

Stock Route Network Management Bill 2011

Explanatory notes

Short title

The short title of the Bill is the Stock Route Network Management Bill 2011.

Policy objectives and the reasons for them

The main purpose of the Bill is to regulate the use of the stock route network and public (stock access) lands, including state-controlled roads and reserves for travelling stock, local government controlled roads and lands, and adjoining unallocated state land, by stipulating appropriate management principles and procedures to ensure that managers and users meet their respective obligations. The Bill recognises that, although the primary purpose of the stock route is to provide for the movement of stock ‘on the hoof’, the network has multiple uses and attributes also requiring coordinated management and protection.

The key policy objectives of the legislation are to ensure that the day-to-day management of the stock route network is cost-efficient and reflects the benefits flowing to its users; that significant attributes such as biodiversity and cultural heritage are protected; and that the requirements of travelling stock continue to be provided for into the future, including by maintaining the continuity of the network and improving the capacity to support adaptation to climate change.

Achievement of policy objectives

The Bill introduces some changes to the way in which the stock route network and public (stock access) lands are managed and used. It establishes different regimes for the management of driving stock and static grazing, each of which addresses competing interests and ensures that network users meet their respective legal responsibilities. Provision has also been made for managing pasture using harvesting; and for attributes,

including land condition, biodiversity and cultural heritage to be better managed.

The new legislation establishes agreed management principles and clearly delineates the respective responsibilities of the state and local governments. Day-to-day management of the network and public (stock access) lands in their respective areas rests with local governments—including the issuing of permits and authorities, and the identification of areas warranting special management. The chief executive must, however, develop a state management plan to strategically direct stock route management activities statewide. Certain local governments in central and western Queensland (schedule 1) that have customarily had movements of travelling stock on the stock route network in their management areas are required to prepare and implement complementary local management plans.

The Stock Route Network Management Bill provides the legislative basis for implementing a new system for authorising static grazing on stock routes, reserves for travelling stock, and roads, while recognising and protecting the natural and cultural attributes of the network. A revised classification system for stock routes has been introduced, with an increased focus on pasture management and its retention for travelling stock. This will result in decreased access for long-term static grazing on high-use routes because the fenced core network will be available for the purpose of travelling stock and limited, short-term grazing only. Static grazing will be permitted on the remainder of the network subject to certain conditions.

Fees and payments have been introduced that reflect the benefits derived by network users and allow the costs of management, construction and maintenance to be recovered so that the network and ancillary facilities can be adequately maintained. The Bill encourages compliance through the investigation of offences and the enforcement of penalties; and includes extensive decision-making review provisions. The Bill also provides for the establishment of an advisory panel if required; and for public submissions to be considered in relation to key management issues. An electronic stock route management system is to be introduced to support consistent, efficient management and provide for public access to certain stock route network information.

Alternative ways of achieving policy objectives

There is no alternative way other than the proposed Bill to both achieve the identified policy objectives and make the necessary legislative amendments brought about by machinery of government changes. The administration of the stock route network management provisions of the *Land Protection (Pest and Stock Route Management) Act 2002* (chapter 3) is the responsibility of the Department of Environment and Resource Management, while the administration of high-priority weed and pest animal management under that Act has become the responsibility of the Biosecurity Queensland division of the Department of Employment, Economic Development and Innovation. That department is developing a new legislative framework comprising a single Act and subordinate legislation with a broad focus on the prevention and management of biosecurity risks. Accordingly, the scope of the Stock Route Network Management Bill 2011 and regulation developed by the Department of Environment and Resource Management is limited to achieving the objective of sustainably managing the stock route network for travelling stock and other purposes; protecting its biodiversity and cultural heritage; and improving the capacity to support adaptation to climate change.

The Stock Route Network Management Bill 2011 also introduces a new grazing authority framework under which local governments regulate and manage access to the network in their respective management areas for long-term static grazing. The new legislation integrates grazing provisions previously dealt with separately under the *Land Protection (Pest and Stock Route Management) Act 2002*, the *Land Act 1994* and the *Transport Infrastructure Act 1994*.

Estimated cost for government of implementation

The Bill is to replace chapter 3 of the *Land Protection (Pest and Stock Route Management) Act 2002* and the existing partnership between State and local government is to continue. The issuing of permits and authorities for grazing and harvesting by local governments is, however, a key change to network administration that has been introduced under the legislation. Consequently, major costs will be associated with implementation, including training in compliance and land condition assessment; and the documentation of guidelines and procedures. These are to be met through current budget allocations.

A web-based stock route network management system is to be introduced to support implementation. The Department of Environment and Resource Management has met the establishment costs. Ongoing costs will be met from the portion of the fees charged by local government for issuing permits and authorities that is remitted to the state.

Consistency with fundamental legislative principles

The proposed Bill has been drafted with regard to fundamental legislative principles; however, potential concerns regarding the rights and liberties of the individual have been addressed below.

The primary purpose of the Bill is to provide for the movement of stock ‘on the hoof’ on the stock route network, now and into the future, by regulating its multiple uses and preserving significant attributes, including land condition, biodiversity and cultural heritage. To achieve these important policy objectives in the community interest, the Bill includes provisions that may be construed as encroaching on the right of the individual to enjoy land and be compensated for the compulsory acquisition of property. While the provisions are based on those existing in the superseded Act, certain checks and balances have been introduced to mitigate any potential breach of the fundamental legislative principles.

Under clause 91, the local government is empowered to give an adjoining landholder a notice requiring them to fence the shared boundary with the stock route, or a part of it, for the protection or improvement of an area considered at risk. Failing to comply with a fencing notice is an offence, as is failing to comply with a notice to maintain an existing boundary fence in stock-proof condition. Where a landholder fails to comply, an authorised officer is empowered to enter the land and carry out the required erection or repair. The reasonable costs are payable by the landowner, remaining a charge on the land if unpaid. The decisions to issue a fencing notice and a direction notice are both reviewable by the Queensland Civil and Administrative Tribunal, and their use is confined to circumstances where the public asset is at immediate risk.

An authorised person may issue a notice directing a landholder to reduce the number of stock grazing on land adjoining the stock route where the shared boundary is not properly fenced and access to the stock route by the landholder’s stock is unimpeded. The intent of this provision is to guard against unregulated overgrazing so as to ensure the adequacy of pasture on the network for use by travelling stock. Accordingly, the power may be

exercised only by an authorised officer who has a reasonable belief that the number of stock migrating from freehold or leasehold land to the stock route is compromising the capacity of the network to sustain travelling stock. The landholder may instead choose to either properly fence the boundary, or make a priority application for an authority to graze the stock route with appropriate conditions. The decision to issue a stock reduction notice is also reviewable by the Queensland Civil and Administrative Tribunal

Chapter 3, part 8 includes provisions that empower an authorised person to remove stray or abandoned stock from the network and dispose of them without compensation being payable to the owner. Such seizure applies only to unauthorised stock, however, and adequate notice is given because local government has a duty to first make reasonable enquiries to identify the owner of stock that has strayed or been abandoned on the stock route network. Any proceeds of sale remaining after seizure expenses are remitted to the owner of the stock, if identified. Further, it is considered to be in the public interest for certain individual rights to be displaced when public safety or health must be protected such as when an authorised person reasonably believes stock to be unfit or to have been abandoned on land in a local government management area.

Consultation

The Stock Route Network Management Bill 2011 is the culmination of a collaborative reform process initiated by Western Queensland councils through the Local Government Association of Queensland in 2002. Having previously requested the Land Protection Council to make recommendations for the reform of stock route network management practices, the Minister convened a Stock Routes Assessment Panel comprising local government representatives and a number of private sector stakeholders to propose policy reforms and a fee framework. The report of the panel and a subsequent regulatory impact statement were publicly released and submissions were sought. All relevant state agencies were consulted as part of the Cabinet process and all feedback was considered in developing the proposed Bill.

Consistency with legislation of other jurisdictions

The Bill is not complementary to Commonwealth legislation or that of another state. Stock movements may involve the passage of stock through one or more jurisdictions. Although their original transport purpose has

been largely superseded, travelling stock routes can be found in other jurisdictions including South Australia, Victoria, New South Wales, Western Australia and the Northern Territory, where management arrangements and legislative safeguards for the movement of stock are generally consistent with the reforms proposed.

The Bill provides Queensland with the legislative basis for retaining the stock route network as a public asset by better regulating its use and protecting its significant attributes, all of which are issues recognised at a national level as being of significance.

Notes on provisions

Chapter 1 preliminary

Part 1 Introduction

Clause 1 sets out the short title of the Bill.

Clause 2 provides for the commencement of the Bill on a date to be fixed; and for part 1 of chapter 14, which provides for the amendment of the Bill and other legislation, to commence only after part 2 of that chapter and schedule 3 to the Bill have commenced.

Part 2 Purpose and Application of Act

Clause 3 identifies the purpose of the Bill as being the regulation and use of the stock route network and public (stock access) land, specifying that this is to be achieved through strategic planning, the recognition and regulation of multiple uses, the delineation of state and local government management

responsibilities, and the observation of the management principles prescribed under clause 14.

Clause 4 provides that all persons and entities, including the State and, as far as legally possible, the Commonwealth and the other states, are bound by the Bill.

Clause 5 identifies those Acts not affected by the application of the Bill.

Part 3 Interpretation

Division 1 Dictionary

Clause 6 provides for a dictionary of particular terms used in the Bill to be included as schedule 4 to the Bill. Unless otherwise defined in the Bill as a key definition or concept, any terms not defined in the dictionary have the meaning given to them either by the *Acts Interpretation Act 1954*, or by a Standard English dictionary.

Division 2 Key definitions and concepts

Clause 7 defines a ‘*stock route*’ for the purposes of the Bill.

Clause 8 defines the ‘*stock route network*’ for the purposes of the Bill.

Clause 9 defines the ‘*stock route network map*’ for the purposes of the Bill.

Clause 10 defines ‘*reserve for travelling stock*’ for the purposes of the Bill.

Clause 11 provides the definition of ‘*public (stock access) land*’ that is applicable to all provisions of the Bill except for those in *chapter 5–Grazing stock* and *chapter 6–Harvesting pasture*. For the purposes of all provisions regulating the driving of stock (*chapter 4*), ‘*public (stock access) lands*’ include: *local government–controlled roads, state-controlled roads, other local government–controlled lands, and unallocated state land adjoining a stock route, a reserve for travelling stock, a local government–controlled road or land, or a state-controlled road*. For the purposes of all provisions regulating grazing stock and pasture harvesting

(chapters 5 and 6 respectively), *‘public (stock access) land’* is limited to land adjoining *local government-controlled roads and state-controlled roads*.

Clause 12 defines a local government’s *‘management area’* for the purposes of the Bill.

Clause 13 makes clear that a reference in the Bill to *‘local government’* is a reference to the particular local government in whose management area the land is situated.

Clause 14 sets the framework for consistent administrative decision making under the Bill by recognising that the primary purpose of the stock route network is to provide a transport corridor for travelling stock, now and into the future, and that its use for static grazing and harvesting is secondary. The identified management principles also recognise that it is necessary for other attributes requiring preservation such as biodiversity and cultural heritage to be consistently managed in the public interest.

Chapter 2 State Management Functions

Part 1 State Management Plan

Clause 15 provides that the chief executive must prepare a State plan to strategically direct stock route network management activities in Queensland.

Clause 16 provides for a State management plan to provide guidance and strategic direction for local government activities such as sustainable pasture management, route classification, special area management, declared pest management, and the maintenance and improvement of network stock facilities.

Clause 17 requires that the State management plan observe the general principles of stock route network management specified in clause 14.

Clause 18 provides that the State management plan shall have effect until the end of the period stated in it, which may not be more than 10 years.

Clause 19 requires the chief executive to implement the State management plan as far as is practicable within the limitations of the resources of the department.

Clause 20 requires the chief executive to make a written or electronic copy of the State management plan available for public inspection at no charge.

Clause 21 provides for the chief executive to review or renew the State management plan at least two years before the end of the period stated in it.

Clause 22 provides for the chief executive to renew the State management plan when considered appropriate and with regard to the principles of stock route network management (clause 14).

Part 2 Classification of Stock Routes

Division 1 Preliminary

Clause 23 identifies key concepts within this part and the clauses in which their meanings are defined.

Clause 24 provides that the '*qualifying period*' for the purpose of classifying stock routes with reference to usage rates by travelling stock is four of the 10 years immediately preceding the classification, whether or not consecutive, in which usage was highest.

Clause 25 defines a reference to a '*stock route*' in this part as a reference to a route, or part of a route, shown between two points shown on the stock route network map.

Division 2 Initial classification

Clause 26 requires the chief executive to ensure that each stock route shown on the stock route network map is classified under this part as 'primary A', 'primary B', or 'secondary', and that the applicable classification is shown on the stock route network map.

Clause 27 sets out the process for classifying the stock routes shown on the stock route network map according to usage thresholds, enabling different management regimes to be applied to primary A, primary B and secondary stock routes respectively. The usage threshold is an indicator of whether the use of stock routes for authorised static grazing is considered incompatible with its primary purpose, which is to provide for the movement of stock ‘on the hoof’. For the purposes of this part, a ‘*relevant year*’ is one in which the quality and quantity of pasture is able to sustain travelling stock and is not unduly affected by adverse circumstances such as drought.

Clause 28 provides that a stock route that is not shown on the stock route network map is classified Secondary by default; however, this does not preclude the route from being reclassified following review under division 4.

Division 3 Matters relevant to classification

Subdivision 1 Usage factors

Clause 29 specifies the usage factors applying to the classification of a stock route as being—the number of stock for which travel permits were issued to use the route in each year of the qualifying period; the number of stock for which applications made for travel permits were refused in each year of the qualifying period because the quantity and quality of pasture was inadequate; and the extent to which use of the stock route for the secondary use of static grazing is compatible with its primary use for travelling stock. The latter factor is determined with reference to the number of stock for which grazing permits for the stock route were issued in each year of the qualifying period; the number of grazing authorities for the stock route that were issued in each year of the qualifying period; the number of stock for which applications made for grazing permits were refused during each year of the qualifying period because the quantity and quality of pasture was inadequate; and the number of stock for which applications made for grazing authorities were refused during each year of the qualifying period because the quantity and quality of pasture was inadequate. Other available data relating to pasture conditions in a local government management area during the qualifying period may also be considered.

Subdivision 2 Threshold usage numbers of stock

Clause 30 defines 'cattle unit' as a unit of measurement that, for the purposes of determining stock route usage rates, is equivalent to '*one head of large stock*' (including alpacas, asses, buffalo, camels, cattle, donkeys, horses, llamas, mules and vicunas) and '*five head of other stock*', recognising that the size and composition of a herd influences the extent to which pasture condition is affected by the movement of stock.

Clause 31 prescribes the process for determining the upper threshold of stock with reference to patterns of use. Unless prescribed under a regulation, the '*upper threshold of stock*' is the highest annual number of travelling stock that the chief executive considers the route could sustain in a year without it being necessary to prevent contemporaneous static grazing. Usage factors for all primary stock routes must be taken into account when an upper threshold is determined.

Clause 32 prescribes the process for determining the lower threshold of stock with reference to patterns of use. Unless prescribed under a regulation, the '*lower threshold of stock*' is the highest annual number of travelling stock that the chief executive considers the route could sustain in a year without it being necessary to limit contemporaneous static grazing. Usage factors for all primary B and secondary stock routes must be taken into account when a lower threshold is determined.

Division 4 Reviewing classification

Clause 33 provides for the application of this division to the review of classifications only if the upper and lower threshold numbers have been prescribed under a regulation in accordance with the transitional provisions outlined in chapter 12, division 4.

Clause 34 provides for the review of the classification of a stock route if the demand for travel permits changes significantly over a sustained period for reasons other than deterioration in pasture quantity or quality—for example, where applications for travel have decreased but those for static grazing have not.

Clause 35 provides that a local government must review the classification of each stock route in its local government area at least five yearly; in

response either to a request from the chief executive, or a properly made public submission; and if it is considered that a material change in circumstances has affected the appropriateness of the classification. A local government that is required to have a local management plan also must ensure that the classification of stock routes in its management area are reviewed within six months of the plan being renewed. Such review must be conducted with reference to the usage factors and, where applicable, any submission made.

Clause 36 provides that a local government that has reviewed the classification under clause 35 must consider whether or not to make a change and, where applicable, provide written advice of the decision and the reasons for it to any person who has made a submission.

Clause 37 provides for the chief executive to review the classification with reference to a significant change in numbers of stock travelling, if it is considered that there has been significant variation in pasture availability or the demand for travel permits for reasons other than deterioration in pasture quantity or quality.

Division 5 Reviewing threshold usage numbers

Clause 38 provides that a local government may review an upper threshold usage number or lower threshold usage number if it is considered that its appropriateness has been, or is likely to be, affected by significant regional variation in pasture quality and availability or the demand for travel permits. Usage factors for all primary stock routes must be taken into account when an upper threshold is reviewed; and for all primary B and secondary stock routes when a lower threshold is reviewed. A local government that reviews upper or lower threshold usage numbers must consider whether or not to propose a change to the chief executive.

Clause 39 provides that the chief executive may review an upper threshold usage number or lower threshold usage number if it is considered that its appropriateness has been, or is likely to be, affected by significant regional variation in pasture quality and availability or the demand for travel permits. When an upper threshold is reviewed, usage factors for all primary stock routes must be taken into account; and when a lower threshold is reviewed, usage factors for all primary B and secondary stock routes shown on the stock route network map must be taken into account.

Division 6 Changing classification and threshold usage numbers

Clause 40 requires that a local government that has reviewed a classification under this part and considers that a change is necessary must make a written submission to the chief executive addressing the usage factors for the stock route.

Clause 41 requires that a local government which has reviewed a threshold usage number under clause 38 and considers that a change is necessary must make a written submission to the chief executive. Where it is proposed to change an upper threshold number, the submission must address the usage factors for all primary stock routes; and where it is proposed to change a lower threshold number, the submission must address the usage factors for all primary B and secondary stock routes shown on the stock route network map.

Clause 42 requires that, if it is proposed to change a classification or threshold number following a review under clauses 37 or 39, a notice must be published on the departmental website providing details of the change and the reasons for it, and noting that submissions may be made within the stated period. Where the change proposed relates to a classification, the notice also must be published in a newspaper circulating in the local government management area. Such public notices must specify how a submission can be made and any particular information to be included such as relevant usage factors and details regarding the pasture quantity and quality.

Clause 43 prescribes the decision-making process to be observed by the chief executive at the end of the submission period when considering a proposal to change a classification or an upper or lower threshold number. A decision regarding a reclassification proposal must either confirm the current classification, or approve a new one. A decision regarding a proposed change to a threshold number must confirm the current threshold number or approve either the proposed number, or a different one. The chief executive must consider the usage factors and any submissions received, and may request and consider the advice of an advisory panel.

Clause 44 provides that, despite the provisions of clause 27, the chief executive may change the classification of a secondary route to primary B if it is considered that a nearby primary route may not be able to sustain the

expected number of travelling stock—for example, because of a deterioration of water quantity or quality.

Clause 45 requires that, having decided to change a threshold number or classification, the chief executive must give the local government written advice of the decision as soon as possible and publish a notice on the departmental website providing a summary of reasons for the decision. Where the change is to the classification of a stock route, the notice also must be published in a newspaper circulating in the local government management area and be shown on the stock route network map. A new threshold number does not take effect until it is prescribed under a regulation; and a new classification does not take effect until it is shown on the stock route network map.

Part 3 Closed and Conditional Use Declarations

Division 1 Preliminary

Clause 46 identifies the key concepts applicable to this part and, where applicable, the clauses in which their meanings are defined. A ‘*relevant event*’ includes, but is not limited to, adverse climatic conditions such as drought, fire, flood; shortage of water due to facility damage; the risk of introducing or spreading pests; and the risk of land damage. A ‘review day’ is no more than three months after either the making of a closed area or conditional use area declaration, or the last review of a declaration made under clause 58.

Division 2 Making closed area declarations

Clause 47 provides for the division to apply in circumstances where the chief executive is satisfied that it is necessary to close part of the stock route network or public (stock access) land because it has been, or is likely to be, affected by a ‘*relevant event*’ adversely altering the quality or quantity of the available pasture or water in a ‘*relevant area*’, or its

biodiversity or cultural heritage; or because the use of the area by travelling stock is incompatible with the conservation or improvement of water, biodiversity or cultural heritage.

Clause 48 provides that, having consulted with any local government whose management area includes all or part of the area of the network affected, the chief executive may declare a relevant area closed.

Division 3 Making conditional use area declarations

Clause 49 provides for the division to apply in circumstances where the chief executive is satisfied that conditions should be imposed upon use of part of the stock route network or public (stock access) land because it has been, or is likely to be, affected by a ‘*relevant event*’ adversely altering the quality or quantity of the available pasture or water in a ‘*relevant area*’, or its biodiversity or cultural heritage; or because unconditional use of the area by travelling stock is incompatible with the conservation or improvement of water, biodiversity or cultural heritage.

Clause 50 provides that the chief executive may impose ‘*declared usage conditions*’ upon the use of part of the stock route network or public (stock access) land by driving or grazing stock, or for harvesting pasture, because a ‘*relevant event*’ has affected, or is likely to affect, the quality or quantity of the available pasture or water in a ‘*relevant area*’, or its biodiversity or cultural heritage; or because the use of the area by travelling stock is incompatible with the conservation or improvement of water, biodiversity or cultural heritage. Such a declaration may be made at the request of the relevant local government or on the initiative of the chief executive; although, in the latter case, any local government whose management area includes all or part of the area must be consulted before the declaration is made. The chief executive may also declare an area subject to conditional use if it is being used for a lawful purpose that is incompatible with its simultaneous use by driving or grazing stock, or for harvesting. Such conditions may only prohibit or limit the number of stock, or the period that they may be driven or grazed under a permit or authority, and stipulate the residual quantity and quality of water or pasture required.

Division 4 Publication and effect of declarations

Clause 51 requires the chief executive to maintain a ‘*closed and conditional use areas declaration register*’ for each relevant area in which such a declaration is made.

Clause 52 prescribes the information that must be included in a closed or conditional use area declaration register, including a description of the boundaries of each declared area, by map or otherwise; where the map, if any, is available for inspection; and details for each declared area about whether it is closed to, or subject to conditional use for, harvesting and driving or grazing stock. Particulars of the date of publication of the declaration in the register and the date of termination or review also should be specified.

Clause 53 requires the chief executive to make closed and conditional use area declarations available for inspection by the public and the local government of any area subject to such a declaration.

Clause 54 provides that a closed or conditional use area declaration takes effect on the day it is published in the register, unless a later starting date is stated in it.

Clause 55 provides that where a *closed area declaration* is in effect, no travel permit, grazing or harvesting permit, or grazing authority can be issued for a relevant area; no stock may be driven or grazed; and no pasture may be harvested. (It is an offence under clauses 290(1) and 291(1) for a permit or authority holder not to comply with this provision.)

Clause 56 provides that where a ‘*conditional use area declaration*’ is in effect, any travel permit, grazing or harvesting permit, or grazing authority that is issued for a relevant area is subject to the conditions of the declaration; and no such permit or authority may be issued if the activity allowed would contravene a condition of the declaration. Any harvesting of pasture or driving or grazing of stock that does take place also must not contravene a declaration condition. (It is an offence under clauses 290(2) and 291(2) for a permit or authority holder to contravene such a declaration.)

Clause 57 identifies certain permits and authorities that are not affected if a closed or conditional use area is declared after they are issued.

Division 5 Reviewing and ending declarations

Clause 58 requires that the chief executive must conduct the review of a closed or conditional use area declaration by the review day, if any, stated in it.

Clause 59 requires the chief executive to consult a local government that has part or all of its management area subject to a declaration.

Clause 60 requires that, having reviewed a declaration in accordance with clauses 58 and 59, the chief executive must decide whether to continue the declaration or end it, either on the date specified, or immediately. If a declaration is to continue, another review date must be stated in the register; and if a declaration is to end, the date of effect must be stated in the register.

Clause 61 provides that a closed or conditional use area declaration ends on the date stated in the register, unless the chief executive decides otherwise under clause 60. The chief executive must ensure that the register records that a declaration has ended and the date on which it occurred.

Chapter 3 Local Government Management Functions

Part 1 General Provision about Local Government Functions

Clause 62 sets out the functions of local governments for the purposes of the Bill as being to manage the stock route network and public (stock access) lands by controlling the driving and grazing of stock and the harvesting of pasture in their respective management areas in accordance with statutory requirements, including the principles of stock route management. In accordance with section 257 of the *Local Government Act 2009*, local government has the necessary powers under this Bill to perform

its prescribed functions, including in relation to State-controlled roads, which are not limited by either section 60 of the *Local Government Act 2009*, or section 28 of the *Transport Infrastructure Act 1994*.

Part 2 Local Management Plans

Division 1 General provisions

Clause 63 stipulates that those local governments with significant movement of travelling stock on the stock route network in their management areas, which are mentioned in schedule 1 to the Bill or prescribed under regulation, must prepare a local management plan. Any other local government may prepare a local management plan that complies with this division.

Clause 64 stipulates that a local government management plan for the stock route network must comply with the State management plan and the principles of stock route network management (clause 14).

Clause 65 stipulates that a local government stock route management plan must include details of the part of the stock route that may be available for slow travel and grazing; and strategies for: managing the stock route in a way that recognises its relevant uses; maintaining the continuity of the stock route network; managing pasture levels that provide for the requirements of travelling stock, including during times of drought; managing excessive pasture levels, preferably by grazing, but otherwise by burning or harvesting; maintaining or improving land condition; managing stock usage with regard to the land capability of different parts of the local government area; administering parts of the stock route declared as special management areas; managing risk; and educating users and the public about the stock route network generally.

Clause 66 specifies that a local management plan ceases to have effect on renewal or at the end of the term of no more than 10 years stated in it.

Clause 67 requires that a local government must implement the approved local management plan to the extent feasible given its resources and any other limitations.

Clause 68 requires that a local government must keep a written or electronic copy of its local management plan available for public inspection at no charge.

Division 2 Making of plans

Clause 69 provides for the application of this division to any local government that prepares a management plan, whether or not it is required to do so under this Bill or subordinate legislation.

Clause 70 requires that a local government preparing a draft local management plan must do so with regard to the advice of a working group established for the purpose and including representatives from: the department; state agencies with administrative responsibilities for the *Stock Act 1915*, the *Nature Conservation Act 1992*, the *Land Protection (Pest Management) Act 2002*; the department responsible for managing state-controlled roads; an entity with an interest in Aboriginal cultural heritage; and an entity with an interest in nature conservation.

Clause 71 requires that a local government preparing a draft local management plan must do so with regard to the State management plan and the prescribed principles of stock route management (clause 14).

Clause 72 requires a local government to give notice in a local newspaper of the preparation of a draft local management plan, stating its availability for public inspection at no charge and inviting written submissions within one month of the notice being published. A local government is required to consider any properly made submission and to make any changes it considers appropriate.

Clause 73 requires that, having complied with clause 72, a local government must give the Minister the draft plan within two months of the end of the submission period and at least three months before the end of any previous plan. The Minister must consider the adequacy of the plan and, if not satisfied, advise the local government how it may be amended. Any draft plan that is so amended by the local government must be given to the Minister for consideration.

Clause 74 provides for the Minister, if satisfied with the draft local management plan, to advise the local government that it may adopt the plan by resolution.

Division 3 Amending and reviewing plan

Clause 75 stipulates that if a local management plan is inconsistent with the State management plan or a special management area is declared, the local management plan must be amended (and remade) by the local government in accordance with the requirements of clauses 70, 73 and 74 regarding preparation of a draft plan.

Clause 76 stipulates that the local government must review its local management plan: biennially, at least three months before the commencement of the financial year; within one year of either an amendment to, or review of, the State management plan; and when special management conditions are imposed. A local government may review a local management plan at any time on the initiative of its chief executive officer.

Part 3 Special Management Areas and Conditions

Division 1 Preliminary

Clause 77 makes clear that nothing in this part affects the operation of the *Aboriginal Cultural Heritage Act 2003*, the *Queensland Heritage Act 1992*, or the *Torres Strait Islander Cultural Heritage Act 2003*.

Clause 78 identifies the key concepts applicable to this part and, where applicable, the clauses in which their meanings are defined. A ‘*special management area declaration*’ is one made by a local government under clause 80(2) or in accordance with a Ministerial direction under clause 81(2); or by the Minister under clause 81(5)(a). ‘*Special management conditions*’ are those imposed upon the use of a special management area for the purpose of conserving its biodiversity or cultural heritage attributes, whether by a local government under clause 80(3) or in accordance with a Ministerial direction under clause 81(2); by the Minister under clause 81(3); or by a person required to do so under clause 82(2).

Clause 79 identifies a ‘special management area’ as being that part of the stock route network in a local government area which is so declared by a local government under clause 80(2) or in accordance with a Ministerial direction under clause 81(2), or by the Minister under clause 81(5)(a); or which is a nature refuge, or an area or place to which an entry in a Queensland heritage register relates.

Division 2 Declaring the areas and deciding the conditions

Clause 80 provides that, to conserve biodiversity and cultural heritage attributes of part of the stock route network, a local government may declare a special management area and decide the special management conditions to be imposed on its use.

Clause 81 provides that, if a declaration is considered necessary to conserve biodiversity or cultural heritage attributes of part of the stock route network and a local government has failed to make, or has unreasonably delayed in making, such a declaration, the Minister must direct it to do so and to decide appropriate special management conditions. Similarly, if the Minister considers that a local government has delayed unreasonably in deciding special management conditions or has imposed inadequate ones, the Minister must decide the conditions in consultation with the local government. Where there is any inconsistency between a Ministerial direction and a decision of local government regarding the special management conditions for an area, the condition decided by the Minister prevails. Without limiting clauses 399 or 400, the Minister may declare a special management area and publish the details of the special management conditions if a local government does not comply with a direction to do so.

Clause 82 provides for the imposition of particular special management conditions in circumstances where a special management area declaration relates to a listing in the Queensland heritage register or a nature refuge. Where a special area declaration relates to a nature refuge, the conditions are determined in consultation with the local government by the Minister responsible for administering the *Nature Conservation Act 1992*. Where cultural heritage that is recorded on the Queensland heritage register is the subject of the declaration, conditions are determined in consultation with

the chief executive of the department administering the *Queensland Heritage Act 1992*.

Division 3 The register of special management areas

Clause 83 defines the ‘*publicly available part*’ of a register kept by local government for the purposes of this division as being a description, by map or other means, of the boundaries of the declared area; the reason that the area is considered significant; any management strategies in place to maintain its biodiversity or cultural heritage; any conditions imposed upon its use; and the date on which these details were recorded in the register.

Clause 84 requires a local government to keep an electronic or written register of each special management area declared in its management area.

Clause 85 requires a local government to provide free access to the special management area register at its public office. It also prescribes particular registration requirements that apply to the publicly available part of the information when a local government has declared a special management area. If it is considered that publishing a detailed description might have an adverse effect on the area, a local government may minimise that risk by describing the area generically to avoid disclosing its precise location. The same precaution may be taken if it is considered that making significant aspects of the biodiversity or cultural heritage of an area public may pose a risk. For example, where a special management area is a site of significance to local Aborigines, its particular attributes may be described generically in the publicly available part of the register.

Clause 86 requires a local government that declares a special management area to register a description, by map or other means, of its boundaries; and record the reason that the area is considered significant, any management strategies in place to maintain its biodiversity or cultural heritage, any conditions imposed upon its use, and the date on which these details were included in the register. A local government that has a management plan must include in it the publicly available details of any special management area recorded in the register. To the extent practicable, the local government is obliged to implement any management strategies identified. If a local government fails to keep the register as required under this clause,

the Minister may publish the publicly available part of the information on the departmental website. This does not limit clauses 399 or 400.

Clause 87 requires that where a special management area declaration relates to a listing in a heritage register or a nature refuge, the register must describe the location of, and any management conditions applying to, the declared area. This may be done with reference to the declaration of a nature refuge under the *Nature Conservation Act 1992* or to the declaration of cultural heritage under the relevant register. The person responsible under clause 82(2) for approving any management conditions may keep the register if a local government fails to do so. This does not limit clauses 399 or 400.

Division 4 Other provisions for special management conditions

Clause 88 provides that the date of effect of a special management condition is the date of its publication in the register; otherwise, it is the date of its publication on the departmental website under clause 81(5)(b) or in a publicly available document under clause 87(4).

Clause 89 provides that, when special management conditions apply, a local government may not issue a grazing authority or a travel, grazing or harvesting permit if doing so would contravene a stated condition of the declaration. Any conditions applying to the special management area become a condition of any grazing authority or travel, grazing or harvesting permit that is issued. This means that stock may be driven or grazed and pasture may be harvested in the area only in compliance with the stated conditions. Under clauses 290(3) and 291(3), it is an offence to contravene a special management condition. Certain permits and authorities are not invalidated if issued in accordance with the specified provisions and prior to the special management condition taking effect.

Part 4 Fencing

Division 1 Preliminary

Clause 90 provides for the protection or improvement of the land condition of the stock route network by empowering local governments to require an adjoining landholder to erect a stock-proof fence to prevent overgrazing and damage by stock to constructed water facilities, natural resources and biodiversity. This provision is not intended to apply to unallocated state land, a conservation park under the *Nature Conservation Act 1992*, reserve land for which there is no trustee, a state-controlled road, or a state forest or timber reserve under the *Forestry Act 1959*.

Division 2 Erecting stock-proof fences

Clause 91 provides for a local government requiring the erection of a stock-proof fence on adjoining land to give the landholder a *fencing notice* describing the area identified as being ‘*at risk*’ and specifying the reasonable period within which it must be fenced. An *information notice* about the decision also must be included.

Clause 92 makes it an offence for a landowner not to comply with a fencing notice without having a reasonable excuse for doing so. A maximum penalty applies.

Division 3 Maintaining stock-proof fences

Clause 93 obliges the holder of land adjoining the stock route network to maintain an existing built boundary fence in a stock-proof condition to prevent stock from straying onto the network. It is an offence for a landowner to fail to maintain the fence in stock-proof condition without having a reasonable excuse for doing so. A maximum penalty applies.

Part 5 Mustering Stock

Clause 94 provides that a local government may require stock on land in its management area to be mustered if an authorised person has reason to believe it necessary for public safety or other reasons of public interest such as the monitoring of compliance with a travel or grazing permit, grazing authority, or unfit stock notice.

Clause 95 provides that a local government may give notice in the approved form requiring a landholder to muster stock on land in its management area, stating where the stock must be mustered and the ‘*reasonable period*’ within which the muster is to take place. A copy may also be given to the owner of the stock if they are not the person in charge of them at the time. When a *mustering notice* is issued for any reason other than public safety, it must include an information notice about the decision. Twenty-four hours is considered a *reasonable period*, unless public safety is at risk and a shorter period is more appropriate. (This clause should be read in conjunction with clauses 329 and 380.)

Clause 96 makes it an offence for a landowner to fail to comply with a mustering notice without having a reasonable excuse for doing so. A maximum penalty applies.

Part 6 Pasture Management

Division 1 Local government’s role

Clause 97 provides that all local governments must manage the pasture in their management areas so that a sufficient amount is conserved for the use of travelling stock. This must be done consistently with the State management plan or, where applicable, the local management plan.

Division 2 Reducing stock numbers

Clause 98 provides for this division to apply when stock are able to move freely from fenced freehold or leasehold land to the adjoining ‘*affected area*’ of a local government’s management area because the boundary, or part of it, is unfenced and, as a consequence, the local government reasonably believes that there will be insufficient pasture available for the anticipated number of travelling stock.

Clause 99 provides that an authorised person may issue a written ‘*stock reduction notice*’ to an adjoining landholder, stating both the number and the date by which the stock must be reduced. A stock reduction notice must be accompanied by an information notice about the decision.

Clause 100 makes it an offence for a landholder to fail to comply with a stock reduction notice without having a reasonable excuse for doing so. A maximum penalty applies. This clause does not limit the power of the local government to issue a notice to fence under clause 91.

Division 3 Pasture burning and harvesting restrictions

Clause 101 stipulates the circumstances in which a local government may burn or harvest pasture on land in its management area, subject to the *Fire and Rescue Service Act 1990*. The road transport chief executive may impose conditions relating to the protection of infrastructure, ancillary work and encroachments, road works, or public plant; and the chief executive of the department administering the Bill must approve the land for harvesting in preference to use by driving or grazing stock. A local government may not burn or harvest pasture on land that is subject to a lease or permit issued under the *Land Act 1994*, or a permit or grazing authority issued under this Bill.

Part 7 Stock Facilities and Water Facility Agreements

Division 1 Supplying and maintaining stock facilities

Clause 102 requires that a local government must comply with a written notice from the Minister requiring a stock facility to be supplied on a primary stock route or reserve in its management area.

Clause 103 provides that a local government has an obligation to ensure that all stock facilities supplied on a primary stock route or reserve in its management area are available for use by travelling stock and maintained in good working order. Stock facilities supplied on a secondary stock route or reserve may also be maintained. To comply with its maintenance obligations, the local government may engage another person, enter into an agreement with a landholder, or impose a condition requiring a facility that is subject to a grazing permit or authority to be monitored and maintained.

Division 2 Water facility agreements

Clause 104 provides for the application of this division to agreements about public or private water facilities that are used by persons driving stock on the network.

Clause 105 provides for the State and the local government to enter into water facility agreements with either the holder of land adjoining the stock route network, or a grazing authority holder, or both. These may be about the supply and use of water, and the construction and maintenance of water facilities, whether to or from the stock route network.

Clause 106 specifies the approved form for a water facility agreement, which must provide details of which party owns or controls the facility and which is responsible for maintenance. The agreement must also detail the requirements for the supply of water, the fee payable, and the term. The term of a water facility agreement may not exceed the term of any grazing authority held by a party to the water facility agreement; otherwise, it is 30 years.

Clause 107 provides for the termination of a water facility agreement either on expiration of the agreed term, or its valid termination by one of the parties. A water facility agreement is also terminated if the land upon which it is located is sold, or a stock route or adjoining reserve for travelling stock to or from which the water is supplied is reclassified.

Clause 108 requires a local government to keep a register of all water facility agreements into which it has entered. The register must include details of the land to or from which water is to be supplied; any terms and conditions, including which party is responsible for control, maintenance and management of the facility; any fees payable; any minimum water supply guaranteed; and any information that is prescribed by regulation. Upon payment of a reasonable fee, members of the public may inspect the register and take a copy or extract.

Clause 109 applies where an agreement concerns a water facility paid for wholly or partly by the State but constructed on private land because it is the only or the best available water source. The chief executive must give notice of the agreement to the land registrar, who must record the details in any register kept under any Act relating to title to the land. While it is in force, the agreement is binding on any successors in title to the land. As soon as is practical, the land registrar must be given notice by the chief executive of the termination of the agreement and must remove the particulars from the register. For the purposes of this clause, where freehold land is concerned, 'land registrar' means the registrar of titles; otherwise it means the chief executive of the department responsible for administering the Land Act.

Division 3 Removal of particular stock facilities

Clause 110 applies to a stock facility situated on a secondary stock route or a secondary reserve in a local government management area. It provides for a local government to sell, or remove and reuse parts of, the water facility; or to relocate it on primary stock route or reserve with the approval of the chief executive. It also specifies that the proceeds of any sale, less reasonable costs, must be paid to the chief executive by the local government.

Part 8 Removing Stock from Management Areas

Division 1 Identifying owner of stray or abandoned stock

Clause 111 applies when an authorised person has reason to believe that stock have strayed onto, or been abandoned on, land in the local government's management area. Subject to clause 118, a local government must take reasonable steps to identify the owner of the stock.

Division 2 Removal of stock not authorised to be in management area

Clause 112 applies when the owner of stock that an authorised person has reason to believe are on land in a local government management area without authorisation is known to the local government. It may issue the owner with a written removal notice stating that an authorised person may seize the stock if the owner does not comply with the notice. The notice may also state where, and the reasonable period (of no less than three days from receipt of the notice) within which, the stock must be mustered by the owner for removal. This provision does not apply if an authority or permit relating to the stock was cancelled immediately beforehand in accordance with clauses 173 or 243.

Division 3 Seizure of stock not authorised to be in management area

Clause 113 applies when steps taken by a local government in accordance with clause 111 have failed to identify the owner of stock or an identified owner has failed to comply with a removal notice. It provides that an authorised person may seize stock that has strayed onto, or been abandoned on, land in a local government management area without authorisation, including stock that have not been removed despite the cancellation of a

travel permit, grazing permit or grazing authority in accordance with clauses 173 or 243.

Clause 114 provides that where the owner of stock that has been seized under clause 113 is known to the local government, the local government must give a written seizure notice, advising that stock which remain unclaimed within three days of the notice being given may be sold or disposed of as appropriate. Where the owner of the stock is not known, the seizure notice must be published in a local newspaper.

Clause 115 requires that an authorised person must release seized stock to a claimant who demonstrates ownership or other entitlement, provided that the claimant first pays the reasonable costs of seizing, removing and holding the stock, and giving the notice if they are required to do so by the local government.

Clause 116 requires that where seized stock remain unclaimed at the expiration of the redemption period, or the claimant does not pay the costs under clause 115(2)(b) when required to do so by the local government, an authorised person must sell the stock by public auction, provided that the market value is at least \$1000 per head (*threshold amount*) or any higher amount that is set by regulation; otherwise, the authorised person may dispose of the seized stock as appropriate. Compensation is not payable.

Clause 117 specifies that the proceeds of the sale of seized stock be applied first to the reasonable expenses incurred in the sale, and then to the reasonable costs of seizing, removing and holding stock, and giving the notice. Any balance must be paid to the stock owner.

Division 4 Destruction of stock

Clause 118 provides for the destruction of stock reasonably believed by an authorised officer to have strayed, or been abandoned, on land in a local government's management area when seizure under division 3 is not practical and it is in the interests of public safety to destroy the stock. Compensation is not payable.

Chapter 4 Driving Stock

Part 1 Stock Movements not requiring Permit

Clause 119 provides that stock movements on foot between properties worked as one enterprise that are undertaken in one day, in daylight hours, for animal husbandry or property management purposes, do not require a permit; however, the local government must be given prior notice. Where the movement of stock on a state-controlled road is not under a travel permit or unfit stock (travel) permit issued under this Bill, the provisions of chapter 6, part 5, division 2, subdivision 1 of the *Transport Infrastructure Act 1994* apply because ‘*ancillary works and encroachments*’ (as defined in schedule 6 of that Act) include the movement of stock not considered as travelling or being driven.

Part 2 Permits for Driving Stock

Clause 120 specifies that the three types of permits for driving stock that may be issued under the Bill are *standard travel*, *slow travel* and *unfit stock (travel)*.

Clause 121 provides that a permit holder may drive stock on a designated route on the stock route network and public (stock access) lands in accordance with any conditions of the permit. The holder of a travel permit is entitled to use the facilities provided for travelling stock.

Part 3 Travel Permits

Division 1 Preliminary

Clause 122 identifies the key concepts for the purposes of this part and the clauses in which their meanings are defined. ‘*First consecutive permit*’ denotes a permit authorising travel in the management area where a multi-area movement is to start.

Division 2 Application for standard travel permit

Clause 123 enables the owner of stock or their agent to apply for a standard travel permit. Available permit types are: *single area*^{3/4}a standard travel permit for movement in one local government management area, which is defined as a ‘*single area permit application*’; and *consecutive travel*^{3/4}a consecutive travel permit for movement in each of two or more adjoining local government management areas, which is defined as a ‘*multi-area movement*’. A single area permit application is made to the local government responsible for the management area to which the permit relates, which is defined as the ‘*responding local government*’.

Clause 124 provides that an application for a standard travel permit made by the owner of stock or their agent must be in the approved form and include details of the planned route and the dates of travel, as well as a description of the stock and their number. A single area permit application must be made at least five business days (but no more than three months) before the period proposed for travel, while a consecutive permit application must be made at least 10 business days (but no more than three months) before the period proposed for travel. All applications must be accompanied by the prescribed fee.

Clause 125 requires the responding local government for a consecutive permit application to provide a copy of the application to each ‘*participating local government*’—that is, the local government in each management area included in the multi-area movement.

Division 3 Application for slow travel permit

Clause 126 enables the owner of stock or their agent to apply for a slow travel permit; however, such an application may only be made for travel in one local government area.

Clause 127 provides that an application for a slow travel permit must be in the approved form and include details of the planned route and the dates of travel, as well as a description of the stock and their number. The application must be made at least five business days before the period proposed for travel and be accompanied by the prescribed fee.

Division 4 Amending applications

Clause 128 provides that an applicant may apply to amend an application for a travel permit within three business days of it being made; provided that it is in the approved form and the change requested relates to postponing the start of the movement by no more than seven days, increasing the number of stock to travel by no more than 20 head, or increasing the period of travel by no more than three days. If the proposed change is to the route, it may be extended by no more than 30 kilometres within a single local government management area. If the application relates to a consecutive travel permit, the responding local government must provide a copy of the application to the local government of each management area that is affected by the change.

Division 5 Dealing with applications

Subdivision 1 Preliminary

Clause 129 provides for the division to generally apply to a responding local government for a single area or slow travel permit application, and to each participating local government and the responding local government for a consecutive permit application.

Subdivision 2 Additional information

Clause 130 enables a local government to request additional information from an applicant within the period of two business days stated in the notice, or longer if agreed. The local government may refuse the application if the applicant does not have a reasonable excuse for failing to provide the information within the information period.

Subdivision 3 Deciding applications

Clause 131 requires that a local government must decide whether to refuse an application or to issue it, with or without non-standard conditions imposed. A condition may relate to a variation in the route, which is defined as the ‘*alternative route*’, or may be necessary if it is to be used for an alternative purpose that does not interfere with the movement of stock. A local government may only impose an alternative route if it would otherwise have refused the application.

Clause 132 sets out the criteria for deciding all applications. A local government may issue a permit only if it has already decided any existing application regarding the same route or travel period and is satisfied that within the preceding month neither the applicant, nor one of their associates, has been issued with a permit for substantially the same route and stock. The local government also must be satisfied that the stock are not unfit or suffering from a notifiable disease; and will not introduce or spread a declared pest, cause or worsen land degradation, pose a road safety risk, or damage any special management areas. The local government must decide whether sufficient water and pasture are available by considering the previous rate of use; be satisfied that the applicant has, or can obtain, sufficient public liability insurance; and consider any other matter prescribed under regulation. A local government may only approve an application in which the proposed route includes a state-controlled road if the road has been approved for the use of travelling stock by the road transport chief executive, who may impose conditions about road-related matters.

Clause 133 establishes an additional criterion that applies when a local government is considering a standard travel permit, which is that it must be satisfied that the stock are able to travel at least 10 kilometres per day.

Clause 134 establishes additional criteria that apply when a local government is considering a slow travel permit, which are that it must be satisfied that the stock are able to travel at least five, but no more than 10, kilometres per day; and that the remaining pasture will be adequate for stock travelling subsequently under a standard permit. A slow travel permit may not be issued if it would contravene a conditional use or special management area declaration.

Subdivision 4 Granting applications

Clause 135 applies when an application for a single area permit or consecutive travel permit is granted in the approved form for the management area. Each participating local government that issues a consecutive travel permit must give it to the responding local government and, if applicable, include a written notice of any conditions imposed and the reasons for them. A responding government is required to provide an applicant with a standard travel permit and any consecutive travel permits issued by participating local governments. If either a responding, or a participating, local government has imposed a condition then the responding local government must provide the applicant with a review notice. The responding local government must give the chief executive copies of all single area and consecutive travel permits issued.

Clause 136 applies when an application for a slow permit is approved by a responding local government. The permit must be issued in the approved form and given to the applicant, who must also be provided with a review notice if any conditions have been imposed. A responding local government must give the chief executive copies of all slow travel permits issued.

Subdivision 5 Refusing or failing to decide applications

Clause 137 requires that a responding local government refusing an application for a single area, slow, or consecutive travel permit for its management area must give the applicant a review notice about the decision.

Clause 138 requires that when a participating local government refuses an application for a consecutive travel permit for its management area, it must provide a written notice of the decision and the reasons for it to the responding local government, which must, in turn, provide the applicant with a review notice about the decision that states the effect of clause 140 of the Bill.

Clause 139 applies when a local government fails to decide a single area or slow travel permit application within five business days, or a consecutive travel permit application within 10 business days, of its being made. It also applies when a local government has requested additional information or documentation and has not made a decision within five business days of receiving it, or by the end of the information period, whichever is later. The failure to decide is considered to be a refusal, so the applicant is entitled to a review notice. If a participating local government fails to decide an application within the timeframe, the responding government must provide the applicant with a written notice explaining the refusal and including a review notice about the decision and the effect of clause 140 of the Bill.

Subdivision 6 Special provisions for consecutive permit applications

Clause 140 applies when a local government has granted a consecutive travel application and another local government has refused, or failed to make a decision about, the application. The local government that has approved the permit must revoke the decision and cancel the travel permit if one has been issued.

Division 6 Permit contents

Clause 141 specifies that a travel permit must include the route and period of travel, and a description of the stock and their number. It also must state the prescribed fee; the required rate of travel; any mandatory, or other, conditions imposed under clauses 143 and 131 respectively; and either a waybill number, or a health certificate under the *Stock Act 1915* if the stock are from interstate. Where a planned route intersects land/s that is/are

grazed under an authority or permit, the travel permit must be accompanied by a written notice stating the name and contact details of the holder/s.

Clause 142 requires that additional information be included in a consecutive travel permit, which must state the number of days from the date of their arrival that the stock are permitted to travel; and provide for stock to finish travelling at a reasonable time before, and adjacent to, where they must continue travelling in an adjoining local management area under the next permit.

Clause 143 prescribes a number of mandatory conditions, including that only stock described in the permit may travel on the permitted route within the permitted period. Stock must travel during the stated hours of daylight, at the required rate, and under continuous supervision. When they are not travelling, they must be enclosed. Reasonable care must be taken not to damage any stock facilities, which may not have temporary barriers for enclosing stock attached to them. Appropriate signage must be displayed to notify the public of the presence of travelling stock, and the permit holder must have adequate public liability insurance. Any holders of grazing authorities or grazing permits over land through which the stock will travel must be given at least 48 hours notice of the nature, location and period of the crossing. A travel permit cannot be transferred. Additional mandatory conditions apply if the route includes travel on a state-controlled road, or an area declared for conditional use or special management.

Division 7 Permit period

Clause 144 provides that, unless otherwise stated, the date of effect of a travel permit is the date of issue. The permit remains in force until the end of the permit period stated in it, unless previously cancelled.

Division 8 Permit and overdue fees

Clause 145 requires that the holder of a travel permit must pay the permit fee prescribed under regulation.

Clause 146 applies when stock remain on the route under a permit that has ended. An overdue fee of twice the prescribed permit fee is provided for. It

is imposed according to how much longer the stock have been on the stock route than was applied for under the permit.

Clause 147 provides that all or part of an overdue fee may be waived under certain circumstances beyond the reasonable control of the permit holder such as extreme weather conditions or sickness. A local government that waives an overdue fee must give a written notice of the decision to the permit holder and to the chief executive. If it refuses to waive an overdue fee, a local government must provide the permit holder with a review notice.

Clause 148 provides for a permit holder to pay any fee, including any overdue fee, owing to the local government that issued the travel permit.

Part 4 Unfit Stock

Division 1 Preliminary

Clause 149 identifies the key concepts for the purposes of this part and, where applicable, the clauses in which their meanings are defined. ‘*veterinary report*’ denotes a report written by a veterinary surgeon describing the condition of the stock and the rate at which it is estimated that they can travel.

Clause 150 defines ‘*unfit stock*’ for the purposes of this part as being stock that cannot travel at the required rate because they are sick, injured, malnourished, or affected by a disease notifiable under the *Stock Act 1915*.

Division 2 Notice of unfit stock

Clause 151 specifies that this division applies to stock travelling in a local government’s management area under an original travel permit.

Clause 152 requires that a permit holder who ought reasonably to know that stock are unfit must notify the local government who issued the original travel permit and, if the stock are travelling under a consecutive permit, any other local government in whose management area the stock

are travelling or are expected to travel. An *unfit stock notification* must include certain particulars such as whether the stock have been attended by a veterinary surgeon. Although the notification may be given orally, it must be confirmed in writing within three business days. A penalty is imposed if a permit holder does not provide an unfit stock notification.

Clause 153 provides for an original travel permit to be cancelled in circumstances where an authorised person reasonably believes travelling stock are unfit, but the permit holder has not notified the local government. An authorised person may make a written request to a permit holder to provide an unfit stock notification or a veterinary report within a stated period. A local government may cancel the original travel permit, including any consecutive permit issued by another local government, if the permit holder does not comply with the request or, if on inspection of the veterinary report provided, the local government still consider the stock to be unfit for travel.

Division 3 Unfit stock permit applications

Clause 154 provides that a permit holder who supplies an unfit stock notification because they consider that the affected stock are able to travel five kilometres per day may apply for an unfit stock (travel) permit, unless an unfit stock (travel) or unfit stock (grazing) permit has been issued for more than half of the affected stock in the preceding three months.

Clause 155 provides that a permit holder who supplies an unfit stock notification because they consider that the affected stock are not able to travel five kilometres per day may apply for an unfit stock (grazing) permit, unless an unfit stock (travel) or unfit stock (grazing) permit has been issued for more than half of the affected stock in the preceding three months (other than under clause 162). This clause should be read in conjunction with chapter 5, part 2, divisions 1 and 3 (other than clauses 190 and 194).

Clause 156 sets out special provisions applying to an application for an unfit stock permit by an original permit holder, including that an oral application must be confirmed in writing in the approved form within three business days of its being made. A local government may request a veterinary report from the applicant or require them to muster the stock for inspection by an authorised person. No application fee is payable.

Clause 157 applies when a permit holder provides an unfit stock notification but does not apply for an unfit stock permit within the prescribed period. It provides that a local government that has given the permit holder a written notice requiring them to apply within three days may cancel the original travel permit, including any consecutive permit issued by another local government, if the permit holder does not comply with the request.

Division 4 Unfit stock permits

Clause 158 sets out special provisions applying to the issuing of an unfit stock (travel) permit, including that the permit must state a permit period (of not more than 14 days), the required rate of travel, and a description of the stock and their number. The permit also must include a condition requiring the holder to notify the local government about the condition of the stock at least four days prior to the end of the permit period. If the original permit was a consecutive travel permit, the local government of each management area in the multi-area movement that is affected by the change must be given a copy of the permit and the notice, if any.

Clause 159 sets out special provisions that apply to the issuing of an unfit stock (grazing) permit, including that a permit granted orally by a local government must be issued in the approved form as soon as practical, may not be for a period of more than 14 days, and must include a description of the stock and their number. The permit is taken to include a condition requiring the holder to notify the local government about the condition and expected rate of travel of the stock at least four days prior to the end of the permit period. No application fee is payable. Where a planned route intersects land that is grazed under an authority or permit, the unfit stock (grazing) permit must state the name and contact details of the holder and include a condition that they must be contacted no later than 48 hours before grazing starts. If the original permit was a consecutive travel permit, the local government of each management area in the multi-area movement that is affected by the change must be given a copy of the permit and the notice, if any. An unfit stock (grazing) permit cannot be extended.

Division 5 Effect on original travel permit

Clause 160 sets out the effect that issuing an unfit stock permit has on an original travel permit. Where an unfit stock permit has only been granted for some of the stock, the original permit remains in force for the unaffected stock; however, if it was granted for all of the stock, the original travel permit is suspended.

Clause 161 provides that the conditions of an original travel permit must be changed to complement those of an unfit stock permit issued subsequently. Where there is inconsistency between the two, the unfit stock permit prevails. A local government must give written notice of the changed conditions, or the suspension of an original travel permit, to both the unfit stock permit holder and any local government in whose management area the stock were expected to travel.

Division 6 Subsequent applications for unfit stock permits

Clause 162 sets out the provisions that apply when some or all of the stock under an unfit stock (travel) permit cannot travel at the required rate of five kilometres per day, or will not be able to travel at the rate required under the original permit when the unfit stock (travel) permit expires. An application may be made for an unfit stock (grazing) permit, provided that the person applies within three days of the substituted permit expiring, and has not applied for one for the stock in the preceding three months. The clause should be read in conjunction with chapter 5, part 2, divisions 1 and 3 (other than clauses 190 and 194).

Clause 163 sets out the provisions that apply when some or all of the stock under an unfit stock (grazing) permit will not be able to travel at the rate required under the original standard travel permit when the substituted permit expires. An application may be made for an unfit stock (travel) permit provided that the person applies within three days of expiry of the substituted permit and has not applied for one for the stock in the preceding three months, other than an unfit stock (travel) permit granted immediately prior to the unfit stock (grazing) permit. The clause should be read in conjunction with chapter 4, part 3, divisions 1, 3, 4 and 5 (other than

clauses 133, 135, 138 and 140). If the unfit stock (travel) permit is issued by the local government then clause 158, and divisions 5 and 7, also apply.

Division 7 End of unfit stock permits

Clause 164 provides for the reinstatement of an original permit when stock are considered fit to resume travel. It requires that the local government make the necessary amendments to the conditions stated in the original travel permit and provide written notice of them to the permit holder and any local government in whose management area the stock had been expected to travel.

Clause 165 provides that a local government may cancel an original travel permit if no application has been made under clauses 162 or 163 at the end of the term of an unfit stock permit and the stock under it are considered by an authorised person to be unfit to resume travel.

Part 5 Amending Permits

Division 1 Required amendments

Clause 166 provides that a permit holder must notify the local government within 10 business days of a change in the details recorded on a permit regarding the permit holder, the person in charge of the stock, the registered brands and earmarks of the stock, or any other prescribed information. Failure to comply involves a penalty. A local government that is advised of a change in particulars must amend the permit.

Division 2 Amendment by application

Clause 167 provides that a permit holder may apply to a local government to amend a travel permit, but not a condition of the permit such as a change to the agreed route or stock description. The application must be made in

the approved form before the end of the permit period and provide details of the change requested. It must be accompanied by the prescribed fee.

Clause 168 requires that a local government must decide whether to refuse an application to change a permit, or to issue it, with or without the changes requested. Other than in the case of an event beyond the control of the permit holder such as an extreme weather event, a local government may not grant an application to vary a permit route if it involves the stock being on a part of the route on which they have already travelled.

Clause 169 provides that if a local government grants an application it must give the applicant an amended permit. If it refuses the application, or makes a change other than that requested, a local government must give the applicant a review notice for the decision. If the local government has not made a decision within three business days of receipt, it is considered to be a refusal and so the applicant is entitled to a review notice.

Division 3 Amendment by local government

Clause 170 applies if a closed or conditional use area declaration, special management conditions, or some other significant change in circumstances, affects the permit route and the local government considers there is sufficient reason to change the permit. If a change to a permit such as a reduction in stock numbers or a different permit period would enable stock to continue to travel, the local government must give the permit holder a written amendment notice that includes certain details such as the date the change takes effect, which must be at least three business days after the notice is given. The permit holder must also be given the amended permit and a review notice.

Division 4 Replacement of travel permit

Clause 171 requires a permit holder to comply with a notice from a local government to return an original permit that has been changed. Unless the permit has been lost, stolen or destroyed in circumstances beyond the control of the permit holder, failure to comply involves a penalty. If it has not already done so, a local government must provide a permit holder with

a correctly amended permit when the original permit has been returned. The chief executive also must be given a copy.

Part 6 Cancellation of Permits

Clause 172 sets out the grounds upon which a local government may cancel a travel or unfit stock permit, which are the inclusion of false representations, non-compliance with permit conditions, or lack of pasture or water. If a closed or conditional use area is declared or special management conditions apply, and the local government considers it is not practical to change the permit, it may be cancelled. Cancellation may also be due to grounds mentioned in clauses 153, 157 and 165.

Clause 173 sets out the procedure that a local government must follow when cancelling a permit. The permit holder must be given a *cancellation notice* stating the decision, the grounds and the facts relied upon, and that the stock may be seized by an authorised person if not moved within the *removal period*. A review notice must accompany a cancellation notice. Where a consecutive travel permit is cancelled, all permitted travel for a later period is cancelled. The local government that cancelled the original permit must notify each other local government in whose management area the stock had been expected to travel. The cancellation takes effect at the end of the removal period or when stated in the notice.

Clause 174 provides for a local government to refund the unused portion of a fee paid for travelling a route of more than 100 km when the stock are removed before the end of the permit period.

Clause 175 provides that a permit holder whose permit is cancelled must remove the stock from the route before the cancellation takes effect.

Clause 176 requires that a local government that is given a copy of a cancellation notice for a consecutive travel permit cancelled under this part must immediately cancel any *later consecutive travel permit* issued to commence after the date a cancellation notice for the original permit was given.

Chapter 5 Grazing Stock

Part 1 Permits and Authorities for Grazing Stock

Clause 177 specifies the types of grazing permit and authority that may be issued under this Bill by a local government as being *emergency grazing*, *short-term grazing* and *unfit stock (grazing) permits* and *grazing authorities*.

Clause 178 provides that the holder of a grazing permit or authority issued under this Bill may graze stock in a designated area on the stock route network or public (stock access) lands in accordance with the conditions of the permit. The holder of grazing permit or authority may also be entitled to use certain stock facilities provided for use in the designated area.

Part 2 Grazing Permits

Division 1 Application for emergency grazing permit

Clause 179 enables the owner of stock or their agent to apply to a local government for an emergency grazing permit subject to certain criteria, including that the land on which the stock are currently located cannot sustain them because of an extreme weather or other event, excluding drought, the effects of which could not reasonably be avoided.

Clause 180 An application must be in the approved form and include a description of the stock and their number. It must show the area that may be grazed, state the proposed period of use, and be accompanied by the prescribed fee.

Division 2 Application for short-term grazing permit

Subdivision 1 Making land available for short-term grazing

Clause 181 provides that a local government that considers there is sufficient pasture for use by driving and grazing stock may make land in its management area available for static grazing, unless it is already subject to a lease or permit under the *Land Act 1994* or a grazing permit or authority issued under this Bill, or doing so would adversely affect biodiversity, cultural heritage or declared areas of special management. If the land includes a state-controlled road, it must have been approved for grazing by the road transport chief executive, who may impose conditions related to road matters. When considering whether to make land available for grazing, a local government must consider the number of existing and expected applications for driving and grazing stock.

Clause 182 provides that a local government that is making land in its management area available for grazing may publish a notice in a local newspaper identifying the land and whether water is available on it, detailing any conditions to be imposed, and stating a period of no less than 10 business days within which an application may be made.

Subdivision 2 Applying for permit

Clause 183 provides that the owner of stock or their agent may apply to a local government for a short-term grazing permit in response to a public notice.

Clause 184 provides that the owner of stock or their agent may apply to a local government for a short-term grazing permit over land in the management area, other than land made available under clause 181 or land that is part of a Primary A stock route or Primary A reserve, if the land on which the stock are currently located cannot sustain them because it is drought declared, part of an drought-declared area, or otherwise adversely affected by drought. Drought conditions are defined with reference to eligibility under a state or federal drought assistance scheme.

Clause 185 requires that an application for short-term grazing must be in the approved form, show the area that may be grazed, state the proposed period of use and the number and description of stock, and be accompanied by the prescribed fee.

Division 3 Dealing with applications

Subdivision 1 Additional information

Clause 186 enables a local government to make a written request for an applicant to provide additional information within three business days, or longer if agreed. The local government may refuse the application if the applicant does not have a reasonable excuse for failing to provide the information within the required period.

Subdivision 2 Deciding applications

Clause 187 requires that a local government must decide whether to refuse an application, or to grant it with or without conditions additional to the mandatory ones imposed. A condition may relate to a variation in the area proposed to be grazed; a requirement that the applicant provide adequate water, or maintain a stock facility in working order; a prohibition on the use of a particular supplied water facility; or a limitation on the number of stock permitted to graze, if the local government considers it necessary to ensure that the remaining pasture will be adequate for travelling stock. A local government may only require an alternative area to be grazed if it would otherwise have refused the application.

Clause 188 sets out the criteria for deciding all applications. A local government may grant an application only if the area is not subject to a lease or permit under the *Land Act 1994*, or another grazing permit or authority, during the same period. The local government must also be satisfied that the stock are not unfit or suffering from a notifiable disease; and will not introduce or spread a declared pest, cause or worsen land degradation, pose a road safety risk, or damage any areas of special management. The local government must: decide whether there is sufficient water and pasture available to sustain the proposed use; be

satisfied that the applicant has, or can obtain, sufficient public liability insurance; and consider any other matter prescribed under regulation. If the proposed area includes a state-controlled road, it must be approved for the intended use by the road transport chief executive, who may impose road-related conditions.

Clause 189 provides that when a local government is considering an application for an emergency grazing permit it must be satisfied that in the preceding three months neither the applicant, nor one of their associates has been issued with an emergency grazing or unfit stock (grazing) permit to graze the same stock.

Clause 190 applies additional criteria to an application for a short-term grazing permit made under clause 184. A local government must be satisfied that the current location of the stock is drought declared, part of a drought-declared area, or in a location otherwise adversely affected by drought; and that in the preceding year neither the applicant, nor one of their associates has been issued with a short-term grazing permit in the local government's management area.

Subdivision 3 Granting applications

Clause 191 applies when an application for an *emergency grazing permit* or a *short-term grazing permit* is granted. The permit must be issued in the approved form and given to the applicant with a written notice of any conditions imposed and the reasons for them. If the local government has imposed a condition, it must provide the applicant with a review notice. The chief executive also must be given a copy of the permit.

Subdivision 4 Refusing or failing to decide applications

Clause 192 requires that a local government refusing an application for an emergency grazing permit or short-term grazing permit must immediately give the applicant a review notice about the decision.

Clause 193 applies when a local government fails to decide an emergency grazing permit or short-term grazing permit application within five

business days of it being made. It also applies when a local government has requested additional information or documentation and has not made a decision within five business days of receiving it or within five business days of the end of the information period. The failure to decide is considered to be a refusal and the applicant is entitled to a review notice.

Clause 194 provides that a local government must refund the application fee if an application for a short-term grazing permit is refused because another application has already been granted for the same or similar area or period.

Division 4 Permit contents

Clause 195 specifies that a travel permit must state the period for which it applies and include a description of the stock, their number, and the area that they may graze. It must also state the prescribed fee, the mandatory conditions imposed under clause 196, and any imposed under clause 187. There must be a description of any stock facilities available for use and the maintenance obligations, if any, of the permit holder.

Clause 196 prescribes a number of mandatory conditions for a grazing permit, the first of which is that the area must be used for the intended purpose of grazing. In addition, only stock described in the permit may graze, and only within the permit area described. Other mandatory conditions are that if the area the stock are in is not enclosed, the stock must be enclosed or supervised; stock must also be kept off formed roads; and appropriate signage of their presence must be displayed. It is a condition of a grazing permit that the permit holder must keep any declared pest plant that is present under control. Additional conditions are imposed on the permit holder if the boundary of the area grazed, other than a state-controlled road, has a stock-proof fence—gates must be adequate in number and appropriately installed to allow stock to access the permit area, they must not be locked during the permit period, and the fencing must be maintained in stock-proof condition. Reasonable care must also be taken not to damage any stock facilities. Stock using the area under a travel permit or unfit stock permit have priority over stock using it under a grazing permit, and the level of pasture remaining at the end of the permit period must be adequate for travelling stock. A grazing permit is not transferable and the holder must have sufficient public liability insurance. Unless otherwise provided, stock must be removed at the end of the permit

period (subject to clauses 200(5) and 245). Any improvements must also be removed at the direction of the local government. Additional mandatory conditions apply if the route includes a state-controlled road or an area declared for conditional use or special management.

Clause 197 applies when part of the area is required for use by stock under a travel permit or unfit stock permit during the grazing permit period. Not less than 48 hours before the travel permit or unfit stock permit takes effect, a local government must give the holder of the grazing permit oral or written notice of the proposed use, stating that the grazing stock must be removed for the duration of the travel permit or unfit stock permit period. An oral notice is to be confirmed in writing as soon as possible. Any failure to comply with this clause does not affect the mandatory condition that stock using the area under a travel permit or unfit stock permit have priority over stock using it under a grazing permit.

Division 5 Permit period

Clause 198 sets out the *maximum permit period* of an emergency grazing permit and a short-term grazing permit, and provides that the permit period is not affected if a stock route classification is changed after either type of permit has been issued. Where the permit area of an emergency grazing permit includes primary stock route or reserve, the permit period cannot be more than 14 days; otherwise, it cannot be more than 28 days. Where the permit area of a short-term grazing permit includes a stock route or reserve classified Primary A, the permit period cannot be more than six weeks. If the application was made under clause 183 and includes a Primary B stock route or reserve, the maximum permit period is six weeks; otherwise, it is three months. Primary B reserve is defined as being a reserve for travelling stock that adjoins a Primary B stock route, but not a route classified Primary A.

Clause 199 provides that a grazing permit takes effect when issued, unless a later starting date is stated in it; and remains in force for the stated period, unless it is cancelled beforehand.

Division 6 Extending permits

Clause 200 applies if a local government has issued a grazing permit for a period that is less than the maximum allowable under clause 198. It enables the holder of a grazing permit to apply for an extension in the approved form no less than three business days before the permit expires. Although the application may initially be made orally, it must be made in writing in the approved form no fewer than three business days before the end of the permit period.

Clause 201 requires a local government to decide whether to refuse an application for an extension or to grant it with or without conditions. A local government must consider clause 188, and clauses 189 and 190 if applicable.

Clause 202 provides that a local government may extend a permit up to the maximum permit period, and must notify the permit holder of the extended permit period and the additional fee owing. If a condition has been imposed, a local government must also provide a review notice.

Clause 203 provides that a local government must provide a review notice if it refuses an application to extend a grazing permit.

Division 7 Permit fees

Clause 204 provides that the daily *permit fee* for grazing prescribed under regulation must be paid before the start of the grazing permit period. An additional fee is payable within three business days after a local government gives a notice under clause 202(b)(i) that it will extend a grazing permit.

Part 3 Grazing Authorities

Division 1 Applying for a grazing authority

Subdivision 1 Applications generally

Clause 205 provides that only a stock owner or their agent, or a person owning or occupying land upon which they are grazing stock, whether or not they are based in the relevant local management area, may apply for an authority to graze stock—except over a route that is fully fenced and classified Primary A, or over a reserve for travelling stock that is adjacent to such a route. The adjoining owner or occupier is deemed the ‘preferred applicant’ for land in an accessible grazing area.

Clause 206 provides that an application must be made in the approved form, show the area to be grazed, and state the proposed period of use. It must also be accompanied by the prescribed fee.

Subdivision 2 Invitations for applications for accessible grazing areas

Clause 207 defines an ‘*accessible grazing area*’ for the purposes of this part as an area of the stock route within a relevant local government management area that adjoins land that is not owned or occupied by the State or a local government, the boundary, or part boundary, of which is unfenced.

Clause 208 enables a local government to issue a written invitation to a preferred owner to apply for a grazing authority over an accessible grazed road, stipulating a response period of at least 20 business days from the making of the invitation, and that applications from other persons will be considered if the preferred owner does not respond within the prescribed period.

Division 2 Dealing with application

Subdivision 1 Additional information

Clause 209 enables a local government to make a reasonable written request that an applicant provide additional information or documents within 10 business days or longer if agreed. The local government may refuse the application if the applicant does not have a reasonable excuse for failing to provide the information within the *information period*.

Subdivision 2 Deciding application

Clause 210 requires that a local government must decide whether to refuse an application, or grant it with or without conditions additional to the mandatory ones imposed. An additional condition may include a requirement that the applicant provide adequate water or maintain a stock facility in working order, a prohibition on the use of a particular supplied water facility, or a limitation on the number of stock permitted to graze if the local government considers it necessary to ensure that the remaining pasture will be adequate for travelling stock during and after the proposed period. Where a water facility is available for use by grazing stock, the applicant must enter into a water facility agreement before the authority period starts and carry out maintenance if required.

Clause 211 sets out the criteria for deciding an application, requiring that a local government may grant a grazing application only if the area is not already subject to a lease or permit under the *Land Act 1994*, or another grazing permit or authority, during the same period. The local government also must be satisfied that the stock are not suffering from a notifiable disease and will not introduce or spread a declared pest, cause or worsen land degradation, pose a road safety risk, or damage any areas of special management. The local government must decide whether sufficient water and pasture are available to sustain the proposed use. If the proposed area includes a state-controlled road, it must be approved for the intended use by the road transport chief executive, who may impose conditions related to road matters. Where land in the proposed grazing area is fenced and its maintenance is the responsibility of a person other than the applicant, a

local government must be satisfied that the parties have entered into an agreement about maintenance or that the stock will be enclosed by another means such as an adjacent temporary electric fence. Similarly, where a water facility is available for use by the grazing stock, the applicant must enter into a water facility agreement and carry out maintenance if required.

Clause 212 provides that if a local government receives more than one application for a grazing authority for an accessible grazing area for the same area and/or period, an application by the preferred owner must be decided first. If the preferred owner has not made an application then the local government may advise them that it has received another application to graze the road and invite them to apply for a grazing authority within a period of no less than 20 business days. If the preferred owner does not apply within the prescribed period, any applications from other persons can be decided.

Subdivision 3 Granting applications

Clause 213 applies when an application for a *grazing authority* is granted. An authority must be issued in the approved form and given to the applicant with a written notice of any conditions imposed and the reasons for them. If the local government has imposed a condition requiring the applicant to enter into a water agreement or any other non-mandatory conditions under clause 210, it must provide the applicant with a review notice for the decision. The chief executive also must be given a copy of the grazing authority.

Subdivision 4 Refusing or failing to decide application

Clause 214 requires that a local government refusing an application for a grazing authority must give the applicant a review notice about the decision.

Clause 215 applies when a local government fails to decide an application for a grazing authority within 10 business days of its being made. It also applies when a local government has requested additional information or documentation under clause 209 and has not made a decision within five

business days of receiving it or within five business days of the end of the information period. The failure to decide is considered to be a refusal, so the applicant is entitled to a review notice under clause 214(2).

Clause 216 provides that if an application for a grazing authority is refused because another application has already been granted for the same or similar area or period, a local government must refund the application fee.

Division 3 Authority contents

Clause 217 specifies that a grazing authority must state the period for which it applies and include a description of the land where the stock may graze. It also must state the prescribed fee; the mandatory conditions imposed under clause 218 and any conditions imposed under clause 210(1)(b); any stock facilities available for use; and the maintenance obligations, if any, of the authority holder. The latter may be incorporated from a water facility agreement that is in force.

Clause 218 prescribes a number of mandatory conditions for grazing authorities, including that only the stock under the authority may graze within the area described. Other conditions are that the stock must be enclosed or supervised if the area they are in is not enclosed; that stock must not damage road transport infrastructure or the surface of formed roads; and that appropriate signage of their presence must be displayed. It is a condition of a grazing authority that the authority holder must keep control of any declared pest plant that is present. Additional conditions are imposed on the authority holder if the boundary of the area grazed, other than a state-controlled road, has a stock-proof fence. These are that fencing must be maintained in stock-proof condition and gates must be adequate in number, appropriately installed to allow stock to access the authority area, and not be locked during the authority period. Reasonable care must be taken not to damage any stock facilities. Stock using the area under a travel permit or unfit stock permit have priority over stock using it under a grazing authority, and the pasture remaining at the end of the authority period must be adequate for travelling stock. A grazing authority is not transferable, and the holder must have sufficient public liability insurance. Subject to clauses 223(3) and 245, stock must be removed at the end of the stated period. Any improvements must also be removed at the direction of the local government. Additional mandatory conditions apply if the route

includes travel of a state-controlled road or an area declared for conditional use or special management.

Clause 219 applies when part of the area is required for use by stock under a travel permit or unfit stock permit during the grazing authority period. Not less than 48 hours before the travel permit or unfit stock permit takes effect, the local government must give the holder of the grazing authority oral or written notice of the proposed use and require that the grazing stock be removed for the duration of the travel permit or unfit stock permit period. An oral notice is to be confirmed in writing as soon as possible. A failure to comply with this clause does not affect the mandatory condition that stock using the area under a travel permit or unfit stock permit have priority over stock using it under a grazing authority.

Division 4 Authority period

Clause 220 provides that the period for a grazing authority must be a minimum of three months. Where the authority area of a grazing authority includes primary stock route or reserve, the authority period cannot be more than one year; otherwise, the maximum period is five years. A grazing authority takes effect when issued, unless a later starting date is stated in it; and remains in force for the stated period, unless it is cancelled beforehand. The authority period is not affected if a stock route classification is changed after a grazing authority has been issued.

Division 5 Authority fee

Clause 221 provides that the holder of a grazing authority must pay the local government the fee prescribed under regulation for the whole period if it is no more than one year; otherwise it must be paid annually.

Division 6 Renewal of authority

Subdivision 1 Renewal without application

Clause 222 provides that a local government may renew a grazing authority issued for a period of not more than one year where it is satisfied that the existing conditions of an authority have not been contravened and do not require amendment; and that the authority holder has not previously indicated an intention to surrender, amend or not renew the authority. A local government that decides to renew a grazing authority must issue the holder with an authority in the approved form. A grazing authority may only be renewed under this clause if it is done so on the same conditions and for the same term as the preceding authority. The renewal takes effect on the date stated in the renewed authority.

Subdivision 2 Renewal on application

Clause 223 enables the holder of a grazing authority to apply for a renewal in the approved form before the period expires; although an authority remains in force until the local government has notified the applicant of its decision regarding any renewal requested. If the application to renew a grazing authority is granted, the authority holder must pay the prescribed fee to the local government.

Clause 224 provides that a local government must consider an application and decide whether or not to grant it with or without conditions in addition to the mandatory ones imposed.

Clause 225 requires that before granting an application for renewal of a grazing authority, a local government must be satisfied that the land is not degraded, the applicant has complied with the conditions of the authority, all fees have been paid, and the remaining pasture and water will be sufficient to sustain the stock for the renewal period.

Clause 226 applies when an application for renewal of a grazing authority is granted. An authority must be issued in the approved form and given to the applicant. If the local government has imposed a condition it must provide the applicant with a review notice. The renewal takes effect from

the day stated in it. The chief executive must also be given a copy of the permit.

Clause 227 requires that a local government refusing an application for renewal of a grazing authority must immediately give the applicant a review notice about the decision.

Part 4—Amending Permits and Authorities

Division 1 Required amendments

Clause 228 provides that a permit holder must notify the local government as soon as possible when the details recorded on a grazing authority or grazing permit are no longer accurate because of a change in circumstances. A penalty is imposed for failure to do so. A local government that is advised of a change in particulars must amend the authority or permit.

Division 2 Amendment by application

Clause 229 provides that a permit holder may apply to a local government to amend the details of a grazing authority or permit, but not a condition. The application must be made in the approved form before the end of the permit period. It must include the details of the change requested and be accompanied by the prescribed fee.

Clause 230 requires that a local government must decide whether to refuse an application to change an authority or permit, or to make the changes requested, or to make other changes. A local government that grants the application must give the applicant an amended authority or permit. If it refuses, it must give the applicant a review notice for the decision. As the failure of a local government to decide within the three business days required is considered to be a refusal, the applicant is entitled to a review notice.

Division 3 Amendment by local government

Clause 231 applies if a closed or conditional use area is declared, special management conditions are imposed, or some other significant change in circumstances occurs. If the local government considers there is sufficient reason to change the grazing authority or permit and doing so would enable stock to continue to graze, the authority or permit holder must be given a written amendment notice.

Clause 232 provides that a local government must give the holder of a grazing permit or authority an amendment notice that includes details such as the date the change takes effect, which may not be less than three business days after the notice is given. It must be accompanied by an amended authority or permit, and a review notice. The date stated in the amendment notice is the date the change to the authority or permit takes effect.

Division 4 Replacement of grazing permits or authorities

Clause 233 requires a grazing authority or permit holder to comply with a notice from a local government to return an original authority or permit that has been changed. Unless the document has been lost, stolen or destroyed in circumstances beyond the control of the permit holder, failure to comply involves a penalty. If it has not already done so, a local government must provide an authority or permit holder with a correctly amended authority or permit when the original document has been returned. The chief executive must also be given a copy of each replacement document issued.

Part 5 Cancelling Grazing Permits and Authorities

Division 1 Surrender of grazing authority

Clause 234 provides that the holder of a grazing authority may apply in the approved form to a local government to surrender it no less than two months before the end of the authority period.

Clause 235 provides that a local government must decide whether to grant the surrender as requested, or to grant it and impose conditions such as that any temporary fencing must be removed.

Clause 236 sets out the procedure that a local government must follow when it grants an application under clause 235. The authority holder must be given a cancellation notice, which must be accompanied by a review notice if conditions have been imposed. The cancellation takes effect either one month after notice is given, or on the day a condition stated in the surrender notice is complied with.

Division 2 Mandatory cancellation of grazing authority

Clause 237 provides that a grazing authority over an area that includes a road is cancelled if the road is closed under the Land Act.

Clause 238 provides that a grazing authority over an area that includes a reserve for travelling stock is cancelled if the dedication of the reserve is revoked under the Land Act.

Clause 239 provides that a grazing authority for an authority area that includes unallocated state land is cancelled if the land is allocated under the Land Act.

Clause 240 provides that a grazing authority is cancelled if the holder is no longer the owner of land adjoining an accessible grazing area.

Clause 241 provides that the holder of a grazing authority that is cancelled under this division is not entitled to claim compensation from the state or local government.

Division 3 Cancellation of grazing permits and authorities by local government

Clause 242 sets out the grounds on which a local government that has issued a grazing authority or permit may cancel it. They include a shortage of pasture or water, the inclusion of false representations in the application, or non-compliance with permit conditions. If a closed, conditional use, or special management area is declared and the local government considers it is not practical to change the authority or permit under clause 231, it may be cancelled.

Clause 243 sets out the procedure that a local government must follow when cancelling a grazing authority or permit. The permit holder must be given a written *cancellation notice* stating the decision, the grounds and the facts relied upon, and that the stock may be seized under clause 113 by an authorised person if not removed within the *removal period*. A review notice must accompany a cancellation notice. The cancellation takes effect at the end of the removal period or on the date stated in the notice.

Division 4 Other provisions

Clause 244 provides for this division to apply to the cancellation of a grazing permit or authority under this part.

Clause 245 requires that the holder of a grazing authority or permit that has been cancelled must remove the stock from the area before the cancellation takes effect.

Clause 246 provides that a local government must refund the unused portion of a fee paid under a grazing permit when the stock are removed under clause 245 before the end of the permit period.

Clause 247 provides that if stock are removed under clause 245 before the end of a year for which the holder of a grazing authority has paid the prescribed fee, the local government must refund the proportionate amount.

Part 6

Direction Notice for Unauthorised Grazing in Accessible Grazing Areas

Clause 248 provides for this part to apply when the owner of land adjoining an *accessible grazing area* has been given a direction notice under chapter 8, part 4 because clause 297 has been contravened.

Clause 249 requires that a direction notice must outline the actions that a landholder can take to rectify a contravention of clause 297 or avoid repeating it. These include applying for a grazing authority under clause 251, restoring or erecting a stock-proof fence on the shared boundary between the land and the accessible grazing area under clause 252, or removing the stock under clause 253. The first alternative need not be included if issuing an authority under part 3 is not viable or such an application made by the owner or their agent has previously been refused and there has been no change in circumstances that would be likely to change the outcome if another application for a grazing authority for the accessible area were to be made. A local government may also include a statement of the grazing fee for which the landholder is liable under clause 258.

Clause 250 requires that a direction notice issued must instruct the landholder to provide the local government with an undertaking to take one of the actions stated in it within the prescribed period, which may not be less than 10 business days.

Clause 251 applies when a direction notice issued provides that a landholder may apply for a grazing authority. It requires that the notice must also state that the application must be made within one month; and that the landholder must apply in the approved form, pay the prescribed fee, and provide any additional information that may be requested by the local government.

Clause 252 applies when a direction notice relates to a requirement for stock-proof fencing on the shared boundary between the land and the accessible grazing area. The notice must instruct the landholder to erect a stock-proof fence on the stated boundary or part of it, or make an existing restorable fence stock proof. The direction notice must also state the period of no less than one month within which restoration or erection of the fence must be started, and the period of no less than three months within which

its restoration or erection must be completed. The notice also must specify what materials must be used, and that the landholder must advise the local government when the action has been taken as directed. An authorised person may inspect the fence. A '*restorable fence*' is defined for the purposes of this clause as being one that is not currently stock proof, but is able to be restored to that condition.

Clause 253 applies when a direction notice relates to a requirement for the landholder to remove stock from an accessible grazing area. It requires that the notice must instruct the landholder to remove the relevant stock from the grazing area within a stated period of not less than one month; and provide a written notice to the local government when the stock have been removed as directed, stating what action has been taken to ensure the contravention does not recur.

Clause 254 provides that a landholder is able to comply with the direction notice only by providing the local government with an undertaking under clause 250 and taking one of the stated actions in accordance with clauses 251, 252 or 253, as applicable.

Part 7 Grazing Fees for Unauthorised Grazing on Accessible Grazing Areas

Division 1 Preliminary

Clause 255 provides that the owner of land adjoining an accessible grazing area who has allowed stock to graze without authority in contravention of clause 297 is liable for payment of a grazing fee.

Clause 256 defines a '*grazing fee*' for the purposes of this part as being an amount not less than that prescribed for an authority issued under this Bill for grazing stock for a prescribed period.

Division 2 Grazing fee payable under direction notice

Clause 257 provides for this division to apply when a local government has given a landholder a direction notice under part 6 and a *grazing fee liability statement*.

Clause 258 provides that, subject to clause 260, a landholder with stock grazing on an accessible grazing area who receives a direction notice is liable to pay a grazing fee from the date of receipt of the notice until an application for a grazing authority made under clause 251 is decided or not decided within the relevant period under clause 215; an authorised person is satisfied that the fence on the stated boundary is stock proof; or the stock is removed from the area.

Clause 259 requires an authorised person who is satisfied that a landholder has taken action in accordance with a direction notice to issue a written *grazing fee payment notice*, which must confirm that the action was taken and the date that it took place. The notice must also state the amount owing and how it was calculated; and that generally the fee is payable within 10 business days of the notice being issued, unless it has been stayed because of a review application under clause 260. The notice must also advise the landholder that they may apply to the chief executive officer for a review of the amount owing; although an application may only be made on the ground that the stock were not grazing on the accessible grazing area for the period stated. The grazing fee payment notice must include a review notice.

Clause 260 applies when a landholder has applied to QCAT for the review of a decision about the issuing of the direction notice. The *grazing fee payment notice* has effect subject to the decision and any orders made; however, it is stayed until the review application is decided.

Division 3 Grazing fee payable on later inspection

Clause 261 states that this division only applies if division 2 does not.

Clause 262 provides that an authorised person who has inspected an accessible grazing area and is satisfied that the adjoining landholder is

allowing stock to graze without authority may issue a written *grazing fee liability notice*. The notice must state that the authorised person is satisfied that the stock have been grazing in contravention of clause 297. It must also include the grounds and the facts relied upon, and state that the landholder may be liable for a grazing fee under clause 263.

Clause 263 applies if an authorised person has previously issued a landholder with a grazing fee liability notice and, following a further inspection of the accessible grazing area no more than three months after the previous inspection, is satisfied that the landholder is continuing to contravene clause 297. The authorised person may issue a *grazing fee payment notice* that complies with the requirements of clause 264. Subject to clause 265, the fee is payable from the day the grazing fee liability notice was first issued until the date of the later inspection, and includes the reasonable costs incurred by the authorised person in conducting it.

Clause 264 requires that certain details are stated in a grazing fee payment notice. These include that the landholder was issued with a grazing fee liability notice on a stated date for a contravention of clause 297; that the authorised person has conducted a later inspection, the reasons why the contravention is considered ongoing, and the facts and circumstances relied upon; the fees and costs payable under clause 263(a) and (b), an indication of how they were assessed, and the date (at least one month after the notice issues) by which payment must be made. The notice must advise that if the landholder has applied for a review of the decision to issue the original grazing fee payment notice and grazing fee liability notice then the subsequent grazing fee payment notice is stayed. The notice must also advise the landholder that they have a right to apply to the chief executive for a review of the amount of fees stated in the grazing fee payment notice, but only on the ground that the stock were not grazing the accessible grazing area for the period stated in the notice; and for a review of the stated amount of costs, but only on the ground that it is unreasonable.

Clause 265 applies when a landholder has applied to QCAT for a review of a decision to issue a grazing fee liability notice and a grazing fee payment notice. A grazing fee payment notice has effect subject to the decision by QCAT and any orders made; however, it is stayed until the review application is decided.

Division 4 Other matters

Clause 266 provides that, subject to the review provisions, a landholder who has been issued with a *grazing fee payment notice* must pay the grazing fee and the costs of a later inspection, if applicable, within the period stated. If a *grazing fee payment notice* has been stayed and is enforced following a review decision, the landholder must pay the fees and costs within 10 business days.

Clause 267 makes clear that neither the requirement to pay, nor the payment of, fees and costs owing under a grazing fee liability notice and a grazing fee payment notice entitle the landholder to graze stock.

Chapter 6 Harvesting Pasture

Part 1 Permit for Harvesting

Clause 268 provides that the holder of a *harvesting permit* is authorised by the local government to harvest pasture in the designated area of the stock route network or public (stock access) land in accordance with the conditions of the permit.

Part 2 Application for Harvesting Permit

Division 1 Making land available for harvesting

Clause 269 provides that, unless it is already subject to a lease or permit under the *Land Act 1994*, or a grazing authority issued under this Bill, or a licence under the *Forestry Act 1959*, a local government may make land in

its management area available for harvesting from time to time if the chief executive has considered the fire risk during the harvesting season and is satisfied that the land should be harvested in preference to being used for driving or grazing stock. If the land includes a state-controlled road, it must have been approved for harvesting by the road transport chief executive; and a harvesting permit may only be issued if it does not contravene any conditional use or special management area declaration made over the land. When deciding whether to make land available for harvesting, a local government must consider the number of existing and expected applications for driving and grazing stock; and any local management plan or strategies for pasture management specified in the state management plan. The local government may make the land available if it is satisfied that there is more pasture than required for travelling stock and that allowing harvesting is not likely to adversely affect the residual pasture level available or cause a loss of biodiversity or cultural heritage.

Clause 270 requires that a local government that is making land in its management area available for harvesting under clause 269 may publish a notice in a local newspaper identifying the land, stating that an application must be made within 10 business days, and detailing any conditions to be imposed.

Division 2 Applying for permit

Clause 271 provides that an application to a local government for a harvesting grazing permit over land made available under clause 269 must be made in the approved form, show the area that may be harvested, state the proposed period of use for harvesting, and be accompanied by the prescribed fee.

Clause 272 enables a local government to make a written request for an applicant to provide additional information within three business days or longer if agreed. The local government may refuse the application if the applicant does not have a reasonable excuse for failing to provide the information within the *information period*.

Clause 273 requires that a local government must decide whether to refuse an application for a harvesting permit or to grant it with or without conditions.

Clause 274 sets out the criteria for deciding applications for harvesting permits. A local government may grant an application only if the area is not already subject to another grazing permit or authority, or another harvesting permit, during the same period. The local government also must be satisfied that harvesting will not introduce or spread a declared pest, cause or worsen land degradation, pose a road safety risk, or damage any areas of special management. The local government also must consider whether allowing harvesting will reduce the pasture to a level that is insufficient for travelling stock after the end of the permit period, and whether the applicant has, or can obtain, sufficient public liability insurance. If the proposed area includes a state-controlled road, it must be approved for harvesting by the road transport chief executive, with or without conditions related to public safety and/or the protection of road transport infrastructure under the *Transport Infrastructure Act 1994*.

Clause 275 applies when an application for a *harvesting permit* is granted. A permit must be issued in the approved form and the local government must provide the applicant with a review notice if conditions have been imposed under clause 273(b). The chief executive also must be given a copy of the permit.

Clause 276 requires a local government that has refused an application for a permit for harvesting to provide the applicant with a review notice about the decision.

Clause 277 applies when a local government fails to decide a harvesting permit application within five business days of its being made. It also applies when a local government has requested additional information or documentation and has not made a decision within five business days of receiving it or within five business days of the end of the information period. The failure to decide is considered to be a refusal and the applicant is entitled to a review notice under clause 276.

Part 3 Harvesting Permits

Division 1 Permit contents

Clause 278 specifies that a harvesting permit must state the period for which it applies. It must also include a description of the area that may be harvested and the residual pasture level to be retained. It also must state the mandatory conditions imposed under clause 279, and any imposed under clause 273(b); and the prescribed harvesting fee payable, if applicable.

Clause 279 prescribes a number of mandatory conditions for a harvesting permit, the first of which is that the area must only be used for the intended purpose of harvesting and only within the area described. Appropriate signage must be displayed while harvesting is taking place to protect public safety. It is a condition of a harvesting permit that the pasture remaining at the end of the permit period must be adequate for travelling stock. A harvesting permit is not transferable, and the holder must have sufficient public liability insurance. Additional mandatory conditions apply if the area is a state-controlled road, or an area declared for conditional use or special management.

Division 2 Particular obligations for harvesting

Clause 280 requires that a person who holds a harvesting permit or harvests pasture under a permit must allow an authorised person to measure the harvested pasture and give any reasonable assistance requested, whether at the person's place of business or the permit area, either within five business days of the harvesting, or a longer period, if agreed. A penalty is imposed upon a person who fails to comply.

Clause 281 requires that a person who holds a harvesting permit or harvests pasture under a permit must record the amount of pasture harvested and the dates harvesting took place. The record must be kept for two years. A penalty is imposed upon a person who fails to comply with the record-keeping requirements.

Division 3 Permit period

Clause 282 stipulates that a harvesting permit may not be issued for a period of more than 28 days.

Clause 283 provides that a grazing permit takes effect when issued unless a later starting date is stated in it. It remains in force for the stated period unless it is cancelled sooner.

Division 4 Harvesting fee

Clause 284 provides that a local government may, by local law or resolution, prescribe a fee for harvesting pasture under a permit in its management area.

Part 4 Amending Permits

Division 1 Required amendments

Clause 285 provides that a permit holder must notify the local government as soon as possible when the name and contact details, or other prescribed information, contained in a harvesting permit are no longer accurate because of a change in circumstances; and that a penalty is imposed for failure to do so. A local government that is advised of a change in particulars must amend the harvesting permit accordingly.

Division 2 Amendment by local government

Clause 286 applies if a closed or conditional use area is declared, special management conditions are imposed, or some other significant change in circumstances occurs, and the local government considers there is sufficient reason to change the harvesting permit and doing so would enable pasture to continue to be harvested under the permit. The permit

holder must be given a written amendment notice of the decision stating the date the change takes effect, which may not be fewer than three business days after the notice is given. The notice must be accompanied by an amended permit and a review notice. The date stated in the amendment notice is the date the change to the permit takes effect.

Division 3 Replacement of harvesting permits

Clause 287 provides that a local government may require a person to return an original harvesting permit that has been amended and that the permit holder must return the permit as requested, unless it has been lost, stolen or destroyed in circumstances beyond the control of the permit holder. A penalty may be imposed if a permit holder fails to comply. On receipt of the original harvesting permit, the local government must issue a replacement if it has not already done so. The chief executive must also be given a copy.

Part 5 Cancelling Harvesting Permits

Clause 288 sets out the grounds for cancellation of a harvesting permit by a local government as being the provision of false information or representations by a permit holder, or their failure to comply with permit conditions. In addition, if a closed or conditional use area is declared or special management conditions are imposed and the local government considers it is not practical to change the harvesting permit under clause 286, it may be cancelled.

Clause 289 sets out the procedure that a local government must follow when cancelling a harvesting permit. The permit holder must be given a written *cancellation notice* stating the decision and the grounds and the facts relied upon. A review notice must accompany a cancellation notice. The cancellation takes effect at least three business days after the notice is issued.

Chapter 7 Offences for Stock Route Network

Part 1 General Restrictions

Clause 290 sets out the maximum penalties applying for the contravention by persons driving and grazing stock of a declaration over a closed or conditional use area, or one subject to special management conditions.

Clause 291 sets out the maximum penalties applying for the contravention by persons harvesting pasture of a declaration over a closed or conditional use area, or one subject to special management conditions.

Part 2 Use Of Stock Route and Public (Stock Access) Land

Division 1 Movement of stock

Clause 292 makes it an offence for a person who does not hold a travel permit or unfit stock (travel) permit to drive stock on foot on the stock route network or public (stock access) land; unless the travel is exempt under clause 119 or complies with chapter 6, part 5, division 2, subdivision 1 of the *Transport Infrastructure Act 1994*.

Clause 293 makes it an offence for a person to allow stock to stray onto the stock route network or public (stock access) land without a reasonable excuse such as that a natural disaster or other event beyond the control of the person has destroyed or damaged the fence, or prevented the person from repairing the damage. Penalties apply.

Division 2 Grazing of stock

Clause 294 defines '*relevant grazing authorisation*' for the purposes of this division as a grazing permit, grazing authority or unfit stock (grazing) permit under this Bill, or a permit to occupy or licence under the *Land Act 1994*.

Clause 295 exempts stock travelling under a travel permit or unfit stock (travel) permit from the application of this division, provided that the stock are grazing on the permit route, no permit condition is contravened, and any grazing is incidental to travel.

Clause 296 makes it an offence for a person who owns or controls stock to allow the stock to graze on the stock route network or public (stock access) land without a relevant grazing authority or a reasonable excuse. Penalties apply.

Clause 297 provides that it is an offence for an adjoining land owner or another person to allow stock to graze the stock route network or public (stock access) land without a relevant grazing authority or a reasonable excuse. Penalties apply.

Clause 298 makes clear that, for the purposes of this division, a '*reasonable excuse*' is an event that is beyond the control of the person alleged to have committed the offence such as a natural disaster or the wilful act of some other unauthorised person. It further provides that for a reasonable excuse to be valid, the fence (or the relevant part of it) must have been stock-proof other than for the event. The payment of a grazing fee in response to a notice given by an authorised officer does not constitute a reasonable excuse for an offence under this division.

Division 3 Other conduct

Clause 299 makes it an offence for a person without a lawful excuse to burn pasture on the stock route network or public (stock access) land without the consent of the relevant local government. Part 7 (Control and prevention of fires) of the *Fire and Rescue Services Act 1990* also applies.

Clause 300 makes it an offence for a person who does not hold a harvesting permit to harvest pasture on the stock route network or public (stock

access) land unless engaged for that purpose by the relevant local government.

Part 3 Use Of Water and Stock Facilities

Clause 301 defines ‘stock purposes’ for the purposes of this part as meaning the taking or releasing of water either for watering stock, or for personal use by persons involved in driving stock.

Clause 302 makes it an offence to take water from a public water facility on the stock route network other than in accordance with a water facility agreement, travel permit, grazing permit, or grazing authority without a reasonable excuse for doing so; unless the person is driving stock on a state-controlled road in compliance with chapter 6, part 5, division 2, subdivision 1 of the *Transport Infrastructure Act 1994* or another road under clause 119 of this Bill. A penalty applies.

Clause 303 makes it an offence for a person without a reasonable excuse to waste water from a public facility, or pollute it by, for example, depositing an animal carcass or harmful chemical in the water supplied. A penalty applies.

Clause 304 makes it an offence for a person to damage a stock facility on the stock route network or otherwise hinder its usual operation. A penalty applies.

Clause 305 makes it an offence for a person to camp within 300 metres of a public water facility. This is intended to safeguard access to the water point so that stock travelling under a permit may be watered. A penalty applies.

Clause 306 makes it an offence for a person to allow stock to remain within 300 m of a public water facility for longer than is necessary to water the stock. A penalty applies.

Part 4 Obstructing Stock

Clause 307 makes it an offence for a person to obstruct the movement of travelling stock along the stock route network or public (stock access) land

such as by preventing their passage or using vehicles, animals or noise to threaten or alarm the stock; unless it is necessary for public safety reasons. A penalty applies.

Clause 308 makes it an offence for a person without a reasonable excuse to place a thing on the stock route network or public (stock access) land that is likely to harm stock or to obstruct their movement such as by dumping an animal carcass, car body, water tank, fencing, wire, rope or other obstruction.

Part 5 Stock under Permits and Authorities

Clause 309 makes it an offence for a person harvesting pasture under a harvesting permit or supervising stock under a grazing or travel permit, or a grazing authority, or the holder of such a permit or authority, not to comply with any conditions imposed without a reasonable excuse. A penalty applies.

Clause 310 makes it an offence for a person holding a grazing or travel permit, or a grazing authority, or a harvesting permit to allow another person to breach any of the conditions imposed without a reasonable excuse. A penalty applies. It is a defence for the holder of the permit to demonstrate the exercise of due diligence in requiring the other person to comply.

Clause 311 makes it an offence for a person supervising stock travelling under a travel permit or an unfit stock (travel) permit, or the holder of such a permit, not to drive the stock towards their destination at the required rate without a reasonable excuse such as adverse weather conditions or other unforeseeable events. A penalty applies. Having unfit stock is not a reasonable excuse and neither the imposition, nor the payment of, an overdue travel fee implies an entitlement to slow travel. It is a defence, however, for the holder of the permit to demonstrate the exercise of due diligence in requiring the other person to travel at the required rate. A penalty applies.

Clause 312 makes it an offence for the person in charge of stock travelling the stock route network or public (stock access) land under a permit to leave them unattended. Stock are considered unattended if the person

responsible for their supervision is more than 10 kilometres away in daylight hours or more than one kilometre away at other times.

Chapter 8 Investigation and Enforcement

Part 1 General Provisions about Authorised Persons

Division 1 Appointment

Clause 313 specifies that this chapter provides for a person to be appointed as an authorised person for the purposes of this Bill and to be given particular powers.

Clause 314 sets out the functions of an authorised person under this Bill.

Clause 315 provides that both the chief executive and the chief executive officer of a local government may appoint authorised persons for the purposes of this Bill, provided that the appointing authority is satisfied that the person has the requisite expertise or experience.

Clause 316 provides that the authorised person holds office on the conditions stated either in the instrument of appointment, or a signed notice given to the person, or a regulation, any of which may limit the powers of an authorised person under the Bill. Where an authorised person is appointed by the chief executive officer of a local government, their powers under the Bill may only be exercised in that local government management area.

Clause 317 sets out certain circumstances in which an authorised person ceases to hold that office, but does not exclude others.

Clause 318 provides that an authorised person may resign the office by giving a signed notice to that effect to the relevant appointing authority.

Division 2 Identity cards

Clause 319 requires an appointing authority to issue an identity card to an authorised person and specifies what it must contain.

Clause 320 requires an authorised person to produce an identity card before exercising any power under the Bill in the presence of another person, or to display the card when exercising the power; however, if it is not practicable to comply with this requirement, the authorised person must produce the card for inspection at the first available opportunity. It is made clear that entering a place does not of itself constitute the exercising of power by an authorised person.

Clause 321 provides that, unless an identity card has been lost, stolen or destroyed in circumstances beyond the person's control, it is an offence for a person who ceases to be an authorised officer to fail to return the identity card to the chief executive within 21 days after ceasing to hold office. A penalty applies if an authorised person fails to comply with this provision.

Division 3 Miscellaneous provisions

Clause 322 provides that where there is no reference to the exercise of a specific power in a provision of this Bill then the reference is to the exercise of all or any relevant power under this chapter or a warrant.

Clause 323 provides that in this chapter a reference to a document includes a reference to an image or writing reproduced from an electronic document.

Part 2 Entry of Places by Authorised Persons

Division 1 General powers for entering places

Clause 324 sets out the circumstances in which an authorised person may enter a place that is not a residence or a dwelling such as public land or public places and business premises that are normally open to the public at that time.

Clause 325 makes clear that the power of an authorised person to enter a place by consent is subject to any conditions imposed and ceases if the consent of the occupier is withdrawn.

Clause 326 makes clear that the power of an authorised person to enter a place when authorised to do so by warrant is subject to the terms of that warrant.

Clause 327 requires that an authorised person intending to enter a place under clause 324 when the occupier is present must first comply with clause 320, inform the occupier of the reasons for the entry and advise them of their power to enter without consent or a warrant.

Division 2 Particular entry powers

Clause 328 defines the terms ‘contractor’ and ‘entry notice’ for the purposes of this division.

Clause 329 provides that if an authorised person has reason to believe that an adjoining landowner has not complied with a fencing notice, they (or a contractor acting on their behalf) may enter the land for the purpose of building a fence or rendering an existing fence stock-proof, irrespective of whether or not the owner has been charged with an offence against clauses 92 or 378. The clause requires that the owner be given at least seven days’ notice of the intended entry.

Clause 330 provides that if an authorised person, or a contractor for an authorised person, seeks to enter land to remedy non-compliance with mustering obligations they may do so at any reasonable time irrespective of

whether the owner has been charged with an offence against clause 96. If the land is subject to a lease under the Land Act, however, the owner must consent to the entry or be given an entry notice at least 24 hours beforehand.

Clause 331 applies when an authorised person, or a contractor for an authorised person, seeks entry to private land in a local government's management area to inspect and/or maintain a stock facility provided for the benefit of users of the stock route network. In such circumstances, the owner and occupier must consent to the entry or be given an entry notice at least 24 hours beforehand. Such a notice must include details about how to contact a person authorised by the local government to discuss the matter. Where it is impractical for an entry notice to be given, it is sufficient for it to have been published in a local newspaper or posted conspicuously on the subject land.

Division 3 Entry by consent

Clause 332 provides for the division to apply when an authorised person is seeking an occupier's consent to enter a place under clause 324 (1)(a).

Clause 333 provides that, when seeking an occupier's consent to enter a place, an authorised person is permitted reasonable incidental access to that place such as the access which an ordinary member of public would have in order to contact an occupier.

Clause 334 sets out certain information that an authorised person must tell an occupier before seeking their consent, including that consent may be withheld, given subject to conditions, and withdrawn at any time. An authorised person is also obliged to tell the occupier the reason for seeking entry and the powers that it is intended will be exercised on entry.

Clause 335 provides that when an occupier consents to an authorised person entering a place, the authorised person may request the occupier to sign a consent acknowledgement that sets out the information that was given to them in accordance with clause 334, and noting the date and time the consent was provided and any conditions imposed by the occupier. An occupier who signs an acknowledgement must be given a copy of it immediately. If an acknowledgement of consent is not tendered as evidence in any legal proceedings, the onus is on the person relying on the lawfulness of the entry to prove that the occupier consented.

Division 4 Entry under warrant

Subdivision 1 Obtaining a warrant

Clause 336 provides that an authorised person may apply to a magistrate for a warrant to enter a place by swearing a written application stating the grounds. A magistrate may request the authorised person to provide additional supporting information by statutory declaration before considering the application.

Clause 337 specifies the information that must be stated in a warrant and sets out the conditions under which it may be issued, including that the magistrate is satisfied that there are reasonable grounds for believing that there is, or may within the next seven days be, evidence at the place of an offence under this Bill.

Clause 338 provides that, in urgent or other special circumstances, an authorised person may apply for a warrant by telephone, facsimile, radio or other form of communication.

Clause 339 specifies the additional procedure if an electronic warrant application is made under clause 338, including that the magistrate must be satisfied of the appropriateness of an electronic application. A duplicate of an original warrant (such as a copy sent by fax or email or a form of warrant completed by an authorised person in accordance with information provided by the magistrate) is as effectual as the original. The magistrate must give the original warrant, along with the written application and form of warrant completed by the authorised officer, to the clerk of the magistrates court that the magistrate constitutes under the *Magistrates Act 1991*. In any legal proceedings, the onus is on the person relying on the lawfulness of the exercise of power to provide it was authorised by warrant.

Clause 340 provides that a warrant is not invalidated by a defect, or because it does not comply with clauses of this Bill, unless it materially affects the substance of the warrant.

Subdivision 2 Entry procedure

Clause 341 prescribes the procedure that an authorised person must follow or attempt to follow prior to entering a place under a warrant, unless there are reasonable grounds for immediate entry.

Part 3 Other Powers of Authorised Persons and Related Matters

Division 1 Stopping or moving vehicles

Clause 342 states that the division applies if an authorised person has reason to believe that something on or in a vehicle is evidence of an offence having been committed under this Bill.

Clause 343 provides that an authorised person may signal or otherwise direct the person in control to stop a moving vehicle and keep it at a place so that the authorised person may exercise their powers. If the vehicle is stationary, an authorised person may direct the person in control to ensure either that it remains so, or that it is moved and kept at a stated place until the authorised person has exercised their powers. An authorised officer must advise the person in control of a stationary vehicle that it is an offence for the person to disobey the direction.

Clause 344 provides that when signalling or otherwise directing the person controlling a moving vehicle an authorised officer must make clear that they are exercising the powers of an authorised person by doing so. This may be done, for example, using a loudhailer or an appropriate sign. When the vehicle has stopped in accordance with their signal or direction, the authorised person must produce their identity card for inspection by the person in control of the vehicle.

Clause 345 provides for a penalty to apply if the person in control of a vehicle disobeys the signal or other direction of an authorised officer made under clause 343 without a reasonable excuse such as that to do so would have endangered the person or someone else, or that the authorised officer failed to comply with their obligation under clause 344 to clearly identify

themselves. It is not an offence if the direction was given under clause 343(2) and the authorised officer did not warn the person controlling the vehicle that disobeying such a direction is an offence.

Division 2 General powers of authorised persons after entering places

Clause 346 provides for an authorised person to exercise the power under this division when entering a place under clause 324(1)(a), (c) or (d) subject to the conditions of any warrant or the terms under which the occupier gave their consent.

Clause 347 sets out the general powers available to an authorised person who has entered a place and their obligation to return as soon as possible any document, or article or device capable of producing a document, taken from the place in exercising the powers.

Clause 348 provides that an authorised person may request the occupier or a person at a place to give them reasonable assistance to exercise a general power; and that, when making the request, the authorised officer must advise the person that it is an offence to fail to provide any reasonable assistance or information requested.

Clause 349 makes it an offence for a person not to comply with a requirement of an authorised officer made under clause 348; unless the person has a reasonable excuse such as that doing so would be self-incriminating or expose them to a penalty.

Division 3 Seizure by authorised persons and forfeiture

Subdivision 1 Power to seize

Clause 350 provides an authorised person who enters a place without consent or a warrant with the power to seize a thing at the place entered if they have a reasonable belief that the thing is evidence of an offence and its

seizure is necessary to prevent its being destroyed or used to commit an offence.

Clause 351 provides an authorised person with the power to seize a thing at a place if the authorised person—has obtained the necessary consent to enter the place and has reason to believe that the thing is evidence of an offence, and that its seizure is consistent with the purpose of entry as told to the occupier; or is able to enter the place under a warrant that authorises the seizure; or reasonably believes it is evidence of an offence and needs to be seized to secure evidence or to prevent repeat offences, or has been used in committing an offence.

Clause 352 provides that an authorised person may seize property subject to security and exercise powers in relation to it without affecting any claim to the lien or security that another person may have against a person (other than the authorised person or someone acting on their behalf).

Subdivision 2 Powers to support seizure

Clause 353 specifies how an authorised person may secure something that has been seized, including by moving it from where it was seized or leaving it at the place and restricting access to it.

Clause 354 makes it an offence for a person not to comply with a requirement made of them by an authorised person under clause 353(2)(c) without having a reasonable excuse for doing so.

Clause 355 makes it an offence for a person to tamper, or attempt to tamper, with the thing that has been seized or to which access has been restricted under clause 353, without either the approval of an authorised person, or a reasonable excuse for doing so.

Clause 356 makes it an offence for a person to tamper, or attempt to tamper, with the thing that has been seized or to which access has been restricted by an authorised person, without the approval of an authorised person.

Subdivision 3 Safeguards for seized things

Clause 357 requires an authorised person to issue a receipt for any seized thing to the person from whom it was seized. If it is not feasible to do so, the authorised person must leave a receipt at the place of seizure in a conspicuous position and in a reasonably secure way, unless the nature, condition or value of the seized thing renders such action impracticable.

Clause 358 provides for the owner of a seized thing to have access to it for inspection or copying at no cost, at a reasonable time, and from time to time until it is forfeited or returned.

Clause 359 specifies when an authorised person must return a seized thing to its owner. This is generally six months following the seizure; unless legal proceedings have commenced, in which case the seizure thing must be returned at the end of the proceeding and any subsequent appeal. No lien or security over a seized thing is affected under this section.

Division 4 Other information-obtaining powers of authorised persons

Clause 360 provides that an authorised person who reasonably believes that a person is committing, or has committed, an offence against this Bill may require that person to state their name and residential address, and to provide evidence that the information provided is correct. The authorised officer must advise the person that it is an offence to fail to provide the personal details requested.

Clause 361 makes it an offence for a person not to comply with a request to provide their name and address without a reasonable excuse; unless the person is not proved to have committed the offence as suspected when the request was made.

Clause 362 provides that an authorised person may require a person to make a document issued to them, or required to be kept by them, under this Bill available for inspection or copying. This includes a document stored or recorded electronically, a clear reproduction of which must be made available. The document must be returned by the authorised person after copying.

Clause 363 makes it an offence for a person to fail to comply with the requirement of an authorised person to provide a document; unless the person has a reasonable excuse such as that doing so would be self-incriminating. A penalty applies.

Clause 364 provides that, if an authorised person reasonably believes that an offence against this Bill has been committed about which a person may be able to give information, a notice may be given requiring the person to give information about the matter at a stated reasonable place and time. This includes information stored or recorded electronically, a clear reproduction of which must be made available

Clause 365 makes it an offence for a person without a reasonable excuse not to comply with the requirement of an authorised person to provide information; unless the person has a reasonable excuse such as that doing so would be self-incriminating.

Part 4 Miscellaneous Provisions relating to Authorised Persons

Division 1 Damage

Clause 366 makes clear that an authorised person has a duty to cause as little inconvenience and to minimise any damage done in exercising a power under this Bill.

Clause 367 provides that this part applies if an authorised person, or a person acting under their direction, causes damage when exercising a power under the Bill, other than damage reasonably believed to be trivial. An authorised person must give written notice to the owner or the person in possession of the damaged thing, stating the particulars of the damage and the entitlement to apply for compensation under clause 368. The notice also may include a statement that the authorised person believes the damage to have been caused by a latent defect in the thing. A notice of damage must be left in a conspicuous position in a reasonably secure way.

Division 2 Compensation

Clause 368 outlines the process for a person to pursue reasonable compensation for loss or damage because of an exercise of power under this Bill, other than under clauses 116 or 118, and that the matter may be decided by a court if the parties fail to reach agreement. There is no provision for a statutory right of compensation under clause 366 other than that provided by this clause.

Division 3 Other offences relating to authorised persons

Clause 369 makes it an offence for the person undertaking the activity covered by a stock route permit or authority, including a harvesting permit, not to produce the permit or authority without a reasonable excuse when requested to do so by an authorised person. A penalty applies.

Clause 370 makes it an offence for a person to knowingly say anything to an authorised person that is false or misleading in a material particular. A penalty applies.

Clause 371 makes it an offence for a person to knowingly give an authorised person a document containing information that the person knows is false or misleading in a material particular. A penalty applies.

Clause 372 makes it an offence for a person without a reasonable excuse to obstruct an authorised person in the exercise of a power. An authorised person exercising their power under this Bill must warn a person whose conduct is considered to be an obstruction that it is an offence. A penalty applies.

Clause 373 makes it an offence for a person to impersonate an authorised person appointed under the Bill. A penalty applies.

Part 5 Direction Notices

Clause 374 sets out the clauses of the Bill to which the issuing of a direction notice applies, each of which is a prescribed provision. For a contravention of clause 297(2) involving grazing in an accessible grazing area, however, this part applies, subject to chapter 5, part 6.

Clause 375 provides that, subject to certain conditions, an authorised officer may issue a person with a notice directing them to remedy the contravention of a prescribed provision. If the notice is issued orally, it must be confirmed by a written direction notice.

Clause 376 specifies that a direction notice must include certain details such as the prescribed provision, how it has been contravened, and the compliance period within which the contravention must be remedied. The steps to be taken to remedy the contravention may also be outlined. The notice also must state that failing to comply with the direction is an offence for which the maximum penalty may apply; and that an authorised person may take remedial action if the direction notice relates to a fencing obligation. It must be accompanied by an information notice about the decision to issue the direction notice.

Clause 377 provides that a compliance period under clause 376 must be commensurate with the action required, the degree of risk posed, and the length of time since the person was made aware of the contravention.

Clause 378 provides that a person failing to comply with a direction notice without a reasonable excuse commits an offence, the maximum penalty for which is that applying to the contravention to which the notice applies.

Part 6 Recovery of fees and costs

Division 1 Enforcing fencing notices or direction notices to maintain fences

Clause 379 applies to an action taken by an authorised person, or a person acting under their direction, to erect or repair a stock-proof boundary fence. All reasonable costs incurred in taking the action are payable to the local

government by the owner, or each owner jointly and severally if there are two or more.

Clause 380 specifies that, if the amount charged under a notice to fence is not paid, it becomes a charge upon the land as if it were an unpaid amount under section 95 of the *Local Government Act 2009*. If only a part of the land is affected, the amount is a charge on the entire parcel. This clause does not limit any other remedy available to the local government for recovering the amount.

Division 2 Enforcing mustering notices

Clause 381 provides that the costs incurred by an authorised person, or someone acting on a direction by them, in mustering stock under clause 330 are payable by the owner of the stock.

Division 3 Amounts recoverable as a debt

Clause 382 sets out the fees and charges incurred under the Bill, which are a debt recoverable by the local government; and provides that interest is payable on any overdue amount at the rate prescribed by regulation.

Chapter 9 Administrative Matters

Part 1 Advisory Panels

Division 1 Establishment

Clause 383 provides for the chief executive to establish advisory panels to provide strategic advice on the management and use of the stock route

network and public (stock access) land and to make recommendations on a range of issues, including network classification, usage thresholds, stock route research, management plans, education, policies, and funding initiatives. The chief executive must set out the function of each of the panels, including their terms of reference and reporting requirements.

Division 2 Membership

Clause 384 specifies that an advisory panel is to consist of members appointed by the chief executive and outlines how the organisational representation is to be sourced.

Clause 385 provides that the chief executive may appoint a person to an advisory panel if an organisation does not nominate a representative when requested to do so.

Clause 386 provides that the chief executive decides the terms under which an advisory panel member holds office, other than as prescribed under this Bill.

Clause 387 provides that an advisory panel member who is not a public service officer is not entitled to be paid other than in travelling allowances and repayment of reasonable expenses.

Clause 388 sets out the circumstances under which an advisory panel position becomes vacant.

Division 3 Proceedings

Clause 389 enables the advisory panel to conduct its business, including meetings, in a manner it considers appropriate.

Clause 390 specifies that the advisory panel can decide the time and location of its meetings; however, the chairperson must call a meeting if requested by the chief executive.

Clause 391 provides that a quorum for advisory panel meetings is six members.

Clause 392 specifies that the chairperson must preside at all meetings or, in the absence of the chair, a member chosen by other members present must preside.

Clause 393 sets out the requirements for the conduct of meetings, including the acceptable use of communication technology such as teleconferencing and video-conferencing in lieu of member attendance. Each member of an advisory panel has a vote, with the presiding member having a casting vote.

Clause 394 provides that for the appointment of a proxy to take effect, written notice must be given to the chairperson before the meeting at which it is to be exercised.

Clause 395 provides that a member must not have an interest that could conflict with proper performance of their duties when an issue about that interest is considered by the advisory panel. Unless the advisory panel directs otherwise, the member is not to be present or to take part in the decision making, and the disclosure is to be recorded in the meeting minutes. Failure to disclose an interest is an offence. For the purposes of this clause, an interest does not include one that the panel member shares with members of the entity that they represent.

Clause 396 provides for the view/s of dissenting member/s to be recorded or reported in certain circumstances.

Clause 397 requires that an advisory panel must keep minutes of its proceedings.

Part 2 Financial Provisions

Clause 398 provides that the proportion set by regulation of an amount received by a local government for a stock route travel permit, a stock route grazing permit, overdue travel fee, grazing authority fee, or water agreement is to be paid to the department. The balance is to be used by the local government for the administration, maintenance and improvement of the stock route network in its management area. Payment is to be made at regular intervals of no more than three months, as decided by the local government.

Part 3 Intervention by the State

Clause 399 gives the Minister the power to direct a local government to perform a function or obligation under this Bill; however, the Minister must consult the local government before giving a written notice setting out the function or obligation, the action required, and the date by which it must be taken.

Clause 400 provides that, if a local government does not comply with a notice given under clause 399(2), the function or obligation to which it relates may be given to the chief executive under a regulation and a direction made to the chief executive to perform the stated action within the stated period. In such circumstances, the chief executive has the full powers of the local government to perform the action.

Clause 401 specifies that the costs reasonably incurred by the chief executive in performing the actions for a function or obligation under a regulation are a debt payable by the local government to the state.

Clause 402 provides that the Minister may require a local government to provide information about an amount that is payable under the legislation or to give a report about a function or power performed or exercised, or required to be performed or exercised, under the Bill.

Chapter 10 Review

Part 1 Preliminary

Clause 403 identifies the key concepts applicable to this chapter and the clauses in which their meanings are defined. A '*consecutive travel permit refusal decision*' includes a failure to make a decision, which is taken to be a refusal.

Clause 404 defines an '*original decision*' as being a decision initially reviewable either by the chief executive officer of a local government, or the chief executive of the department administering this Bill; and includes

the failure to make a decision, which is taken to be a refusal to grant an application.

Clause 405 defines an 'aggrieved person' for the purposes of an original decision and for a decision reviewable by QCAT as being those persons listed in schedule 2.

Part 2 Review by chief executive officer

Clause 406 specifies that this part applies subject to the decision and any orders made by QCAT in response to a priority review application under clauses 260 or 265 regarding the amount of fees and costs imposed in a grazing fee payment notice. It does not apply to a priority review application while the notice is stayed.

Clause 407 provides that, whether or not the local government has provided a review notice, an aggrieved person may apply to the chief executive officer for a review of an original decision set out in schedule 2, part 1. An application must be made in the approved form and include sufficient information to enable review. Generally, it should be made within one month of notice being given; although the chief executive officer may extend the time.

Clause 408 requires that a review decision must be made by a suitably qualified person within 10 business days of an application being received. The chief executive officer must either confirm the original decision, or set it aside and substitute an alternate decision in accordance with the prescribed guidelines.

Clause 409 requires that the chief executive officer must notify an aggrieved person in writing of a review decision as soon after it is made as is practical. If the original decision is confirmed, or a decision is made other than that sought by the applicant, the review decision notice must be accompanied by an information notice.

Part 3 Review by chief executive

Clause 410 provides that an aggrieved person may apply to the chief executive of the department to review an original decision set out in schedule 2, part 2, whether or not the chief executive officer of a local government has provided a review notice. The application must be made in the approved form. Generally, it should be made within one month of notice being given; although the chief executive may extend the time.

Clause 411 provides for a review decision to be made within 10 business days of receipt of the review application. The chief executive officer of the department must either confirm the original decision, or set it aside and substitute an alternate decision in accordance with the prescribed guidelines.

Clause 412 provides for a review decision notice to be given to the aggrieved person, stating the outcome of the review; and an information notice, setting out the decision and the reasons for it. The local government must comply with the review decision notice and, if the chief executive does not decide a review application within 10 business days, the original decision is taken to be confirmed.

Clause 413 provides that the chief executive of the department may review a decision made by the chief executive officer of a local government to refuse or cancel a consecutive travel permit. After advising local government prior to making a direction, and seeking their written representations, the chief executive may direct a local government to issue or reissue a consecutive travel permit. A direction to local government must be in writing and must be followed by the local government.

Part 4 Stay of operation of original decision

Clause 414 sets out the definition of ‘reviewer’ applying to this part.

Clause 415 provides that an original decision is not affected by a review application unless the decision is stayed.

Clause 416 provides that a reviewer may stay the operation of a decision and set conditions as appropriate.

Clause 417 provides that an applicant for a review may apply to QCAT for a stay of the decision to ensure that the outcome of any review is not ineffective. QCAT may also set conditions and a time limit for the stay, which it may also amend or cancel. A stay is generally for no longer than the time it takes to review the original decision plus any additional time allowed for the applicant to seek a review of the initial review decision.

Part 5 Review by QCAT

Clause 418 provides that an aggrieved person as listed in schedule 2, part 3 may apply to QCAT under the *QCAT Act* for a review of a decision.

Clause 419 provides that, if QCAT reviews a consecutive travel permit refusal or cancellation decision made by the chief executive officer of a local government joined by order as a party to the review proceedings, it may direct the local government to issue or reissue the permit. If the local government is not joined as a party to the proceeding, QCAT must give a written notice of the final decision to the affected local government.

Chapter 11 Miscellaneous

Part 1 Stock Route Network Map

Clause 420 prescribes the process for amending the stock route network map under a regulation to show a stock route on the stock route network map or to show a change in classification of the stock route.

Clause 421 prescribes the action to be taken by the chief executive in providing public access to and the provision of copies of the stock route network map.

Part 2 Evidence and legal proceedings

Division 1 Evidence

Clause 422 sets out that this division relates to a proceeding under the Bill.

Clause 423 specifies the things relating to appointments that it is not necessary to prove in a court proceeding.

Clause 424 specifies that it is not necessary for the signature purporting to be that of a person named in the appointment to be proved in a court proceeding.

Clause 425 specifies that a certificate purporting to be signed by the appointed entity is evidence of a matter including a notice, direction, requirement, permit, document, or appointment under the Bill.

Division 2 Legal proceedings

Clause 426 sets out how a proceeding for an offence against the Bill must begin in a summary way under the *Justices Act 1886* within one year after the commission of the offence or one year after it becomes known, but within two years after the commission of the offence.

Part 3 Other Provisions

Clause 427 provides for the Minister to delegate powers under this Bill to a qualified public service officer..

Clause 428 provides the chief executive with a delegation power and sets out the powers that may not be delegated under this Bill.

Clause 429 provides the chief executive officer of a local government with a delegation power and sets out the powers that may not be delegated.

Clause 430 provides persons exercising powers under this Bill with protection from liability; and provides that a relevant person is not civilly liable for an act done, or an omission made, honestly and without negligence.

Clause 431 provides for the chief executive to approve forms for use under this Bill.

Clause 432 provides the Governor-in-Council with powers under the Bill to make regulations on certain issues, including charges, fees, and signage requirements for permit and authority holders. The clause also provides

that penalties of no more than 20 penalty points may be set for contravention of a regulation.

Chapter 12 Transitional Provisions

Part 1 General Provisions

Division 1 Preliminary

Clause 433 defines ‘*commencement*’ and ‘*pre-amended Act*’ for the purposes of this part.

Division 2 References to pre-amended Act

Clause 434 provides that references in a document to the *Land Protection (Pest and Stock Route Management) Act 2002*, or a provision of that Act as it relates to the management of the stock route and public (stock access) land, may be considered a reference to this Bill.

Division 3 Stock route management plans

Clause 435 stipulates that the chief executive is not required to produce a State management plan until the end of the first year after commencement.

Clause 436 provides for the existing State plan prepared under the pre-amended to remain in force either until a new plan is prepared, or for one year following commencement of this Bill.

Clause 437 stipulates that local governments required to prepare a local management plan must complete the plan either two years following the

completion of the State plan by the chief executive, or three years after commencement, whichever is later.

Clause 438 provides for the existing local government management plan prepared under the pre-amended Act to stay in force either for two years following the completion of the State plan, or three years after commencement, whichever is later.

Division 4 Stock route classifications on commencement

Clause 439 establishes that stock routes shown on the stock route network map as Primary A and B, and Secondary, come into force on commencement and continue in force until amended in accordance with the provisions of the Bill.

Clause 440 provides that within 2 years of commencement the chief executive must determine the upper and lower stock usage levels and review the classification of each stock route in accordance with the determined thresholds and either confirm the current classification or amend as appropriate.

Division 5 Existing water facility agreements

Clause 441 provides that any water agreement for the taking or supply of water to or from the stock route entered into under the pre-amended Act continues in force until the end of its term.

Division 6 Existing travel and agistment permit applications

Clause 442 provides that existing travel permits issued under the pre-amended Act are treated as standard travel permits, which are not subject to a closed or conditional use declaration or special management conditions introduced under this Bill for a period of six months after commencement.

Clause 443 provides for existing agistment permits issued under the pre-amended Act to continue as emergency grazing permits under this Bill for the original term, but not subject to closed area, conditional use or special management area declarations.

Clause 444 provides for agistment and travel permit applications, that remain undecided on commencement, to be considered as applications respectively made for an emergency grazing permit and a standard travel permit under this Bill.

Part 2 Transition from Existing Permits to Occupy to Grazing Authorities

Clause 445 defines ‘closing day’ ‘commencement’ and ‘permit land’ for the purposes of this part, making clear that an *existing permit to occupy* means a permit that was in force before the commencement of this Bill. Existing permits to occupy were issued under the provisions of the *Land Act 1994*.

Clause 446 provides for holders of existing permits to occupy for the purpose of grazing to make an application without charge to a local government for a grazing authority in lieu of their permit, including for permits on stock route classified as fenced Primary A. The application is to be considered by the local government in priority to any other grazing authority applications for the area.

Clause 447 provides for replacement grazing authorities to have initial terms of two years on primary stock routes or reserves) and five years on secondary stock routes. Applications decided for replacement grazing authorities after ‘the closing day’, will be taken to have commenced on ‘the closing day’.

Clause 448 stipulates that, if renewed, a grazing authority over primary stock route or reserve must be issued for a period of not more than three years. Grazing authorities on fenced Primary A will be cancelled following the completion of the initial three year renewal period.

Chapter 13 Amendments of this Act and Other Legislation

Part 1 Amendment of this Act

Clause 449 provides for the amendment of the *Stock Route Network Management Act 2011*.

Clause 450 provides for the amendment of the long title of the Act.

Clause 451 provides for the insertion of schedule 3 in Section 6.

Clause 452 provides for the renumbering of schedule 4 (Dictionary).

Part 2 Consequential Amendments of other Acts and regulation

Division1 Amendment of Land Act 1994

Clause 453 provides for the amendment of the *Land Act 1994*.

Clause 454 provides for the amendment of section 159 of the Land Act to require that decisions made about applications affecting State land include consideration of whether part of the land applied for is required for stock route; and whether the width of any retained stock route is appropriate for accommodating travelling stock.

Clause 455 provides for the amendment of section 167(1) of the Land Act to require that decisions made about applications affecting State land include whether part of the land applied for is required for stock route; and whether the width of any retained stock route is appropriate for accommodating travelling stock.

Clause 456 provides for the amendment of sections 177(1) and (2) of the Land Act to give effect to the provision under this Bill to authorise grazing on roads and stock routes only by means of a grazing authority issued by

the relevant local government for the area. The chief executive may issue permits to occupy for grazing over unallocated state land or reserve.

Clause 457 provides for the inclusion of a new part 1K ‘Transitional Provisions for Stock Route Network Management Act 2011’, in which:

Clause 521ZD stipulates that the definitions applying to part 1K relate to the timeframes for the transition of existing permits to occupy to grazing authorities issued under the *Stock Route Network Management Act 2011*. To accord with rental billing schedules for state land, “transition day” for permits to occupy will transition to grazing authorities on 1 July, immediately following the issue of a grazing authority. Applications for a grazing authority that are made before the closing day but not decided by that date will come into effect on the date the application is decided. If an application to transition is not made by the closing day, transition will commence from ‘closing day’ which is the next 1st July which occurs 2 years following commencement.

Clause 521ZE provides for the cancellation of existing permits to occupy issued for grazing purposes from the day that the permit transitions to a grazing authority. Subclause 521ZD(3) stipulates that a cancellation must be registered, and who must be given written notice. If a permit to occupy transitions to a grazing authority, the holder of the former permit is not required to give up possession of the former permit area or to deal with any improvements.

Clause 521ZF stipulates the requirements for when a permit (to occupy) for grazing and another purpose transitions to a grazing authority. The chief executive must issue a replacement permit to occupy for the non-grazing use.. The holder of the former permit, and any other party with a registered interest in it, is notified of the cancellation of the permit for the grazing purpose and that no compensation is payable. A new grazing authority is issued to replace the permit to occupy for grazing purposes.

Clause 521ZG provides for the surrender of an existing permit to occupy that no longer authorises grazing. The holder of a former permit to occupy has up to three months from when their permit transitions to a grazing authority to surrender it free of charge. The chief executive is required to accept the surrender, and the holder of a former permit who now holds a grazing authority is not required to vacate the former permit area or remove any improvements.

Clause 458 stipulates the additions to Schedule 6–*Dictionary* that clarify the meaning of terms used in the *Land Act 1994* relating to the transition of a permit to occupy for grazing purposes to a grazing authority.

Division 2 Amendment of Land Protection (Pest and Stock Route Management) Act 2002

Clause 459 provides for the amendment of the *Land Protection (Pest and Stock Route Management) Act 2002*, which was the former legislative framework for the administration of the stock route network.

Clause 460 provides for the deletion of the reference to ‘the management of stock route network’ in the long title of the *Land Protection (Pest and Stock Route Management) Act 2002*.

Clause 461 provides for the deletion of the reference to ‘stock route’ in the short title to the *Land Protection (Pest and Stock Route Management) Act 2002*.

Clause 462 provides for the main purpose of the *Land Protection (Pest and Stock Route Management) Act 2002* to be to provide for pest management of land and remove references to ‘stock route management’.

Clause 463 provides for the deletion of the reference to ‘stock routes’ in section 4 of the *Land Protection (Pest and Stock Route Management) Act 2002* and renumbers the subsections of the Act as a consequence.

Clause 464 provides for the deletion of chapter 3 from the *Land Protection (Pest and Stock Route Management) Act 2002*, which refers to ‘stock route network management’.

Clause 465 provides for the deletion of the existing section 183 of the *Land Protection (Pest and Stock Route Management) Act 2002*, which refers to a function of local governments as managing of declared pests; and deletes references to ‘stock route management’.

Clause 466 provides for the deletion of section 184(1) from the *Land Protection (Pest and Stock Route Management) Act 2002* because it deals with stock route management.

Clause 467 provides for the amendment of section 187(1) of the *Land Protection (Pest and Stock Route Management) Act 2002* because it refers to stock route management.

Clause 468 provides for the amendment of section 5 of *Land Protection (Pest and Stock Route Management) Act 2002* to remove reference to the Land Protection Council, which is to be abolished under this Bill.

Clause 469 provides for the deletion of headings referring to the Land Protection Council, which is being abolished under this Bill.

Clause 470 provides for the deletion of section 212 of the *Land Protection (Pest and Stock Route Management) Act 2002*, which refers to the payment of funds to the Land Protection Fund that are associated with stock routes.

Clause 471 provides for the deletion of section 291(c) of the *Land Protection (Pest and Stock Route Management) Act 2002*, which refers to the chair of the Land Protection Council, and for the consequent renumbering of the section.

Clause 472 provides for the amendment of section 302(1) of the *Land Protection (Pest and Stock Route Management) Act 2002* to remove reference to stock on the stock route; and for the consequent renumbering of the section.

Clause 473 provides for the amendment of section 304(2) of the *Land Protection (Pest and Stock Route Management) Act 2002* to remove references to the Land Protection Council; and for the consequent renumbering of the section.

Clause 474 provides for the amendment of section 305(2) of the *Land Protection (Pest and Stock Route Management) Act 2002* to remove reference to membership of the Land Protection Council.

Clause 475 provides for the amendment of section 309(2) of the *Land Protection (Pest and Stock Route Management) Act 2002* to remove reference to the declaration of a route or road as a stock route.

Clause 476 provides for the insertion of a new chapter 11, part 4 of the *Land Protection (Pest and Stock Route Management) Act 2002* to set out the transitional provisions for the *Stock Route Network Management Act 2011*.

Clause 334 Provides for a reference to the *Land Protection (Pest and Stock Route Management) Act 2002* to be a reference to the *Stock Route Network Management Act 2011* if in the correct context.

Clause 335 Provides for the abolition of the former *Land Protection (Pest and Stock Route Management) Council* established under the *Land Protection (Pest and Stock Route Management) Act 2002*.

Clause 477 provides for the amendment of schedule 1 of the *Land Protection (Pest and Stock Route Management) Act 2002* to remove reference to reviewable decisions concerning stock routes.

Clause 478 provides for the deletion of definitions solely concerning stock routes from schedule 3 of the *Land Protection (Pest and Stock Route Management) Act 2002* and the amendment of the definitions retained to remove reference to stock route matters.

Division 3 Amendment of Stock Act 1915

Clause 479 provides for the amendment of the *Stock Act 1915*.

Clause 480 provides for the insertion of an amendment to section 21B to require a stock route travel permit to be issued for any stock walking the stock route under the provisions of a travel permit issued under the *Stock Act 1915*.

Clause 481 provides for the insertion into Schedule 2 (Dictionary) of a new subsection under 21C(2) requiring a stock route travel permit for stock moving on foot on the stock route network; and for the consequent renumbering of the section.

Clause 482 provides for the amendment of section 21D (3) to ensure that any change of route issued under a travel permit issued under the *Stock Act 1915* is also permitted under a stock route travel permit.

Clause 483 provides for the insertion of a requirement into section 21E of the *Stock Act 1915* that each movement of stock authorised under a multiple movement travel permit which occurs on the stock route must be authorised on a stock route network travel permit.

Clause 484 provides for the insertion of new definitions of ‘stock route’, ‘stock route network’ and ‘stock route travel permit’ that refer to definitions in this Bill.

Division 4 Amendment of Transport Infrastructure Act 1994

Clause 485 provides for the amendment of the *Transport Infrastructure Act 1994*.

Clause 486 provides for clearing, trimming and slashing to be removed from Schedule 6 (*Dictionary*) defining ancillary works and encroachments carried out for harvesting pasture under the *Stock Route Network Management Act*. This amendment enables local governments to issue travel and harvesting permits over, and manage burning off on, state-controlled roads.

Clause 487 provides for the insertion of a new chapter 21, part 3, 'Transitional provision for Stock Route Network Management Act 2011' as follows:

Clause 578 sets out that the Governor-in-Council retains the power to amend or repeal an amendment to the Transport Infrastructure (State-controlled Roads) Regulation 2006 made by the *Stock Route Network Management Act 2011*.

Division 5 Amendment of Transport Infrastructure (State-controlled Roads) Regulation 2006

Clause 488 provides for the amendment of the Transport Infrastructure (State-controlled Roads) Regulation 2006.

Clause 489 provides for the amendment of section 6 of the Transport Infrastructure (State-controlled Roads) Regulation 2006 to allow for the movement and grazing of stock on a state-controlled road under a permit issued under the *Stock Route Network Management Act 2011*.

Clause 490 provides for the amendment of section 11 of the Transport Infrastructure (State-controlled Roads) Regulation 2006 to clearly state that driving stock on hoof and grazing stock are not ancillary works and encroachments which will facilitate local governments management of the activities under the *Stock Route Network Management Act 2011*.

Clause 491 provides for the deletion of '*grazing of stock*' from schedule 1 of the regulation, which lists ancillary works and encroachments.

Division 6 Amendment of other Acts

Clause 492 provides for the minor and consequential amendments of the *Aboriginal Land Act 1991*; the *Cape York Peninsula Heritage Act 2007*; the *Forestry Act 1959*; the *Vegetation Management Act 1999*; the *Water Act 2000* and the *Water Supply (Safety and Reliability) Act 2008*.

Schedule 1

This schedule comprises a list of the local governments required to prepare a local management plan.

Schedule 2

Clauses 405(1), 407(1), 410(1) and 418 refer. Part 1 of the schedule lists the decisions initially reviewable by the chief executive officer of local government and identifies the 'aggrieved person' for the purposes of the decision. Part 2 of the schedule lists the decisions initially reviewable by the chief executive of the department and identifies the 'aggrieved person' for the purposes of the decision. Part 3 of the schedule lists the decisions reviewable by QCAT.

Schedule 3

This schedule lists the Acts subject to minor and consequential amendments.

Schedule 4

This schedule comprises the dictionary of terms used in the Bill.