

Land and Other Legislation Amendment Bill 2014

Amendments during consideration in detail to be moved by
The Honourable the Minister for Natural Resources and Mines

1 Clause 2 (Commencement)

Page 12, line 11—

omit, insert—

- (c) part 8;
- (d) sections 125 to 127 and 129.

2 Clause 21 (Amendment of sch 3 (Dictionary))

Page 23, line 20—

omit, insert—

- (1) Schedule 3—

3 Clause 21 (Amendment of sch 3 (Dictionary))

Page 23, after line 25—

insert—

- (2) Schedule 3, definition *forest products*, after ‘timber reserve’—

insert—

, forest consent area

- (3) Schedule 3, definition *forest products*, from ‘by the licensee’—

omit, insert—

licensee of the Crown holding, on a forest consent area by the lessee or owner of the land containing the forest consent area or on a forest entitlement area by the lessee or owner of the land containing the forest entitlement area.

4 Clause 48 (Amendment of s 168 (Notice of chief executive's decision))

Page 38, line 17, 'term'—

omit.

5 Clause 118 (Amendment of s 144 (Compulsory acquisition of native title))

Page 71, after line 16—

insert—

(1A) Section 144—

insert—

(3A) Subsections (3B) and (3C) apply if—

(a) native title rights and interests in relation to land or waters are acquired under a compulsory acquisition Act; and

(b) the holders of the rights and interests are entitled to compensation under the Commonwealth Native Title Act for the acquisition.

(3B) If the person who acquires the rights and interests is not the State, that person is liable to pay the compensation.

(3C) However, the State is liable to pay the compensation if, when the compensation is required to be paid, it is not reasonably practicable for the holders to otherwise recover the compensation.

Note—

See the *Native Title Act 1993* (Cwlth), section 24MD(4)(b)(i) in relation to the recovery of compensation.

6 After clause 124

Page 75, after line 17—

insert—

124A Amendment of s 42 (Provisions of authority to prospect)

Section 42(7), ‘The’—

omit, insert—

Subject to division 3, subdivision 7, the

124B Insertion of new ch 2, pt 1, div 3, sdiv 7

Chapter 2, part 1, division 3—

insert—

Subdivision 7 Special statutory extension of work programs

63A Application of sdiv 7

This subdivision applies to the following authorities to prospect—

- (a) an authority granted before 1 July 2014 that is in force immediately before 1 July 2014;
- (b) an authority granted under section 41 on or after 1 July 2014 if—
 - (i) the holder of the authority is, immediately before 1 July 2014, regarded by the Minister as the preferred tenderer for the call of tenders for the authority; or
 - (ii) the holder of the authority is, on or after 1 July 2014, regarded by the Minister as the preferred tenderer for the call of tenders for

the authority that closes on 29 September 2014.

63B Extension of current work program—authority to prospect for a term of 12 years

- (1) This section applies to an authority to prospect mentioned in section 63A(a) or (b) granted or to be granted for a term of 12 years.
- (2) The program period for the current work program for the authority to prospect is extended by 2 years—
 - (a) for an authority mentioned in section 63A(a)—on 1 July 2014; or
 - (b) for an authority mentioned in section 63A(b)—on the day the authority is granted.
- (3) The 2-year extension applies without any requirement to give notice of the extension to the authority to prospect holder.
- (4) If the 2-year extension would result in the program period for the work program ending after the 12-year period for the authority to prospect, the effect, if any, of the 2-year extension is that the extension of the program period ends at the end of the 12-year period.

63C Extension of current work program—authority to prospect for a term of less than 12 years

- (1) This section applies to an authority to prospect mentioned in section 63A(a) or (b) granted or to be granted for a term of less than 12 years.

- (2) The holder of the authority to prospect may apply to the Minister in the approved form to extend the term of the authority to prospect, and the program period for the current work program for the authority, by 2 years.
- (3) If the Minister approves the extension, the term of the authority to prospect, and the program period for the current work program, are extended by 2 years.
- (4) If the 2-year extension would result in the program period for the work program ending after the term for the authority to prospect ends, the effect, if any, of the 2-year extension is that the extension of the program period ends at the end of the term of the authority.
- (5) Only 1 application may be made under this section in relation to the authority to prospect.

63D Applying 2-year extension to current work program for activities

- (1) The 2-year extension has effect for a work program without any requirement for amending the work program under subdivision 6, and the extension does not count as a previous extension under section 59(2)(b).
- (2) Activities provided for in the work program are not changed.
- (3) Requirements stated in the work program for the carrying out of stated activities are taken to be adjusted to allow for the activities to be undertaken during the extended remaining period for the work program.

63E Applying 2-year extension to relinquishment

- (1) This section applies if, immediately before the commencement of this subdivision, a relinquishment of a part of the area of an authority to prospect was required to be made—
 - (a) on a relinquishment day happening on or after the commencement; or
 - (b) if there was a deferral of a relinquishment day under section 62—on a day within the period that, on the commencement, becomes the extended remaining period for the work program.
- (2) The relinquishment is instead required to be made at the end of the extended remaining period for the work program.

124C Insertion of new ch 2, pt 1, div 8, sdiv 3

Chapter 2, part 1, division 8—

insert—

Subdivision 3 Special amendment of relinquishment requirements or work program

107A Application for special amendment

- (1) The holder of an authority to prospect may apply to the Minister to approve an amendment (a *special amendment*) of either or both of the following—
 - (a) the operation of the relinquishment requirements for the authority to prospect;

- (b) the work program for the authority to prospect.
- (2) The application must state the circumstances that exist in relation to the authority to prospect and how the circumstances justify the special amendment.

Example—

A special amendment of an authority to prospect might be justified on the basis the amendment is appropriate because the authority forms part of a wider project.

- (3) The application must be accompanied by the prescribed fee.

107B Special amendment of relinquishment requirements

- (1) If the Minister approves a special amendment of the operation of the relinquishment requirements for an authority to prospect, the relinquishment requirements have effect subject to the special amendment.
- (2) In approving the special amendment, the Minister may also approve a change of the conditions of the authority to prospect.
- (3) On the day the approval takes effect, the change of the conditions also takes effect.

107C Special amendment of work program

- (1) If the Minister approves a special amendment of the work program for an authority to prospect, the work program as amended has effect as if the amendment had been approved under division 3, subdivision 6.

- (2) In approving the special amendment, the Minister may also approve a change of the conditions of the authority to prospect.
- (3) On the day the approval takes effect, the change of the conditions also takes effect.

107D Approval of special amendment

- (1) The Minister may approve a special amendment under this subdivision if the Minister considers the amendment is justified in the circumstances.
- (2) Without limiting the matters the Minister may have regard to, the Minister may have regard to—
 - (a) the optimisation of the development and use of the State's petroleum resources; and
 - (b) whether, in the circumstances, the relinquishment requirements or the work program amendment provisions allow for sufficient flexibility to achieve the optimisation mentioned in paragraph (a).

124D Amendment of s 118 (Requirements for making ATP-related application)

Section 118(e)—

omit, insert—

- (e) if the proposed authorised activities relate to petroleum production—include a statement by a suitably qualified person that the proposed area contains commercial quantities of petroleum; and

124E Amendment of s 121 (Requirements for grant)

Section 121(1)(b)(ii)—

omit, insert—

- (ii) if the authorised activities relate to petroleum production—contains commercial quantities of petroleum; and

7 After clause 129

Page 81, after line 19—

insert—

129A Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

2-year extension means the extension by 2 years of an authority to prospect or a program period for a work program as provided for in chapter 2, part 1, division 3, subdivision 7.

12-year period, for an authority to prospect, means—

- (a) the period of 12 years commencing on the grant of the authority to prospect; or
- (b) if it is a renewed authority as mentioned in section 85—the period of 12 years from when the authority to prospect originally took effect.

current work program, for chapter 2, part 1, division 3, subdivision 7, includes a later work program that, before the commencement of the subdivision, had been

lodged under section 79 and, after the commencement, approved.

extended remaining period, for a work program, means the remaining time of the program period for the work program as extended under chapter 2, part 1, division 3, subdivision 7.

relinquishment requirements, for an authority to prospect, means the requirements, including the relinquishment condition, applying under chapter 2, part 1, division 4, subdivision 2 about how much, and when, any part of the area of the authority to prospect must be relinquished.

special amendment see section 107A.

work program amendment provisions means chapter 2, part 1, division 3, subdivision 6.

8 After clause 132

Page 84, after line 20—

insert—

132A Insertion of new ch 2, pt 9, div 6

Chapter 2, part 9—

insert—

Division 6 Validation provision

293 Continuation of quarry material extraction

- (1) This section applies if—
 - (a) immediately before 7 May 2010—
 - (i) a person (the *quarry operator*) held an authority issued under an Act to extract quarry material

- from an area (the *resource area*);
and
 - (ii) the quarry operator did not require another authority of any kind to be issued under this Act to extract the material from the resource area;
and
 - (b) on 7 May 2010, the resource area became a part of a watercourse; and
 - (c) since the resource area became a part of a watercourse, the quarry operator has extracted material in the resource area under the relevant authority.
- (2) It is declared, for the purposes of the relevant authority, that the resource area for the authority, from the day the authority was issued, is taken to have extended to the lower bank of the watercourse.
- (3) It is further declared, for the purposes of the relevant authority, that the extraction of quarry material from the resource area on and from 7 May 2010 is lawful, and is taken to have always been lawful, to the same extent it would have been lawful if—
- (a) the extraction was carried out immediately before 7 May 2010; and
 - (b) the declaration under subsection (2) had been made on the day the authority was issued.
- (4) On the commencement, the quarry holder is authorised, without being the holder of an allocation notice, to continue to extract quarry material from the resource area under the holder's relevant authority at the maximum rate stated in the authority.
- (5) The extension of the resource area to the lower bank and the authorisation under

subsection (4) end 5 years after the commencement.

(6) In this section—

commencement means the commencement of this section.

quarry material includes stone, gravel, sand, rock, clay, earth and soil, but does not include—

- (a) minerals within the meaning of the *Mineral Resources Act 1989*; or
- (b) topsoil, if quarry material is reserved in a deed of grant; or
- (c) topsoil on a freeholding lease.

relevant authority—

- (a) means the authority mentioned in subsection (1)(a)(i); and
- (b) includes an authority, issued under an Act, that in substance replaces, or is a succeeding authority for, the authority mentioned in subsection (1)(a)(i).

9 After clause 140

Page 89, after line 6—

insert—

140A Insertion of new pt 9, div 12

Part 9—

insert—

Division 12 **Transitional provision
for Land and Other
Legislation
Amendment Act 2014**

133 Great Artesian Basin subartesian area as Greater Western subartesian area

- (1) The Great Artesian Basin subartesian area, declared under the pre-amended regulation and in existence immediately before the commencement, continues in existence with the name Greater Western subartesian area as if that name had been given to it under section 102(1) of the pre-amended regulation.
- (2) In this section—
pre-amended regulation means this regulation as in force immediately before the commencement.

10 Clause 141 (Replacement of sch 11 (Subartesian areas))

Page 89, after line 13 and pages 90 to 92—

omit, insert—

Column 1	Column 2	Column 3
Area and plan	Purposes for which water entitlement, water permit or seasonal water assignment notice not required	Works not assessable
Bluewater subartesian area on plan AP10053	—	an exempt bore
Bowen subartesian area on plan CAS3065	(a) stock or domestic purposes (b) a prescribed activity	(a) works for stock or domestic purposes (b) works for a prescribed activity (c) an exempt bore

Column 1	Column 2	Column 3
Area and plan	Purposes for which water entitlement, water permit or seasonal water assignment notice not required	Works not assessable
Burdekin subartesian area on plan AP10054	(a) stock or domestic purposes (b) a prescribed activity	(a) works for stock or domestic purposes (b) works for a prescribed activity (c) an exempt bore
Cattle Creek subartesian area on plan AP10060	(a) stock or domestic purposes (b) a prescribed activity	(a) works for stock or domestic purposes (b) works for a prescribed activity (c) an exempt bore
Clarendon subartesian area on plan AP10066	(a) stock or domestic purposes (b) a prescribed activity	(a) works for stock or domestic purposes (b) works for a prescribed activity (c) an exempt bore
Cook subartesian area on plan CAS3056	stock or domestic purposes	(a) works for stock or domestic purposes (b) an exempt bore

Column 1	Column 2	Column 3
Area and plan	Purposes for which water entitlement, water permit or seasonal water assignment notice not required	Works not assessable
Cressbrook Creek subartesian area on plan AP10064	(a) stock or domestic purposes (b) a prescribed activity	(a) works for stock or domestic purposes (b) works for a prescribed activity (c) an exempt bore
Dryander subartesian area on plan CAS1827	(a) stock or domestic purposes (b) a prescribed activity	(a) works for stock or domestic purposes (b) works for a prescribed activity (c) an exempt bore
Duck Farm subartesian area on plan AP10049	—	an exempt bore
Eastern Downs subartesian area on plan AP12072 sheets 29 to 34	(a) stock or domestic purposes (b) a prescribed activity	(a) works for stock or domestic purposes (b) works for a prescribed activity (c) an exempt bore

Column 1	Column 2	Column 3
Area and plan	Purposes for which water entitlement, water permit or seasonal water assignment notice not required	Works not assessable
Farnborough subartesian area on plan AP10058	(a) stock or domestic purposes (b) a prescribed activity	(a) works for stock or domestic purposes (b) works for a prescribed activity (c) an exempt bore
Fraser Island subartesian area on plan AP10063	(a) domestic purposes (b) a prescribed activity	(a) works for a prescribed activity (b) an exempt bore
Greater Western subartesian area on plan CAS2054	(a) stock purposes from subartesian aquifers not connected to artesian aquifers (b) domestic purposes (c) a prescribed activity	(a) works for a prescribed activity (b) an exempt bore
Highlands subartesian area on plan CAS2055	(a) stock or domestic purposes (b) a prescribed activity	(a) works for stock or domestic purposes (b) works for a prescribed activity (c) an exempt bore

Column 1	Column 2	Column 3
Area and plan	Purposes for which water entitlement, water permit or seasonal water assignment notice not required	Works not assessable
Monto subartesian area on plan AP10061	(a) stock or domestic purposes (b) a prescribed activity	(a) works for stock or domestic purposes (b) works for a prescribed activity (c) an exempt bore
Moreton Island subartesian area on plan AP10065	(a) stock or domestic purposes (b) a prescribed activity	(a) works for stock or domestic purposes (b) works for a prescribed activity (c) an exempt bore
Mulgildie subartesian area on plan AP12081 sheets 1 to 16	all purposes	(a) works for stock or domestic purposes (b) works for a prescribed activity (c) an exempt bore
North Stradbroke Island subartesian area on plan AP10067	(a) stock or domestic purposes (b) a prescribed activity	(a) works for stock or domestic purposes (b) works for a prescribed activity (c) an exempt bore

Column 1	Column 2	Column 3
Area and plan	Purposes for which water entitlement, water permit or seasonal water assignment notice not required	Works not assessable
Sarina subartesian area on plan CAS1672	(a) stock or domestic purposes (b) a prescribed activity	(a) works for stock or domestic purposes (b) works for a prescribed activity (c) an exempt bore
Upper Georgina subartesian area	(a) stock or domestic purposes (b) a prescribed activity	(a) works for stock or domestic purposes (b) works for a prescribed activity (c) an exempt bore

11 Clause 142 (Amendment of sch 17 (Dictionary))

Page 95, after line 22—

insert—

prescribed activity means an activity mentioned in schedule 1 for a general authorisation to take water.

12 After clause 160—

Page 112, after line 6—

insert—

160A Amendment of sch 10 (Dictionary)

Schedule 10, definition *authorisation 16*—

omit, insert—

authorisation 16 means a water licence, commonly known as either of the following, to take groundwater—

- (a) water licence 85040L;
- (b) water licence 408846.

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