

Queensland



**ENVIRONMENTAL
LEGISLATION
AMENDMENT ACT 1995**

Act No. 40 of 1995

Queensland



ENVIRONMENTAL LEGISLATION AMENDMENT ACT 1995

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Queensland



Environmental Legislation Amendment Act 1995

Act No. 40 of 1995

An Act to amend legislation about the environment

[Assented to 27 October 1995]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Environmental Legislation Amendment Act 1995*.

PART 2—AMENDMENT OF ENVIRONMENTAL PROTECTION ACT 1994

Act amended

2. This part amends the *Environmental Protection Act 1994*.

Amendment of s 42 (Public notice of applications for licences)

3. Section 42(3)(a)(ii), ‘paragraph (a)’—

omit, insert—

‘subparagraph (i)’.

Amendment of s 48 (Refusal of application for environmental authority)

4.(1) Section 48(1), definition “**environmental authority**”—

omit.

(2) Section 48(1)—

insert—

‘ “**interstate environmental authority**” means a licence, permit or other

authority that—

- (a) is issued under an interstate law; and
- (b) is prescribed under a regulation to be an environmental authority for this section.’.

(3) Section 48(4), ‘if the authority’—

omit, insert—

‘if it’.

(4) Section 48(4)(a) and (b), after ‘environmental authority’—

insert—

‘or interstate environmental authority’.

Amendment of s 58 (Refusal of application for transfer of licence)

5.(1) Section 58(1), definition “**environmental authority**”—

omit.

(2) Section 58(1)—

insert—

‘ “**interstate environmental authority**” means a licence, permit or other authority that—

- (a) is issued under an interstate law; and
- (b) is prescribed under a regulation to be an environmental authority for this section.’.

(3) Section 58(3)(a) and (b), after ‘environmental authority’—

insert—

‘or interstate environmental authority’.

Amendment of s 106 (Authority may apply to court for order setting aside immunity from prosecution)

6. Section 106(1), ‘103(1)’—

omit, insert—

‘104(1)’.

Replacement of pt 3 heading (Part 3—Other enforcement powers of authorised persons)

7. Chapter 4, part 3, heading—

omit, insert—

**‘PART 3—OTHER ENFORCEMENT POWERS OF
AUTHORISED PERSONS AND POLICE OFFICERS’.**

Amendment of s 144 (Power to require name and address)

8. Section 144(4), ‘an authorised person who is’—

omit.

Amendment of sch 4 (Dictionary)

9.(1) Schedule 4, definition “approval”—

omit, insert—

‘**“approval”** means an approval under chapter 3, part 4 to carry out a level 2 environmentally relevant activity.¹’.

(2) Schedule 4, definition “**noise abatement direction**”—

omit, insert—

‘**“noise abatement direction”** see section 150(3)(b).’.

(3) Schedule 4—

insert—

‘**“engaging”** in conduct includes failing to engage in conduct.

“interstate environmental authority” see sections 48 and 58.’.

¹ Chapter 3 (Environmental management), part 4 (Environmental authorities)

PART 3—AMENDMENT OF MARINE PARKS ACT 1982

Act amended

10. This part amends the *Marine Parks Act 1982*.

Amendment of s 9 (Definitions)

11. Section 9—

insert—

‘**“fee”** includes tax.’.

PART 4—AMENDMENT OF NATURE CONSERVATION ACT 1992

Act amended

12. This part amends the *Nature Conservation Act 1992*.

Amendment of s 35 (Chief executive’s powers about permitted uses in National Parks)

13. Section 35(1)(a)—

omit, insert—

‘(a) the use under the authority is prescribed under a regulation made for this section to be a permitted use for the area; and’.

Amendment of s 37 (Chief executive’s powers to renew existing authorities for National Parks)

14. Section 37(2)—

omit, insert—

‘(2) The chief executive may renew, or consent to the renewal of, an authority for the national park if the use under the authority is prescribed under a regulation made for this section to be a permitted use for the area.’.

Amendment of s 112 (Conservation plans)

15. Section 112(5)—

omit, insert—

‘(5) A conservation plan may make provision about the following matters—

- (a) any matter for which a regulation may be made under this Act, including, for example, prescribing offences for contraventions of the plan, and fixing a maximum penalty of a fine of not more than 165 penalty units for the contravention;
- (b) the use or development of land, and activities, in an area identified under the plan as, or including, a critical habitat or an area of major interest.’.

Amendment of s 123 (Local governments’ decisions to be consistent with plans)

16. Section 123(2), ‘development on’—

omit, insert—

‘use of, or a development on,’.

Amendment of s 124 (Amendment of plans)

17. Section 124—

insert—

‘(2) However, subsection (1) does not apply to the amendment of a management or conservation plan to—

- (a) correct an error in the plan; or
- (b) make a change (other than a change of substance) in the plan; or
- (c) if the plan or a regulation provides that an amendment of a stated

type may be made to the plan by amendment under this subsection—make an amendment of that type.’.

PART 5—AMENDMENT OF QUEENSLAND HERITAGE ACT 1992

Act amended

18. This part amends the *Queensland Heritage Act 1992*.

Amendment of s 4 (Definitions)

19.(1) Section 4, definition “**cultural heritage significance**”—
omit.

(2) Section 4—
insert—

‘ “**aesthetic significance**”, of a place or object, includes its visual merit or interest.

“**cultural heritage significance**”, of a place or object, includes its aesthetic, architectural, historical, scientific, social or technological significance to the present generation or past or future generations.’.

Amendment of s 11 (Terms and conditions of membership)

20. Section 11(3)—
omit.

Amendment of s 23 (Criteria for entry in the Register)

21. Section 23(1)(e)—
omit, insert—

‘(e) the place is important because of its aesthetic significance;’.

Amendment of ss 44–46 and 50

22. Sections 44 to 46 and 50, ‘order in council’—

omit, insert—

‘regulation’.

Replacement of ss 68 and 69

23. Sections 68 and 69—

omit, insert—

‘Regulation making power

‘**68.** The Governor in Council may make regulations under this Act.’.

**PART 6—AMENDMENT OF RECREATION AREAS
MANAGEMENT ACT 1988****Act amended**

24. This part amends the *Recreation Areas Management Act 1988*.

Amendment of s 5 (Interpretation)

25. Section 5—

insert—

‘**“fee”** includes tax.’.

**PART 7—AMENDMENT OF WET TROPICS WORLD
HERITAGE PROTECTION AND MANAGEMENT
ACT 1993**

Act amended

26. This part amends the *Wet Tropics World Heritage Protection and Management Act 1993*.

Amendment of s 41 (Preparation of plans by Authority)

27. Section 41(4) and (5)—

omit, insert—

‘(4) A management plan may make provision for any matter for which a regulation may be made under this Act, including, for example—

- (a) prescribing offences for contraventions of the plan, and fixing a maximum penalty of a fine of not more than 165 penalty units for the contravention; and
- (b) exempting and prescribing acts for section 56(3), definition ‘prohibited act’.

‘(5) A regulatory impact statement under the *Statutory Instruments Act 1992* need not be prepared for the first management plan for the wet tropics area.’.

Amendment of s 47 (Approval of final plan)

28.(1) Section 47(1)—

omit, insert—

‘**47.(1)** A final management plan does not have effect until approved by the Governor in Council.’.

(2) Section 47(3)—

omit, insert—

‘**(3)** A final management plan is subordinate legislation.’.

Omission of s 48 (Compliance with plan)

29. Section 48—

omit.

Amendment of s 52 (Amendment of plans)

30. Section 52—

insert—

‘**(2)** However, subsection (1) does not apply to the amendment of a management plan to—

- (a) correct an error in the plan; or
- (b) make a change (other than a change of substance) in the plan; or
- (c) if the plan or a regulation provides that an amendment of a stated type may be made to the plan by amendment under this subsection—make an amendment of that type.’