and related roads or reserves, this chapter applies instead of the local law.	21 22 23
(4)	To remove any doubt, it is declared that the making of, or anything done under, a local law made for this section does not affect the operation of this chapter in relation to the stock route network.	24 25 26 27

Chapter 5	Offences and enforcement	1
Part 1	Offences	2
Division 1	Stock route network	3
Subdivision 1	Using stock route network	4
53	Stock on network without approval	5
(1)	A person who owns or is in charge of stock must not allow the stock to travel or graze on the stock route network, unless—	6 7
(a)	the stock are on the network under—	8
(i)	an approval; or	9
(ii)	subsection (2); or	10
(b)	the person has a reasonable excuse.	11
	<i>Example of a reasonable excuse—</i>	12
	A stock-proof fence between private land and the stock route network is damaged by an event beyond the landowner’s control, including, for example, a natural disaster. The owner has a reasonable excuse if, since the event, the owner has not had a reasonable opportunity to restore the fence to a stock-proof condition.	13 14 15 16 17
	Maximum penalty—	18
(a)	for not more than 10 animals—50 penalty units; or	19
(b)	for more than 10 animals but not more than 100 animals—100 penalty units; or	20 21
(c)	for more than 100 animals—200 penalty units.	22
(2)	A person may travel stock on the stock route network in a local government’s area without an approval if the person—	23 24
(a)	before travelling the stock—	25

-
- (i) gets adequate public liability insurance covering the proposed travel; and 1
2
 - (ii) gives the local government oral or written notice about the proposed travel; and 3
4
 - (b) travels the stock— 5
 - (i) for not more than 1 day; and 6
 - (ii) in daylight hours; and 7
 - (iii) for animal husbandry or property management purposes; and 8
9
 - (c) ensures the stock are supervised while travelling; and 10
 - (d) ensures signage that warns members of the public about the presence of the stock, as prescribed by regulation, is displayed while the stock are travelling. 11
12
13
- Note—* 14
- See the *Transport Infrastructure Act 1994*, section 50 for requirements under that Act about stock movements on State-controlled roads. 15
16

54 Stray stock on stock route network 17

A person who owns or is in charge of stock must not allow stray stock on the stock route network, unless the person has a reasonable excuse. 18
19
20

Maximum penalty— 21

- (a) for not more than 10 animals—50 penalty units; or 22
- (b) for more than 10 animals but not more than 50 animals—100 penalty units; or 23
24
- (c) for more than 50 animals but not more than 100 animals—200 penalty units; or 25
26
- (d) for more than 100 animals but not more than 200 animals—300 penalty units; or 27
28
- (e) for more than 200 animals—400 penalty units. 29

[s 55]

55	Using temporarily closed stock route network	1
(1)	This section applies to a part of the stock route network to which access has been temporarily prevented under section 16.	2 3 4
(2)	A person must not allow stock on, or harvest pasture from, that part of the stock route network, unless the person has a reasonable excuse.	5 6 7
	Maximum penalty—100 penalty units.	8
56	Obstructing stock route network	9
	A person must not obstruct a person who is using the stock route network under an approval, unless—	10 11
(a)	it is necessary to ensure the safety of persons or stock; or	12 13
(b)	the person has a reasonable excuse.	14
	<i>Examples of obstructing a person—</i>	15
	building a fence, locking a gate or using a vehicle to prevent stock moving	16 17
	Maximum penalty—100 penalty units.	18
57	Placing harmful things on stock route network	19
	A person must not place any thing on the stock route network that is likely to harm—	20 21
(a)	a person using the network under an approval, or the person's equipment; or	22 23
(b)	stock on the network.	24
	<i>Examples of a thing—</i>	25
	an animal carcass, a car body, a rope or a wire	26
	Maximum penalty—50 penalty units.	27

58	Harvesting pasture	1
(1)	A person must not harvest pasture from the stock route network, unless the person—	2
	(a) is harvesting the pasture under a harvesting approval; or	3
	(b) has a reasonable excuse.	4
	Maximum penalty—200 penalty units.	5
(2)	In this section—	6
	<i>person</i> does not include—	7
	(a) a local government; or	8
	(b) an agent or employee of a local government acting under the local government’s directions.	9
59	Burning pasture	10
(1)	A person must not burn pasture on the stock route network in a local government’s area, unless the person has—	11
	(a) the local government’s written consent; or	12
	(b) a reasonable excuse.	13
	Maximum penalty—200 penalty units.	14
(2)	In this section—	15
	<i>person</i> does not include—	16
	(a) a local government; or	17
	(b) an agent or employee of a local government acting under the local government’s directions.	18
60	Fencing	19
	If there is a fence on or next to the boundary between private land and the stock route network, the owner of the private land must maintain the fence in a stock-proof condition, unless the owner has a reasonable excuse.	20
		21
		22
		23
		24
		25
		26
		27

[s 61]

Maximum penalty—400 penalty units. 1

Subdivision 2 Stock facilities 2

61 Damaging stock facilities 3

A person must not damage a stock facility, unless the person
has a reasonable excuse. 4 5

Examples of damage— 6

- cutting the fence around a water tank 7
- removing solar panels from a water facility 8

Maximum penalty—200 penalty units. 9

62 Hindering operation of stock facilities 10

- (1) A person must not hinder the usual operation of a stock
facility, unless the person has a reasonable excuse. 11 12

Maximum penalty—50 penalty units. 13

- (2) A person who owns or is in charge of stock must not allow the
stock to remain within 300m of a water facility for longer than
is necessary to water the stock, unless the person has a
reasonable excuse. 14 15 16 17

Maximum penalty—50 penalty units. 18

- (3) A person must not camp on the stock route network within
300m of a water facility, unless the person has a reasonable
excuse. 19 20 21

Maximum penalty—50 penalty units. 22

63 Taking or releasing water from water facilities 23

- (1) A person must not take water from a water facility, unless the
person— 24 25

- (a) is authorised under— 26

(i)	an approval; or	1
(ii)	a water facility agreement; or	2
(iii)	a local government’s written consent to take the water for road works; or	3 4
(b)	has a reasonable excuse.	5
	Maximum penalty—200 penalty units.	6
(2)	A person must not release water, or allow water to be released, from a water facility, unless the person—	7 8
(a)	is using the water for—	9
(i)	watering stock under an approval or a water facility agreement; or	10 11
(ii)	personal use while travelling or grazing stock under an approval or a water facility agreement; or	12 13
	<i>Examples—</i>	14
	for drinking, cooking or personal hygiene	15
(iii)	road works, with the local government’s written consent; or	16 17
(b)	has a reasonable excuse.	18
	Maximum penalty—200 penalty units.	19
64	Polluting water in water facilities	20
	A person must not pollute water in a water facility, unless the person has a reasonable excuse.	21 22
	Maximum penalty—200 penalty units.	23

[s 65]

Division 2	Approvals	1
65	Approval conditions	2
(1)	This section does not apply to a condition of an approval about supervising grazing stock.	3 4
	<i>Note—</i>	5
	For a contravention of a condition of an approval about supervising grazing stock, see section 71.	6 7
(2)	A person who holds an approval, or a person in charge of stock under an approval, must not contravene a condition of the approval, unless the person has a reasonable excuse.	8 9 10
	Maximum penalty—	11
(a)	for a maintenance condition—200 penalty units; or	12
(b)	for a restrictive condition—100 penalty units; or	13
(c)	for another condition—50 penalty units.	14
66	Notifying landowner of intended entry under approval	15
(1)	This section applies to a person in charge of travelling stock if the person travels the stock on—	16 17
(a)	a reserve that is a part of the stock route network for which there is an owner, other than a local government or the State; or	18 19 20
(b)	a part of the stock route network fenced in with private land for which there is an owner.	21 22
(2)	Not less than 48 hours before entering the reserve or part of the network, the person must give notice of the intended entry to the owner, unless the person has a reasonable excuse.	23 24 25
	Maximum penalty—50 penalty units.	26

67	Producing approval for inspection	1
(1)	This section applies to—	2
(a)	a person in charge of stock on the stock route network under an approval; or	3 4
(b)	a person harvesting pasture on the stock route network under an approval.	5 6
(2)	If an authorised person asks the person to produce the approval for inspection, the person must immediately produce the approval, or a copy of it, to the authorised person, unless the person has a reasonable excuse.	7 8 9 10
	Maximum penalty—10 penalty units.	11
68	Correcting particulars of approvals	12
(1)	An approval holder must, within 14 days after a prescribed particular of an approval changes, give notice of the correct particular to the issuing local government, unless the approval holder has a reasonable excuse.	13 14 15 16
	Maximum penalty—20 penalty units.	17
(2)	In this section—	18
	<i>prescribed particular</i> , of an approval, means—	19
(a)	the approval holder’s address or phone number; or	20
(b)	the name of the person in charge of stock under the approval; or	21 22
(c)	any other information prescribed by regulation.	23
69	Returning amended approval	24
(1)	This section applies if a local government—	25
(a)	amends an approval; and	26
(b)	gives the approval holder a notice requiring the approval holder to return the approval to the local government.	27 28

[s 70]

(2)	The approval holder must comply with the notice, unless the approval holder has a reasonable excuse.	1 2
	Maximum penalty—20 penalty units.	3
70	Travelling stock under approval	4
(1)	This section applies to—	5
(a)	a person who holds a travel approval or unfit stock approval; or	6 7
(b)	a person in charge of stock travelling under a travel approval or unfit stock approval.	8 9
(2)	The person must directly supervise, or ensure another person is directly supervising, the stock travelling under the approval, unless the person has a reasonable excuse.	10 11 12
	Maximum penalty—100 penalty units.	13
(3)	The person must ensure the stock travel at the speed required under the approval, unless the person has a reasonable excuse.	14 15
	<i>Examples of a reasonable excuse—</i>	16
	• a fire, flood or adverse weather	17
	• another circumstance that is not reasonably foreseeable	18
	Maximum penalty—100 penalty units.	19
(4)	For subsection (3), it is not a defence for the approval holder to prove the stock were unfit stock.	20 21
71	Supervising grazing stock	22
	If a condition of a grazing approval requires the approval holder to supervise the stock, the approval holder must not contravene the condition, unless the approval holder has a reasonable excuse.	23 24 25 26
	Maximum penalty—	27
(a)	for not more than 10 animals—50 penalty units; or	28
(b)	for more than 10 animals—100 penalty units.	29

72	Notice about unfit stock	1
(1)	This section applies in relation to stock travelling under a travel approval if the approval holder, or a person in charge of the stock, becomes aware that any of the stock are unfit stock.	2 3 4
(2)	The approval holder or person must give an unfit stock notice to the local government for the area in which the stock are located, unless the approval holder or person has a reasonable excuse.	5 6 7 8
	Maximum penalty—50 penalty units.	9
(3)	An <i>unfit stock notice</i> is an oral notice, or a written notice in the approved form, that states—	10 11
(a)	the number of unfit stock; and	12
(b)	the reason the stock are unfit, including, for example, because of a stated disease; and	13 14
(c)	whether the unfit stock have been diagnosed or treated by a veterinary surgeon and, if so, the result of the diagnosis or treatment; and	15 16 17
(d)	the action proposed to deal with the unfit stock.	18
73	Inspecting and measuring harvested pasture	19
(1)	A person who holds a harvest approval must keep a harvest record for 2 years after the pasture is harvested, unless the person has a reasonable excuse.	20 21 22
	Maximum penalty—10 penalty units.	23
(2)	The person must, unless the person has a reasonable excuse, allow an authorised person to inspect and measure the pasture harvested under the approval at the approval area, or the person’s place of business, within—	24 25 26 27
(a)	7 days after the pasture is harvested; or	28
(b)	a longer period agreed between the person and the authorised person.	29 30
	Maximum penalty—50 penalty units.	31

[s 74]

- (3) The person must comply with a reasonable direction of the authorised person for inspecting or measuring the pasture, unless the person has a reasonable excuse. 1
2
3
Maximum penalty—50 penalty units. 4
- (4) In this section— 5
harvest record means a written record that states— 6
- (a) each day pasture is harvested under a harvest approval; 7
and 8
- (b) the amount of pasture harvested under the approval. 9

Part 2 Caution or directions notices 10

74 Caution notices 11

- (1) This section applies if an authorised person reasonably believes— 12
13
- (a) a person is committing, or has committed, an offence under part 1; or 14
15
- (b) it is necessary for immediate action to be taken to prevent or minimise land degradation on the stock route network. 16
17
18
- (2) The authorised person may give a caution notice to the person. 19
- (3) A *caution notice* is a notice, in the approved form, that states— 20
21
- (a) the authorised person is giving the notice because of a belief mentioned in subsection (1); and 22
23
- (b) the facts and circumstances that form the basis for the authorised person's belief; and 24
25
- (c) the action the person who is given the notice may take— 26
- (i) to prevent or remedy the offence; or 27
- (ii) to prevent or minimise the land degradation. 28

75	Directions notices	1
(1)	This section applies if an authorised person reasonably believes—	2 3
(a)	a person is committing, or has committed, an offence under part 1; or	4 5
(b)	it is necessary for immediate action to be taken to prevent or minimise land degradation on the stock route network.	6 7 8
(2)	The authorised person may give the person—	9
(a)	a directions notice; and	10
(b)	a review notice for the decision to give the directions notice.	11 12
(3)	A <i>directions notice</i> is a notice, in the approved form, that states—	13 14
(a)	the authorised person is giving the notice because of a belief mentioned in subsection (1); and	15 16
(b)	the facts and circumstances that form the basis for the authorised person’s belief; and	17 18
(c)	the action the person who is given the notice must take—	19 20
(i)	to prevent or remedy the offence; or	21
(ii)	to prevent or minimise the land degradation; and	22
(d)	if the notice requires the person to remove stock from the stock route network—that if the person does not remove the stock, the stock may be seized under section 80.	23 24 25 26
(4)	The person must comply with the directions notice, unless the person has a reasonable excuse.	27 28
	Maximum penalty—400 penalty units.	29
	<i>Note—</i>	30
	Also see section 77 for the local government’s powers to remedy a failure to comply with a directions notice.	31 32

[s 76]

- (5) The fact that a person has been given a caution notice, in relation to a matter, does not stop an authorised person giving a directions notice to the person in relation to—
- (a) the matter; or
 - (b) a similar matter.
- 76 What a directions notice may and must not require**
- (1) A directions notice may, for example, require a person—
- (a) to apply for an approval; or
 - (b) to build or restore a fence on a boundary of the stock route network to a stock-proof condition; or
 - (c) to fix damage caused by the commission of the offence or by land degradation; or
 - (d) to remove stock from the stock route network and prevent the stock re-entering the network.
- (2) A directions notice must not require a person to apply for an approval—
- (a) if the person is not eligible for the approval; or
 - (b) if—
 - (i) the person, or an associate of the person, has been refused an approval; and
 - (ii) the authorised person considers there has been no change in circumstances that would increase the likelihood of the person being issued an approval.
- (3) A directions notice must not require a person to remove stock from the stock route network if a notice requiring the person to remove the stock has already been given to the person under section 49(5).
- 77 Fencing or fixing damage under directions notice**
- (1) This section applies if—

-
- (a) an authorised person gives a directions notice to a person requiring the person to take action—
- (i) to build or restore a fence to a stock-proof condition; or
 - (ii) to fix damage or land degradation; and
- (b) the person has not complied with the directions notice.
- (2) An authorised person, or a person acting for the authorised person, may enter private land at any reasonable time to take the action under the directions notice.
- (3) However, the authorised person must give an entry notice to the owner of the land not less than 7 days before the entry.
- (4) The local government may recover the reasonable costs of taking the action under the directions notice as a debt payable by the following person—
- (a) the owner of the land;
 - (b) if there are 2 or more owners of the land—each owner jointly and severally.
- (5) The local government must give each owner of the land a notice stating the amount of the debt.
- (6) The debt becomes payable 28 days after the local government gives all owners of the land notice of the amount of the debt.
- (7) If the owner does not pay the reasonable costs when the costs are payable, the unpaid costs are a charge on the land as if the unpaid costs were overdue rates under the relevant empowering Act.
- (8) This section does not limit any other remedy the local government has to recover the debt.

78 Mustering notices

- (1) This section applies if an authorised person reasonably believes it is necessary for stock on the stock route network to be mustered—

[s 79]

- (a) to prevent or minimise a risk to public safety; or 1
- (b) to monitor compliance with an approval or section 72. 2
- (2) The authorised person may decide to give the person who 3
owns, or is in charge of, the stock a notice (a *mustering* 4
notice) in the approved form that states— 5
 - (a) the authorised person is giving the notice for a reason 6
mentioned in subsection (1) that is stated in the notice; 7
and 8
 - (b) the person is required to muster the stock to a stated 9
place within— 10
 - (i) a stated period of not less than 24 hours; or 11
 - (ii) if the stock are to be mustered to prevent or 12
minimise a risk to public safety—an appropriate 13
shorter period. 14
- (3) If the mustering notice is given for a reason mentioned in 15
subsection (1)(b), the authorised person must also give the 16
person a review notice for the decision to give the mustering 17
notice. 18
- (4) The person must comply with the mustering notice, unless the 19
person has a reasonable excuse. 20
Maximum penalty for subsection (4)—100 penalty units. 21

79 Mustering stock under mustering notice 22

- (1) This section applies if— 23
 - (a) a local government gives a mustering notice to a person; 24
and 25
 - (b) the person does not comply with the notice. 26
- (2) An authorised person for the local government, or a person 27
acting for the authorised person, may muster the stock. 28
- (3) However, if the stock are on private land, the authorised 29
person, or person acting for the authorised person, may enter 30
the land to muster the stock only if— 31

-
- (a) the owner of the land consents to the entry; or 1
 - (b) the authorised person gives an entry notice to the owner
of the land not less than 24 hours before the entry. 2 3
 - (4) The local government may recover the reasonable costs of
musterling the stock as a debt payable by the owner of the
stock. 4 5 6
 - (5) The local government must give notice of the amount of the
debt to the owner of the stock. 7 8
 - (6) The debt becomes payable 28 days after the local government
gives notice of the amount of the debt to the owner of the
stock. 9 10 11
 - (7) If the debt is not paid within the 28 days, interest is payable on
the debt at the rate prescribed by regulation. 12 13
 - (8) This section does not limit any other remedy the local
government has to recover the debt. 14 15

Part 3 Seizing and disposing of stock 16

80 Seizing stock 17

- (1) An authorised person may seize stock on the stock route
network if— 18 19
 - (a) a person has not removed the stock as required by— 20
 - (i) a notice under section 42(3) or 49(5); or 21
 - (ii) a directions notice; or 22
 - (b) for stock the authorised person reasonably believes are
stray stock—the authorised person is not able to identify
the owner of the stock after making reasonable
enquiries. 23 24 25 26
- (2) The authorised person must give the owner of the stock a
notice stating that if the stock are not claimed within a stated 27 28

[s 81]

period, of not less than 3 days after the notice is given, the local government may sell or otherwise dispose of the stock.	1 2
(3) If, after making reasonable enquiries, the local government is not able to identify the owner of the stock, the local government may give the owner the notice by public notice.	3 4 5
(4) The authorised person must release the stock to a person who claims the stock, before the stock are sold or otherwise disposed of, if—	6 7 8
(a) the authorised person is satisfied the person is entitled to possess the stock; and	9 10
(b) the person, if required by the local government, pays the reasonable costs of—	11 12
(i) seizing, removing and holding the stock; and	13
(ii) giving the notice under subsection (2).	14
81 Disposing of seized stock	15
(1) If the stock are not released to a person under section 80(4), the authorised person may—	16 17
(a) for an animal the authorised person reasonably believes has a market value of not less than the threshold amount—sell the animal by public auction or tender; or	18 19 20
(b) for any other stock—dispose of the stock in the way the authorised person considers appropriate.	21 22
(2) The authorised person must use the amount received on the sale of the stock in the following order—	23 24
(a) to pay the reasonable costs of the sale;	25
(b) to pay the reasonable costs of seizing, removing and holding the stock and giving the notice under section 80(2);	26 27 28
(c) to pay the balance to—	29
(i) the owner of the stock; or	30

-
- (ii) if the local government is not able to identify the owner of the stock after making reasonable enquiries—the local government. 1
2
3
- (3) Compensation is not payable for stock sold or otherwise disposed of under this section. 4
5
- (4) In this section— 6
threshold amount means— 7
- (a) \$1000; or 8
- (b) a higher amount (if any) prescribed by regulation. 9
- 82 Destroying stray stock** 10
- (1) An authorised person may destroy stray stock that are on the stock route network if the authorised person reasonably believes— 11
12
13
- (a) it is not practicable to arrange for the owner of the stock to urgently remove the stock, including, for example, because the owner can not be contacted or identified; and 14
15
16
17
- (b) it is necessary to destroy the stock in the interests of public safety. 18
19
- Example for paragraph (b)—* 20
- The authorised person reasonably believes the stock are unmanageable and pose a risk to the safety of the public, and it is not practicable to seize the stock. 21
22
23
- (2) Compensation is not payable for stock destroyed under this section. 24
25

[s 83]

Part 4	Investigation and enforcement	1
Division 1	Application of relevant empowering Act provisions	2 3
83	Authorised persons' powers generally	4
(1)	The following provisions of the relevant empowering Acts apply in relation to the exercise of a power for this Act by an authorised person—	5 6 7
(a)	the <i>City of Brisbane Act 2010</i> , sections 115, 117 to 121 and 124;	8 9
(b)	the <i>Local Government Act 2009</i> , sections 126, 128 to 132 and 135.	10 11
(2)	The provisions mentioned in subsection (1)(a) apply as if a reference in the provisions to a local government related law were a reference to this Act.	12 13 14
(3)	The provisions mentioned in subsection (1)(b) apply as if a reference in the provisions to a Local Government Act were a reference to this Act.	15 16 17
(4)	If there is an inconsistency between this Act and the provisions of the relevant empowering Act applied under this section, this Act prevails to the extent of the inconsistency.	18 19 20
	<i>Note—</i>	21
	The provisions of the relevant empowering Acts are generally about entering property and obtaining warrants.	22 23

Division 2	Entering place for stock facilities	1
84	Inspecting and maintaining stock facility	2
(1)	This section applies if a stock facility is provided on private land in a local government area for the benefit of persons using the stock route network.	3 4 5
(2)	An authorised person, or a person acting for the authorised person, may enter the land to inspect or maintain the stock facility if—	6 7 8
(a)	the occupier of the land consents to the entry; or	9
(b)	the authorised person gives an entry notice to the occupier of the land, in the required way, not less than 24 hours before the entry; or	10 11 12
(c)	the authorised person reasonably believes it is necessary to immediately enter the land because of urgent circumstances.	13 14 15
(3)	In this section—	16
	<i>required way</i> means—	17
(a)	giving the notice directly to the occupier; or	18
(b)	if the authorised person reasonably believes it is impracticable to give the notice under paragraph (a)—	19 20
(i)	publishing a public notice; or	21
(ii)	placing the notice in a conspicuous place on the land.	22 23
Division 3	Stopping or moving vehicles	24
85	Application of division	25
	This division applies if an authorised person reasonably suspects, or is aware, that a thing in or on a vehicle may	26 27

[s 86]

provide evidence of the commission of an offence against this Act.	1 2
86 Moving vehicles	3
(1) If the vehicle is moving, an authorised person may direct the person in control of the vehicle—	4 5
(a) to stop the vehicle; and	6
(b) to move the vehicle to, and keep it at, a convenient place within a reasonable distance to allow the authorised person to exercise the authorised person’s powers.	7 8 9
(2) In giving the direction, the authorised person must clearly identify himself or herself as an authorised person exercising the authorised person’s powers, including, for example, by using a sign or loudhailer.	10 11 12 13
(3) When the vehicle stops, the authorised person must immediately produce the authorised person’s identity card for the person in control of the vehicle to inspect.	14 15 16
(4) The person in control of the vehicle must comply with a direction under subsection (1), unless the person has a reasonable excuse. Maximum penalty—60 penalty units.	17 18 19 20
(5) It is a reasonable excuse for the person not to comply with the direction if—	21 22
(a) the authorised person did not comply with subsections (2) and (3); or	23 24
(b) to comply immediately would have endangered someone or caused loss or damage to property, and the person complies as soon as it is practicable to do so.	25 26 27
87 Stopped vehicles	28
(1) If the vehicle is stopped, an authorised person may direct the person in control of the vehicle—	29 30

-
- (a) not to move the vehicle until the authorised person has exercised the authorised person's powers; or
- (b) to move the vehicle to, and keep it at, a stated reasonable place to allow the authorised person to exercise the authorised person's powers.
- (2) When giving the direction, the authorised person must—
- (a) immediately produce the authorised person's identity card for the person in control of the vehicle to inspect; and
- (b) give an offence warning for the direction to the person in control of the vehicle.
- (3) The person in control of the vehicle must comply with the direction, unless the person has a reasonable excuse.
- Maximum penalty—60 penalty units.
- (4) A person does not commit an offence against subsection (3) if the person is not given an offence warning for the direction.

Division 4 Requiring documents or information

88 Requiring documents to be produced

- (1) This section applies to a document—
- (a) issued to a person under this Act; or
- (b) required to be kept by a person under this Act.
- (2) An authorised person may require the person to produce the document to an authorised person for inspection, at a reasonable time and place that the authorised person nominates.
- (3) The authorised person may keep the document to copy it.
- (4) If the authorised person copies the document, or part of the document, the authorised person may require the person

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- responsible for keeping the document to certify the copy as a true copy of the document or part of the document. 1
2
- (5) The authorised person must return the document to the person as soon as practicable after copying the document. 3
4
- (6) However, if the authorised person makes a requirement of the person under subsection (4), the authorised person may keep the document until the person complies with the requirement. 5
6
7
- (7) A person must comply with a requirement made of the person under subsection (2) or (4), unless the person has a reasonable excuse. 8
9
10
- Maximum penalty—40 penalty units. 11
- (8) It is not a reasonable excuse for a person to fail to comply with a requirement on the basis that complying with the requirement might tend to incriminate the person or expose the person to a penalty. 12
13
14
15
- (9) The authorised person must inform the person, in a way that is reasonable in the circumstances— 16
17
- (a) that the person must comply with the requirement even though complying with the requirement might tend to incriminate the person or expose the person to a penalty; and 18
19
20
21
- (b) that, under section 118, there is limited immunity against the use of the document given in accordance with the requirement. 22
23
24
- (10) If the authorised person fails to comply with subsection (9), the person can not be convicted of the offence against subsection (7). 25
26
27
- (11) If a court convicts a person of an offence against subsection (7), the court may, as well as imposing a penalty for the offence, order the person to comply with the requirement. 28
29
30
- (12) In this section— 31
- produce*, a document that is stored electronically, means produce a clear written reproduction of the document. 32
33

89	Requiring information	1
(1)	This section applies if an authorised person reasonably believes—	2 3
(a)	an offence against this Act has been committed; and	4
(b)	a person may be able to give information about the offence.	5 6
(2)	The authorised person may, by notice given to the person, require the person to give information about the offence to the authorised person, by a stated reasonable time.	7 8 9
(3)	The person must comply with the requirement, unless the person has a reasonable excuse. Maximum penalty—40 penalty units.	10 11 12
(4)	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.	13 14 15 16
(5)	In this section— <i>give</i> , information that is stored electronically, means produce a clear written reproduction of the information.	17 18 19
Division 5	Seizing and forfeiting things	20
Subdivision 1	Seizing things	21
90	Seizing evidence at a place that may be entered without consent or warrant	22 23
(1)	This section applies if an authorised person enters a place that the authorised person may enter under this Act without the consent of an occupier of the place or a warrant.	24 25 26

[s 91]

- (2) The authorised person may seize a thing at the place if the authorised person reasonably believes the thing is evidence of an offence against this Act. 1
2
3
- 91 Seizing evidence at a place entered with consent** 4
- (1) This section applies if an authorised person may enter a place after getting the consent of an occupier of the place. 5
6
- (2) The authorised person may seize a thing at the place only if— 7
- (a) the authorised person reasonably believes the thing is evidence of an offence against this Act; and 8
9
- (b) seizing the thing is consistent with the purpose of entry, as explained to the occupier when asking for the occupier’s consent. 10
11
12
- 92 Seizing evidence at a place entered with warrant** 13
- (1) This section applies if— 14
- (a) an authorised person may enter a place under this Act only with the consent of an occupier of the place or under a warrant; and 15
16
17
- (b) the authorised person enters the place under a warrant. 18
- (2) The authorised person may seize the evidence for which the warrant was issued. 19
20
- (3) The authorised person may also seize anything else at the place if the authorised person reasonably believes— 21
22
- (a) the thing is evidence of an offence against this Act; and 23
- (b) seizing the thing is necessary to prevent the thing being destroyed, hidden or lost. 24
25
- (4) The authorised person may also seize a thing at the place if the authorised person reasonably believes the thing has just been used in committing an offence against this Act. 26
27
28

93	Seizing property subject to security	1
(1)	An authorised person may seize a thing, and exercise powers relating to the thing, despite a lien or other security over the thing claimed by another person.	2 3 4
(2)	However, the seizure does not affect the other person’s claim to the lien or other security against a person other than the authorised person or a person acting under the direction or authority of the authorised person.	5 6 7 8
94	Securing seized thing	9
(1)	After seizing a thing under this subdivision, an authorised person may—	10 11
(a)	move the thing from the place (the <i>place of seizure</i>) where the thing was seized; or	12 13
(b)	leave the thing at the place of seizure and take reasonable action to restrict access to the thing.	14 15
(2)	For subsection (1)(b), the authorised person may, for example—	16 17
(a)	seal the thing, or the entrance to the place of seizure, and mark the thing or place to show access to the thing or place is restricted; or	18 19 20
(b)	for equipment—make the thing inoperable; or	21
	<i>Examples of making equipment inoperable—</i>	22
	dismantling the equipment or removing a component without which the equipment can not be used	23 24
(c)	require a person the authorised person reasonably believes is in control of the place or thing to do—	25 26
(i)	an act stated in paragraph (a) or (b); or	27
(ii)	anything else an authorised person could do under subsection (1)(a).	28 29

[s 95]

- (3) The person must comply with a requirement made of the person under subsection (2)(c), unless the person has a reasonable excuse. 1
2
3
Maximum penalty—100 penalty units. 4
- (4) If an authorised person restricts access to a seized thing, a person must not tamper with the thing, or with anything used to restrict access to the thing, unless the person has— 5
6
7
(a) an authorised person’s approval; or 8
(b) a reasonable excuse. 9
Maximum penalty—100 penalty units. 10
- (5) If an authorised person restricts access to a place, a person must not enter the place in contravention of the restriction, or tamper with anything used to restrict access to the place, unless the person has— 11
12
13
14
(a) an authorised person’s approval; or 15
(b) a reasonable excuse. 16
Maximum penalty—100 penalty units. 17

95 Receipt and review notice for seized thing 18

- (1) This section applies if an authorised person seizes a thing under this subdivision, unless— 19
20
(a) the authorised person reasonably believes there is no-one apparently in possession of the thing or it has been abandoned; or 21
22
23
(b) because of the condition, nature and value of the thing it would be unreasonable to require the authorised person to comply with this section. 24
25
26
- (2) The authorised person must, as soon as practicable after seizing the thing, give the following to an owner or person in control of the thing before it was seized— 27
28
29
(a) a receipt for the thing that generally describes the thing and its condition; 30
31

-
- (b) a review notice about the decision to seize the thing. 1
- (3) However, if an owner or person from whom the thing is seized 2
is not present when the thing is seized, the receipt and review 3
notice may be given by leaving them in a conspicuous 4
position, and in a reasonably secure way, at the place at which 5
the thing is seized. 6
- (4) The receipt and review notice may— 7
- (a) be given in the same document; and 8
- (b) relate to more than 1 seized thing. 9
- (5) The authorised person may delay giving the receipt and 10
review notice if the authorised person reasonably suspects 11
giving them may frustrate or otherwise hinder an investigation 12
by the authorised person under this Act. 13
- (6) However, the delay may be only for as long as the authorised 14
person continues to have the reasonable suspicion and 15
remains in the vicinity of the place at which the thing was 16
seized to keep the thing under observation. 17
- 96 Access to seized thing 18**
- (1) This section applies until a seized thing is forfeited or 19
returned. 20
- (2) The authorised person who seized the thing must allow an 21
owner of the thing, free of charge— 22
- (a) to inspect the thing at any reasonable time, and from 23
time to time; and 24
- (b) if the thing is a document—to copy the document. 25
- (3) However, subsection (2) does not apply if it is impracticable 26
or would be unreasonable to allow the owner to inspect or 27
copy the thing. 28

[s 97]

97	Returning seized thing	1
(1)	This section applies if a thing seized by an authorised person is not—	2 3
	(a) forfeited under subdivision 2; or	4
	(b) subject to a disposal order under section 122.	5
(2)	As soon as the authorised person stops being satisfied there are reasonable grounds for keeping the thing, the authorised person must return the thing to its owner.	6 7 8
(3)	If the thing is not returned to its owner within 84 days after the thing was seized, the owner may apply to the chief executive officer for its return.	9 10 11
(4)	Within 28 days after receiving the application, the chief executive officer must—	12 13
	(a) if the chief executive officer is satisfied there are reasonable grounds for keeping the thing and decides to keep the thing—give a review notice to the owner; or	14 15 16
	(b) otherwise—return the thing to the owner.	17
(5)	For this section, there are reasonable grounds for keeping the thing if—	18 19
	(a) the thing is being, or is likely to be, examined; or	20
	(b) the thing is needed, or may be needed, for—	21
	(i) a proceeding for an offence against this Act that is likely to be started or that has been started but not completed; or	22 23 24
	(ii) an appeal from a decision in a proceeding for an offence against this Act; or	25 26
	(c) it is not lawful for the owner to possess the thing.	27
(6)	Subsection (5) does not limit the grounds that may be reasonable grounds for keeping the thing.	28 29
(7)	Nothing in this section affects a lien or other security over the seized thing.	30 31

Subdivision 2	Forfeiting seized things	1
98	Forfeiture by chief executive officer decision	2
(1)	The chief executive officer for a local government may decide a thing that has been seized is forfeited to the local government if an authorised person—	3 4 5
(a)	after making reasonable inquiries, can not find an owner of the thing; or	6 7
(b)	after making reasonable efforts, can not return the thing to an owner; or	8 9
(c)	reasonably believes it is necessary to keep the thing to prevent the thing being used to commit the offence for which the thing was seized.	10 11 12
(2)	However, the authorised person is not required to—	13
(a)	make inquiries if it would be unreasonable to make inquiries to find an owner; or	14 15
(b)	make efforts if it would be unreasonable to make efforts to return the thing to an owner.	16 17
	<i>Example for paragraph (b)—</i>	18
	the owner of the thing has migrated to another country	19
(3)	The authorised person must consider the thing’s condition, nature and value in deciding—	20 21
(a)	whether it is reasonable to make inquiries or efforts; and	22
(b)	if inquiries or efforts are made—what inquiries or efforts, including the period over which they are made, are reasonable.	23 24 25
(4)	If the chief executive officer for the local government decides to forfeit a thing, the chief executive officer must as soon as practicable give a review notice for the decision to a person (the <i>former owner</i>) who owned the thing immediately before the thing was forfeited.	26 27 28 29 30

[s 99]

- (5) If the decision was made under subsection (1)(a) or (b), the review notice may be given by leaving the notice at the place where the thing was seized, in a conspicuous position and in a reasonably secure way. 1
2
3
4
- (6) The review notice must state that the former owner may apply for a stay of the decision if the former owner appeals against the decision. 5
6
7
- (7) However, subsections (4) to (6) do not apply if— 8
- (a) the decision was made under subsection (1)(a) or (b); 9
and 10
- (b) the place where the thing was seized is— 11
- (i) a public place; or 12
- (ii) a place where the notice is unlikely to be read by the former owner. 13
14
- 99 Dealing with things forfeited or transferred to local government** 15
16
- (1) A thing becomes the property of the local government for the authorised person who seized the thing if— 17
18
- (a) the thing is forfeited to the local government under section 98(1); or 19
20
- (b) the owner of the thing and the local government agree, in writing, to the transfer of the ownership of the thing to the local government. 21
22
23
- (2) The chief executive officer may deal with the thing as the chief executive officer considers appropriate, including, for example, by destroying the thing or giving it away. 24
25
26
- (3) The chief executive officer must not deal with the thing in a way that could prejudice the outcome of an appeal against the forfeiture. 27
28
29
- (4) If the chief executive officer sells the thing, the chief executive officer may, after deducting the costs of the sale, return the proceeds of the sale to the former owner of the thing. 30
31
32

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- (5) This section is subject to a disposal order made for the thing under section 122. 1
2

Division 6 Damage or loss 3

100 Avoiding inconvenience and damage 4

In exercising a power, an authorised person must take all reasonable steps to cause as little inconvenience, and do as little damage, as possible. 5
6
7

Note— 8

Also see section 102 about compensation. 9

101 Notice of damage 10

- (1) This section applies if— 11

(a) an authorised person damages something when exercising, or purporting to exercise, a power; or 12
13

(b) a person acting under the direction or authority of an authorised person damages something. 14
15

- (2) However, this section does not apply to damage— 16

(a) that the authorised person reasonably believes is trivial; or 17
18

(b) if the authorised person reasonably believes— 19

(i) there is no-one apparently in possession of the thing; or 20
21

(ii) the thing has been abandoned. 22

- (3) The authorised person must give notice of the damage to a person who appears to the authorised person to be an owner, or person in control, of the thing. 23
24
25

- (4) However, if for any reason it is not practicable to comply with subsection (3), the authorised person must— 26
27

[s 102]

- (a) leave the notice at the place where the damage happened; and
 - (b) ensure the notice is left in a conspicuous position and in a reasonably secure way.
- (5) The authorised person may delay complying with subsection (3) or (4) if the authorised person reasonably suspects complying with the subsection may frustrate or otherwise hinder an investigation by the authorised person.
- (6) However, the delay may be only for as long as the authorised person continues to have the reasonable suspicion and remains in the vicinity of the place.
- (7) If the authorised person believes the damage was caused by a latent defect in the thing or other circumstances beyond the control of the authorised person, or a person acting under the direction or authority of the authorised person, the authorised person may state the belief in the notice.
- (8) The notice must state—
- (a) particulars of the damage; and
 - (b) that the person who suffered the damage may claim compensation under section 102.

102 Compensation

- (1) A person may claim compensation from the local government if the person incurs loss because of the exercise, or purported exercise, of a power by or for an authorised person, including a loss arising from complying with a requirement made of the person under this Act other than under—
- (a) section 11; or
 - (b) section 14; or
 - (c) section 18; or
 - (d) section 25; or
 - (e) section 81; or

-
- (f) section 82. 1
- (2) The compensation may be claimed and ordered in a 2
proceeding— 3
- (a) brought in a court with jurisdiction for the recovery of 4
the amount of compensation claimed; or 5
- (b) for an alleged offence against this Act, the investigation 6
of which gave rise to the claim for compensation. 7
- (3) A court may order the payment of compensation only if the 8
court is satisfied it is just to make the order in the 9
circumstances of the particular case. 10
- (4) In considering whether it is just to order compensation, the 11
court must have regard to— 12
- (a) any relevant offence committed by the claimant; and 13
- (b) whether the loss arose from a lawful seizure or lawful 14
forfeiture. 15
- (5) A regulation may prescribe other matters that may, or must, be 16
taken into account by the court when considering whether it is 17
just to order compensation. 18
- (6) Section 100 does not provide for a statutory right of 19
compensation other than as provided by this section. 20
- (7) In this section— 21
loss includes costs and damage. 22

Division 7 **Obstructing or impersonating** 23
 authorised persons 24

103 **Obstructing authorised person** 25

- (1) A person must not obstruct an authorised person exercising a 26
power, or someone helping an authorised person exercising a 27
power, unless the person has a reasonable excuse. 28
- Maximum penalty—60 penalty units. 29

[s 104]

(2)	If a person has obstructed an authorised person, or someone helping an authorised person, and the authorised person decides to proceed with the exercise of the power, the authorised person must warn the person that—	1 2 3 4
(a)	it is an offence to cause an obstruction, unless the person has a reasonable excuse; and	5 6
(b)	the authorised person considers the person’s conduct an obstruction.	7 8
(3)	In this section—	9
	<i>obstruct</i> includes assault, hinder, resist, attempt to obstruct, and threaten to obstruct.	10 11
104	Impersonating authorised person	12
	A person must not impersonate an authorised person.	13
	Maximum penalty—60 penalty units.	14
Chapter 6	Reviewing decisions	15
Part 1	Internal reviews	16
105	Applying for internal review	17
(1)	A person who is entitled to be given a review notice for a decision (an <i>original decision</i>) made by or for a local government may apply to the local government for an internal review of the decision.	18 19 20 21
(2)	However, a person may not apply to the local government for an internal review of—	22 23

[s 106]

-
- (a) a decision to refuse to issue an approval to use part of the stock route network to which access has been temporarily prevented; or
- (b) a decision to impose a maintenance condition in relation to a State special interest area; or
- (c) a decision to take action mentioned in section 18 because of the local government's decision to temporarily restrict or temporarily prevent access to a State-controlled road under section 17(2); or
- (d) a travel approval decision or unfit stock approval decision that is made by the person who is the chief executive officer of the local government.
- (3) The person must apply, in the approved form, within—
- (a) the required period after the applicant is entitled to be given the review notice for the original decision; or
- (b) a longer period allowed by the local government.
- (4) If the person has not been given the review notice for the original decision, the person may ask the local government for the review notice.
- (5) In this section—
- required period* means—
- (a) for an original decision relating to an unfit stock approval or a grazing approval (emergency)—1 day; or
- (b) for an original decision relating to a travel approval or a grazing approval (short-term)—3 days; or
- (c) for any other original decision—14 days.

106 Stay of certain original decisions

- (1) An application to a local government for an internal review of an original decision does not stay the original decision.
- (2) However, the applicant may apply to the external reviewer for a stay of the following types of original decisions—

[s 107]

- (a) a travel approval decision or unfit stock approval decision; 1
2
- (b) a directions notice decision; 3
- (c) a seizure decision. 4
- (3) The external reviewer may stay the original decision to secure the effectiveness of the internal review, and any external review, of the original decision. 5
6
7
- (4) The stay may be— 8
 - (a) given on the conditions the external reviewer considers appropriate; and 9
10
 - (b) amended or revoked by the external reviewer. 11
- (5) The stay operates for the period decided by the external reviewer. 12
13
- (6) However, the period must not extend past— 14
 - (a) the day when the local government makes a decision on the internal review; or 15
16
 - (b) any longer period the external reviewer allows to enable the applicant to apply for an external review of the original decision. 17
18
19
- (7) In this section— 20
 - external reviewer* means— 21
 - (a) for a travel approval decision or unfit stock approval decision—the chief executive; or 22
23
 - (b) for a directions notice decision—QCAT; or 24
 - (c) for a seizure decision—a Magistrates Court. 25

107 Internal review 26

- (1) The local government must, within the required period after receiving an application for an internal review of an original decision, review the original decision and make a decision (an *internal review decision*) to— 27
28
29
30

[s 107]

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- (a) for an original decision to refuse to issue a grazing approval or harvesting approval in response to a pasture availability notice—
- (i) confirm the original decision; or
- (ii) set the decision aside and direct the person who made the decision to make a new decision within a stated period; or
- (b) for another original decision—
- (i) confirm the original decision; or
- (ii) amend the original decision; or
- (iii) substitute another decision for the original decision.
- (2) The application may be dealt with, for the local government, only by a person who—
- (a) did not make the original decision; and
- (b) is in a more senior office than the person who made the original decision.
- (3) Subsection (2)—
- (a) does not apply to an original decision made by the person who is the chief executive officer for the local government; and
- (b) applies despite the *Acts Interpretation Act 1954*, section 27A.
- (4) For the purpose of an external review—
- (a) if the internal review decision confirms the original decision—the original decision is taken to be the internal review decision; or
- (b) if the internal review decision amends the original decision—the amended original decision is taken to be the internal review decision.
- (5) In this section—
-

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<i>required period</i> means—	1
(a) for an original decision relating to an unfit stock approval or a grazing approval (emergency)—3 days; or	2 3
(b) for an original decision relating to a travel approval or a grazing approval (short-term)—7 days; or	4 5
(c) for any other original decision—28 days.	6
108 Notice of internal review decision	7
(1) The chief executive officer for the local government must give the applicant notice of the internal review decision, in the approved form, within the following period after making the internal review decision—	8 9 10 11
(a) for an internal review decision relating to a travel approval, an unfit stock approval, a grazing approval (emergency) or a grazing approval (short-term)—1 day;	12 13 14
(b) for another internal review decision—7 days.	15
(2) If the internal review decision is not the decision sought by the applicant, the notice must—	16 17
(a) for a review of a travel approval decision or unfit stock approval decision—	18 19
(i) state the day the notice is given to the applicant; and	20 21
(ii) state the reason for the internal review decision; and	22 23
(iii) state the applicant may, within the required period under section 109, apply to the chief executive for a review of the internal review decision; and	24 25 26
(iv) state how to apply to the chief executive for a review of the internal review decision; and	27 28
(v) state the applicant may apply to the chief executive for a stay of the internal review decision; or	29 30

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- (b) for a review of a directions notice decision—be 1
accompanied by a notice under the QCAT Act, section 2
157, for the internal review decision; or 3
- (c) for a review of a seizure decision— 4
- (i) state the day the notice is given to the applicant; 5
and 6
- (ii) state the reason for the internal review decision; 7
and 8
- (iii) state the applicant may, within 28 days after the 9
applicant is entitled to be given notice of the 10
internal review decision, appeal to the Magistrates 11
Court against the internal review decision; and 12
- (iv) state how to appeal to the Magistrates Court; and 13
- (v) state the applicant may apply to the Magistrates 14
Court for a stay of the internal review decision. 15
- (3) If the local government does not give the notice of the internal 16
review decision within the required period after receiving the 17
application for the review, the local government is taken to 18
have made an internal review decision that confirms the 19
original decision. 20
- (4) In this section— 21
- required period* means— 22
- (a) for an internal review decision relating to an unfit stock 23
approval or grazing approval (emergency)—7 days; or 24
- (b) for an internal review decision relating to a travel 25
approval or grazing approval (short-term)—14 days; or 26
- (c) for an internal review decision relating to any other 27
original decision—35 days. 28

[s 109]

Part 2	External review of certain decisions	1 2
Division 1	Travel approval decisions or unfit stock approval decisions	3 4
109	Applying for external review for travel approval decision or unfit stock approval decision	5 6
(1)	A person may apply to the chief executive for a review (an <i>external review</i>) of—	7 8
(a)	an internal review of a travel approval decision or an unfit stock approval decision; or	9 10
(b)	a travel approval decision or unfit stock approval decision that is made by the chief executive officer of a local government.	11 12 13
(2)	However, a person may not apply for an external review of any of the following decisions made by the chief executive officer of a local government—	14 15 16
(a)	a decision to refuse to issue an approval to use part of the stock route network to which access has been temporarily prevented;	17 18 19
(b)	a decision to impose a maintenance condition in relation to a State special interest area;	20 21
(c)	a decision to take action mentioned in section 18 because of the local government's decision to temporarily restrict or temporarily prevent access to a State-controlled road under section 17(2).	22 23 24 25
(3)	The person must apply, in the approved form, within—	26
(a)	the required period after the applicant is entitled to be given—	27 28

(i)	for the review of a decision mentioned in subsection (1)(a)—notice of the internal review decision; or	1 2 3
(ii)	for the review of a decision mentioned in subsection (1)(b)—the review notice for the decision; or	4 5 6
(b)	a longer period allowed by the chief executive.	7
(4)	If the person has not been given notice of the internal review decision or a review notice for the decision, the person may ask the local government for the notice.	8 9 10
(5)	In this section—	11
	<i>required period</i> means—	12
(a)	for an unfit stock approval decision—1 day; or	13
(b)	for a travel approval decision—3 days.	14
110	Stay of decision for travel approval decision or unfit stock approval decision	15 16
(1)	This section applies to—	17
(a)	an internal review decision relating to a travel approval decision or unfit stock approval decision; or	18 19
(b)	a travel approval decision or unfit stock approval decision that is made by the chief executive officer of a local government.	20 21 22
(2)	An application for a review of the decision does not stay the internal review decision.	23 24
(3)	However, the applicant may apply to the chief executive for a stay of the decision.	25 26
(4)	The chief executive may stay the decision to secure the effectiveness of the external review.	27 28
(5)	The stay may be—	29

[s 111]

- (a) given on the conditions the chief executive considers appropriate; and 1
2
- (b) amended or revoked by the chief executive. 3
- (6) The stay operates for the period decided by the chief executive. 4
5
- (7) However, the period must not extend past the time when the chief executive makes a decision on the external review. 6
7
- 111 External review of travel approval decision or unfit stock approval decision** 8
9
- (1) This section applies to— 10
- (a) an internal review of a travel approval decision or an unfit stock approval decision; or 11
12
- (b) a travel approval decision or unfit stock approval decision that is made by the chief executive officer of a local government. 13
14
15
- (2) The chief executive must, within the required period after receiving an application to review the decision, review the decision and make a decision (an *external review decision*) to— 16
17
18
19
- (a) confirm the decision; or 20
- (b) amend the decision; or 21
- (c) substitute another decision for the decision. 22
- (3) In this section— 23
- required period* means— 24
- (a) for a decision relating to an unfit stock approval—3 25
days; or 26
- (b) for a decision relating to a travel approval—7 days. 27

112	Notice of external review decision for travel approval decision or unfit stock approval decision	1 2
	The chief executive must, within 1 day after making an external review decision, give the applicant notice, in the approved form, of the external review decision.	3 4 5
Division 2	Directions notice decisions	6
113	Applying for external review for directions notice decision	7 8
(1)	This section applies to an internal review decision relating to a directions notice decision.	9 10
(2)	A person who is entitled to be given a notice of the internal review decision may apply to QCAT, in the way provided in the QCAT Act, for a review of the internal review decision under that Act.	11 12 13 14
	<i>Note—</i>	15
	See the QCAT Act, section 22(3) for QCAT’s power to stay the operation of a decision, on a person’s application or on its own initiative.	16 17 18
(3)	If the person has not been given a notice of the internal review decision, the person may ask the local government for the notice.	19 20 21
Division 3	Seizure decisions	22
114	Appealing internal review decision for seizure decision	23
(1)	This section applies to an internal review decision relating to a seizure decision.	24 25
(2)	A person who is entitled to be given a notice of the internal review decision may appeal to a Magistrates Court against the decision.	26 27 28

[s 115]

- | | | |
|------------|--|----------|
| (3) | The person starts an appeal by filing a notice of appeal with the clerk of the court within— | 1
2 |
| (a) | 28 days after the applicant is entitled to be given a notice of the internal review decision; or | 3
4 |
| (b) | a longer period allowed by the Magistrates Court. | 5 |
| (4) | The notice of appeal must fully state the grounds of the appeal. | 6
7 |
| (5) | The person must serve a copy of the notice of appeal on the local government that made the internal review decision. | 8
9 |
| 115 | Stay of internal review decision for seizure decision | 10 |
| (1) | An appeal against an internal review decision relating to a seizure decision does not stay the internal review decision. | 11
12 |
| (2) | However, the appellant may apply to the court for a stay of the internal review decision. | 13
14 |
| (3) | The court may stay the internal review decision to secure the effectiveness of the appeal. | 15
16 |
| (4) | The stay— | 17 |
| (a) | may be granted on the conditions the court considers appropriate; and | 18
19 |
| (b) | may be amended or revoked by the court. | 20 |
| (5) | The stay operates for the period decided by the court. | 21 |
| (6) | However, the period must not extend past the time when the court decides the appeal. | 22
23 |
| 116 | Appeals | 24 |
| (1) | In deciding an appeal against an internal review decision, the court— | 25
26 |
| (a) | has the same powers as the local government in making the internal review decision; and | 27
28 |

-
- (b) is not bound by the rules of evidence, but must comply with natural justice. 1
2
- (2) An appeal is to be by way of rehearing. 3
- (3) The court may— 4
- (a) confirm the internal review decision; or 5
- (b) substitute another decision for the internal review decision; or 6
7
- (c) set the internal review decision aside and direct the local government to make a new decision within a stated period. 8
9
10
- (4) If the court substitutes another decision for the internal review decision— 11
12
- (a) the substituted decision is taken to be the decision of the local government; and 13
14
- (b) the local government may give effect to the substituted decision as if the decision were the original decision of the local government. 15
16
17
- (5) If the court sets the internal review decision aside and directs the local government to make a new decision, the new decision made by the local government is not subject to review or appeal under this chapter. 18
19
20
21

Division 4 Finality of decisions 22

117 Limitation of review 23

- (1) Subject to this chapter, unless the Supreme Court decides a decision made under this part is affected by jurisdictional error, the decision— 24
25
26
- (a) is final and conclusive; and 27
- (b) can not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise 28
29
30

[s 118]

- (whether by the Supreme Court, another court, a tribunal or another entity); and 1
2
- (c) is not subject to any declaratory, injunctive or other 3
order of the Supreme Court, another court, a tribunal or 4
another entity on any ground. 5
- (2) To the extent the Supreme Court decides the decision is 6
affected by jurisdictional error, the *Judicial Review Act 1991*, 7
part 5 applies to the decision. 8
- (3) A person who, but for subsection (1), could have made an 9
application under the *Judicial Review Act 1991* in relation to a 10
decision, may apply under part 4 of that Act for a statement of 11
reasons in relation to the decision. 12

Chapter 7 Miscellaneous 13

Part 1 Evidence 14

118 Evidential immunity 15

- (1) This section applies if an individual produces a document to 16
an authorised person under section 88. 17
- (2) Evidence of the document, and other evidence directly or 18
indirectly derived from the document, is not admissible 19
against the individual in any proceeding to the extent it tends 20
to incriminate the individual, or expose the individual to a 21
penalty, in the proceeding. 22
- (3) However, this section does not apply to a proceeding— 23
- (a) about the false or misleading nature of the information 24
or anything in the document; or 25
- (b) in which the false or misleading nature of the document 26
is relevant evidence. 27

119	Evidentiary aids	1
(1)	This section applies to a proceeding under this Act.	2
(2)	It is not necessary to prove the appointment of—	3
(a)	the chief executive; or	4
(b)	the chief executive officer of a local government; or	5
(c)	an authorised person.	6
(3)	A signature purporting to be the signature of a person mentioned in subsection (2) is evidence of the signature.	7 8
(4)	A certificate purporting to be signed by the chief executive, or the chief executive officer of a local government, stating any of the following matters is evidence of the matter—	9 10 11
(a)	a stated document is a document, or a copy of a document, made, given or kept under this Act;	12 13
(b)	on a stated day, or during a stated period, stated land was in the stock route network or related roads or reserves;	14 15
(c)	on a stated day, or during a stated period, a stated person did or did not hold an approval;	16 17
(d)	on a stated day, or during a stated period, an approval was or was not—	18 19
(i)	in force; or	20
(ii)	suspended, cancelled or surrendered; or	21
(iii)	subject to a stated condition;	22
(e)	on a stated day, or during a stated period, a stated appointment, including a person’s appointment as an authorised person, was or was not in force;	23 24 25
(f)	on a stated day—	26
(i)	a stated person was given a stated notice or direction under this Act; or	27 28
(ii)	a stated requirement under this Act was made of a stated person;	29 30

[s 120]

- (g) a stated amount is payable under this Act by a stated person. 1
2

Part 2 Legal proceedings 3

120 Proceedings for offences 4

- (1) A proceeding for an offence against this Act is to be heard and decided summarily. 5
6
- (2) A proceeding for an offence must start within— 7
- (a) 1 year after the commission of the offence; or 8
- (b) 1 year after the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence. 9
10
11
- (3) A statement in a complaint for an offence against this Act that the matter of the complaint came to the complainant's knowledge on a stated day is evidence the matter came to the complainant's knowledge on that day. 12
13
14
15

121 Responsibility for representative 16

- (1) If, in proceedings for an offence against this Act, it is relevant to prove a person's state of mind about particular conduct, it is enough to show— 17
18
19
- (a) the conduct was engaged in by a representative of the person within the scope of the representative's actual or apparent authority; and 20
21
22
- (b) the representative had the state of mind. 23
- (2) Conduct engaged in for a person by a representative of the person within the scope of the representative's actual or apparent authority is taken to have also been engaged in by the person, unless the person proves— 24
25
26
27
- (a) the person was not in a position to influence the representative in relation to the conduct; or 28
29

-
- (b) if the person was in a position to influence the representative in relation to the conduct—the person took reasonable steps to prevent the conduct. 1
2
3
- (3) In this section— 4
- engage*, in conduct, includes a failure to engage in conduct. 5
- executive officer*, of a corporation, means a person who is concerned with or takes part in the management of the corporation, whether or not the person is a director or the person’s position is given the title of executive officer. 6
7
8
9
- representative* means— 10
- (a) of a corporation—an agent, employee or executive officer of the corporation; or 11
12
- (b) of an individual—an agent or employee of the individual. 13
14
- state of mind*, of a person, includes the person’s— 15
- (a) knowledge, belief, intention, opinion or purpose; and 16
- (b) reasons for the belief, intention, opinion or purpose. 17
- 122 Disposal orders** 18
- (1) This section applies if a court convicts a person of an offence against this Act. 19
20
- (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— 21
22
23
- (a) any thing that was the subject of, or used to commit, the offence; 24
25
- (b) another thing the court considers is likely to be used by the person or another person in committing another offence against this Act. 26
27
28
- (3) The court may make a disposal order for a thing— 29
- (a) whether or not it has been seized under this Act; and 30

[s 123]

- (b) if the thing has been seized—whether or not it has been returned to the former owner. 1
2
- (4) In deciding whether to make a disposal order for a thing, the court— 3
4
- (a) may require notice to be given to anyone the court considers appropriate, including, for example, a person who may have property in the thing; and 5
6
7
- (b) must hear any submission a person claiming to have property in the thing may wish to make. 8
9
- (5) The court may make any order it considers appropriate to enforce the disposal order. 10
11
- (6) This section does not limit the court’s powers under another law. 12
13
- 123 Recovery of costs of investigation** 14
- (1) This section applies if— 15
- (a) a court convicts a person of an offence against this Act; and 16
17
- (b) a local government applies to the court for an order for the person to pay the costs the local government incurred in performing a function under this Act during the investigation of the offence; and 18
19
20
21
- (c) the court finds the local government has reasonably incurred the costs. 22
23
- (2) The court may order the person to pay an amount equal to the costs to the local government if the court is satisfied it would be just to make the order in the circumstances. 24
25
26
- (3) This section does not limit the court’s powers under the *Penalties and Sentences Act 1992* or another law. 27
28
- (4) An application to a court under this section, and any order made by the court on the application, is a judgment in the court’s civil jurisdiction. 29
30
31

(5)	Any issue in relation to the application is to be decided on the balance of probabilities.	1 2
Part 3	Amounts payable to local governments	3 4
124	Local government fees	5
(1)	A local government may, under a local law or by resolution, fix a processing fee for processing an application made to the local government under this Act.	6 7 8
(2)	A local government may, under a local law or by resolution, fix an approval fee for the right to use—	9 10
(a)	the stock route network, with or without related roads and reserves, under a grazing approval or harvesting approval; or	11 12 13
(b)	related roads and reserves under a travel approval, grazing approval or harvesting approval.	14 15
125	Penalties and fines payable to local governments	16
(1)	If a local government starts a proceeding for an offence about a matter and the court imposes a penalty for the offence, the penalty must be paid to the local government.	17 18 19
(2)	If a local government issues an infringement notice for an offence under the <i>State Penalties Enforcement Act 1999</i> , the fine must be paid to the local government.	20 21 22
126	Use of funds for stock route network	23
	A local government must use the following received by the local government for the administration, maintenance or improvement of the stock route network, and stock facilities, in the local government’s area—	24 25 26 27

[s 127]

- (a) a penalty or fine; 1
- (b) all or part of an application fee for an approval to use the stock route network; 2
3
- (c) an amount received under a water facility agreement. 4

Part 4 Other provisions 5

127 False or misleading information 6

- (1) A person must not, in relation to the administration of this Act, give a local government or an official information the person knows is false or misleading in a material particular. 7
8
9
Maximum penalty—40 penalty units. 10
- (2) Subsection (1) does not apply to a person if the person, when giving the information in a document— 11
12
 - (a) tells the local government or official, to the best of the person’s ability, how the document is false or misleading; and 13
14
15
 - (b) if the person has, or can reasonably obtain, the correct information—gives the correct information. 16
17
- (3) In this section— 18
official means— 19
 - (a) the chief executive officer of a local government; or 20
 - (b) an authorised person. 21

128 Advisory panels 22

- (1) The chief executive may establish advisory panels to advise the chief executive about matters relating to managing and using the stock route network. 23
24
25
- (2) The chief executive may decide— 26

(a)	the functions or terms of reference of an advisory panel; and	1 2
(b)	the membership of an advisory panel; and	3
(c)	how an advisory panel is to operate.	4
129	Delegation by local government chief executive officer	5
(1)	The chief executive officer of a local government may delegate the chief executive officer's functions under this Act to an appropriately qualified employee or contractor of the local government.	6 7 8 9
(2)	However, the chief executive officer must not delegate a function delegated by the local government, if the local government has directed the chief executive officer not to further delegate the function.	10 11 12 13
(3)	In this section— <i>functions</i> includes powers.	14 15
130	Delegation by Minister	16
(1)	The Minister may delegate the Minister's functions under this Act to an appropriately qualified public service officer.	17 18
(2)	In this section— <i>functions</i> includes powers.	19 20
131	Delegation by chief executive	21
(1)	The chief executive may delegate the chief executive's functions under this Act, other than a function under section 128, to—	22 23 24
(a)	the chief executive officer of a local government; or	25
(b)	an appropriately qualified officer of the department or another person.	26 27

[s 132]

- (2) The chief executive officer of a local government may subdelegate a function delegated under subsection (1)(a) to an appropriately qualified person. 1
2
3
- (3) A delegation of a function under subsection (1)(b) to an officer of the department may allow the function to be subdelegated to an appropriately qualified person. 4
5
6
- (4) In this section— 7
functions includes powers. 8
- 132 Minister may ask for information from local government** 9
- (1) The Minister may, by notice given to a local government, ask the local government— 10
11
- (a) to give the Minister details of how the local government has spent an amount received under this Act on the stock route network; or 12
13
14
- (b) to give the Minister a written report about any function performed or required to be performed, or power exercised or required to be exercised, by the local government under this Act. 15
16
17
18
- (2) The local government must comply with the notice. 19
- 133 Directing local government to perform functions** 20
- (1) This section applies if the Minister reasonably believes a local government is not performing a function the local government is required to perform under this Act. 21
22
23
- Example—* 24
- The Minister reasonably believes a local government has not properly implemented the State management plan. 25
26
- (2) The Minister must consult with the local government about the performance of the function. 27
28
- (3) After consulting with the local government, the Minister may, by notice, direct the local government to perform the function. 29
30

-
- (4) The notice must state— 1
- (a) the function the Minister believes the local government is not performing; and 2
3
 - (b) the action the local government is required to take to perform the function; and 4
5
 - (c) a reasonable period within which the action must be taken. 6
7
- (5) The local government must comply with the notice. 8
- (6) If the local government fails to comply with the notice, the Minister may— 9
10
- (a) take the action required under the notice; and 11
 - (b) recover any costs the Minister reasonably incurs in taking the action from the local government as a debt. 12
13
- (7) The Minister has the powers of the local government for taking the action. 14
15
- (8) The action taken by the Minister has the same effect as if the local government had taken the action. 16
17
- 134 Protection from liability 18**
- (1) The Minister or a local government official does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act. 19
20
21
 - (2) If subsection (1) prevents a civil liability attaching to the Minister, the liability attaches instead to the State. 22
23
 - (3) If subsection (1) prevents a civil liability attaching to a local government official, the liability attaches instead to the responsible local government for the official. 24
25
26
 - (4) This section does not apply to a person who is a State employee under the *Public Service Act 2008*, section 26B(4) engaging in conduct in an official capacity under section 26C of that Act. 27
28
29
30

[s 135]

Note—

For protection from civil liability in relation to State employees, see the
Public Service Act 2008, section 26C.

(5) In this section—

civil liability includes liability for the payment of costs ordered to be paid in a proceeding for an offence against this Act.

local government official means—

- (a) the chief executive officer of a local government; or
- (b) an officer or employee of a local government; or
- (c) an authorised person; or
- (d) a person acting for an authorised person.

responsible local government means—

- (a) for a local government official who is a chief executive officer, or an officer or employee, of a local government—the local government; or
- (b) for a local government official who is an authorised person appointed by a local government, or a person acting for the authorised person—the local government.

135 Local government's functions for State-controlled roads

To remove any doubt, it is declared that to the extent the functions of a local government under this Act relate to a State-controlled road, the powers necessary or convenient to perform the functions are not limited by—

- (a) the *City of Brisbane Act 2010*, section 66; or
- (b) the *Local Government Act 2009*, section 60; or
- (c) the *Transport Infrastructure Act 1994*, section 28.

136	Relationship with other Acts	1
	This Act does not affect the operation of—	2
	(a) the <i>Aboriginal Cultural Heritage Act 2003</i> ; or	3
	(b) the <i>Animal Care and Protection Act 2001</i> ; or	4
	(c) the <i>Biosecurity Act 2014</i> ; or	5
	(d) the <i>Fire and Emergency Services Act 1990</i> ; or	6
	(e) the <i>Forestry Act 1959</i> ; or	7
	(f) the <i>Nature Conservation Act 1992</i> ; or	8
	(g) the <i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011</i> ; or	9 10
	(h) the <i>Queensland Heritage Act 1992</i> ; or	11
	(i) the <i>Recreation Areas Management Act 2006</i> ; or	12
	(j) the <i>Torres Strait Islander Cultural Heritage Act 2003</i> ; or	13
	(k) the <i>Vegetation Management Act 1999</i> ; or	14
	(l) the <i>Water Act 2000</i> .	15
137	Approved forms	16
	(1) The chief executive may approve forms for use under this Act.	17
	(2) For the <i>Electronic Transactions (Queensland) Act 2001</i> , section 11, an approved form may be given to the chief executive by an electronic communication.	18 19 20
	<i>Note—</i>	21
	A local government may agree to information being given to the local government by an electronic communication. See the <i>Electronic Transactions (Queensland) Act 2001</i> , section 11.	22 23 24
138	Regulation-making power	25
	(1) The Governor in Council may make regulations under this Act.	26 27

[s 139]

(2)	A regulation may—	1
(a)	prescribe fees payable under this Act; or	2
(b)	impose a penalty, of not more than 20 penalty units, for the contravention of a provision of a regulation.	3 4
Chapter 8	Repeal and transitional provisions	5 6
Part 1	Repeal	7
139	Repeal	8
	The Stock Route Management Act 2002, No. 12 is repealed.	9
Part 2	Transitional provisions	10
140	Stock routes and reserves	11
(1)	An existing primary stock route is taken to be a primary stock route registered under this Act.	12 13
(2)	An existing secondary stock route is taken to be a secondary stock route registered under this Act.	14 15
(3)	An existing reserve is taken to be a reserve registered under this Act.	16 17
(4)	In this section—	18
	<i>existing primary stock route</i> means a road or route that, immediately before the commencement, was a primary or secondary stock route on the Stock Route Network of Queensland under the repealed Act.	19 20 21 22

existing reserve means a reserve that— 1

(a) may be used for travelling or grazing stock under the 2
Land Act 1994; and 3

(b) is near a stock route under the repealed Act. 4

existing secondary stock route means a road or route that, 5
immediately before the commencement, was a minor or 6
unused stock route on the Stock Route Network of 7
Queensland under the repealed Act. 8

141 State management strategy and local management plans 9

(1) The existing State management strategy and existing local 10
management plans continue in force until the earlier of the 11
following— 12

(a) the day the State management plan is prepared for the 13
first time; 14

(b) 2 years after the commencement. 15

(2) In this section— 16

existing local management plan means the stock route 17
network management plan under the repealed Act, chapter 3, 18
part 3, that was in force immediately before the 19
commencement. 20

existing State management strategy means the State stock 21
route network management strategy under the repealed Act, 22
chapter 3, part 2, that was in force immediately before the 23
commencement. 24

142 Water facility agreements 25

(1) An existing water facility agreement is taken to be a water 26
facility agreement under this Act. 27

(2) In this section— 28

[s 143]

existing water facility agreement means a water facility agreement under the repealed Act, section 163(1), that was in force immediately before the commencement.

143 Agistment or travel permits

(1) An existing agistment permit or existing travel permit continues in force, unless the permit is suspended, cancelled or surrendered, until the end of the term stated in the permit.

(2) In this section—

existing agistment permit means a stock route agistment permit under the repealed Act, chapter 3, part 4, that was in force immediately before the commencement.

existing travel permit means a stock route travel permit under the repealed Act, chapter 3, part 5 that was in force immediately before the commencement.

144 Permit applications

(1) An undecided application for, or to renew, a permit is to be dealt with under the repealed Act, as if this Act had not commenced.

(2) However, if the local government decides to approve the application, the local government must issue—

(a) for an application for, or to renew, an agistment permit by an applicant whose land is adversely affected by fire or flood—a grazing approval (emergency); or

(b) for an application for, or to renew, any other agistment permit—a grazing approval (short-term); or

(c) for an application for, or to renew, a travel permit—a travel approval.

(3) In this section—

agistment permit means a stock route agistment permit under the repealed Act, chapter 3, part 4.

travel permit means a stock route travel permit under the repealed Act, chapter 3, part 5. 1
2

undecided application means an application that was made under the repealed Act in written or electronic form, but not decided, before the commencement. 3
4
5

Chapter 9 Amendment of this Act and other legislation 6 7

Part 1 Amendment of this Act 8

145 Act amended 9
This part amends the *Stock Route Network Management Act 2016*. 10
11

146 Amendment of long title 12
Long title, from ‘, to repeal’— 13
omit. 14

Part 2 Amendment of City of Brisbane Act 2010 15 16

147 Act amended 17
This part amends the *City of Brisbane Act 2010*. 18

148 Amendment of s 99 (Cost-recovery fees) 19
Section 99(2)(e)— 20

[s 149]

<i>omit, insert—</i>	1	
(e) the performance of another responsibility imposed on the local government—	2 3	
(i) under the Building Act; or	4	
(ii) under the Plumbing and Drainage Act; or	5 6	
(iii) in relation to a processing fee under the <i>Stock Route Network Management Act 2016</i> .	7 8 9	
Part 3	Amendment of Land Act 1994	10
149 Act amended		11
This part amends the <i>Land Act 1994</i> .		12
150 Amendment of s 57 (Trustee leases)		13
Section 57—		14
<i>insert—</i>		15
(1A) However, a trustee may not lease any part of the stock route network or related roads or reserves, within the meaning of the <i>Stock Route Network Management Act 2016</i> , for an activity that can be authorised by an approval under that Act.		16 17 18 19 20
151 Amendment of s 60 (Trustee permits)		21
Section 60—		22
<i>insert—</i>		23
(1A) However, a trustee may not issue a trustee permit for any part of the stock route network or related roads or reserves, within the meaning of the <i>Stock</i>		24 25 26

	<i>Route Network Management Act 2016</i> , for an activity that can be authorised by an approval under that Act.	1 2 3
152	Amendment of s 159 (General provisions for deciding application)	4 5
	Section 159(1)—	6
	<i>insert</i> —	7
	(n) whether part of the lease land is needed for the stock route network within the meaning of the <i>Stock Route Network Management Act 2016</i> .	8 9 10 11
153	Amendment of s 167 (Provisions for deciding application)	12
	Section 167(1)—	13
	<i>insert</i> —	14
	(n) whether part of the lease land is needed for the stock route network within the meaning of the <i>Stock Route Network Management Act 2016</i> .	15 16 17 18
154	Amendment of s 177 (Chief executive may issue permit)	19
	Section 177—	20
	<i>insert</i> —	21
	(2A) However, the chief executive may not issue a permit to occupy any part of the stock route network or related roads or reserves, within the meaning of the <i>Stock Route Network Management Act 2016</i> , for grazing purposes.	22 23 24 25 26

[s 155]

155	Insertion of new ch 9, pt 10	1
	Chapter 9—	2
	<i>insert—</i>	3
	Part 10	Transitional provisions
		for Stock Route
		Network Management
		Act 2016
		7
	521ZS Permit to occupy applications	8
	(1) This section applies to an undecided application for a permit to occupy for grazing purposes on any part of the stock route network, or related roads or reserves, within the meaning of the <i>Stock Route Network Management Act 2016</i> .	9 10 11 12 13
	(2) The chief executive need not further deal with the undecided application, but must give it to the local government for the area to which the application relates.	14 15 16 17
	(3) The undecided application is taken to be an application to the local government for a grazing approval (long-term) under the <i>Stock Route Network Management Act 2016</i> .	18 19 20 21
	(4) In this section—	22
	<i>undecided application</i> means an application under section 177(1) that was made, but not decided, before the commencement.	23 24 25
	521ZT Permits to occupy	26
	(1) An existing permit to occupy for grazing purposes on any part of the stock route network or related roads or reserves, within the meaning of the <i>Stock Route Network Management Act 2016</i> , continues	27 28 29 30

in force, unless it is canceled or surrendered,	1
until—	2
(a) the end of the term stated in the permit; or	3
(b) if no term is stated in the permit—2 years	4
after the commencement.	5
(2) In this section—	6
<i>existing permit to occupy</i> means a permit to	7
occupy issued under section 177(1) and in force	8
immediately before the commencement.	9

521ZU Trustee lease or trustee permit 10

(1) An existing trustee lease or existing trustee permit	11
for grazing purposes on any part of the stock route	12
network or related roads or reserves, within the	13
meaning of the <i>Stock Route Network Management</i>	14
<i>Act 2016</i> , continues in force, unless it is canceled	15
or surrendered, until—	16
(a) the end of the term stated in the lease or	17
permit; or	18
(b) if no term is stated in the lease or permit—2	19
years after the commencement.	20
(2) In this section—	21
<i>existing trustee lease</i> means a lease issued under	22
section 57 and in force immediately before the	23
commencement.	24
<i>existing trustee permit</i> means a permit issued	25
under section 60 and in force immediately before	26
the commencement.	27

[s 156]

Part 4	Amendment of Local Government Act 2009	1
		2
156	Act amended	3
	This part amends the <i>Local Government Act 2009</i> .	4
157	Amendment of s 69 (Closing roads)	5
	Section 69—	6
	<i>insert</i> —	7
	(2A) However, a local government must not, under subsection (1) or (2), close a road (permanently or temporarily) that is a stock route, within the meaning of the <i>Stock Route Network Management Act 2016</i> , unless the chief executive under that Act has given written consent for the closure to the local government.	8 9 10 11 12 13 14
158	Amendment of s 97 (Cost-recovery fees)	15
	Section 97(2)(e)—	16
	<i>omit, insert</i> —	17
	(e) the performance of another responsibility imposed on the local government—	18 19
	(i) under the Building Act; or	20
	(ii) under the Plumbing and Drainage Act; or	21 22
	(iii) in relation to a processing fee under the <i>Stock Route Network Management Act 2016</i> .	23 24 25

Part 5	Amendment of Transport Infrastructure Act 1994	1
		2
159 Act amended		3
	This part amends the <i>Transport Infrastructure Act 1994</i> .	4
160 Amendment of s 50 (Ancillary works and encroachments)		5
	Section 50—	6
	<i>insert—</i>	7
	(2A) However, the chief executive may not give an approval under subsection (2) to use any part of a State-controlled road for grazing purposes if the road is part of the stock route network, or related roads or reserves, under the <i>Stock Route Network Management Act 2016</i> .	8 9 10 11 12 13
161 Insertion of new ch 21, pt 6		14
	Chapter 21—	15
	<i>insert—</i>	16
	Part 6 Transitional provisions for Stock Route Network Management Act 2016	17 18 19 20
	586 Road grazing approval applications	21
	(1) This section applies to an undecided application for, or to renew, a road grazing approval.	22 23
	(2) The chief executive need not further deal with the undecided application, but must give it to the local government for the area to which the application	24 25 26

[s 162]

relates.	1
(3) The undecided application is taken to be an application for a grazing approval (short-term) under the <i>Stock Route Network Management Act 2016</i> .	2 3 4 5
(4) In this section—	6
<i>road grazing approval</i> means an approval for the grazing of stock on a State-controlled road under section 50(2).	7 8 9
<i>undecided application</i> means an application that was made, but not decided, before the commencement.	10 11 12
587 Road grazing approvals	13
(1) An existing road grazing approval continues in force, unless it is suspended, canceled or surrendered, until—	14 15 16
(a) the end of the term stated in the approval; or	17
(b) if no term is stated in the approval—2 years after the commencement.	18 19
(2) In this section—	20
<i>existing road grazing approval</i> means an approval for the grazing of stock on a State-controlled road under section 50(2), that was in force immediately before the commencement.	21 22 23 24 25
162 Amendment of sch 6 (Dictionary)	26
(1) Schedule 6, definition <i>ancillary works and encroachments</i> , paragraph (b)(ii), (iii) and (iv)—	27 28
<i>omit, insert—</i>	29

(ii) clearing, trimming or slashing, other than for harvesting pasture under the <i>Stock Route Network Management Act 2016</i> ;	1 2 3	
(2) Schedule 6, definition <i>ancillary works and encroachments</i> , paragraph (b)(xiii)— <i>omit, insert—</i>	4 5 6	
(xiii) moving stock on the hoof, other than under an approval under the <i>Stock Route Network Management Act 2016</i> ;	7 8 9	
(3) Schedule 6, definition <i>ancillary works and encroachments</i> , paragraph (b)(v) to (xiv)— <i>renumber</i> as paragraphs (b)(iii) to (xii).	10 11 12	
Part 6	Amendment of Transport Infrastructure (State-controlled Roads) Regulation 2006	13 14 15
163	Regulation amended	16
	This part amends the <i>Transport Infrastructure (State-controlled Roads) Regulation 2006</i> .	17 18
164	Amendment of s 6 (Prohibition on animals on non-motorway State-controlled road)	19 20
(1)	Section 6(3)(d), after ‘under the’— <i>insert—</i>	21 22
	repealed	23
(2)	Section 6(3)— <i>insert—</i>	24 25
	(e) the State-controlled road is not a limited access road and the person is travelling the	26 27

[s 165]

animal on the hoof, or grazing the animal, 1
under an approval under the *Stock Route* 2
Network Management Act 2016. 3

Part 7 **Amendment of Transport Operations (Road Use Management) Act 1995** 4
5
6

165 Act amended 7

This part amends the *Transport Operations (Road Use Management) Act 1995*. 8
9

166 Amendment of s 66 (Local laws etc.) 10

(1) Section 66(3)— 11

insert— 12

(l) for a regulated State-controlled road—the 13
regulation of— 14

(i) the travelling or grazing of stock; or 15

(ii) the harvesting of pasture. 16

(2) Section 66(5), '(3)(a) to (j)'— 17

omit, insert— 18

(3)(a) to (j) and (l) 19

(3) Section 66(9)— 20

insert— 21

regulated State-controlled road means a 22

State-controlled road that is a related road or 23

reserve under the *Stock Route Network* 24

Management Act 2016. 25

Part 8	Other amendments	1
167	Acts amended	2
	Schedule 2 amends the Acts mentioned in it.	3

Schedule 1	Dictionary	1
	section 6	2
<i>Aboriginal cultural heritage</i>	see the <i>Aboriginal Cultural Heritage Act 2003</i> , section 8.	3 4
<i>adequate public liability insurance</i>	means public liability insurance of not less than the amount prescribed by regulation.	5 6 7
<i>affected local government</i>	, for a decision about a stock route or reserve, means—	8 9
(a)	the local government for the area in which the stock route or reserve is located; or	10 11
(b)	any other neighbouring local government that may be affected by the decision.	12 13
<i>allow</i>	, stock to be on the stock route network, includes—	14
(a)	fail to stop the stock going onto the network; and	15
(b)	fail to remove the stock from the network.	16
<i>application fee</i>	, for an application, means the processing fee and the approval fee for the application.	17 18
<i>approval</i>	means—	19
(a)	a grazing approval; or	20
(b)	a harvesting approval; or	21
(c)	a travel approval; or	22
(d)	an unfit stock approval.	23
<i>approval area</i>	means the area stated in an approval where—	24
(a)	for a grazing approval or unfit stock approval—stock are allowed to graze; or	25 26
(b)	for a harvesting approval—pasture is allowed to be harvested.	27 28

-
- approval fee**, for an application for an approval made to a local government, means—
- (a) for a grazing approval—
 - (i) the fee prescribed by regulation; or
 - (ii) a higher fee fixed by the local government under section 124(2); or
 - (b) for a harvesting approval—the fee fixed by the local government under section 124(2); or
 - (c) for a travel approval—the fee prescribed by regulation; or
 - (d) for an unfit stock approval—
 - (i) if the approval allows stock to graze—the fee under paragraph (a); or
 - (ii) if the approval allows stock to travel—the fee under paragraph (c).
- approval holder** means the person who holds an approval.
- approval period**, for an approval, means the period, stated in the approval, for which the approval operates.
- approval route**, for a travel approval or unfit stock approval, means the stock route stated in the approval on which stock are allowed to travel.
- approved form** means a form approved under section 137.
- area** includes a place.
- associate**, of a person (the **relevant person**), means—
- (a) a person who owns or has another interest in land that—
 - (i) is owned by the relevant person, or in which the relevant person has another interest; and
 - (ii) is being, or has been, used for grazing stock; or
 - (b) a person who owns or has another interest in stock owned by the relevant person or in which the relevant person has another interest; or

Schedule 1

- (c) a person with whom the relevant person is in any of the following types of relationship—
- (i) a marriage or de facto relationship;
 - (ii) the relationship of parent and child, the relationship of persons who have a parent in common, or the relationship of persons who are members of the same household;
 - (iii) a partnership;
 - (iv) the relationship of employer and employee;
 - (v) a fiduciary relationship;
 - (vi) the relationship of persons, 1 of whom is accustomed, or under an obligation (whether formal or informal), to act under the directions, instructions or wishes of the other;
 - (vii) the relationship of a corporation and executive officer of the corporation;
 - (viii) the relationship of a corporation and a person who is in a position to control or substantially influence the corporation's conduct.
- authorised person** means—
- (a) generally—a person who holds office as an authorised person under a relevant empowering Act; or
 - (b) for a provision about a local government—an authorised person for the local government.
- biosecurity event** see the *Biosecurity Act 2014*, section 14.
- biosecurity matter** see the *Biosecurity Act 2014*, section 15.
- caution notice** see section 74(3).
- chief executive officer**, for a local government, means the person who holds office as the chief executive officer of the local government under the relevant empowering Act for the local government.

-
- chief executive (transport)** means the chief executive of the department in which the *Transport Infrastructure Act 1994* is administered.
- conviction** includes a finding of guilt, whether or not a conviction is recorded.
- directions notice** see section 75(3).
- directions notice decision** means a decision to give a directions notice.
- disposal order** see section 122(2).
- entry notice**, in relation to land, means a notice that states—
- (a) the authorised person giving the notice or a contractor for the authorised person intends to enter the land and may do so under a stated provision of this Act without the consent of the owner of the land or a warrant; and
 - (b) the part of the land proposed to be entered; and
 - (c) the purpose of the intended entry, including the action to be carried out to achieve the purpose; and
 - (d) the date of the intended entry; and
 - (e) the reasonable period in which it is intended the authorised person or contractor will stay on the land to achieve the purpose of the entry; and
 - (f) for entry to inspect or maintain a stock facility—
 - (i) details to identify the stock facility; and
 - (ii) the nature of any maintenance to be carried out; and
 - (g) contact details for a person the local government has authorised to discuss the matters stated in the notice.
- examine** includes analyse, test, account, measure, weigh, grade, gauge and identify.
- external review** see section 109(1).
- external review decision** see section 111(2).
- fee** includes a tax.

<i>fencing maintenance agreement</i> means an agreement about the maintenance of a boundary fence between an approval area and private land.	1 2 3
<i>forest products</i> see the <i>Forestry Act 1959</i> , schedule 3.	4
<i>grazing approval</i> means an approval that authorises a person to graze stock on a stated area.	5 6
<i>grazing approval (emergency)</i> means a grazing approval to use—	7 8
(a) an area that includes part of a primary stock route or primary reserve for not more than 14 days; or	9 10
(b) another area for not more than 28 days.	11
<i>grazing approval (long-term)</i> means a grazing approval to use—	12 13
(a) an area that includes part of a primary stock route or primary reserve for more than 42 days but not more than 1 year; or	14 15 16
(b) another area for more than 84 days but not more than 5 years.	17 18
<i>grazing approval (short-term)</i> means a grazing approval to use—	19 20
(a) an area that includes part of a primary stock route or primary reserve for more than 14 days but not more than 42 days; or	21 22 23
(b) another area for more than 28 days but not more than 84 days.	24 25
<i>harvesting</i> , pasture, means removing the pasture, other than by burning or allowing stock to graze on the pasture, with the intention of removing the pasture for a purpose.	26 27 28
<i>Example of removing pasture for a purpose—</i> cutting and baling pasture for hay	29 30
<i>harvesting approval</i> means an approval that authorises a person to harvest pasture from a stated area.	31 32
<i>Heritage Act</i> means—	33

-
- (a) the *Aboriginal Cultural Heritage Act 2003*; or 1
- (b) the *Queensland Heritage Act 1992*, part 3. 2
- heritage database** means the Aboriginal Cultural Heritage Database under the *Aboriginal Cultural Heritage Act 2003*. 3
4
- heritage register** means a register established under a Heritage Act. 5
6
- identity card** means an identity card issued to an authorised person under a relevant empowering Act. 7
8
- information** includes information in the form of a document. 9
- internal review** means a review under chapter 6, part 1. 10
- internal review decision** see section 107(1). 11
- issuing local government**, for an approval, means the local government that issued the approval. 12
13
- land degradation** includes any of the following affecting land— 14
15
- (a) soil erosion, salinity or scalding; 16
- (b) destruction of soil structure, including, for example, the loss of fertility, organic matter or nutrients; 17
18
- (c) decline in perennial pasture grasses, pasture composition and density; 19
20
- (d) low ground cover; 21
- (e) thickening in woody plants; 22
- (f) stream bank instability and slumping; 23
- (g) the presence of biosecurity matter that has or may have caused, is or may be causing, or may cause, a biosecurity event; 24
25
26
- Example of a biosecurity event for paragraph (g)—* 27
- the introduction or spread of an animal, plant or organism that may have a significant adverse effect on the environment 28
29
- (h) waterlogging; 30
- (i) rising water tables; 31
-

- (j) a process resulting in declining water quality. 1
- leasehold land** means land that is subject to a lease, other than 2
a State lease, or occupation licence under the *Land Act 1994*. 3
- local government** means— 4
- (a) for a provision about a stock route or land (however 5
described)—the local government in whose local 6
government area the stock route or land is located; or 7
- (b) for a provision about an authorised person—the local 8
government that appointed the authorised person. 9
- local government's area**, for a local government, means the 10
local government area of the local government. 11
- local special interest area** means an area that a local 12
government decides, under section 10, is a special interest 13
area. 14
- maintenance condition**— 15
- (a) for a local special interest area—see section 11(1); or 16
- (b) for a State special interest area—see section 14(1). 17
- mustering notice** see section 78(2). 18
- notice** means a notice— 19
- (a) in writing; or 20
- (b) made by an electronic communication under the 21
Electronic Transactions (Queensland) Act 2001. 22
- offence warning**, for a requirement made by an authorised 23
person, means a warning that, without a reasonable excuse, it 24
is an offence for the person of whom the requirement is made 25
not to comply with the requirement. 26
- original decision** see section 105(1). 27
- owner**— 28
- (a) of land, means— 29
- (i) for freehold land under the *Land Title Act* 30
1994—the person recorded in the freehold land 31
register as the owner of the land; or 32

-
- | | | |
|--------|---|-----------------------|
| (ii) | for land that is held from the State for an interest less than fee simple and for which the interest is recorded in a register mentioned in the <i>Land Act 1994</i> , section 276—the person recorded in the register as the registered holder of the interest; or | 1
2
3
4
5 |
| (iii) | for a mining claim or mining lease under the <i>Mineral Resources Act 1989</i> —the holder of the claim or lessee; or | 6
7
8 |
| (iv) | for land subject to a petroleum lease under the <i>Petroleum Act 1923</i> or the <i>Petroleum and Gas (Production and Safety) Act 2004</i> —the lessee; or | 9
10
11 |
| (v) | for land subject to a GHG injection and storage lease under the <i>Greenhouse Gas Storage Act 2009</i> —the holder of the lease; or | 12
13
14 |
| (vi) | for land subject to a geothermal production lease under the <i>Geothermal Energy Act 2010</i> —the lessee; or | 15
16
17 |
| (vii) | for a road, stock route or other land under a local government’s control—the local government; or | 18
19 |
| (viii) | for a conservation park under the <i>Nature Conservation Act 1992</i> for which there are trustees—the trustees; or | 20
21
22 |
| (ix) | for a State-controlled road—the State; or | 23 |
| (b) | of stock or another thing that has been seized—includes a person who would be entitled to possession of the stock or thing if the stock or thing had not been seized. | 24
25
26 |
| | pasture does not include— | 27 |
| (a) | forest products; or | 28 |
| (b) | vegetation under the <i>Vegetation Management Act 1999</i> . | 29 |
| | pasture availability notice means a public notice under section 21(2). | 30
31 |
| | person in control includes— | 32 |
| (a) | of a vehicle—the vehicle’s driver or rider, and a person who reasonably appears to be, claims to be, or acts as if | 33
34 |
-

Schedule 1

the person is, the vehicle’s driver or rider or the person in control of the vehicle; or	1 2
(b) of another thing—a person who reasonably appears to be, claims to be, or acts as if the person is, the person in possession or control of the thing.	3 4 5
primary reserve means a reserve that is next to a primary stock route.	6 7
primary stock route means a stock route registered as a primary stock route.	8 9
private land means freehold land or leasehold land that—	10
(a) is not on the stock route network; and	11
(b) is not owned or controlled by the State or a local government.	12 13
private water facility means a water facility on private land that is used by persons using the stock route network.	14 15
processing fee , for an application made to a local government, means the processing fee under section 124(1).	16 17
public notice means a notice published by a local government—	18 19
(a) in a newspaper circulating in the local government’s area; or	20 21
(b) on the local government’s website.	22
public place means a place or part of a place—	23
(a) that the public is entitled to use, is open to members of the public or is used by the public, whether or not on payment of money; or	24 25 26
<i>Examples—</i>	27
a beach, park or road	28
(b) the occupier of which allows members of the public to enter, whether or not on payment of money.	29 30
<i>Examples—</i>	31
a saleyard or showground	32

-
- public water facility** means a water facility supplied by the State or a local government on—
- (a) the stock route network; or
 - (b) other land for the benefit of persons using the stock route network.
- reasonably believes** means believes on grounds that are reasonable in the circumstances.
- register** information means to record the information in the stock route network register.
- related roads or reserves** means any of the following that are not part of the stock route network—
- (a) a road under a local government’s control if the road is suitable for travelling or grazing of stock, or harvesting of pasture;
 - (b) a reserve if—
 - (i) a local government is trustee of the reserve; and
 - (ii) travelling or grazing of stock, or harvesting of pasture, on the reserve is not inconsistent with the purpose for which the reserve was dedicated;
 - (c) a State-controlled road if—
 - (i) the road is suitable for travelling or grazing of stock, or harvesting of pasture; and
 - (ii) the chief executive (transport) has given written consent to using the road for the travelling or grazing of stock, or harvesting of pasture.
- relevant empowering Act** means—
- (a) for the Brisbane City Council—the *City of Brisbane Act 2010*; or
 - (b) for another local government—the *Local Government Act 2009*.
- repealed Act** means the repealed *Stock Route Management Act 2002*.
- reserve** means a reserve under the *Land Act 1994*.
-

- responsible chief executive**, in relation to an area, means— 1
- (a) for an area that is a protected area—the chief executive 2
of the department in which the *Nature Conservation Act* 3
1992 is administered; or 4
 - (b) for an area in which endangered wildlife, vulnerable 5
wildlife or near threatened wildlife under the *Nature* 6
Conservation Act 1992 are located—the chief executive 7
of the department in which that Act is administered; or 8
 - (c) for an area on a heritage database or heritage 9
register—the chief executive of the department in which 10
a Heritage Act for the database or register is 11
administered. 12
- restrictive condition** see section 16(2)(a). 13
- review notice**, for a decision, means a notice that states— 14
- (a) the decision; and 15
 - (b) the reasons for the decision; and 16
 - (c) the right to apply for an internal review of the decision; 17
and 18
 - (d) the period in which the internal review must be started; 19
and 20
 - (e) how rights of the internal review are to be exercised; and 21
 - (f) whether a stay of the decision may be applied for under 22
section 106. 23
- road**— 24
- (a) means an area of land, whether surveyed or unsurveyed, 25
that— 26
 - (i) is dedicated, notified or declared to be a road for 27
public use; or 28
 - (ii) is taken under an Act, for the purpose of a road for 29
public use; and 30
 - (b) includes— 31
 - (i) a street, esplanade, reserve for esplanade, highway, 32
pathway, thoroughfare or track; and 33

(ii) a bridge, causeway, culvert or other works in, on, over or under a road; and	1 2
(iii) any part of a road.	3
road works see the <i>Transport Infrastructure Act 1994</i> , schedule 6.	4 5
secondary reserve means a reserve that is next to a secondary stock route, but is not also next to a primary stock route.	6 7
secondary stock route means a stock route registered as a secondary stock route.	8 9
seizure decision means a decision to seize a thing.	10
show cause notice see section 48(1).	11
special interest area means—	12
(a) a local special interest area; or	13
(b) a State special interest area.	14
spent conviction means a conviction—	15
(a) for which the rehabilitation period under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> has expired under that Act; and	16 17 18
(b) that is not revived under section 11 of that Act.	19
State-controlled road see the <i>Transport Infrastructure Act 1994</i> , section 24.	20 21
State management plan see section 19(1).	22
State special interest area see section 13(1).	23
stock means—	24
(a) alpacas; or	25
(b) asses; or	26
(c) buffaloes; or	27
(d) camels; or	28
(e) cattle; or	29
(f) deer; or	30

Schedule 1

- (g) donkeys; or 1
 - (h) goats; or 2
 - (i) horses; or 3
 - (j) llamas; or 4
 - (k) mules; or 5
 - (l) sheep; or 6
 - (m) vicunas. 7
- stock facility** means— 8
- (a) a public water facility; or 9
 - (b) any of the following things supplied by the State or a 10
local government on, or for the benefit of persons using, 11
the stock route network— 12
 - (i) a stock holding yard, loading ramp or enclosure; 13
 - (ii) a fence, other than a boundary fence on private 14
land; 15
 - (iii) a bridge or water crossing for use by travelling 16
stock; 17
 - (iv) a gate, grid or signage to help persons moving 18
stock. 19
- stock-proof**, for a fence, means the fence is of a type, and in a 20
condition, that prevents stock moving from one side of the 21
fence to the other. 22
- stock route**— 23
- (a) means a road or route registered as part of the stock 24
route network under section 8(1)(a); and 25
 - (b) includes part of a stock route. 26
- stock route network** means the network of stock routes and 27
reserves registered on the stock route network register. 28
- stock route network register** see section 7(1). 29
- stray stock** means stock that— 30
- (a) have strayed onto the stock route network; or 31

-
- (b) have been travelling on the stock route network and
have been left behind or abandoned on the network. 1
2
- submission** means a submission made— 3
- (a) in writing; or 4
- (b) by an electronic communication under the *Electronic
Transactions (Queensland) Act 2001*. 5
6
- thing** does not include stock. 7
- transport Act** see the *Transport Planning and Coordination
Act 1994*, schedule 1. 8
9
- transport network** means the network of roads and rail in the
State. 10
11
- travel**, stock— 12
- (a) means move the stock on the hoof; and 13
- (b) includes intermittent or overnight resting of the stock
incidental to the movement; but 14
15
- (c) does not include moving the stock on land where the
stock are ordinarily pastured. 16
17
- travel approval** means an approval that authorises a person to
travel stock on a stated route— 18
19
- (a) to move the stock between places, including to move
stock— 20
21
- (i) from a drought affected place to another place
where there is available water and pasture; or 22
23
- (ii) from one place to another place to spell the land; or 24
- (iii) to another place owned by the owner or person in
charge of the stock; or 25
26
- (b) to dispose of the stock, including, for example, for sale
at a saleyard or slaughter at an abattoir; or 27
28
- (c) to move the stock to and from a place where the stock
are authorised to graze under a grazing approval. 29
30
- travel approval decision** means a decision of a local
government— 31
32
-

Schedule 1

- (a) to refuse to grant a travel approval; or 1
- (b) to impose a condition on a travel approval, other than a condition mentioned in section 41(e), (f) or (g); or 2
3
- (c) to refuse to amend a travel approval; or 4
- (d) to amend a travel approval under section 43 in a way that was not requested by the approval holder; or 5
6
- (e) to suspend or cancel a travel approval. 7
- travel approval (slow)*** means a travel approval that authorises a person to travel stock at a stated speed of not less than 5km in a day. 8
9
10
- travel approval (standard)*** means a travel approval that authorises a person to travel stock at a stated speed of not less than 10km in a day. 11
12
13
- unfit stock*** means stock that are not able to travel at the speed stated in a travel approval because the stock— 14
15
- (a) are pregnant or have young stock less than 21 days of age; or 16
17
- (b) are affected by a disease that is not regulated under the *Biosecurity Act 2014*; or 18
19
- (c) are otherwise sick, injured, malnourished or weakened. 20
- Example—* 21
- stock weakened because of drought conditions 22
- unfit stock approval*** means an approval that authorises the holder of a travel approval to do the following with stock consisting of, or including, unfit stock— 23
24
25
- (a) travel the stock on a stated route at a stated speed of less than the speed stated in the travel approval; 26
27
- (b) if the unfit stock are not fit to travel—graze the stock on a stated area. 28
29
- unfit stock approval decision*** means a decision of a local government— 30
31
- (a) to refuse to grant an unfit stock approval; or 32

-
- | | | |
|-----|---|----------|
| (b) | to impose a condition on an unfit stock approval, other than a condition mentioned in section 41(e), (f) or (g); or | 1
2 |
| (c) | to refuse to amend an unfit stock approval; or | 3 |
| (d) | to amend an unfit stock approval under section 43 in a way that was not requested by the approval holder; or | 4
5 |
| (e) | to suspend or cancel an unfit stock approval. | 6 |
| | <i>unfit stock notice</i> see section 72(3). | 7 |
| | <i>vehicle</i> means a vehicle or vessel under the <i>Transport Operations (Road Use Management) Act 1995</i> . | 8
9 |
| | <i>water facility</i> means an artificial water source for stock, including the equipment used to supply the water to the stock. | 10
11 |
| | <i>water facility agreement</i> see section 25. | 12 |

Schedule 2	Acts amended	1
	section 167	2
Aboriginal Land Act 1991		3
1	Schedule 1, definition <i>stock route</i>—	4
	<i>omit.</i>	5
2	Schedule 1—	6
	<i>insert—</i>	7
	<i>stock route</i> see the <i>Stock Route Network Management Act 2016</i> , schedule 1.	8
		9
Biosecurity Act 2014		10
1	Schedule 4, definition <i>stock route</i>—	11
	<i>omit.</i>	12
2	Schedule 4—	13
	<i>insert—</i>	14
	<i>stock route</i> see the <i>Stock Route Network Management Act 2016</i> , schedule 1.	15
		16

Forestry Act 1959	1
1 Schedule 3, definition <i>forest products</i>, from ‘a stock route’ to ‘2002’—	2 3
<i>omit, insert—</i>	4
the stock route network or related roads or reserves under the <i>Stock Route Network Management Act 2016</i>	5 6
Neighbourhood Disputes (Dividing Fences and Trees) Act 2011	7 8
1 Section 8(2)(a), ‘<i>Stock Route Management Act 2002</i>’—	9
<i>omit, insert—</i>	10
<i>Stock Route Network Management Act 2016</i>	11
Water Act 2000	12
1 Section 215(2)(a), ‘<i>Stock Route Management Act 2002</i>’—	13
<i>omit, insert—</i>	14
<i>Stock Route Network Management Act 2016</i>	15
2 Schedule 4, definitions <i>stock route</i> and <i>travelling stock</i>—	16
<i>omit.</i>	17
3 Schedule 4—	18
<i>insert—</i>	19

Schedule 2

<i>stock route</i> see the <i>Stock Route Network Management Act 2016</i> , schedule 1.	1 2
<i>travelling stock</i> means stock that are being travelled under the <i>Stock Route Network Management Act 2016</i> .	3 4

Water Supply (Safety and Reliability) Act 2008 5

1	Schedule 3, definition <i>stock purposes</i>, paragraph (b), ‘<i>Stock Route Management Act 2002</i>, schedule 3’—	6 7
	<i>omit, insert—</i>	8
	<i>Stock Route Network Management Act 2016</i> , schedule 1	9

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