

State Development and Public Works Organisation and Other Legislation Amendment Act 2015

Act No. 8 of 2015



Queensland

State Development and Public Works Organisation and Other Legislation Amendment Act 2015

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State Development and Public Works Organisation and Other Legislation Amendment Act 2015

Act No. 8 of 2015

An Act to amend the Land Court Act 2000, the Mineral and Energy Resources (Common Provisions) Act 2014 and the State Development and Public Works Organisation Act 1971 for particular purposes

[Assented to 22 July 2015]

State Development and Public Works Organisation and Other Legislation Amendment Act 2015 Part 1 Preliminary

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *State Development and Public Works Organisation and Other Legislation Amendment Act* 2015.

2 Commencement

Section 10, to the extent it inserts section 97, commences on a day to be fixed by proclamation.

Part 2

Amendment of State Development and Public Works Organisation Act 1971

3 Act amended

This part amends the *State Development and Public Works* Organisation Act 1971.

4 Amendment of s 47B (Application of sdiv 1)

(1) Section 47B, heading, 'sdiv 1'—

omit, insert—

div 6

(2) Section 47B, 'subdivision'—

omit, insert—

division

5 Omission of s 47D (Restriction on giving of objection notice under the Environmental Protection Act, s 182)

Section 47D—

omit.

Part 3 Amendment of Land Court Act 2000

6 Act amended

This part amends the Land Court Act 2000.

7 Amendment of s 21 (Rules of Land Court)

(1) Section 21(1)(b), after 'Court'—

insert—

, including for a function or power conferred on the court under this Act or another Act

(2) Section 21—

insert—

- (2A) Also, without limiting subsection (1), the rules may provide for the procedures when the court, a member or a judicial registrar is exercising or performing an administrative function, including—
 - (a) rules providing for costs in relation to the exercise or performance of an administrative function; and

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Part 3 Amendment of Land Court Act 2000

[s 8]

- (b) rules providing for disclosure by persons in relation to the exercise or performance of an administrative function.
- (3) Section 21(2A) to (5)—

renumber as section 21(3) to (6).

8 Omission of pt 2, div 6C, hdg (Additional power of Land Court when exercising particular jurisdiction)

Part 2, division 6C, heading—*omit*.

9 Amendment of s 35 (Privileges, protection and immunity)

(1) Section 35(1), after 'Land Court' *insert*—

, or exercising another judicial power,

(2) Section 35(1A), 'the Act' *omit. insert*—

this Act

(3) Section 35(2), 'were'—

omit, insert—

or the exercise of judicial power by the court, member or judicial registrar were a proceeding

(4) Section 35(2)(a) and (b), after 'in the proceeding' insert—

or before the court, member or registrar

(5) Section 35—

insert—

(3) If an administrative function is conferred on the Land Court, a member or judicial registrar, each of the following persons has the same privileges,

protection and immunity the person would have if the exercise or performance of the administrative function were a proceeding in the Supreme Court—

- (a) the member or judicial registrar;
- (b) a lawyer or agent appearing before the court, member or registrar;
- (c) a witness attending before the court, member or registrar.

10 Insertion of new pt 6, div 5

Part 6—

insert—

Division 5 Transitional provisions for State Development and Public Works Organisation and Other Legislation Amendment Act 2015

96 Privileges, protection and immunity for powers and functions before commencement

Section 35 as amended by the *State Development and Public Works Organisation and Other Legislation Amendment Act 2015* applies to the exercise or performance of a judicial power or administrative function by the Land Court, a member or a judicial registrar before the commencement as if the power or function were exercised or performed after the commencement.

97 Transitional regulation-making power

(1) A regulation (a *transitional regulation*) may provide that the provisions of this Act, with

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Part 3 Amendment of Land Court Act 2000

[s 11]

necessary modifications provided in the regulation, apply to the Land Court in the exercise of a function or power conferred on the court under—

- (a) section 32F; or
- (b) the *Aboriginal Cultural Heritage Act 2003*, part 6, division 5 and part 7, division 6; or
- (c) the *Environmental Protection Act 1994*, chapter 5, part 5, division 3, subdivision 3; or
- (d) the following provisions of the *Mineral Resources Act 1989*—
 - (i) sections 72 and 75 to 78;
 - (ii) sections 85 and 85A;
 - (iii) sections 265, 268 and 269;
 - (iv) sections 279, 279A and 281;
 - (v) section 318BC; or
- (e) the *Petroleum and Gas (Production and Safety) Act 2004*, sections 320 and 363I; or
- (f) the *Torres Strait Islander Cultural Heritage Act 2003*, part 6, division 5 and part 7, division 6.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day of the commencement.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire 1 year after the day of the commencement.

11 Amendment of sch 2 (Dictionary)

Schedule 2—

State Development and Public Works Organisation and Other Legislation Amendment Act 2015 Part 4 Amendment of Mineral and Energy Resources (Common Provisions) Act 2014 [s 12]

insert—

administrative function means an administrative function or power conferred under an Act.

Examples of an administrative function or power-

- 1 the Land Court's power to make an objections decision under the *Environmental Protection Act* 1994
- 2 the Land Court's power to make a recommendation in respect of an application for the grant of a mining lease under the *Mineral Resources Act 1989*, section 269

Part 4 Amendment of Mineral and Energy Resources (Common Provisions) Act 2014

12 Act amended

This part amends the *Mineral and Energy Resources* (Common Provisions) Act 2014.

13 Amendment of s 271 (Amendment of s 182 (Submitter may give objection notice))

Section 271(2), inserted section 182(2), note-

omit.

Editor's note—

Legislation ultimately amended-

• Environmental Protection Act 1994

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Authorised by the Parliamentary Counsel