



Queensland

Wild Rivers and Other Legislation Amendment Bill 2006



Queensland

Wild Rivers and Other Legislation Amendment Bill 2006

Contents

		Page
Part 1	Preliminary	
1	Short title	8
Part 2	Amendment of Wild Rivers Act 2005	
2	Act amended in pt 2 and schedule	8
3	Insertion of new pt 1, div 1, hdg	8
4	Relocation and renumbering of s 3	8
5	Omission of s 4 (Notes in text)	8
6	Renumbering of ss 1–6A	9
7	Insertion of new pt 1, div 2, hdg	9
8	Insertion of new s 6	9
	6 Meaning of nominated waterway	9
9	Amendment of s 10 (Application of moratorium)	10
10	Amendment of s 12 (Content of declaration proposal)	10
11	Amendment of s 14 (Content of wild river declaration)	11
12	Amendment of s 17 (Effect of declaration on activities and taking natural resources)	11
13	Insertion of new s 17A	12
	17A Code for IDAS	12
14	Amendment of s 31 (Minor amendments of wild river declaration)	12
15	Amendment of s 41 (Classification of wild river area into high preservation area and preservation area)	13
16	Amendment of s 42 (Effect of classification on particular development applications)	13
17	Amendment of s 43 (Effect of declaration on particular development applications)	14
18	Amendment of s 48 (Meaning of specified works)	14
19	Amendment of sch 2 (Dictionary)	14

*Wild Rivers and Other Legislation Amendment Bill
2006*

Part 3	Amendment of Building Act 1975	
20	Act amended in pt 3	17
21	Insertion of new s 68A	17
	68A Statement of reasons for approving alternative solution	17
22	Amendment of s 95 (Reminder notice requirement for lapsing) . .	17
23	Amendment of s 228 (Random inspection of buildings for which development approval is given)	18
24	Amendment of s 231 (Owner's fire safety record-keeping obligation)	18
25	Amendment of s 246 (Apportionment of cost of constructing dividing fence)	18
26	Amendment of s 256 (Prosecution of offences)	18
27	Insertion of new s 283	18
	283 Existing rainwater tank provisions in planning schemes	19
28	Amendment of sch 2 (Dictionary)	19
Part 4	Amendment of Coastal Protection and Management Act 1995	
29	Act amended in pt 4 and schedule	20
30	Amendment of s 90 (Preparation of plans)	20
31	Amendment of s 93 (Approving or refusing to approve plans) . . .	20
32	Amendment of s 96 (Renewing approvals)	20
Part 5	Amendment of Environmental Protection Act 1994	
33	Act amended in pt 5	21
34	Amendment of s 41 (Submission)	21
35	Amendment of s 73AA (Development applications in relation to wild river areas)	21
36	Amendment of s 151 (What is a level 1 mining project and a level 2 mining project)	24
37	Amendment of s 162 (Decision about EIS requirement)	25
38	Amendment of s 163 (Minister's power to overturn decision about EIS requirement)	25
39	Amendment of sch 3 (Dictionary)	25
Part 6	Amendment of Forestry Act 1959	
40	Act amended in pt 6 and schedule	26
41	Amendment of s 33A (Management in a wild river area)	26
42	Amendment of s 44A (Code of practice for getting forest products in wild river areas)	27

*Wild Rivers and Other Legislation Amendment Bill
2006*

43	Amendment of s 44B (Getting forest products in wild river areas)	27
Part 7 Amendment of Integrated Planning Act 1997		
44	Act amended in pt 7 and schedule	28
45	Amendment of sch 8 (Assessable development and self-assessable development)	28
Part 8 Amendment of Mineral Resources Act 1989		
46	Act amended in pt 8 and schedule	29
47	Amendment of s 25 (Conditions of prospecting permit)	29
48	Amendment of s 81 (Conditions of mining claim)	29
49	Amendment of s 141 (Conditions of exploration permit)	29
50	Amendment of s 194 (Conditions of mineral development licence)	30
51	Amendment of s 276 (General conditions of mining lease)	30
52	Amendment of s 382 (Definitions for pt 10A)	30
53	Replacement of ss 383 and 384.	31
	383 Grant of mining tenements in wild river areas	31
	384 Renewal of mining tenements in wild river areas	32
Part 9 Amendment of Valuation of Land Act 1944		
54	Act amended in pt 9	34
55	Amendment of s 2 (Definitions)	34
56	Amendment of s 28 (Alteration of valuation in force or to come into force)	34
57	Amendment of s 41A (Notice to owners about valuations).	35
58	Amendment of s 42 (Owner may object)	35
59	Amendment of s 43C (Effect on objection of change in valuation)	35
60	Amendment of s 44 (Late objection)	35
61	Amendment of s 46 (Right of new owner to carry on objection or appeal)	36
62	Amendment of s 52 (Objections to valuation).	36
63	Amendment of s 52A (Late objections to valuation).	36
64	Amendment of s 54 (Notice to objector).	36
Part 10 Amendment of Vegetation Management Act 1999		
65	Act amended in pt 10 and schedule	37
66	Amendment of s 22A (Particular vegetation clearing applications may be assessed)	37
Part 11 Amendment of Water Act 2000		
Division 1 Preliminary		
67	Act amended in pt 11 and schedule	38

*Wild Rivers and Other Legislation Amendment Bill
2006*

Division 2	Amendments for Wild Rivers Act 2005	
68	Amendment of s 209 (Applications that may be decided without public notice)	38
69	Amendment of s 210 (Criteria for deciding application for water licence)	38
70	Amendment of s 266 (Applying for permit to destroy vegetation, excavate or place fill in a watercourse, lake or spring)	39
71	Amendment of s 268 (Criteria for deciding application for a permit to destroy vegetation, excavate or place fill in a watercourse, lake or spring)	39
72	Amendment of s 280 (Applying for allocation of quarry material).	39
73	Amendment of s 282 (Criteria for deciding application for allocation of quarry material)	39
74	Amendment of s 966C (Applications in relation to removal of quarry material in wild river areas)	40
Division 3	Amendments about the commission and other matters	
75	Amendment of s 223 (Transferring water licence to other land) . .	41
	223 Other transfer of water licence	41
76	Amendment of s 360W (Content of plan)	42
77	Insertion of new ch 2A, pt 5, div 3	42
	Division 3 Water efficiency management plans	
	360ZCA Purpose and application of division	42
	360ZCB When water efficiency management plan may be required	43
	360ZCC Content of water efficiency management plan	44
	360ZCD Approving water efficiency management plan	44
	360ZCE Complying with water efficiency management plan . .	45
	360ZCF Reporting under water efficiency management plan .	46
	360ZCG Amending or replacing water efficiency management plan by commission direction	46
	360ZCH Amending or replacing water efficiency management plan by water service provider direction	47
	360ZCI Amending or replacing water efficiency management plan by request	48
	360ZCJ Notice to comply with water efficiency management plan	48
	360ZCK Reviewing water efficiency management plans	49
78	Amendment of s 360ZD (Restricting water supply)	49
79	Amendment of s 360ZE (Notice of commission water restriction must be given)	49

*Wild Rivers and Other Legislation Amendment Bill
2006*

80	Amendment of s 388 (Restricting water supply)	50
81	Amendment of s 389 (Notice of service provider water restriction must be given)	50
82	Insertion of new ch 3, pt 2, div 7	51
	Division 7 Water efficiency management plans	
	399 Purpose and application of division	51
	400 When water efficiency management plan may be required	51
	401 Content of water efficiency management plan	52
	402 Approving water efficiency management plan	53
	403 Complying with water efficiency management plan	54
	404 Reporting under water efficiency management plan	54
	405 Amending or replacing water efficiency management plan by chief executive direction	55
	406 Amending or replacing water efficiency management plan by water service provider direction	56
	407 Amending or replacing water efficiency management plan by request	56
	407A Notice to comply with water efficiency management plan	57
	407B Reviewing water efficiency management plans	57
83	Insertion of new ch 9, pt 5, div 7	57
	Division 7 Transitional provisions for Wild Rivers and Other Legislation Amendment Bill 2006	
	1144 Plans taken to be water efficiency management plans	58
	1145 Validation of commission water restrictions	58
	1146 Validation of service provider water restrictions	59
84	Amendment of sch 4 (Dictionary)	59
Part 12	Other amendments of Acts	
85	Amendments in schedule	61
Schedule	Consequential and minor amendments	62
	Coastal Protection and Management Act 1995	62
	Fisheries Act 1994	62
	Forestry Act 1959	63
	Fossicking Act 1994	64
	Integrated Planning Act 1997	65
	Land Protection (Pest and Stock Route Management) Act 2002	67
	Local Government Act 1993	67

Wild Rivers and Other Legislation Amendment Bill
2006

Mineral Resources Act 1989	67
Nature Conservation Act 1992	68
State Development and Public Works Organisation Act 1971 . . .	69
Vegetation Management Act 1999	69
Water Act 2000	69
Wild Rivers Act 2005	71

2006

A Bill

for

An Act to amend the *Wild Rivers Act 2005*, and for other purposes

*Wild Rivers and Other Legislation Amendment Bill
2006*

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Wild Rivers and Other
Legislation Amendment Act 2006.* 4
5

**Part 2 Amendment of Wild Rivers Act
2005** 6
7

Clause 2 Act amended in pt 2 and schedule 8

This part and the schedule amend the *Wild Rivers Act 2005.* 9

Clause 3 Insertion of new pt 1, div 1, hdg 10

Before section 1— 11

insert— 12

‘Division 1 Introduction and purpose of Act’. 13

Clause 4 Relocation and renumbering of s 3 14

Section 3— 15

renumber and *relocate*, in part 1, as section 6A. 16

Clause 5 Omission of s 4 (Notes in text) 17

Section 4— 18

omit. 19

*Wild Rivers and Other Legislation Amendment Bill
2006*

Clause 6	Renumbering of ss 1–6A	1
	Sections 1 to 6A—	2
	<i>renumber</i> as sections 1 to 5.	3
Clause 7	Insertion of new pt 1, div 2, hdg	4
	After section 4, as renumbered—	5
	<i>insert</i> —	6
	‘Division 2 Interpretation’.	7
Clause 8	Insertion of new s 6	8
	Part 1, division 2—	9
	<i>insert</i> —	10
‘6	Meaning of <i>nominated waterway</i>	11
	‘(1) A <i>nominated waterway</i> , for a wild river declaration, is the part of a drainage channel in the preservation area that—	12 13
	(a) is between the upstream and downstream limits, described in the wild river declaration, of the drainage channel; and	14 15 16
	(b) extends laterally to the outer banks of the drainage channel.	17 18
	‘(2) In this section—	19
	<i>depositional feature</i> means a deposit of clay, sand or silt that is carried in suspension during high flows and deposited in areas where there is a slow flow of water.	20 21 22
	<i>Examples</i> —	23
	• mud deposited in cracks in rocks	24
	• sand deposits behind rocks	25
	<i>drainage channel</i> means a passageway or depression that can contain flowing water, whether flowing continuously or periodically.	26 27 28
	<i>floodplain</i> means an area of relatively flat land—	29
	(a) next to a drainage channel; and	30

*Wild Rivers and Other Legislation Amendment Bill
2006*

- (b) covered by water when water overflows from the drainage channel. 1
2
- outer bank***, of a drainage channel, means— 3
- (a) if there is a floodplain next to the drainage channel—the place where the top of the bank of the drainage channel meets the floodplain; or 4
5
6
- (b) if there is not a floodplain next to the drainage channel—the place on the bank of the drainage channel marked by a scour mark or depositional feature. 7
8
9
- scour mark*** means— 10
- (a) a mark made on a bank of a drainage channel by the sweeping action of suspended sediments in water during high flows; or 11
12
13
- (b) a mark that can be identified by weathering stains, or the absence of lichens, on erosion-resistant surfaces of a bank of a drainage channel. 14
15
16
- Example of an erosion-resistant surface—* 17
- rock'. 18

- Clause 9 Amendment of s 10 (Application of moratorium)** 19
- Section 10(2)(a), after 'spring,'— 20
- insert—* 21
- 'or interfering with the flow of water,'. 22

- Clause 10 Amendment of s 12 (Content of declaration proposal)** 23
- (1) Section 12(1)— 24
- insert—* 25
- '(ga) the location of any proposed nominated waterway in the wild river area; 26
27
- (gb) the location of any designated urban area;'. 28
- (2) Section 12(1)(n), 'and codes'— 29

*Wild Rivers and Other Legislation Amendment Bill
2006*

omit, insert— 1

‘and a reference to any codes’. 2

(3) Section 12(1)(ga) to (r)— 3

renumber as section 12(1)(h) to (t). 4

Clause 11 Amendment of s 14 (Content of wild river declaration) 5

(1) Section 14(1)— 6

insert— 7

‘(ea) the location of any designated urban area;’. 8

(2) Section 14(1)— 9

insert— 10

‘(fa) the location of any nominated waterway;’. 11

(3) Section 14(1)— 12

insert— 13

‘(ka) information about water available for future
consumptive purposes and the priorities for use or
reservation of the water;’. 14
15
16

(4) Section 14(1)(l), ‘and codes’— 17

omit, insert— 18

‘and a reference to any codes’. 19

(5) Section 14(1)(m), ‘paragraphs (b) to (f)’— 20

omit, insert— 21

‘paragraphs (b) to (h)’. 22

(6) Section 14(1)(ea) to (m)— 23

renumber as section 14(1)(f) to (p). 24

**Clause 12 Amendment of s 17 (Effect of declaration on activities
and taking natural resources)** 25
26

Section 17(1)— 27

insert— 28

*Wild Rivers and Other Legislation Amendment Bill
2006*

‘(c) carrying out an agricultural activity or animal husbandry
activity in the area.’. 1
2

Clause 13 Insertion of new s 17A 3

After section 17— 4

insert— 5

‘17A Code for IDAS 6

‘If a wild river declaration includes a reference to a code for
IDAS, the code is a code for IDAS.’. 7
8

**Clause 14 Amendment of s 31 (Minor amendments of wild river
declaration)** 9
10

(1) Section 31— 11

insert— 12

‘(c) make a minor change to the existing boundary of any of
the following areas in the wild river area— 13
14

(i) the high preservation area; 15

(ii) the preservation area; 16

(iii) a floodplain management area; 17

(iv) a subartesian management area; 18

(v) a designated urban area; or 19

Example of a minor change— 20

the boundary of the high preservation area after the amendment 21

of the declaration is within 100m of the boundary of the area 22

before the amendment 23

(d) make a minor change to the extent of a nominated
waterway in the wild river area; or 24
25

(e) change a reference in the declaration to a code for
carrying out activities or taking natural resources in the
wild river area.’. 26
27
28

(2) Section 31— 29

insert— 30

*Wild Rivers and Other Legislation Amendment Bill
2006*

- ‘(2) However, for subsection (1)(c) and (d), the Minister must, before declaring an amendment of the wild river declaration or deciding not to proceed with declaration of the amendment, consult with each owner of land, and each holder of an exploration permit or mining claim, in the wild river area whose land or interests may be affected by the proposed amendment. 1
2
3
4
5
6
7
- ‘(3) In this section— 8
exploration permit see the *Mineral Resources Act 1989*, 9
schedule. 10
mining claim see the *Mineral Resources Act 1989*, schedule. 11
owner, of land, see the *Water Act 2000*, schedule 4.’. 12

- Clause 15 Amendment of s 41 (Classification of wild river area into high preservation area and preservation area)** 13
14
Section 41(3), ‘or a subartesian management area’— 15
omit, insert— 16
‘, a subartesian management area or a designated urban area’. 17

- Clause 16 Amendment of s 42 (Effect of classification on particular development applications)** 18
19
- (1) Section 42(2), from ‘development’— 20
omit, insert— 21
‘— 22
- (a) development in the high preservation area in a wild river 23
area; or 24
- (b) development in the preservation area of a wild river area 25
in relation to the production of a high risk species.’. 26
- (2) Section 42(5)— 27
omit, insert— 28
- ‘(5) For the application, the assessment manager’s and any 29
concurrence agency’s decision must comply with the 30

*Wild Rivers and Other Legislation Amendment Bill
2006*

applicable code mentioned in the wild river declaration for the
area.’ 1
2

Clause 17	Amendment of s 43 (Effect of declaration on particular development applications)	3 4
	(1) Section 43(1)(b)(ii), ‘urban’—	5
	<i>omit, insert—</i>	6
	‘residential’.	7
	(2) Section 43(2)—	8
	<i>omit, insert—</i>	9
	‘(2) For the application, the assessment manager’s decision must comply with the applicable code mentioned in the wild river declaration for the area.	10 11 12
	‘(3) This section does not apply to residential, commercial or industrial development in a designated urban area.’.	13 14
 Clause 18	 Amendment of s 48 (Meaning of <i>specified works</i>)	 15
	(1) Section 48(2)(c)(iii) to (vii)—	16
	<i>renumber</i> as section 48(2)(c)(v) to (ix).	17
	(2) Section 48(2)(c)—	18
	<i>insert—</i>	19
	‘(iii) jetties and boat ramps for use by the public;	20
	(iv) works for the rehabilitation of land, including, for example, rehabilitation of abandoned mines;’.	21 22
 Clause 19	 Amendment of sch 2 (Dictionary)	 23
	(1) Schedule 2—	24
	<i>insert—</i>	25
	‘ <i>designated urban area</i> means an area described in a wild river declaration as a designated urban area.	26 27

*Wild Rivers and Other Legislation Amendment Bill
2006*

- high risk species**, for a wild river area, means a pasture or grain species for the area, prescribed under a regulation, that has a high risk of becoming a pest. 1
2
3
- low impact soil disturbance**, for a pasture, means a method that does not disturb— 4
5
- (a) soil in the pasture to a depth greater than 5cm; and 6
- (b) more than 40% of the area of the pasture being improved. 7
8
- moderate risk species**, for a wild river area, means a pasture or grain species for the area, prescribed under a regulation, that has a moderate risk of becoming a pest. 9
10
11
- nominated waterway** see section 6.’. 12
- (2) Schedule 2, definition *agricultural activities*, item 2, paragraph (a)— 13
14
- omit, insert—* 15
- ‘(a) producing agricultural products for the domestic needs of the occupants of the land if the maximum area of the land on which the products are produced is the following— 16
17
18
19
- (i) for fewer than 10 occupants of the land—0.25ha; 20
21
- (ii) for 10 or more but fewer than 50 occupants of the land—2ha; 22
23
- (iii) for 50 or more but fewer than 100 occupants of the land—4ha; 24
25
- (iv) for 100 or more occupants of the land—6ha; or’. 26
27
- (3) Schedule 2, definition *agricultural activities*, item 2, paragraph (d)— 28
29
- omit, insert—* 30
- ‘(d) planting, gathering or harvesting a crop of pasture or grain species if the pasture or grain species is— 31
32
- (i) only for animal feed; and 33

*Wild Rivers and Other Legislation Amendment Bill
2006*

(ii) neither a high risk species nor a moderate risk species for the wild river preservation area; or	1 2 3
(e) improving pasture using low impact soil disturbance if the pasture species is neither a high risk species nor a moderate risk species for the wild river area; or	4 5 6 7
(f) forestry activities.’.	8
(4) Schedule 2, definition <i>animal husbandry activities</i> , item 2, paragraphs (d) and (e)—	9 10
<i>omit, insert—</i>	11
‘(d) giving livestock supplementary feed, including, for example, by using roller drums, blocks, licks or protein meals—	12 13 14
(i) to maintain the livestock’s survival; or	15
(ii) to improve the livestock’s fertility; or	16
(iii) for an activity associated with an activity mentioned in item 1; or	17 18
<i>Example—</i>	19
weaning	20
(iv) if the livestock is predominantly reliant on native or improved pasture for feed—to prepare the livestock for sale; or	21 22 23
(e) aquaculture; or	24
(f) environmentally relevant activities.’.	25
(5) Schedule 2—	26
<i>renumber</i> as schedule.	27

	Part 3	Amendment of Building Act 1975	1 2
Clause 20	Act amended in pt 3		3
	This part amends the <i>Building Act 1975</i> .		4
Clause 21	Insertion of new s 68A		5
	Chapter 4, part 4—		6
	<i>insert—</i>		7
'68A	Statement of reasons for approving alternative solution		8 9
	'(1) This section applies if—		10
	(a) an alternative solution is used in the supporting documents for a building development application; and		11 12
	(b) the assessment manager decides to approve the application on the basis of the alternative solution.		13 14
	'(2) The assessment manager must prepare a written statement of reasons for the decision.		15 16
	'(3) The statement must contain details of—		17
	(a) how the alternative solution is different from the relevant deemed-to-satisfy provisions under the BCA or acceptable solutions under the QDC; and		18 19 20
	(b) inspection or test results and other documents or information relied on to make the decision.'		21 22
Clause 22	Amendment of s 95 (Reminder notice requirement for lapsing)		23 24
	Section 95(3)(b)(iv), 'under subsection (4)'—		25
	<i>omit, insert—</i>		26
	'under section 96'.		27

*Wild Rivers and Other Legislation Amendment Bill
2006*

Clause 23	Amendment of s 228 (Random inspection of buildings for which development approval is given)	1 2
	Section 228(1)(b), ‘, within the meaning of the BCA,’—	3
	<i>omit, insert—</i>	4
	‘for performance requirements under the BCA’.	5
Clause 24	Amendment of s 231 (Owner’s fire safety record-keeping obligation)	6 7
	Section 231(2)(a), ‘, within the meaning of the BCA’—	8
	<i>omit, insert—</i>	9
	‘for performance requirements under the BCA’.	10
Clause 25	Amendment of s 246 (Apportionment of cost of constructing dividing fence)	11 12
	Section 246(3), ‘mentioned in section 13(1)’—	13
	<i>omit, insert—</i>	14
	‘about the construction of fencing around swimming pools’.	15
Clause 26	Amendment of s 256 (Prosecution of offences)	16
	(1) Section 256(4)(a), ‘part 5 or 5A’—	17
	<i>omit, insert—</i>	18
	‘chapter 6’.	19
	(2) Section 256(4)(b), ‘the Standard Building Regulation’—	20
	<i>omit, insert—</i>	21
	‘a regulation’.	22
Clause 27	Insertion of new s 283	23
	After section 282—	24
	<i>insert—</i>	25

*Wild Rivers and Other Legislation Amendment Bill
2006*

'283	Existing rainwater tank provisions in planning schemes	1 2
	'(1) This section applies to a rainwater tank provision in force immediately before 1 September 2006.	3 4
	'(2) The provision is taken to be a building assessment provision and to have been a building assessment provision since 1 September 2006.	5 6 7
	'(3) The provision continues in force, unless it is earlier repealed, until the earlier of the following—	8 9
	(a) the day the relevant local government makes a designation under the <i>Building Regulation 2006</i> , section 7;	10 11 12
	(b) one year after the date of assent of the <i>Wild Rivers and Other Legislation Amendment Act 2006</i> .	13 14
	'(4) This section applies despite sections 30 and 32 and the <i>Building Regulation 2006</i> , section 7.	15 16
	'(5) In this section—	17
	<i>rainwater tank provision</i> means a provision of a planning scheme that requires the installation of a rainwater tank for a building that is the subject of relevant building work.	18 19 20
	<i>relevant building work</i> means the construction of a class 1 building that, under the <i>Water Act 2000</i> , is in a service area for a retail water service.’.	21 22 23
Clause 28	Amendment of sch 2 (Dictionary)	24
	(1) Schedule 2, definition <i>approval documents</i> , paragraph (f)—	25
	<i>omit, insert</i> —	26
	‘(f) if the application relates to building work that uses an alternative solution and the assessment manager approved the application on the basis of the alternative solution—the statement required under section 68A.’.	27 28 29 30
	(2) Schedule 2, definition <i>assessable development</i> , ‘ <i>Integrated Planning Act 1997</i> ’—	31 32

*Wild Rivers and Other Legislation Amendment Bill
2006*

- (1A) If the area to which the approved plan relates includes all or part of a wild river area, the plan must include consideration of the wild river declaration for the wild river area.’ 1
2
3

Part 5 **Amendment of Environmental Protection Act 1994** 4
5

- Clause 33** **Act amended in pt 5** 6
This part amends the *Environmental Protection Act 1994*. 7

- Clause 34** **Amendment of s 41 (Submission)** 8
(1) Section 41(2)— 9
insert— 10
‘(ba) if any of the operational land for the project is in a wild river area— 11
12
(i) if mining activities are to be carried out in the wild river high preservation area or under a nominated waterway in the wild river area—include a statement of how the proponent proposes to decide the minimum depth below the surface of the land under which the mining activities can be carried out to comply with the wild river declaration for the area; and 13
14
15
16
17
18
19
20
(ii) include any other matter that the wild river declaration states must be included in the draft terms of reference for the EIS; and’ 21
22
23
(2) Section 41(2)(ba) and (c)— 24
renumber as section 41(2)(c) and (d). 25

- Clause 35** **Amendment of s 73AA (Development applications in relation to wild river areas)** 26
27
(1) Section 73AA(1), *‘Integrated Planning Act 1997’—* 28

*Wild Rivers and Other Legislation Amendment Bill
2006*

<i>omit, insert—</i>	1
‘Integrated Planning Act ‘.	2
(2) Section 73AA(2) to (5)—	3
<i>omit, insert—</i>	4
‘(2) Subsection (5) applies if any part of the application relates to development in waters in a wild river area that is for an environmentally relevant activity mentioned in the <i>Environmental Protection Regulation 1998</i> , schedule 1, item 20 (extracting rock or other material), other than if the development application is accompanied by an allocation notice.	5 6 7 8 9 10 11
‘(3) Subsection (5) applies if any part of the application relates to development in a wild river high preservation area, other than for the following—	12 13 14
(a) an environmentally relevant activity mentioned in the following provisions of the <i>Environmental Protection Regulation 1998—</i>	15 16 17
(i) schedule 1, item 15 (sewage treatment) or (municipal water treatment plant);	18 19
(ii) schedule 1, item 19 (dredging material);	20
(iii) schedule 1, item 20 (extracting rock or other material), if the activity is a low impact activity carried out outside waters and is for specified works, or residential complexes, in the area;	21 22 23 24
(iv) schedule 1, item 22 (screening etc. materials), if the activity is carried out outside waters and is for specified works, or residential complexes, in the area;	25 26 27 28
(v) schedule 1, item 11 (crude oil or petroleum product storage), if the activity is—	29 30
(A) a level 2 environmentally relevant activity; and	31 32
(B) for residential complexes in the area; and	33
(C) carried out outside a designated urban area;	34

Wild Rivers and Other Legislation Amendment Bill
2006

- (b) an exempt environmentally relevant activity in a designated urban area. 1
2
- ‘(4) Subsection (5) applies if any part of the application relates to development in a floodplain management area that is for an environmentally relevant activity mentioned in the *Environmental Protection Regulation 1998*, schedule 1, item 20, other than if the activity is a low impact activity carried out outside waters and is for specified works, or residential complexes, in the area. 3
4
5
6
7
8
9
- ‘(5) Despite the Integrated Planning Act, section 3.2.1— 10
- (a) the application is taken not to be a properly made application for that Act; and 11
12
- (b) the assessment manager must refuse to receive the application. 13
14
- ‘(6) Subsection (7) and (8) apply— 15
- (a) to an application not refused under subsection (5); and 16
- (b) to the extent the application relates to development in a wild river area, other than for the following— 17
18
- (i) an environmentally relevant activity mentioned in the *Environmental Protection Regulation 1998*, schedule 1, item 15 or 16, if the development is in a designated urban area; 19
20
21
22
- (ii) development mentioned in subsection (3)(b); and 23
- (c) despite the Integrated Planning Act, chapter 3, part 3, division 4 and sections 3.5.4, 3.5.5, 3.5.13 and 3.5.14. 24
25
- ‘(7) For the application, the assessment manager’s and any concurrence agency’s decision must comply with the applicable code mentioned in the wild river declaration for the area. 26
27
28
29
- ‘(8) For development mentioned in subsection (3)(a)(i) in a wild river high preservation area, the assessment manager and any concurrence agency must, in assessing and deciding the application, be satisfied there is no viable location for the development outside the wild river high preservation area. 30
31
32
33
34
- ‘(9) In this section— 35

*Wild Rivers and Other Legislation Amendment Bill
2006*

- allocation notice** means an allocation notice given— 1
- (a) under the *Water Act 2000*, section 283; or 2
- (b) before the commencement of this section, under the 3
Coastal Protection and Management Act 1995, section 4
76. 5
- exempt environmentally relevant activity** means— 6
- (a) an environmentally relevant activity mentioned in the 7
Environmental Protection Regulation 1998, schedule 1, 8
item 14 (crematorium) or 28 (motor vehicle workshop); 9
or 10
- (b) a level 2 environmentally relevant activity mentioned in 11
the *Environmental Protection Regulation 1998*, schedule 12
1, other than item 1(a) (aquaculture), 2(a) (cattle 13
feedlotting), 3(a) (pig farming), 4(a) (poultry farming), 14
19 (dredging material), 20 (extracting rock or other 15
material), 22 (screening etc. materials) or 59 (asphalt 16
manufacturing). 17
- floodplain management area** see the *Wild Rivers Act 2005*, 18
schedule. 19
- low impact activity** means a borrow pit of not more than 20
10000m³?. 21

- Clause 36 Amendment of s 151 (What is a level 1 mining project and 22
a level 2 mining project) 23**
- (1) Section 151(1)(c)— 24
- omit, insert— 25*
- ‘(c) any of the mining activities that form the project are in a 26
wild river area, other than the following— 27
- (i) mining activities authorised under an 28
environmental authority (prospecting) or an 29
environmental authority (mining claim) in a wild 30
river area; 31
- (ii) mining activities authorised under an 32
environmental authority (exploration permit) in a 33
wild river preservation area.’ 34

*Wild Rivers and Other Legislation Amendment Bill
2006*

- (2) Section 151(2)(b)(iii)— 1
omit. 2

- Clause 37 Amendment of s 162 (Decision about EIS requirement)** 3
Section 162— 4
insert— 5
'(3A) Also, an EIS is required for the application if any part of the 6
application relates to mining activities— 7
(a) below the surface of a wild river high preservation area; 8
or 9
(b) under a nominated waterway in a wild river preservation 10
area.' 11

- Clause 38 Amendment of s 163 (Minister's power to overturn 12
decision about EIS requirement)** 13
Section 163(1), after 'if—'— 14
omit, insert— 15
(a) it is for an environmental authority (mining lease) and a 16
relevant mining lease is, or is included in, a significant 17
project; or 18
(b) any part of the application relates to mining activities— 19
(i) below the surface of a wild river high preservation 20
area; or 21
(ii) under a nominated waterway in a wild river 22
preservation area.' 23

- Clause 39 Amendment of sch 3 (Dictionary)** 24
(1) Schedule 3— 25
insert— 26
'*designated urban area* see the *Wild Rivers Act 2005*, 27
schedule. 28
nominated waterway see the *Wild Rivers Act 2005*, schedule. 29

*Wild Rivers and Other Legislation Amendment Bill
2006*

residential complex— 1

1 A *residential complex* is land in a wild river area, 2
including buildings and infrastructure on the land, that is 3
used to accommodate fewer than the following— 4

(i) 50 permanent residents; 5

(ii) 200 temporary residents. 6

Example— 7

homestead, out-station, resort complex 8

2 The term does not include land in a designated urban 9
area in the wild river area.’. 10

(2) Schedule 3, definitions *wild river area* and *wild river 11
declaration*, ‘schedule 2’— 12

omit, insert— 13

‘schedule’. 14

Part 6 **Amendment of Forestry Act** 15
1959 16

Clause 40 **Act amended in pt 6 and schedule** 17

This part and the schedule amend the *Forestry Act 1959*. 18

Clause 41 **Amendment of s 33A (Management in a wild river area)** 19

Section 33A(2), after ‘chief executive must’— 20

omit, insert— 21

‘— 22

(a) have regard to any relevant code of practice approved 23
under section 44A; and 24

(b) ensure the plan is not inconsistent with the wild river 25
declarations for the areas.’. 26

*Wild Rivers and Other Legislation Amendment Bill
2006*

Clause 42	Amendment of s 44A (Code of practice for getting forest products in wild river areas)	1 2
	Section 44A—	3
	<i>insert—</i>	4
	‘(4) The code must not be inconsistent with achieving the purpose of the <i>Wild Rivers Act 2005</i> .	5 6
	<i>Note—</i>	7
	See the <i>Wild Rivers Act 2005</i> , section 3 (Purpose of Act).’.	8
 Clause 43	 Amendment of s 44B (Getting forest products in wild river areas)	 9 10
	(1) Section 44B, after ‘in accordance with’—	11
	<i>omit, insert—</i>	12
	‘—	13
	(a) the code approved by the chief executive under section 44A that applies for the area and any other requirement stated to apply in the wild river declaration for the area;	14 15 16
	or	17
	(b) if a code of practice has not been approved—any relevant code stated to apply in the wild river declaration for the area.’.	18 19 20
	(2) Section 44B—	21
	<i>insert—</i>	22
	‘(2) However, if the code approved by the chief executive under section 44A for the wild river area is inconsistent with any relevant code stated to apply in the wild river declaration for the area, the code that gives a greater level of protection for the area prevails to the extent of the inconsistency.’.	23 24 25 26 27

*Wild Rivers and Other Legislation Amendment Bill
2006*

	Part 7	1
	Amendment of Integrated Planning Act 1997	2
Clause 44	Act amended in pt 7 and schedule	3
	This part and the schedule amend the <i>Integrated Planning Act 1997</i> .	4 5
Clause 45	Amendment of sch 8 (Assessable development and self-assessable development)	6 7
	(1) Schedule 8, part 1, table 4, item 1A—	8
	<i>insert</i> —	9
	‘(ga) for urban purposes in an urban area in a wild river high preservation area and the vegetation is—	10
	(i) a remnant of concern regional ecosystem; or	11
	(ii) a remnant not of concern regional ecosystem; or	12
	(iii) not remnant vegetation; or’.	13
	(2) Schedule 8, part 2, table 1, item 3, ‘, other than in a wild river area,’—	14
	<i>omit</i> .	15 16
	(3) Schedule 8, part 2, table 4, item 3, ‘, other than in a wild river area,’—	17
	<i>omit</i> .	18 19
	(4) Schedule 8, part 2, table 4, item 4, ‘, other than in a wild river area,’—	20
	<i>omit</i> .	21 22
	(5) Schedule 8, part 2, table 4, item 4, paragraph (a), after ‘State land’—	23
	<i>insert</i> —	24
	‘, other than in a wild river area’.	25 26 27

*Wild Rivers and Other Legislation Amendment Bill
2006*

	Part 8	1
	Amendment of Mineral Resources Act 1989	2
Clause 46	Act amended in pt 8 and schedule	3
	This part and the schedule amend the <i>Mineral Resources Act 1989</i> .	4 5
Clause 47	Amendment of s 25 (Conditions of prospecting permit)	6
	(1) Section 25—	7
	<i>insert—</i>	8
	‘(1A) If a prospecting permit is granted over land that includes a wild river area, the prospecting permit is subject to any relevant conditions stated in the wild river declaration for the area.’.	9 10 11 12
	(2) Section 25(5), ‘subsections (2) to (4)’—	13
	<i>omit, insert—</i>	14
	‘subsections (1A) to (4)’.	15
Clause 48	Amendment of s 81 (Conditions of mining claim)	16
	(1) Section 81—	17
	<i>insert—</i>	18
	‘(1A) If a mining claim is granted over land that includes a wild river area, the mining claim is subject to any relevant conditions stated in the wild river declaration for the area.’.	19 20 21
	(2) Section 81(3), ‘subsections (1) and (2)’—	22
	<i>omit, insert—</i>	23
	‘subsections (1), (1A) and (2)’.	24
Clause 49	Amendment of s 141 (Conditions of exploration permit)	25
	(1) Section 141—	26
	<i>insert—</i>	27

*Wild Rivers and Other Legislation Amendment Bill
2006*

	‘(1A) If an exploration permit is granted over land that includes a wild river area, the exploration permit is subject to any relevant conditions stated in the wild river declaration for the area.’.	1 2 3 4
	(2) Section 141(6), ‘subsections (1), (2) and (5)’— <i>omit, insert—</i> ‘subsections (1), (1A), (2) and (5)’.	5 6 7
Clause 50	Amendment of s 194 (Conditions of mineral development licence)	8 9
	(1) Section 194— <i>insert—</i>	10 11
	‘(1A) If a mineral development licence is granted over land that includes a wild river area, the mineral development licence is subject to any relevant conditions stated in the wild river declaration for the area.’.	12 13 14 15
	(2) Section 194(6), ‘subsections (1), (2) and (5)’— <i>omit, insert—</i> ‘subsections (1), (1A), (2) and (5)’.	16 17 18
Clause 51	Amendment of s 276 (General conditions of mining lease)	19
	Section 276— <i>insert—</i>	20 21
	‘(2A) If a mining lease is granted over land that includes a wild river area, the mining lease is subject to any relevant conditions stated in the wild river declaration for the area.’.	22 23 24
Clause 52	Amendment of s 382 (Definitions for pt 10A)	25
	(1) Section 382, definitions <i>mining tenement, wild river area</i> and <i>wild river declaration—</i> <i>omit.</i>	26 27 28
	(2) Section 382—	29

*Wild Rivers and Other Legislation Amendment Bill
2006*

<i>insert—</i>	1
‘ low impact activity , for an exploration permit, has the same meaning for this part as it has under section 482 for part 15.	2 3
<i>nominated waterway</i> see the <i>Wild Rivers Act 2005</i> , schedule.’.	4
(3) Section 382, definition <i>limited hand sampling techniques</i> , paragraph (c)(i)(C), ‘or a tributary of a watercourse’—	5 6
<i>omit.</i>	7
(4) Section 382, definition <i>proposed wild river area</i> , ‘schedule 2’—	8 9
<i>omit, insert—</i>	10
‘schedule’.	11

Clause 53	Replacement of ss 383 and 384	12
	Section 383 and 384—	13
	<i>omit, insert—</i>	14
‘383	Grant of mining tenements in wild river areas	15
	‘(1) If a mining tenement, other than an exploration permit or a mining lease, is granted over land that includes a wild river area, the following parts of the wild river area are excluded from the land to which the mining tenement applies—	16 17 18 19
	(a) the wild river high preservation area;	20
	(b) nominated waterways in the wild river preservation area.	21
	‘(2) If an exploration permit is granted over land that includes a wild river area, exploration may be carried out—	22 23
	(a) to the extent the exploration permit applies to the wild river high preservation area, other than watercourses and lakes—using only low impact activities; and	24 25 26
	(b) to the extent the exploration permit applies to watercourses and lakes in the wild river high preservation area or nominated waterways—using only limited hand sampling techniques.	27 28 29 30
	‘(3) If a mining lease is granted over land that includes a wild river area, mining lease activities must not be carried out—	31 32

Wild Rivers and Other Legislation Amendment Bill
2006

(a) on the surface of the land in the wild river high preservation area; or	1 2
(b) in a nominated waterway.	3
‘(4) Subsection (3)(b) does not apply if—	4
(a) the mining lease is, or is included in, a project declared under the <i>State Development and Public Works Organisation Act 1971</i> , section 26, to be a significant project; and	5 6 7 8
(b) the report evaluating the EIS for the project shows—	9
(i) the natural values of the wild river, included in the wild river preservation area, will be preserved; and	10 11
(ii) it is not reasonably feasible to take the natural resource under the lease by underground mining; and	12 13 14
(iii) the value of the natural resource is sufficient to warrant the grant of the lease over the nominated waterway.	15 16 17
‘(5) Subsections (1) to (4) do not apply to a mining tenement—	18
(a) for a project for which a special agreement Act was enacted; and	19 20
(b) application for which was allowed, under the special agreement Act, to be made.	21 22
‘(6) Subsection (1) does not prevent a single mining tenement applying to the land not excluded under subsection (1).	23 24
‘(7) The holder of a mining tenement is not required to pay rental on land excluded under this section.	25 26
‘384 Renewal of mining tenements in wild river areas	27
‘(1) If a mining tenement, other than an exploration permit, a mining lease or a mining claim, is renewed over land that, at the time of the renewal, includes a wild river area, the following parts of the wild river area are excluded from the land to which the renewed mining tenement applies—	28 29 30 31 32
(a) the wild river high preservation area;	33

Wild Rivers and Other Legislation Amendment Bill
2006

- (b) nominated waterways in the wild river preservation area. 1
- ‘(2) If an exploration permit is renewed over land that, at the time 2
of the renewal, includes a wild river area, exploration may be 3
carried out— 4
- (a) to the extent the renewed exploration permit applies to 5
the wild river high preservation area, other than 6
watercourses and lakes—using only low impact 7
activities; and 8
- (b) to the extent the renewed exploration permit applies to 9
watercourses and lakes in the wild river high 10
preservation area or nominated waterways—using only 11
limited hand sampling techniques. 12
- ‘(3) If a mining lease is renewed over land that, at the time of the 13
renewal, includes a wild river area, mining lease activities 14
must not be carried out— 15
- (a) on the surface of the land in the wild river high 16
preservation area; or 17
- (b) in a nominated waterway. 18
- ‘(4) Subsection (3)(b) does not apply if— 19
- (a) the mining lease is, or is included in, a project declared 20
under the *State Development and Public Works* 21
Organisation Act 1971, section 26, to be a significant 22
project; and 23
- (b) the report evaluating the EIS for the project shows— 24
- (i) the natural values of the wild river, included in the 25
wild river preservation area, will be preserved; and 26
- (ii) it is not reasonably feasible to take the natural 27
resource under the lease by underground mining; 28
and 29
- (iii) the value of the natural resource is sufficient to 30
warrant the renewal of the lease over the 31
nominated waterway. 32
- ‘(5) Subsections (1) to (4) do not apply to a mining tenement— 33
- (a) for a project for which a special agreement Act was 34
enacted; and 35

*Wild Rivers and Other Legislation Amendment Bill
2006*

- | | | |
|------|--|--------|
| | (b) application for which was allowed, under the special agreement Act, to be made. | 1
2 |
| ‘(6) | Subsection (1) does not prevent a single mining tenement applying to the land not excluded under subsection (1). | 3
4 |
| ‘(7) | The holder of a mining tenement is not required to pay rental on land excluded under this section.’. | 5
6 |

Part 9	Amendment of Valuation of Land Act 1944	7 8
---------------	--	--------

- | | | |
|------------------|--|----|
| Clause 54 | Act amended in pt 9 | 9 |
| | This part amends the <i>Valuation of Land Act 1944</i> . | 10 |

- | | | |
|------------------|--|----|
| Clause 55 | Amendment of s 2 (Definitions) | 11 |
| | (1) Section 2, definition <i>annual valuation notice</i> — | 12 |
| | <i>omit.</i> | 13 |
| | (2) Section 2— | 14 |
| | <i>insert</i> — | 15 |
| | ‘ <i>notice of valuation</i> means— | 16 |
| | (a) for part 4—a notice issued under section 41A; or | 17 |
| | (b) for part 6—a notice issued under section 50; or | 18 |
| | (c) otherwise—a notice issued under section 41A or 50.’. | 19 |

- | | | |
|------------------|---|----------|
| Clause 56 | Amendment of s 28 (Alteration of valuation in force or to come into force) | 20
21 |
| | Section 28, ‘an annual valuation notice under part 4, and’— | 22 |
| | <i>omit, insert</i> — | 23 |
| | ‘a notice of valuation under section 41A and’. | 24 |

*Wild Rivers and Other Legislation Amendment Bill
2006*

Clause 57	Amendment of s 41A (Notice to owners about valuations)	1
	(1) Section 41A(2)(b)—	2
	<i>omit, insert—</i>	3
	‘(b) state the date of issue of the notice; and	4
	(ba) state that the owner may object to the valuation within 45 days after the date of issue of the notice; and’.	5 6
	(2) Section 41A(2)(ba) and (c)—	7
	<i>renumber</i> as section 41A(2)(c) and (d).	8
 Clause 58	 Amendment of s 42 (Owner may object)	 9
	(1) Section 42(1), ‘may within 42 days after the annual valuation notice is given to the owner’—	10 11
	<i>omit, insert—</i>	12
	‘may, within 45 days after the date of issue of the notice of valuation under section 41A(1)(a)’.	13 14
	(2) Section 42(3)—	15
	<i>omit, insert—</i>	16
	‘(3) An objection under subsection (2) must be posted to or lodged with the chief executive within 45 days after the date of issue of the notice of valuation under section 41A(1)(b).’.	17 18 19
 Clause 59	 Amendment of s 43C (Effect on objection of change in valuation)	 20 21
	Section 43C(1)(c), after ‘issued’—	22
	<i>insert—</i>	23
	‘under section 50’.	24
 Clause 60	 Amendment of s 44 (Late objection)	 25
	Section 44(1)(b)—	26
	<i>omit, insert—</i>	27

*Wild Rivers and Other Legislation Amendment Bill
2006*

‘(b) the person posts to or lodges with the chief executive an
objection in writing against the valuation within 1 year
after the date of issue of the notice of valuation; and’. 1
2
3

**Clause 61 Amendment of s 46 (Right of new owner to carry on
objection or appeal) 4
5**

- (1) Section 46(1), ‘the relevant date of notice’— 6
omit, insert— 7
‘a valuation of the land under this part and the issue of the 8
notice of valuation in respect of the land’. 9
- (2) Section 46(4)— 10
omit. 11

Clause 62 Amendment of s 52 (Objections to valuation) 12
Section 52, ‘42’— 13
omit, insert— 14
‘45’. 15

Clause 63 Amendment of s 52A (Late objections to valuation) 16
Section 52A(1)(b)— 17
omit, insert— 18
‘(b) the person posts to or lodges with the chief executive an 19
objection in writing against the valuation within 1 year 20
after the date of issue of the notice of valuation in 21
respect of the land; and’. 22

Clause 64 Amendment of s 54 (Notice to objector) 23
Section 54(2)(c), ‘in accordance with this Act’— 24
omit, insert— 25
‘under section 50’. 26

	Part 10	1
	Amendment of Vegetation Management Act 1999	2
Clause 65	Act amended in pt 10 and schedule	3
	This part and the schedule amend the <i>Vegetation Management Act 1999</i> .	4 5
Clause 66	Amendment of s 22A (Particular vegetation clearing applications may be assessed)	6 7
	(1) Section 22A(2)—	8
	<i>insert—</i>	9
	‘(k) for clearing regrowth on freehold land, or indigenous land, in a wild river high preservation area.’	10 11
	(2) Section 22A(2A)(a), ‘(g), (i) or (j)’—	12
	<i>omit, insert—</i>	13
	‘(g) or (i)’.	14
	(3) Section 22A—	15
	<i>insert—</i>	16
	‘(2B) Also, a vegetation clearing application is not for a relevant purpose under this section if the development applied for is—	17 18
	(a) mentioned in subsection (2)(j) or (k); and	19
	(b) proposed for a wild river high preservation area, other than an area shown as a registered area of agriculture on a registered area of agriculture map.’	20 21 22
	(4) Section 22A(3), after ‘quarry.’—	23
	<i>insert—</i>	24
	‘registered area of agriculture map—	25
	1 A <i>registered area of agriculture map</i> means a map—	26
	(a) certified by the chief executive as a registered area of agriculture map for wild river areas; and	27 28

*Wild Rivers and Other Legislation Amendment Bill
2006*

	(b) maintained by the department for the purpose of showing, for the wild river areas, registered areas of agriculture.	1 2 3
2	A <i>registered area of agriculture map</i> includes any amendment to the map included in a schedule to the map and certified by the chief executive as an amendment to the map at the day the amendment is certified.’.	4 5 6 7 8
Part 11 Amendment of Water Act 2000		9
Division 1 Preliminary		10
Clause 67	Act amended in pt 11 and schedule	11
	This part and the schedule amend the <i>Water Act 2000</i> .	12
Division 2 Amendments for Wild Rivers Act 2005		13 14
Clause 68	Amendment of s 209 (Applications that may be decided without public notice)	15 16
	Section 209(1), ‘or a resource operations plan’—	17
	<i>omit, insert—</i>	18
	‘, a resource operations plan or a wild river declaration’.	19
Clause 69	Amendment of s 210 (Criteria for deciding application for water licence)	20 21
	Section 210(1)(c), ‘and resource operations plan’—	22
	<i>omit, insert—</i>	23
	‘, resource operations plan and wild river declaration’.	24

*Wild Rivers and Other Legislation Amendment Bill
2006*

Clause 70	Amendment of s 266 (Applying for permit to destroy vegetation, excavate or place fill in a watercourse, lake or spring)	1 2 3
	Section 266(4)(a)—	4
	<i>omit, insert—</i>	5
	‘(a) relates to a wild river high preservation area or a nominated waterway in a wild river preservation area; and’.	6 7 8
 Clause 71	 Amendment of s 268 (Criteria for deciding application for a permit to destroy vegetation, excavate or place fill in a watercourse, lake or spring)	 9 10 11
	(1) Section 268—	12
	<i>insert—</i>	13
	‘(ga) any applicable wild river declaration, including any code, for the proposed activity, mentioned in the declaration;’.	14 15 16
	(2) Section 268(ga) to (i)—	17
	<i>renumber</i> as section 268(h) to (j).	18
 Clause 72	 Amendment of s 280 (Applying for allocation of quarry material)	 19 20
	Section 280(3), ‘made.’—	21
	<i>omit, insert—</i>	22
	‘made unless the quarry material for the proposed allocation is to be used for specified works, or residential complexes, in the wild river area.’.	23 24 25
 Clause 73	 Amendment of s 282 (Criteria for deciding application for allocation of quarry material)	 26 27
	(1) Section 282—	28
	<i>insert—</i>	29

*Wild Rivers and Other Legislation Amendment Bill
2006*

- (1A) Also, if any part of the application relates to a wild river area, the chief executive must, in deciding whether to grant or refuse the application or what should be the conditions of the allocation, consider the wild river declaration for the area.’ 1
2
3
4
- (2) Section 282(2), ‘Subsection (1) does’— 5
omit, insert— 6
‘Subsection (1) and (1A) do’. 7
- (3) Section 282— 8
insert— 9
- ‘(3) If any part of the application relates to a wild river area, the chief executive must not grant the application unless satisfied— 10
11
12
- (a) the quarry material for the proposed allocation is to be used for specified works or a residential complex; and 13
14
- (b) there is no other suitable source of material not in a watercourse that is within a reasonable distance from where the specified works or the residential complex is or will be situated.’. 15
16
17
18

- Clause 74 Amendment of s 966C (Applications in relation to removal of quarry material in wild river areas)** 19
20
- Section 966C(2) and (3)— 21
omit, insert— 22
- ‘(2) For the application, the assessment manager’s and any concurrence agency’s decision must comply with the applicable code mentioned in the wild river declaration for the area.’. 23
24
25
26

*Wild Rivers and Other Legislation Amendment Bill
2006*

	Division 3	Amendments about the commission and other matters	1 2
Clause 75	Amendment of s 223 (Transferring water licence to other land)		3 4
	Section 223—		5
	<i>omit, insert—</i>		6
‘223	Other transfer of water licence		7
	‘(1) Subsection (3) applies if a regulation states—		8
	(a) that all or part of a water licence, to take water, attaching to land may be transferred so that the licence attaches to other land, whether in or outside Queensland; and		9 10 11
	(b) the process for dealing with an application for the transfer.		12 13
	‘(2) Subsection (3) also applies in the following circumstances, whether or not a water licence, to take water, attaches to the land—		14 15 16
	(a) if a regulation states that all or part of the water licence to which a water resource plan applies may be—		17 18
	(i) transferred to a prescribed person; or		19
	(ii) amended to change the location from which the water may be taken or the purpose for which the water may be taken; or		20 21 22
	(iii) amalgamated with another licence held or to be held by the transferee;		23 24
	(b) if a resource operations plan states rules for changing the location from which the water may be taken under the licence;		25 26 27
	(c) if the regulation states the process for dealing with an application for the transfer, amendment or amalgamation.		28 29 30
	‘(3) The application may be made only in accordance with the regulation.		31 32

*Wild Rivers and Other Legislation Amendment Bill
2006*

- ‘(4) If the application is, or includes, an application to amend a water licence to take water, and there is other land between the proposed point of the taking and the land to which the amended licence would attach, section 206(3)(b) also applies to the application. 1
2
3
4
5
- ‘(5) If the application includes an application to amalgamate water licences, the part of the application relating to the amalgamation may be made only by an applicant mentioned in section 224(1). 6
7
8
9
- ‘(6) In this section— 10
prescribed person means— 11
- (a) a person who is, or will be, an owner of land to which a water licence will attach when a transfer under this section is approved; or 12
13
14
- (b) an entity mentioned in section 206(4).’ 15

- Clause 76 Amendment of s 360W (Content of plan)** 16
Section 360W(1)(b)(v)— 17
omit, insert— 18
- ‘(v) the desired levels of service objectives; 19
(vi) the desired water savings and efficiency targets; 20
(vii) other obligations imposed on the water service providers under the plan.’ 21
22

- Clause 77 Insertion of new ch 2A, pt 5, div 3** 23
After section 360ZC— 24
insert— 25

‘Division 3 Water efficiency management plans 26

- ‘360ZCA Purpose and application of division** 27
- ‘(1) The purpose of this division is to promote the efficient use of water by non-residential customers. 28
29

*Wild Rivers and Other Legislation Amendment Bill
2006*

‘(2) This division only applies for a non-residential customer—	1
(a) in the SEQ region or a designated region (the <i>region</i>);	2
and	3
(b) who does not hold a water entitlement.	4
‘(3) However, if this division would not apply to a non-residential	5
customer because of subsection (2), but the customer takes	6
water from a water service provider in the region under	7
another arrangement, the division applies for the other	8
arrangement.	9
‘(4) Also—	10
(a) if a customer to whom this division applies is also a	11
customer to whom chapter 3, part 2, division 7 applies	12
the customer is taken to be a customer for this division	13
only; and	14
(b) if a customer to whom this division applies is a customer	15
of more than 1 water service provider in the region, the	16
water service provider who provides the customer with	17
the most water is the water service provider for the	18
customer for this division.	19
‘360ZCB When water efficiency management plan may be	20
required	21
‘(1) The commission may, by written direction, require a water	22
service provider to give a customer, or type of customer, a	23
written notice—	24
(a) to prepare a plan (a <i>water efficiency management</i>	25
<i>plan</i>); and	26
(b) to give it to the water service provider within the	27
reasonable time stated by the commission.	28
‘(2) The water service provider must comply with the direction.	29
Maximum penalty—500 penalty units.	30
‘(3) A water service provider may, without direction, give a	31
customer, or type of customer, a written notice approved by	32
the commission—	33

*Wild Rivers and Other Legislation Amendment Bill
2006*

(a) to prepare a plan (also a <i>water efficiency management plan</i>); and	1 2
(b) to give it to the water service provider within the reasonable time stated by the water service provider.	3 4
‘(4) The customer must comply with a notice given by a water service provider under subsection (1) or (3). Maximum penalty—500 penalty units.	5 6 7
‘(5) A customer may, for any reason, prepare a water efficiency management plan.	8 9
‘(6) This division applies to the preparation and approval of a plan to which this section applies.	10 11
‘360ZCC Content of water efficiency management plan	12
‘A water efficiency management plan must comply with any relevant guidelines issued by the commission and must state the following—	13 14 15
(a) the name of the customer and the location where the plan applies;	16 17
(b) an outline the customer’s current water use at the location and the source of the water used;	18 19
(c) the water savings and efficiencies that will be achieved by implementing the plan;	20 21
(d) the time frames for implementing the plan.	22
‘360ZCD Approving water efficiency management plan	23
‘(1) For deciding whether or not to approve a water efficiency management plan, the water service provider may require the customer to give additional information about the plan within the reasonable time stated by the water service provider.	24 25 26 27
‘(2) The water service provider must approve, with or without conditions, or refuse to approve the plan—	28 29
(a) if additional information is not required—within 60 business days after receiving the plan; or	30 31

*Wild Rivers and Other Legislation Amendment Bill
2006*

(b) if additional information is required—within 60	1
business days of when the information is received or	2
should have been given, whichever is earlier.	3
‘(3) Within 10 business days after making a decision under	4
subsection (2), the water service provider must give the	5
customer an information notice.	6
‘(4) If the water service provider does not approve the plan, the	7
customer must, within 20 business days of receiving a notice	8
under subsection (3) or the extended period under subsection	9
(5), give the water service provider a revised plan that	10
addresses the reasons for the decision.	11
Maximum penalty—200 penalty units.	12
‘(5) The water service provider may extend the period of 20	13
business days mentioned in subsection (4).	14
‘(6) This division applies for a revised plan, with any necessary	15
changes to give effect to the division.	16
‘(7) Chapter 6 applies for the information notice—	17
(a) as if it were a notice given by a local government; and	18
(b) as if a reference in relation to a local government were a	19
reference to the water service provider; and	20
(c) with any necessary changes to give effect to paragraphs	21
(a) and (b).	22
‘(8) The water service provider may recover from the customer, as	23
a debt due to it by the customer, a nominal application fee for	24
the approval of the customer’s water efficiency management	25
plan.	26
‘360ZCE Complying with water efficiency management plan	27
‘A customer must comply with the customer’s approved water	28
efficiency management plan.	29
Maximum penalty—1665 penalty units	30

*Wild Rivers and Other Legislation Amendment Bill
2006*

‘360ZCF Reporting under water efficiency management plan	1
‘(1) A customer to whom an approved water efficiency management plan applies, must give the water service provider a written report each year advising—	2 3 4
(a) the extent to which the plan has been implemented; and	5
(b) the water savings and efficiencies achieved by implementing the plan; and	6 7
(c) any change of circumstances in relation to the matters mentioned in section 360ZCH(1)(a).	8 9
Maximum penalty—100 penalty units.	10
‘(2) The report must be given within 10 business days after the anniversary day for the plan.	11 12
‘(3) The commission may at any time ask a water service provider to give the commission—	13 14
(a) a copy of an approved water efficiency management plan; or	15 16
(b) information about a plan that has not yet been approved; or	17 18
(c) a report summarising progress by the water service provider’s customers in achieving water savings and efficiencies.	19 20 21
‘(4) The water service provider must comply with the request within 20 business days.	22 23
Maximum penalty for subsection (4)—100 penalty units.	24
 ‘360ZCG Amending or replacing water efficiency management plan by commission direction	 25 26
‘(1) This section applies if the commission is satisfied that there is or there is likely to be—	27 28
(a) a severe water supply shortage; or	29
(b) an increase in the severity of a water supply shortage.	30

Wild Rivers and Other Legislation Amendment Bill
2006

‘(2)	The commission may, by written direction, require a water service provider to give a customer, or type of customer, a written notice requiring the customer to—	1 2 3
(a)	amend an approved water efficiency management plan and give it to the water service provider within the reasonable time stated by the commission; or	4 5 6
(b)	prepare a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the commission.	7 8 9
‘(3)	The water service provider must comply with the direction. Maximum penalty—500 penalty units.	10 11
‘(4)	The customer must comply with a notice given under subsection (2). Maximum penalty—500 penalty units.	12 13 14
‘(5)	This division, other than section 360ZCB, applies for preparing the amended or new plan, with any necessary changes to give effect to the division.	15 16 17
‘360ZCH	Amending or replacing water efficiency management plan by water service provider direction	18 19
‘(1)	This section applies if a water service provider is satisfied that—	20 21
(a)	for a customer, or a type of customer, production output or water consumption has increased significantly; or	22 23
(b)	the cost effectiveness of implementing an approved water efficiency management plan is likely to have changed significantly; or	24 25 26
(c)	there is or there is likely to be a severe water supply shortage.	27 28
‘(2)	The water service provider must give the customer a written notice requiring the customer to—	29 30
(a)	amend the plan and give it to the water service provider within the reasonable time stated by the water service provider; or	31 32 33

*Wild Rivers and Other Legislation Amendment Bill
2006*

(b) prepare a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the water service provider.	1 2 3
‘(3) The customer must comply with the notice. Maximum penalty—500 penalty units.	4 5
‘(4) This division, other than section 360ZCB, applies for preparing the amended or new plan, with any necessary changes to give effect to the division.	6 7 8
‘360ZCI Amending or replacing water efficiency management plan by request	9 10
‘(1) A customer may request an amendment of an approved water efficiency management plan or that a new water efficiency management plan be prepared.	11 12 13
‘(2) If the water service provider approves the request the customer must—	14 15
(a) amend the plan and give it to the water service provider within the reasonable time stated by the water service provider; or	16 17 18
(b) prepare a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the water service provider.	19 20 21
‘(3) This division, other than section 360ZCB, applies for preparing the amended or new plan, with any necessary changes to give effect to the division.	22 23 24
‘360ZCJ Notice to comply with water efficiency management plan	25 26
‘(1) This section applies if a water service provider is satisfied or reasonably believes a customer to whom an approved water efficiency management plan applies has not complied with the plan.	27 28 29 30
‘(2) The water service provider may give the customer a notice, requiring the customer to comply with the plan within the reasonable time stated in the notice.	31 32 33

*Wild Rivers and Other Legislation Amendment Bill
2006*

	‘360ZCK Reviewing water efficiency management plans	1
	‘(1) A water service provider must ensure a customer to whom an approved water efficiency management plan applies reviews the plan when the water service provider considers it appropriate.	2 3 4 5
	‘(2) The customer must give the water service provider a copy of the review report within the reasonable time stated by the water service provider.	6 7 8
	‘(3) A review must occur at least every 5 years.’.	9
Clause 78	Amendment of s 360ZD (Restricting water supply)	10
	(1) Section 360ZD(1), ‘following in’—	11
	<i>omit, insert—</i>	12
	‘following in all or part of’.	13
	(2) Section 360ZD—	14
	<i>insert—</i>	15
	‘(5) A restriction may provide an exemption from all or part of the restriction.	16 17
	‘(6) In this section, the power to restrict includes the power to prohibit.’.	18 19
Clause 79	Amendment of s 360ZE (Notice of commission water restriction must be given)	20 21
	Section 360ZE, penalty for subsection (4)—	22
	<i>omit, insert—</i>	23
	‘Maximum penalty—	24
	(a) for a non-residential customer—1665 penalty units; or	25
	(b) for any other person—200 penalty units.	26
	‘(5) Evidence of compliance with a relevant part of a commission water restriction includes—	27 28
	(a) an authorised person is satisfied the premises meets the requirements for the restriction; or	29 30

*Wild Rivers and Other Legislation Amendment Bill
2006*

- (b) the person produces a certificate from a licensed plumber certifying that the premises meets the requirements for the restriction; or
- (c) the person produces a statutory declaration declaring the premises meets the requirements for the restriction.’.

Clause 80	Amendment of s 388 (Restricting water supply)	6
	Section 388—	7
	<i>insert</i> —	8
	‘(5) A restriction may provide an exemption from all or part of the restriction.	9 10
	‘(6) In this section, the power to restrict includes the power to prohibit.’.	11 12
 Clause 81	 Amendment of s 389 (Notice of service provider water restriction must be given)	 13 14
	(1) Section 389, penalty for subsection (3)—	15
	<i>omit, insert</i> —	16
	‘Maximum penalty—	17
	(a) for a non-residential customer—1665 penalty units; or	18
	(b) for any other person—200 penalty units.’.	19
	(2) Section 389—	20
	<i>insert</i> —	21
	‘(7) Evidence of compliance with a relevant part of a service provider water restriction includes—	22 23
	(a) an authorised person is satisfied the premises meets the requirements for the restriction; or	24 25
	(b) the person produces a certificate from a licensed plumber certifying that the premises meets the requirements for the restriction; or	26 27 28
	(c) the person produces a statutory declaration declaring the premises meets the requirements for the restriction.’.	29 30

*Wild Rivers and Other Legislation Amendment Bill
2006*

Clause 82	Insertion of new ch 3, pt 2, div 7	1
	After section 398—	2
	<i>insert—</i>	3
	‘Division 7	4
	Water efficiency management plans	
	‘399 Purpose and application of division	5
	‘(1) The purpose of this division is to promote water savings by non-residential customers.	6 7
	‘(2) This division only applies for a non-residential customer—	8
	(a) outside the SEQ region or a designated region (the <i>region</i>); and	9 10
	(b) who does not hold a water entitlement.	11
	‘(3) However, if this division would not apply to a non-residential customer because of subsection (2), but the customer takes water from a water service provider in the region under another arrangement, the division applies for the other arrangement.	12 13 14 15 16
	‘(4) Also—	17
	(a) if a customer to whom this division applies is also a customer to whom chapter 2A, part 5, division 3 applies, the customer is taken to be a customer under that division only; and	18 19 20 21
	(b) if a customer to whom this division applies is a customer of more than 1 water service provider in the region, the water service provider who provides the customer with the most water is the water service provider for the customer for this division.	22 23 24 25 26
	‘400 When water efficiency management plan may be required	27 28
	‘(1) The chief executive may, by written direction, require a water service provider to give a customer, or type of customer, a written notice—	29 30 31

*Wild Rivers and Other Legislation Amendment Bill
2006*

(a) to prepare a plan (a <i>water efficiency management plan</i>); and	1 2
(b) to give it to the water service provider within the reasonable time stated by the chief executive.	3 4
‘(2) The water service provider must comply with the direction. Maximum penalty—500 penalty units.	5 6
‘(3) A water service provider may, without direction, give a customer, or type of customer, a written notice, approved by the chief executive—	7 8 9
(a) to prepare a plan (also a <i>water efficiency management plan</i>); and	10 11
(b) to give it to the water service provider within the reasonable time stated by the water service provider.	12 13
‘(4) The customer must comply with a notice given by the water service provider under subsection (1) or (3). Maximum penalty—500 penalty units.	14 15 16
‘(5) A customer may, for any reason, prepare a water efficiency management plan.	17 18
‘(6) This division applies to the preparation and approval of a plan to which this section applies.	19 20
‘401 Content of water efficiency management plan	21
‘(1) A water efficiency management plan prepared under section 400(1) must comply with any relevant guidelines issued by the chief executive.	22 23 24
‘(2) A water efficiency management plan prepared under section 400(3) must comply with—	25 26
(a) any relevant guidelines issued by the chief executive; or	27
(b) if the chief executive has not issued any guidelines—any relevant guidelines issued by the water service provider.	28 29
‘(3) A water efficiency management plan must also state the following—	30 31

*Wild Rivers and Other Legislation Amendment Bill
2006*

(a) the name of the customer and the location where the plan applies;	1 2
(b) an outline the customer’s current water use at the location and the source of the water used;	3 4
(c) the water savings and efficiencies that will be achieved by implementing the plan;	5 6
(d) the time frames for implementing the plan.	7
‘402 Approving water efficiency management plan	8
‘(1) For deciding whether or not to approve a water efficiency management plan, the water service provider may require the customer to give additional information about the plan within the reasonable time stated by the water service provider.	9 10 11 12
‘(2) The water service provider must approve, with or without conditions, or refuse to approve the plan—	13 14
(a) if additional information is not required—within 60 business days after receiving the plan; or	15 16
(b) if additional information is required—within 60 business days of when the information is received or should have been given, whichever is earlier.	17 18 19
‘(3) Within 10 business days after making a decision under subsection (2), the water service provider must give the customer an information notice.	20 21 22
‘(4) If the water service provider does not approve the plan, the customer must, within 20 business days of receiving the notice or the extended period under subsection (5), give the water service provider a revised plan addressing the reasons for refusal of the plan.	23 24 25 26 27
Maximum penalty for subsection (4)—200 penalty units.	28
‘(5) The water service provider may extend the period of 20 business days mentioned in subsection (4).	29 30
‘(6) This division applies for a revised plan, with any necessary changes to give effect to the division.	31 32
‘(7) Chapter 6 applies for the information notice—	33

*Wild Rivers and Other Legislation Amendment Bill
2006*

(a)	as if it were a notice given by a local government; and	1
(b)	as if a reference in relation to a local government were a reference to the water service provider; and	2 3
(c)	with any necessary changes to give effect to paragraphs (a) and (b).	4 5
‘(8)	The water service provider may recover from the customer, as a debt due to it by the customer, a nominal application fee for the approval of the customer’s water efficiency management plan.	6 7 8 9
‘403	Complying with water efficiency management plan	10
	‘A customer must comply with the customer’s approved water efficiency management plan.	11 12
	Maximum penalty—1665 penalty units	13
‘404	Reporting under water efficiency management plan	14
‘(1)	A customer to whom an approved water efficiency management plan applies must give the water service provider a written report each year advising—	15 16 17
(a)	the extent to which the plan has been implemented; and	18
(b)	the water savings and efficiencies achieved by implementing the plan; and	19 20
(c)	any change of circumstances in relation to the matters mentioned in section 405(1)(a).	21 22
	Maximum penalty—100 penalty units.	23
‘(2)	The report must be given within 10 business days after the anniversary day for the plan.	24 25
‘(3)	The chief executive may at any time ask a water service provider to give the chief executive—	26 27
(a)	a copy of an approved water efficiency management plan; or	28 29
(b)	information about a plan that has not yet been approved; or	30 31

*Wild Rivers and Other Legislation Amendment Bill
2006*

(c)	a report summarising progress by the water service provider’s customers in achieving water savings and efficiencies.	1 2 3
‘(4)	The water service provider must comply with the request within 20 business days of receiving the request.	4 5
	Maximum penalty for subsection (4)—100 penalty units.	6
‘405	Amending or replacing water efficiency management plan by chief executive direction	7 8
‘(1)	This section applies if the chief executive is satisfied that there is or there is likely to be—	9 10
(a)	a severe water supply shortage; or	11
(b)	an increase in the severity of a water supply shortage.	12
‘(2)	The chief executive may, by written direction, require a water service provider to give a customer, or type of customer, a written notice requiring the customer to—	13 14 15
(a)	amend an approved water efficiency management plan and give it to the water service provider within the reasonable time stated by the chief executive; or	16 17 18
(b)	prepare a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the chief executive.	19 20 21
‘(3)	The water service provider must comply with the direction.	22
	Maximum penalty—500 penalty units.	23
‘(4)	The customer must comply with a notice given under subsection (2).	24 25
	Maximum penalty—500 penalty units.	26
‘(5)	This division, other than section 400, applies for preparing the amended or new plan, with any necessary changes to give effect to the division.	27 28 29

*Wild Rivers and Other Legislation Amendment Bill
2006*

‘406	Amending or replacing water efficiency management plan by water service provider direction	1 2
‘(1)	This section applies if a water service provider is satisfied that—	3 4
	(a) for a customer, or a type of customer, production output or water consumption has increased significantly; or	5 6
	(b) the cost effectiveness of implementing an approved water efficiency management plan is likely to have changed significantly; or	7 8 9
	(c) there is or there is likely to be a severe water supply shortage.	10 11
‘(2)	The water service provider must give the customer a written notice requiring the customer to—	12 13
	(a) amend the plan and give it to the water service provider within the reasonable time stated by the water service provider; or	14 15 16
	(b) prepare a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the water service provider.	17 18 19
‘(3)	The customer must comply with the notice. Maximum penalty—500 penalty units.	20 21
‘(4)	This division, other than section 400, applies for preparing the amended or new plan, with any necessary changes to give effect to the division.	22 23 24
‘407	Amending or replacing water efficiency management plan by request	25 26
‘(1)	A customer may request an amendment of an approved water efficiency management plan or that a new water efficiency management plan be prepared.	27 28 29
‘(2)	If the water service provider approves the request the customer must—	30 31
	(a) amend the plan and give it to the water service provider within the reasonable time stated by the water service provider; or	32 33 34

*Wild Rivers and Other Legislation Amendment Bill
2006*

(b) prepare a new water efficiency management plan and 1
give it to the water service provider within the 2
reasonable time stated by the water service provider. 3

‘(3) This division, other than section 400, applies for preparing the 4
amended or new plan, with any necessary changes to give 5
effect to the division. 6

**‘407A Notice to comply with water efficiency management 7
plan 8**

‘(1) This section applies if a water service provider is satisfied or 9
reasonably believes a customer to whom an approved water 10
efficiency management plan applies has not complied with the 11
plan. 12

‘(2) The water service provider may give the customer a notice, 13
requiring the customer to comply with the plan within the 14
reasonable time stated in the notice. 15

‘407B Reviewing water efficiency management plans 16

‘(1) A water service provider must ensure a customer to whom an 17
approved water efficiency management plan applies reviews 18
the plan when the water service provider considers it 19
appropriate. 20

‘(2) The customer must give the water service provider a copy of 21
the review report within the reasonable time stated by the 22
water service provider. 23

‘(3) A review must occur at least every 5 years.’. 24

Clause 83 Insertion of new ch 9, pt 5, div 7 25

After section 1143— 26

insert— 27

*Wild Rivers and Other Legislation Amendment Bill
2006*

‘Division 7	Transitional provisions for Wild Rivers and Other Legislation Amendment Bill 2006	1 2 3
‘1144 Plans taken to be water efficiency management plans		4
‘(1) Subsection (2) applies if—		5
(a) a customer has a plan for achieving water efficiency in the customer’s business operations; and		6 7
(b) the plan was approved by the customer’s water service provider before the commencement of this section.		8 9
‘(2) The plan is taken to be an approved water efficiency management plan from the commencement.		10 11
‘(3) Subsection (4) applies if—		12
(a) after the commencement of this section a region is designated under section 360D; and		13 14
(b) chapter 2A, part 5, division 3 then applies to a non-residential customer in the region; and		15 16
(c) there is, the day the designation is made, an approved water efficiency management plan for the customer.		17 18
‘(4) The approved water efficiency management plan is taken to be an approved water efficiency management plan under chapter 2A, part 5 division 3 from the day of the designation.		19 20 21
‘1145 Validation of commission water restrictions		22
‘(1) This section applies if the commission has, under section 360ZE, purported to exercise a power—		23 24
(a) mentioned in section 360ZD; and		25
(b) before the commencement of this section.		26
‘(2) The exercise of the power is taken to be as valid as if the power were exercised after the commencement.		27 28
‘(3) In this section—		29

*Wild Rivers and Other Legislation Amendment Bill
2006*

section 360ZD means 360ZD as it was after the commencement. 1
2

‘1146 Validation of service provider water restrictions 3

‘(1) This section applies if a service provider has, under section 4
389, purported to exercise a power— 5

(a) mentioned in section 388; and 6

(b) before the commencement of this section. 7

‘(2) The exercise of the power is taken to be as valid as if the 8
power were exercised after the commencement. 9

‘(3) In this section— 10

section 388 means 388 as it was after the commencement.’. 11

Clause 84 Amendment of sch 4 (Dictionary) 12

(1) Schedule 4, definition *customer*— 13

omit. 14

(2) Schedule 4— 15

insert— 16

‘anniversary day, for an approved water efficiency 17
management plan, means each anniversary of the day the plan 18
was approved. 19

approved water efficiency management plan means a water 20
efficiency management plan approved under chapter 2A, part 21
5, division 3 or chapter 3, part 2, division 7. 22

customer— 23

1 Generally, *customer*, of a service provider that is a local 24
government, means a ratepayer of the local government 25
who enjoys registered services supplied by the local 26
government. 27

2 Generally, *customer*, of a service provider other than a 28
local government, means a person who purchases 29
registered services supplied by the service provider on 30

Wild Rivers and Other Legislation Amendment Bill
2006

- premises other than a public place or premises owned by a service provider. 1
2
- 3 In chapter 2A, part 5, division 3, chapter 3, part 2, 3
division 7 and in the definition of non-residential 4
customer, *customer*, of a service provider that is a local 5
government, means— 6
- (a) a ratepayer of the local government who enjoys 7
registered services supplied by the local 8
government; or 9
- (b) a person who occupies non-residential premises 10
that enjoy registered services supplied by the local 11
government. 12
- 4 In chapter 2A, part 5, division 3 and chapter 3, part 2, 13
division 7 and in the definition of non-residential 14
customer, *customer*, of a service provider other than a 15
local government, means— 16
- (a) a person who purchases registered services 17
supplied by the service provider; or 18
- (b) a person who occupies non-residential premises 19
that enjoy registered services supplied by the 20
service provider. 21
- 5 In chapter 4 and section 851, *customer* means a person, 22
other than a ratepayer, for whom a water authority 23
carries out water activities. 24
- non-residential customer*** means a customer who uses water 25
on non-residential premises. 26
- non-residential premises*** means premises that are not used for 27
residential purposes, including, for example, tourist 28
accommodation, nursing homes, hostels, hospitals, caravan 29
parks, convents, nurseries, market gardens, turf farms, farms, 30
conference centres and the common property of a community 31
title scheme under the *Body Corporate and Community* 32
Management Act 1997 or under the *Building Units and Group* 33
Titles Act 1980. 34
- water efficiency management plan*** means a plan prepared 35
under chapter 2A, part 5, division 3 or chapter 3, part 2, 36
division 7. 37

*Wild Rivers and Other Legislation Amendment Bill
2006*

Part 12 **Other amendments of Acts** 1

Clause 85 **Amendments in schedule** 2

 The schedule amends the Acts it mentions. 3

Schedule	Consequential and minor amendments	1
		2
	sections 2, 29, 40, 44, 46, 65, 67 and 85	3
	Coastal Protection and Management Act 1995	4
1	Section 104A(5)—	5
	<i>omit, insert—</i>	6
	‘(5) For the application, the assessment manager’s and any concurrence agency’s decision must comply with the applicable code mentioned in the wild river declaration for the area.’	7 8 9 10
2	Schedule, definition <i>wild river area</i>, ‘schedule 2’—	11
	<i>omit, insert—</i>	12
	‘schedule’.	13
	Fisheries Act 1994	14
1	Sections 76DA to 76DC, ‘<i>Integrated Planning Act 1997</i>—	15
	<i>omit, insert—</i>	16
	‘ <i>Planning Act</i> ’.	17
2	Sections 76DA(5), 76DB(5) and 76DC(5)—	18
	<i>omit, insert—</i>	19
	‘(5) For the application, the assessment manager’s and any concurrence agency’s decision must comply with the applicable code mentioned in the wild river declaration for the area.’	20 21 22 23

Schedule (continued)

3	Section 90(1)(d), ‘watercourse’— <i>omit, insert—</i> ‘waterway or lake’.	1 2 3
4	Section 90— <i>insert—</i> ‘(3) In this section— ‘ <i>lake</i> see the <i>Water Act 2000</i> , schedule 4.’	4 5 6 7
5	Schedule, definition <i>applicable code</i>, ‘<i>Integrated Planning Act 1997</i>’— <i>omit, insert—</i> ‘Planning Act’.	8 9 10 11
6	Schedule, definition <i>wild river area</i>, ‘<i>schedule 2</i>’— <i>omit, insert—</i> ‘schedule’.	12 13 14
Forestry Act 1959		15
1	Section 5, definitions <i>wild river</i> and <i>wild river area</i>, ‘<i>schedule 2</i>’— <i>omit, insert—</i> ‘schedule’.	16 17 18 19
2	Section 5— <i>insert—</i>	20 21

Schedule (continued)

<p style="margin-left: 40px;"><i>‘wild river declaration</i> see the <i>Wild Rivers Act 2005</i>, schedule.’.</p>	<p>1 2</p>
<p>3 Sections 55(2) and 56(2A)— <i>omit.</i></p>	<p>3 4</p>
<p>Fossicking Act 1994</p>	<p>5</p>
<p>1 Section 3— <i>insert—</i> <i>‘nominated waterway</i> see the <i>Wild Rivers Act 2005</i>, schedule.’.</p>	<p>6 7 8 9</p>
<p>2 Section 3, definition <i>protected area</i>, paragraph (b)(ii), ‘watercourse or lake’— <i>omit, insert—</i> ‘nominated waterway’.</p>	<p>10 11 12 13</p>
<p>3 Section 3, definition <i>wild river area</i>, ‘schedule 2’— <i>omit, insert—</i> ‘schedule’.</p>	<p>14 15 16</p>

Schedule (continued)

	Integrated Planning Act 1997	1
1	Section 3.4.4(5)(e), ‘section 715⁵³’— <i>omit, insert—</i> ‘section 1124 ¹ ’.	2 3 4
2	Section 5.7.4(1)(h)(i), ‘section 8’— <i>omit, insert—</i> ‘section 86’.	5 6 7
3	Section 5.7.6(4), definition <i>Queensland Development Code</i>, ‘section 5H’— <i>omit, insert—</i> ‘section 13’.	8 9 10 11
4	Section 6.1.54(7), ‘Despite section 3.5.35(2A), if’— <i>omit, insert—</i> ‘If’.	12 13 14
5	Schedule 8, part 1, table 2, item 8, ‘use against’— <i>omit, insert—</i> ‘use of premises against’.	15 16 17
6	Schedule 8A, authorising section— <i>insert—</i> ‘section 3.1.7’.	18 19 20

1 *Local Government Act 1993*, section 1124 (Notice of time share scheme to local government)

Schedule (continued)

7	Schedule 9, authorising section—	1
	<i>insert—</i>	2
	‘section 3.1.2’.	3
8	Schedule 10, definition <i>environmental nuisance</i>—	4
	<i>omit.</i>	5
9	Schedule 10, definition <i>notification period</i>, first occurring—	6
	<i>omit.</i>	7
		8
10	Schedule 10—	9
	<i>insert—</i>	10
	‘ <i>wild river high preservation area</i> means a high preservation area under the <i>Wild Rivers Act 2005</i> .’.	11
		12
11	Schedule 10, definition <i>specified activity</i>, paragraph (e)(ii), ‘Electricity Regulation 1994, section 14’—	13
	<i>omit, insert—</i>	14
	‘ <i>Electricity Regulation 2006</i> , section 17’.	15
		16
12	Schedule 10, definitions <i>wild river area</i> and <i>wild river declaration</i>, ‘schedule 2’—	17
	<i>omit, insert—</i>	18
	‘schedule’.	19
		20

Schedule (continued)

Land Protection (Pest and Stock Route Management) Act 2002	1 2
1 Schedule 3, definition <i>wild river area</i>, ‘schedule 2’— <i>omit, insert—</i> ‘schedule’.	3 4 5
Local Government Act 1993	6
1 Schedule 2, definition <i>local government Act</i>, paragraph (d), ‘chapter 3’— <i>omit, insert—</i> ‘chapter 2A or 3’.	7 8 9 10
Mineral Resources Act 1989	11
1 Section 422, definition <i>mining tenement—</i> <i>omit.</i>	12 13
2 Schedule, definitions <i>low impact activity</i> and <i>mining tenement—</i> <i>omit.</i>	14 15 16
3 Schedule— <i>insert—</i> ‘ <i>EIS</i> means an environmental impact statement.’	17 18 19

Schedule (continued)

<i>lake</i> , for part 10A, see section 382.	1
<i>limited hand sampling techniques</i> , for part 10A, see section 382.	2 3
<i>low impact activity</i> —	4
(a) for part 10A—see section 382; or	5
(b) for part 15—see section 482; or	6
(c) for part 16—see section 538.	7
<i>mining tenement</i> means a prospecting permit, mining claim, exploration permit, mineral development licence or mining lease.	8 9 10
<i>nominated waterway</i> , for part 10A, see section 382.	11
<i>person</i> , for part 10A, see section 382.	12
<i>proposed wild river area</i> , for part 10A, see section 382.	13
<i>special agreement Act</i> , for part 10A, see section 382.	14
<i>watercourse</i> , for part 10A, see section 382.	15
<i>wild river area</i> see the <i>Wild Rivers Act 2005</i> , schedule.	16
<i>wild river declaration</i> see the <i>Wild Rivers Act 2005</i> , schedule.	17
<i>wild river high preservation area</i> , for part 10A, see section 382.	18 19
<i>wild river preservation area</i> , for part 10A, see section 382.’.	20
Nature Conservation Act 1992	21
1 Schedule, definition <i>wild river declaration</i>, ‘schedule 2’—	22
<i>omit, insert</i> —	23
‘schedule’.	24

Schedule (continued)

	State Development and Public Works Organisation Act 1971	1 2
1	Schedule, definitions <i>wild river area</i> and <i>wild river declaration</i>, ‘schedule 2’— <i>omit, insert—</i> ‘schedule’.	3 4 5 6
Vegetation Management Act 1999		7
1	Schedule, definitions <i>wild river area</i> and <i>wild river declaration</i>, ‘schedule 2’— <i>omit, insert—</i> ‘schedule’.	8 9 10 11
Water Act 2000		12
1	Sections 55(2A) and 57(c)(ii), ‘section 14(1)(h) to (l)’— <i>omit, insert—</i> ‘section 14(1)(j) to (o)’.	13 14 15
2	Section 678(5), ‘, or a direction other than a joint direction under section 677’— <i>omit, insert—</i> ‘or a direction’.	16 17 18 19

Schedule (continued)

3	Section 678(6)—	1
	<i>omit.</i>	2
4	Section 678(7), ‘subsections (5) and (6)’—	3
	<i>omit, insert—</i>	4
	‘subsection (5)’.	5
5	Section 678(7) to (10)—	6
	<i>renumber</i> as section 678(6) to (9).	7
6	Sections 966A(5) and 966B(5)—	8
	<i>omit, insert—</i>	9
	‘(5) For the application, the assessment manager’s and any concurrence agency’s decision must comply with the applicable code mentioned in the wild river declaration for the area.’.	10 11 12 13
7	Section 1046(8)—	14
	<i>omit.</i>	15
8	Schedule 4—	16
	<i>insert—</i>	17
	‘ <i>nominated waterway</i> see the <i>Wild Rivers Act 2005</i> , schedule.	18
	<i>residential complex</i> see the <i>Environmental Protection Act 1994</i> , schedule 3.’.	19 20
9	Schedule 4, definitions <i>wild river area</i> and <i>wild river declaration</i>, ‘schedule 2’—	21 22
	<i>omit, insert—</i>	23
	‘schedule’.	24

Schedule (continued)

	Wild Rivers Act 2005	1
1	Section 3(3)(f) (previously section 5(3)(f) before renumbering), ‘wild rivers’ natural’— <i>omit, insert—</i> ‘wild river’s natural’.	2 3 4 5
2	Section 5 (previously section 3 before renumbering), ‘schedule 2’— <i>omit, insert—</i> ‘the schedule’.	6 7 8 9
3	Section 10(1), ‘subsections (2) to (5)’— <i>omit, insert—</i> ‘subsections (2) to (4)’.	10 11 12
4	Sections 13(2), 25(2) and 37(1), ‘section 14(1)(h) to (l)’— <i>omit, insert—</i> ‘section 14(1)(j) to (o)’.	13 14 15
5	Section 22, ‘section 10(2) to (5)’— <i>omit, insert—</i> ‘section 10(2) to (4)’.	16 17 18
6	Schedule, (previously schedule 2 before renumbering), authorising provision, ‘section 3’— <i>omit, insert—</i> ‘section 5’.	19 20 21 22

© State of Queensland 2006