Regional Planning Interests Bill 2013

Explanatory Notes

Short title

The short title of the Bill is the Regional Planning Interests Bill 2013.

Policy objectives and the reasons for them

This Bill provides the ability to manage the impacts of resource activities and regulated activities in areas of regional interest that contribute, or are likely to contribute, to Queensland's economic, social and environmental prosperity.

The Queensland Government is preparing new generation regional plans that address critical issues affecting the state's regions. The first of these new plans, the Central Queensland and Darling Downs regional plans, took effect on 18 October 2013. The Cape York and South East Queensland regional plans are expected to be finalised by mid-2014 and end-2014 respectively. These plans identify, and contain land use policies that protect, areas of regional interest (i.e. priority agricultural areas, priority living areas and strategic environmental areas).

These policies influence planning and development activities under the *Sustainable Planning Act 2009*, including the preparation of local government planning schemes and are also intended to influence decisions about resource activities authorised under the following resources Acts: the *Mineral Resources Act 1989*, *Petroleum and Gas (Production and Safety) Act 2004, Petroleum Act 1923, Greenhouse Gas Storage Act 2009, Geothermal Energy Act 2010*. However, as regional plans are statutory instruments under the *Sustainable Planning Act 2009*, the policies are not currently required to be considered when assessing resource activities under these resource Acts.

The Regional Planning Interests Bill will require resource activities authorised under resource Acts and other regulated activities to align with the regional land use policies of the regional plans as well as any other areas of regional interest prescribed in the Bill. To achieve this alignment, the Bill introduces an assessment framework to manage the impact of resource activities on areas of the State identified in the Bill as an area of regional interest.

The Bill also integrates the policy objectives of the *Strategic Cropping Land Act 2011* by identifying strategic cropping land as areas of regional interest. The commencement of the Bill will repeal of the *Strategic Cropping Land Act 2011*.

Achievement of policy objectives

The policy objectives of the Bill are achieved through the following key elements:

1. Purpose of the Bill

The purposes of the Bill are to:

- identify areas of Queensland that are of regional interest because they contribute, or are likely to contribute, to Queensland's economic, social or environmental prosperity;
- give effect to the policies about matters of State interest stated in regional plans
- establish a process to manage the impacts of resource activities and regulated activities in these areas of regional interest and provide for the coexistence with the preservation of the feature, quality, characteristic or other attribute of the land that resulted in its identification as an area of regional interest.

The Bill applies to resource activities authorised under a resource Acts being: the *Mineral Resources Act 1989, Petroleum and Gas (Production and Safety) Act 2004, Petroleum Act 1923, Greenhouse Gas Storage Act 2009, Geothermal Energy Act 2010* in addition to other regulated activities in an area of regional interest.

2. Areas of regional interest

An area of regional interest is defined in the Bill to be: a priority agricultural area, a priority living area, a strategic cropping area or a strategic environmental area. The area of land that has the qualities of a regional interest area must be shown on a map in a regional plan or prescribed under a regulation.

3. Exempt resource activities

The Bill makes the conduct of certain resource activities in particular areas of regional interest exempt from requiring a regional interest authority (i.e. a regional interest decision that approves all or part of the activity the subject of an assessment application).

The exemption applies to resource activities:

- carried out in a priority agricultural area and the authority holder is not the owner of the land and:-
  - i. the authority holder has entered into a written agreement with the land owner or there is a conduct and compensation agreement (other than because of the order of the court) between the land owner and the authority holder;
  - ii. the resource activity is not likely to have a significant impact on the priority agricultural area; and
  - iii. the resource activity is not likely to have an impact on land owned by a person other than the land owner.
- carried out in a priority agricultural area or a strategic cropping area and the activity is carried out and the area restored to the condition it was before the activity was carried out within a 12-month period;
- carried out in accordance with a resource activity work plan (as defined in the Bill) that took effect prior to the inclusion of the land in a priority agricultural area. The exemption does not apply to a priority agricultural area under clause 8(2)(b) of the Bill. This

exclusion is because the activity is likely to have a negative impact on a water source that is necessary for the ongoing use of a priority agricultural land uses area in a priority agricultural area (for example the Condamine Alluvium);
- if the activity is a small scale mining activity within the meaning of the *Environmental Protection Act 1994*.

4. An assessment application and regional interests authority

A person may only carry out a resource activity or regulated activity in an area of regional interest if the activity is either an exempt resource activity or the person holds (or is acting under) a regional interest authority for the activity (i.e. a regional interest decision that approves all or part of the activity the subject of an assessment application).

A person (the applicant) applies for a regional interest authority by making an assessment application to the chief executive of the department administering the Act. The chief executive must consider and decide the application.

A regional interest decision is a stand-alone decision. The Bill provides for a regional interests authority to be obtained prior to or post the issuing of an environmental authority or resource authority. This provides for the resource applicant to avoid potential delays in the issuing of the environmental authority or the resource authority pending more detailed work programs or operational plans being available at the property level. In many cases it is unlikely that a regional interest decision can be made until detailed information at the property level is available.

The Bill provides the application to be referred by regulation to an assessing agency to assess a particular aspect of an application. An assessing agency is prescribed under a regulation. The criteria against which an assessment application is assessed will be contained in a supporting regulation. The chief executive must consider any advice in the assessing agency's response. If the assessing agency is a local government then the chief executive must give effect to any recommendations in the assessing agency's response.

In deciding an assessment application (i.e. a regional interest decision) the chief executive may, approve all or part of the application granting a regional interest authority, or refuse the application.

5. Notification, appeals, enforcement provisions

An assessment application is notifiable if prescribed by regulation or required by an assessing agency or the chief executive.

The Bill provides for applicants, owners of land and affected land owners to appeal a regional interests decision.

An affected land owner is a person who owns land that may be negatively affected by a resource activity because of the proximity of the affected land to the land the subject of the decision and the effect the resource activity may have on the values and amenity of the affected land.

The Bill includes provisions that enable enforcement action to be taken where resource activities have commenced without a regional interests authority under the Act or where there is non-compliance with conditions attached to a regional interest authority under the Act.

6. Repeals

The enactment of the Bill will repeal the *Strategic Cropping Land Act 2011*.

7. Transitional provisions

The Bill contains transitional provisions for applications made under the *Strategic Cropping Land Act 2011*.

8. Amendments to the *Environmental Protection Act 1994*

The Bill provides for the administering authority of the *Environmental Protection Act 1994* to initiate, if required, a subsequent amendment to the environmental authority to align with a regional interests authority.

9. Regulation

The Bill provides for the making of a regulation that can prescribe an area of regional interest, assessing agencies and their jurisdiction, fees, notification requirements including requirements for a properly made submission and assessment criteria.

Alternative ways of achieving policy objectives

The purpose of the Bill is to ensure that decisions about resource activities and regulated activities align with the regional interests expressed in regional plan policies and other government regional interest policies to be triggered through the Bill. This cannot currently occur in relation to resource activities as regional plan policies are statutory instruments under the *Sustainable Planning Act 2009* and they are not currently required to be considered in the assessment of resource activities.

The following three alternative legislative solutions to the Bill were considered but not progressed.

1. amending the resource Acts to include an assessment process through which the regional interests can be considered as part of the granting of tenure;
2. amending the *Environmental Protection Act 1994* to include an assessment process through which the regional interests can be considered as part of the issuing of the environmental authority;
3. coordinating the assessment of resource activities through the *Sustainable Planning Act 2009*.

Concerns with solutions (1) and (2) related to the significant consequential amendments to other Acts this included changes to the purpose of the Acts. Stakeholders did not support coordinating the assessment of resource activities through the *Sustainable Planning Act 2009*.

Estimated cost for government implementation

The Bill will effectively incorporate other pieces of state legislation that will be repealed upon commencement of the Bill. It will further provide a mechanism to integrate other state legislation in the future.

Some financial implications may be incurred by the Queensland Government through the implementation of the Bill with assessment and administration costs being incurred in the processing and assessment of applications made under the Bill and regional interests authority. These costs will be funded through application fees under a user pays cost recovery model.

Consistency with fundamental legislative principles

The Bill is generally consistent with fundamental legislative principles.

Potential breaches of fundamental legislative principles are addressed below.

- The Bill authorises the amendment of an Act only by another Act – Legislative Standards Act 1992, section 2(4)(c)
  - Clause 24 of the Bill provides that a resource activity cannot be an exempt resource activity where the activity is being carried out under a CMA tenure prescribed under a regulation. As a result, the holders of a CMA tenure prescribed under a regulation will be required to apply for a regional interests authority under the Bill. In this way the Bill allows for a regulation to modify the application of the Act. Care was taken during drafting to define and limit the scope of the tenures that can be excluded from this exemption by a regulation.
  - The Bill also provides for other regulated activities to be prescribed in a regulation allowing the regulation to modify the application of the Act. The scope of regulated activities is restricted to those activities that have an impact on an area of regional interest.
- Legislation should have sufficient regard to rights and liberties of individuals—extremely high penalties – *Legislative Standards Act 1992*
  - The Bill includes extremely high penalties for offences for undertaking a resource activity in particular areas of the State without the activity being allowed under a regional interests authority issued under the Bill. The maximum penalties for wilfully carrying out the resource activity in these circumstances is 6250 penalty units ($687 500) or 5 years imprisonment. The maximum penalty for the lesser offences that do not include an element of wilfulness is 4500 penalty units ($495 000).

    These high penalties are considered to be necessary to deter mining companies from undertaking mining activities in areas of the State where the activities may cause significant and possibly irreparable damage to other contributions the areas make to the State's economic, social and environmental prosperity.

Consultation

Confidential briefings with key stakeholder groups have been undertaken on the proposed Bill. Stakeholder groups were provided with a copy of the Bill and provided the opportunity to offer feedback direct to the Minister.

Community:
A stakeholder briefing was held with representatives of the agricultural and mining sectors to discuss key aspects of the legislation.

Government:
Consultation has occurred during the course of the development of the Bill with relevant State agencies.

Other Government:
The Local Government Association Queensland (LGAQ) was briefed in relation to key aspects of the legislation. Whilst LGAQ did not raise any issues, representatives have requested regular informal briefings as the coexistence and assessment criteria are developed for inclusion in the Regional Planning Interests Regulation.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland and is not uniform with or complementary to legislation of the Commonwealth or another state.

Notes on provisions

Part 1 Preliminary

This part introduces the Bill and sets out:
- the purposes and achievement of the Bill;
- the definition and interpretation of words or terms included in the Bill;
- each area of regional interest and the activities to which the provisions of the Bill apply; and
- what is meant by references to certain words or terms included in provisions of the Bill.

Short title

Clause 1 establishes that when enacted, the Bill will be cited as the *Regional Planning Interests Act 2013*.

Commencement

Clause 2 states that the Bill is intended to commence on a day to be fixed by proclamation.

Purposes and achievement

Clause 3 establishes that the purpose of the Bill is to:
- identify areas of regional interest;
- give effect to the policies about matters of State interest stated in regional plans;
- manage the impacts of resource activities and other regulated activities on land in an area of regional interest; and
- manage the coexistence of resource activities, and where applicable specified regulated activities with other activities where they compete for the same land.

Resource activities are defined in clause 12 of the Bill and other regulated activities are defined in clause 16 of the Bill.

An area of regional interest is listed in clause 7 of the Bill and is an area that contributes, or is likely to contribute, to Queensland's economic, social and environmental prosperity. New generation regional plans being prepared by the Queensland Government will identify areas of regional interest for a region. Areas of regional interest may also be prescribed by regulation.

The Bill achieves its purpose by providing for a transparent and accountable assessment process which is applicable to proposed resource activities and other regulated activities in areas of regional interest.

Act binds all persons

Clause 4 establishes the extent to which the Bill binds all persons in Queensland and Australia and states that the Commonwealth or a State cannot be prosecuted for an offence against this Bill.

Relationship with resource Acts and Environmental Protection Act

Clause 5 establishes that this Bill, including any restriction or requirement under this Bill, applies despite any resource Act, the *Environmental Protection Act 1994*, the *Sustainable Planning Act 2009* or the *Water Act 2000*.

This clause clarifies how a regional interests authority will relate to or interact with an authority or permit obtained under other legislation (for example an environmental authority under the *Environmental Protection Act 1994*).

The introduction of a stand-alone decision under this Bill provides the applicant with greater flexibility in determining the sequencing of permits for a project that is within an area of regional interest under the provisions of this Bill .

This clause also makes reference to clause 56 which outlines that a condition of a regional interests authority prevails over any condition of another authority or permit to the extent of any inconsistency.

Dictionary

Clause 6 establishes that there is a dictionary provided in schedule 1 of the Bill which defines particular words used in the Bill.

Where a word or term is only used in one section of the Bill, it is not defined in the dictionary, but rather in the relevant section of the Bill.

Area of regional interest

Clause 7 identifies each area of regional interest which the provisions of the Bill apply to. These are:

- a priority agricultural area;
- a priority living area;
- a strategic cropping area;
- a strategic environmental area.

Each area of regional interest will either be prescribed through the regulation to the Bill in a way that sufficiently identifies it or identified in a regional plan. The regulation will reference areas of regional interest identified in a regional plan. This includes by a map or reference to a map published on the relevant departmental website or in the relevant regional plan.

Priority agricultural area

Clause 8 enables a priority agricultural area to be identified in a regional plan and/or prescribed in the regulation of the Bill and establishes that a priority agricultural area can only be identified in a regional plan or prescribed in a regulation if it includes 1 or more of the following:

- an area of land used for a priority agricultural land use;
- an area of land that contains a source of water or infrastructure supplying water, that is necessary for the ongoing use of a priority agricultural land use in a priority agricultural area;
- an area, if the carrying out of a resource activity or regulated activity in the area is likely to have a negative impact on a water source mentioned in subclause (b).

Priority agricultural land use(s) and a source of water or infrastructure supplying water are regionally specific and will be prescribed in a regional plan and/or the regulation to the Bill.

Priority living area

Clause 9 establishes that a priority living area is an area that includes an existing settlement area and an area surrounding or adjacent to the settlement area that is identified as necessary or desirable to provide for the future growth of the settlement area. A priority living area is intended to provide a buffer between the settlement area and resource activities.

Priority living area(s) are identified in a regional plan as a priority living area.

Strategic cropping area

Clause 10 establishes that a strategic cropping area is an area of land that is highly suitable for cropping or likely to be highly suitable for cropping based on a particular combination of soil, climate and landscape features. A strategic cropping area (strategic cropping land and potential strategic cropping land) is identified on the strategic cropping land trigger map. The strategic cropping land trigger map means the electronic map called 'Trigger Map for Strategic Cropping Land in Queensland' approved by the chief executive (natural resources) and published on the website of the natural resources department.

The particular combination of soil, climate and landscape features which make land highly suitable for cropping or potentially highly suitable for cropping is dependent on location and will be determined having regard to criteria defined in the regulation to the Bill. The management and protection areas provided for under the *Strategic Cropping Land Act 2011* will also be provided for through the regulation.

Strategic environmental area

Clause 11 establishes that a strategic environmental area is an area with strategic environmental value. Environmental value has the definition given under the *Environmental Protection Act 1994* which is—

(a) a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or

(b) another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.

A strategic environmental area may include:

- the channel river areas of western Queensland;
- landscapes that provide an important bio-physical function for sensitive plant and animal species; or
- an ecological corridor and habitat connection.

Environmental value(s) are regionally specific and are identified in a regional plan or prescribed in the regulation to the Bill.

Resource Act and resource activity

Clause 12 lists the resource Acts for which resource activities subject to the Bill are authorised. A resource activity is subject to the provisions under this Bill where it is located on land over which tenure has been granted.

By way of example, mining resource activities that may trigger a regional interests authority under the Bill include but are not limited to: exploration activities (drilling, excavating and sampling), road and track construction, production activities, processing activities (run-of-mine infrastructure, coal handling and preparation plants), handling facilities.

Petroleum and gas resource activities that may require a regional interests authority under the Bill include but are not limited to: exploration activities (exploration wells, seismic surveys, drilling activities), testing for petroleum production, construction of pipelines, plant and equipment, above ground structures, processing plant, production wells, gas processing facilities.

Resource authority

Clause 13 establishes that a resource authority is the relevant tenure under a resource Act.

Environmental authority

Clause 14 defines an environmental authority as having the meaning under the *Environmental Protection Act 1994*.

Authority holder

Clause 15 defines an authority holder as the person who holds a resource authority or an environmental authority.

Regulated activity

Clause 16 defines a regulated activity as being specific to an area of regional interest (i.e. a regulated activity for a priority agricultural area may not be the same as a regulated activity for a strategic environmental area). A regulated activity is an activity that has an impact on an area of regional interest and will be prescribed under the regulation to the Bill for an area of regional interest.

References in provisions

Clause 17 establishes how references throughout the Bill are to be interpreted. The key references include:

- a resource authority;
- an environmental authority;
- the applicant for an assessment application;
- the land for an assessment application;
- a resource activity or regulated activity for an assessment application;
- a regional interests authority for an assessment application.

Subclause 2 captures tenure for minerals, petroleum and gas and greenhouse gas storage and geothermal and makes it clear that any reference to a resource authority in the Bill includes:

- an application for tenure for a resource activity;
- an application to amended tenure for a resource activity;
- an application to renew tenure for a resource activity;
- an application to re-granted tenure for a resource activity.

Subclause 3 provides that any reference to an environmental authority in the Bill includes an application for a major amendment for a resource activity. A major amendment is defined under the *Environmental Protection Act 1994.*

Subclause 4 establishes that any reference to applicant, land, resource activity, regulated activity or regional interests authority in the Bill relates to those details included in an assessment application or in the case of a regional interests authority the authority issued as a result of the application made under the Bill.

For subclause 4(b) the land may include a single property, a single lot and plan, a number of lot and plans, a tenure or tenement area.

Part 2 Restrictions on resource activities in areas of regional interest

This part provides for restrictions and exemptions applying to certain resource activities and regulated activities under this Bill. In this part, there are no exemptions for regulated activities.

Restrictions on carrying out a resource activity or regulated activity

Clause 18 establishes that it is unlawful to wilfully carry out, carry out, or allow the carrying out of a resource activity or regulated activity in an area of regional interest without a regional interests authority.

A regional interests authority will only be granted by the chief executive where a resource activity or regulated activity is approved/permitted to be carried out. If an assessment application is made to the chief executive under the Bill and the chief executive decides to refuse the application, the resource activity, if carried out will be non-complying with this clause.

Failure to comply with conditions

Clause 19 establishes the offence for where a person wilfully carries out, or carries out, a resource activity or regulated activity that contravenes a condition of a regional interests authority. A regional interests authority may or may not include conditions (clause 48(2)).

Carrying out exempt resource activity without notice

Clause 20 establishes that a person must not carry out, or allow the carrying out, of a resource activity identified in clause 22 and 23 as exempt from assessment and approval under the Bill without first notifying the chief executive of the intention to carry out such an activity. This clause does not apply to a pre-existing resource activity under clause 24.

Emergency activity defence

Clause 21 identifies when an offence may be defensible.

Exemption: agreement of land owner

Clause 22 exempts certain resource activities from the requirement to obtain a regional interests authority prior to being carried out when they are located in a priority agriculture area if:

- the authority holder for a resource activity is not the owner of the land;
- a conduct and compensation agreement requirement applies to the authority holder and
  - the land owner and the authority holder are parties to the agreement, other than because of the order of a court; and
  - the authority holder has complied with the requirement; or
- the land owner has voluntarily entered into a written agreement with the authority holder and the carrying out of the activity is consistent with the agreement
- the activity is not likely to have a significant impact on the priority agricultural area. This impact for the purposes of the exemption relates to an impact on an area described in clause 8(2)(a), 8(2)(b) and 8(2)(c); and
- the activity does not impact on land owned by a person other than the owner of the land for which the agreement has been obtained.

Exemption: activity carried out for less than 1 year

Clause 23 exempts certain resource activities from the requirement to obtain a regional interests authority prior to being carried out when they are proposed to be carried out in a priority agriculture area or a strategic cropping area. To trigger the exception:

- the resource activity must be carried out within a 12-month period. Carrying out includes all stages of the resource activity, including for example the construction, commissioning, operation, decommissioning and rehabilitation stages;
- any impact from the activity must be restored within the 12-month exemption period;
- the resource activity must not be likely to have an impact on the area after the 12-month period; and
- for a strategic cropping area—the resource activity must be carried out in compliance with management practices prescribed under a regulation. These management practices will relate to soil and land rehabilitation.

The 12 month period is calculated from the day that the first activity under a resource authority starts to be carried out on the land. The 12 month period ends the day that is 1 year after the day the period started.

Exemption: pre-existing resource activity

Clause 24 exempts certain existing resource activities from requiring a regional interests authority prior to being carried out when the activity is being carried out, or will be carried out, in accordance with a resource activity work plan that had already taken effect when the land was included in an area of regional interest.

A resource activity that was not detailed and conducted in accordance with the resource activity work plan is not exempt under this clause.

A resource activity work plan includes:

- for exploration activities - a works program or in the case of the Mineral Resources Act 1989 a statement (which includes a work program) about the activities to be carried out that has been approved by the Minister; or
- for production activities - a Plan of Operations that has been submitted by the resource authority holder with the administering authority of the *Environmental Protection Act 1994*.

Both a works program and a plan of operations provide detailed information about the resource activities to be carried out at a property level. Both are considered to provide a clear intention from an authority holder that a resource activity is either being carried out or will be carried in the near future.

Where an environmental authority has been obtained for resource activities under the *Environmental Protection Act 1994* but the authority holder does not have an approved works program or has not submitted a Plan of Operations with the administering authority of the *Environmental Protection Act 1994*, the resource activities may be required to obtain a regional interests authority under this Bill where in an area of regional interest and where no other exemptions apply.

Subclause 2 clarifies that this exemption does not apply to a CMA tenure holder which includes a person that holds tenure under the *Petroleum Act 1923* or the *Petroleum and Gas (Production and Safety) Act 2004* if the area of tenure is in an area under the *Water Act 2000* called a cumulative management area.

Impacts on underground water in a cumulative management area are being monitored and are identified through an Underground Water Impact Report prepared under the *Water Act 2000*. For example, the Underground Water Impact Report for the Surat Cumulative Management Area identifies a number of petroleum tenure holders who are currently impacting groundwater as a result of exercising their underground water rights under the *Petroleum and Gas (Production and Safety) Act 2004*.

Exemption: small scale mining activity

Clause 25 exempts small scale mining activity as defined under the *Environmental Protection Act 1994* from requiring a regional interests authority prior to being carried out.

Notice requirement

Clause 26 requires an authority holder (Clause 15) for an exempt resource activity (Clause 22, 23 or 25) to give the chief executive notice of their intention prior to carrying out the exempt activity.

Subclause 2 requires the notice to be accompanied by a document detailing how the authority holder plans intends to comply the activity and restore the area within the 12-month period.

A notice requirement is not required for an activity under clause 24.

Part 3 Regional interests authorities

This part sets out the assessment application process for obtaining a regional interests authority.

Meaning of assessing agency and assessor

Clause 27 establishes that the chief executive of the department administering the Bill is an assessor for an application. The chief executive is responsible for considering and deciding an assessment application (clause 48).

A regulation may prescribe an assessing agency as an additional assessor for an assessment application. For example, the local government may be prescribed in a regulation as the assessing agency for an assessment application for a resource activity in a priority living area.

A decision of the chief executive must consider any advice received from an assessing agency made within the limits of their prescribed jurisdiction (clause 49(1)(d)). However, where the assessing agency is the local government and a response is provided to the chief executive within the limits of their prescribed jurisdiction, the chief executive must reflect the response in the decision (clause 50). For example, if the local government provides a

response to the chief executive refusing a resource activity within a priority living area, the chief executive must give a decision notice refusing the resource activity.

When does a resource activity or regulated activity impact an area of regional interest

Clause 28 establishes that a resource activity or a regulated activity has an impact in an area of regional interest where the activity affects:

- a feature, quality, characteristic or other attribute of land in the area of regional interest; or
- the suitability of land in the area of regional interest to be used for a particular purpose; and

A feature, quality, characteristic or other attribute referred to in this clause is identified in clause 8(2)(a) to (c), clause 9(a), clause 10(1)(a) or clause 11(1)(a) of the Bill.

Whilst the trigger for obtaining a regional interest authority under this Bill is when an applicant proposes to carry out a resource activity or regulated activity in an area of regional interest (clause 18), the decision about whether to grant a regional interests authority is based on considering the extent of the expected impacts of the resource activity on an area of regional interests (clause 49(1)(a)). This clause establishes what constitutes an impact in this regard.

The criteria for the decision (clause 49(1)(b)) will be included in the regulation to the Bill and will provide for how an applicant will determine the level of impact on an area of regional interest.

Who may apply for regional interests authority

Clause 29 enables the following people to may apply for a regional interests authority:

- an eligible person;
- a person who intends to carry out a regulated activity in an area of regional interest.

Subclause 3 defines an eligible person as someone who holds, or has applied for, or can apply for an environmental authority or resource authority for the resource activity.

A regional interests decision is applied for by making an assessment application to the chief executive (clause 30).

A regional interests authority may not always be granted for a resource activity, for example, where the chief executive decides to refuse an assessment application for a resource activity.

Requirements for making assessment application

Clause 30 establishes the requirements for making an assessment application for a regional interests authority.

For subclause (b)(ii), a constraint on the configuration of a resource activity may relate to the ability to change the grid pattern of wells.

The approved form under this clause means a form approved by the chief executive under clause 87 of the Bill.

Owner of land given copy of assessment application

Clause 31 requires the applicant to give a copy of an assessment application to the owner of the land within 5 business days after making the application if:

- the application is not notifiable; and
- the applicant is not the owner of the land.

The intention of this clause is to ensure that, where the applicant is not the owner of the land and the application will not be notified under clause 34, the owner of the land is aware of the application and its contents.

Amending

Clause 32 enables an applicant to make minor amendments to an assessment application prior to a decision being made by the chief executive. A minor amendment may include:

- correcting a mistake about the property details over which the assessment application was made;
- correcting a spelling or grammatical error; or
- a change of applicant.

An assessment application cannot be amended if the amendment is for anything other than a minor amendment.

Withdrawal of application

Clause 33 establishes how and when an applicant may withdraw an assessment application. Where an application is withdrawn, subclause 3 provides that the chief executive may not refund all or part of the application fee paid by the applicant when the application was submitted.

Application of div 4

Division 4 applies when an assessment application is notifiable.

The purpose of making certain assessment applications notifiable is to inform people about a certain resource activity or regulated activity in an area of regional interest to allow a person to make a submission for or against the proposed activity.

Clause 34 establishes that an assessment application is required to be notified:

1. where prescribed in a regulation and no exemption has been granted by the chief executive under subclause 3; or
2. where an assessor has given the applicant a requirement notice requiring notification.

An example of when an assessment application may be prescribed through a regulation as notifiable is where an assessment application involves a resource activity in a priority living area.

Subclause 3 provides that the chief executive may, on the written request of the applicant, grant an exemption from notification for an assessment application if the chief executive is satisfied that the activity the subject of the application has been sufficiently notified under another Act or law. This may apply where a resource activity has already been notified as part the Environment Impact Statement process under the *Environmental Protection Act 1994* and the information included in the Environmental Impact Statement detailed the level of impact on land in an area of regional interest.

Applicant must notify

Clause 35 establishes the requirements for notifying an assessment application.

Subclause 1 requires the notice to be circulated, about the assessment application, by publication and by giving a copy to the owner of the land (where the applicant is not the owner of the land). Circulating a notice by publication enables interested persons to be aware of the application and of their ability to lodge a submission.

Subclause 2 requires the notice to be in the approved form and state who can receive submission and by when they have to be received. Subclause 2(b)(iii) requires the notice to also state that the making of a submission may not necessarily give the submitter the right of appeal.

Subclause 3 and 4 elaborate on the requirements in subclause 2; subclause 3 requiring the notice to state how submissions are to be lodged and subclause 4 requiring the closing date for submissions to be the day after the end of the notification period and clarifying that the notification period for an assessing application will be prescribed under a regulation.

Whilst the Bill does not explicitly provide that the applicant must notify the assessor once an application has been notified, it is in the applicant's best interest to do so as the notification, where required, is a prerequisite to a decision being made on an assessment application.

Consequence of failure to notify

Clause 36 applies where an applicant:

- has notified an assessment application but where the notification did not fully comply with the requirements set out under clause 36, for example the notice was not in the approved form but included all the relevant information; or
- has not notified an assessment application, but was required to as per clause 35.

Subclause 2 enables the chief executive to decide:

- the non-compliance will not impact the decision and continue the assessment despite the non-compliance;
- the non-compliance will or may impact the decision and refuse to continue the assessment until the non-compliance has been rectified; or
- the application has lapsed.

Subclause 3 enables the assessing agency to decide:

- the non-compliance will not impact the decision and continue the assessment despite the non-compliance; or
- the non-compliance will or may impact the decision and refuse to continue the assessment until the non-compliance has been rectified.

Subclause 4 states that where an assessing agency refuses to continue the assessment until the non-compliance has been rectified, they must advise the chief executive by written notice.

Properly made submissions

Clause 37 establishes the requirements for a properly made submission about an assessment application and states a properly made submission must:

- be in writing; and
- state the name of each person who made the submission; and
- state an address for service for at least 1 of the persons who made the submission; and
- be received by the closing day for making submissions; and
- be made to an assessor for the application.

An address for service, mentioned in subclause c, has the meaning given under the *Acts Interpretation Act 1954*.

Submissions must be published or available for inspection

Clause 38 requires each properly made submission about an assessment application to be published on the assessor's website or made available at the assessor's office for inspection within 5 business days of the assessment application being decided by the chief executive.

Subclause 4 enables the assessor to charge a person for supplying a copy of the submission or part of the submission. Subclause 5 limits the charge to being no more than the cost to the assessor of making and supplying the copy.

Application of div 5

Clause 39 enables a regulation to prescribe an assessment application as referable. This is likely to occur where the area of regional interest is managed by a person or entity other than the chief executive or where a person or entity has extensive knowledge about an area of regional interest. For example, a local government has extensive knowledge about land in a priority living area, which includes a settlement area and land that supports the potential growth of a settlement area.

Assessing agency's functions

Clause 40 enables a regulation to prescribe the functions of an assessing agency for assessing and responding to the part of the application that they are assessing.

Assessing agency's assessment of application

Clause 41, subclause 1 makes it the responsibility of the chief executive to provide a copy of the assessment application to the assessing agency, where an assessment application is referable.

Subclause 2 sets out the matters for which an assessing agency must assess the application:
- the extent of the impacts of the resource activity on land in the area of regional interest (clause 28); and
- any criteria prescribed under the regulation to the Bill; and
- if the application as notifiable, any submissions received by the assessing agency about the application; and
- if the assessing agency is the local government, the local government's planning scheme.

Assessing agency's response to application

Clause 42, subclause 1 provides that the assessing agency may give the chief executive a response to a referred assessment application. An assessing agency does not have to provide a response.

Subclause 2 identifies that where a response is given by the assessing agency, it can:
- recommend to the chief executive conditions that should form part of any regional interests authority. Under clause 51(1)(a) a condition may limit or restrict the carrying out of an activity on the land or part of it;
- recommend to the chief executive the refusal of all or part of the application;
- provide advice to the chief executive about the application;
- tell the chief executive there are no requirements or advice in relation to the application.

Subclause 3 provides the assessing agency 20 business days, or a longer period decided by the chief executive, after receiving the assessing application from the chief executive to give a response under subclause 2.

Subclause 4 provides that where the assessing agency's response to the chief executive recommends conditions or a refusal, both must be justified.

Subclause 5 states that where an assessment application is notifiable, the assessing agency's response must not be given to the chief executive before the closing day for submissions about the application. This is to ensure the assessing agency is able to consider any properly made submissions received during the notification period.

Subclause 6 states the assessing agency must give a copy of the response to the applicant.

Ministerial directions to assessing agency

Clause 43 enables the Minister to give direction, by notice, to an assessing agency where:
- the Minister is satisfied the assessing agency's response is not within its jurisdiction; or
- the Minister is satisfied the assessing agency has not assessed the application under the Bill.

Subclause 2 enables the Minister to give direction under this clause even if the assessing agency's assessment period for the application has ended (clause 42(3)). If given, the direction must include the reasons for the direction (subclause 3).

Subclause 4 requires the Minister to give a copy of the direction to the applicant.

Subclause 6 provides that if the Minister gives direction under this clause, the chief executive cannot decide the assessment application until the assessing agency's response is reissued.

Requirement notice

Clause 44 enables the chief executive or an assessing agency to issue a requirement notice request from the applicant to provide, within a stated reasonable period, additional information.

The requirement notice serves a number of purposes including:
- it identifies to the applicant that there is insufficient information for a decision to be made; and
- it provides an avenue for the applicant to provide more information prior to a decision being made.

Subclause 1 lists the additional information that can be requested by an assessor. It states that the requirement notice must include the stated reasonable period that the applicant has to respond to the requirement notice. A stated reasonable period will be decided by the assessor when the requirement notice is issued having regard to the information being requested.

Subclause 4 sets out that an assessor may extend the period to which the applicant can respond to the requirement notice.

Consequent of noncompliance with requirement notice

Clause 45 establishes what happens when an applicant does not comply with a requirement notice issued by an assessor:
- within the relevant period; or
- not to the satisfaction of the assessor who gave it.

Subclause 2 provides that where the chief executive is not satisfied that the applicant has adequately responded to a requirement notice, the chief executive can either:
- decide the application;
- refuse to decide the application. This would occur where the chief executive considers there is outstanding information that is required before a decision can be made; or
- decide the application has lapsed.

Subclause 3 provides that an assessing agency can either:
- give its response to the application; or
- refuse to assess the application until the requirement notice is complied with to its satisfaction.

Subclause 4 states that where an assessing agency refuses to assesses, written notice must be given to the chief executive. In this circumstance, the chief executive can still make a decision including a decision to grant a regional interests authority.

Additional advice or comment about assessment application

Clause 46 enables the chief executive or an assessing agency to ask any person for advice or comment about an assessment application. For example where a resource activity is located in a priority agricultural area that is a priority agricultural area because of a water distribution system, the chief executive may seek advice from the owner of the relevant water distribution system that is impacted.

Chief executive must decide application

Clause 47 requires the chief executive to consider and decide each assessment application.

Subclause 2 restricts the chief executive from deciding an assessment application before the closing day for submissions, if the application is required to be notified under the Bill or section 36(2)(a) applies.

Section 36(2)(a) enables the chief executive to decide an application if the applicant has not complied with section 35 (Applicant must notify) but considered there to be enough information about the relevant mattes for the application.

Decisions generally

Clause 48 enables the chief executive to:

- approve all or part of an application; or
- refuse an application.

Subclause 2 enables the chief executive to attach conditions to a regional interests authority that approves all or part of an application.

Subclause 3 clarifies that a regional interests authority is not granted where the chief executive decides to refuse an application.

Criteria for decision

Clause 49 requires the chief executive to consider the following criteria when deciding an assessment application:

- the extent of the expected impacts (clause 27) on the carrying out of the resource activity or regulated activity on the area of regional interest;
- any criteria for the decision prescribed under the regulation to the Bill;
- if the decision is for a notifiable assessment application—all submissions received about the application that were properly made;
- if the decision is for a referable assessment application—any advice about the application included in an assessing agency's response.

Subclause 2 states that the chief executive can also have regard to any other criteria the chief executive considers relevant.

Compliance with assessing agency's response

Clause 50 requires the chief executive to give effect, in the decision, to the recommendation of a local government where their recommendation is in accordance with clause 41(2)(i) or 41(2)(ii).

Conditions generally

Clause 51 enables conditions to be attach to a regional interests authority.

Subclause 1 enables a condition to:

- limit or restrict the carrying out of the resource activity or regulated activity; or
- require the applicant to install and operate stated plant or equipment in a stated way within a stated period; or
- for a resource activity or regulated activity to be carried out in a strategic cropping area—require the applicant to have mitigation in place before carrying out the activity on land in the area. This is condition is an SCL mitigation requirement under Part 4; or
- require the applicant to do, or refrain from doing, anything else the chief executive considers is necessary or desirable to achieve this Bill's purpose.

A condition which limits or restricts the carrying out of a resource activity or regulated activity will be based on the level of impact an activity has in an area of regional interest (clause 27).

Notice about decision

Clause 52 requires the chief executive to give:

- the applicant a decision notice about the decision on an assessment application as soon as practical after it is made.
- a copy of the decision notice to the owner of the land (where the owner is not the applicant) and each assessing agency (if applicable).

The decision notice may state, for example:

- the decision made by the chief executive on an application i.e. whether the application has been approved in part or in full or whether the application has been refused;
- where the application has been approved in part or in full whether the regional interests authority includes conditions;
- when the decision takes effect (clause 55(2)); and
- the appeal rights and how an appeal can be filed with the court.

Subclause 3 makes it clear that where an environmental authority has not yet been issued for a resource activity or regulated activity, the decision notice may be included in or attached to the environmental authority issued under the *Environmental Protection Act 1994*.

Public notification of decision

Clause 53 requires the chief executive to make public any decision about an assessment application within 5 business days of making the decision. This can occur by either publishing a notice on the department's website or publishing a notice in a newspaper circulating generally in the area of land subject of the assessment application.

Subclause 2 requires the notice to identify:
- the resource activity or regulated activity, the applicant and the land;
- briefly describe the conditions imposed; and
- state that an affected land owner may appeal against the decision.

Issuing authority

Clause 54 requires a regional interests authority to be issued to the applicant as soon as practical after the decision is made to grant it and that it must be in the approved form and contain all conditions.

When authority takes effect

Clause 55 provides that a regional interests authority takes effect on the later of the following:
- the day after the appeal period end;
- another day stated in the authority.

Regional interests conditions paramount

Clause 56 provides that where there is any inconsistency between a condition of a regional interests authority and a condition of an environmental authority or resource authority, the condition of the regional interests authority prevails. This is regardless of whether an environmental authority or resource authority has already been obtained.

Part 4 Mitigation

This part transitions the mitigation provisions under the repealed *Strategic Cropping Land Act 2011*.

Application of pt 4

Clause 57 states that Part 4 of the Bill applies to the holder of a regional interests authority that is a regional interests authority if the authority includes an SCL mitigation condition.

What is SCL land

Clause 58 states SCL is the land to which the SCL mitigation condition applies.

What is mitigation

Clause 59 defines mitigation for SCL as either of the following or a combination of the following:

- a payment that has been made to the mitigation fund;
- a mitigation deed that has been entered into.

What is what are mitigation measures

Clause 60 establishes that mitigation measures are the carrying out of activities to address the loss of the productive capacity of mitigated strategic cropping land.

What is a mitigation deed

Clause 61 establishes that a mitigation deed is a deed for which the chief executive and the holder of a regional interests authority are parties and that—

- is about the mitigation value of SCL; and
- complies with the requirements prescribed under a regulation.

What are the mitigation criteria

Clause 62 defines mitigation criteria as being mitigation measures and establishes what is provided for under a mitigation deed or under a payment from the mitigation fund.

Mitigation fund continued

Clause 63 defines the strategic cropping land mitigation fund established under the *Strategic Cropping Land Act 2011* and continued in existence under this Bill.

Purpose and administration

Clause 64 establishes the purpose of the mitigation fund and who administers it.

Payments from fund

Clause 65 provides that amounts payable from the mitigation fund are only for mitigation measures (clause 60) or expenses incurred by the chief executive in performing functions under this part.

Reporting requirements for mitigation measures

Clause 66 establishes that the a payment made from the mitigation fund may only be made in relation to a condition where its recipient gives the chief executive periodic reports about the progress of the mitigation measures funded and the amounts spent on the measures.

Mitigation deed binds holder's successors

Clause 67 establishes that a mitigation deed binds each of the successors of the holder of each regional interests authority who is a party to it.

Part 5 Appeals

This part provides for appeals about a decision made for an assessment application.

Definitions for part 5

Clause 68 defines who, for the purpose of appeals, is an affected land owner, the court and a regional interests decision (being a collective term used for the different types of decisions that can be made on an assessment application).

Appeal to Planning and Environment Court

Clause 69 provides for the applicant, or the owner of the land (where the applicant is not the owner of the land), or an affected land owner to appeal to the Planning and Environment Court about a regional interest decision.

Appeal period

Clause 70 makes the appeal period for a regional interests decision 20 business days after:

- for the applicant – a decision notice was received (clause 52);
- for the owner of the land – a copy of the decision notice was received (clause 52);
- for an affected land owner – the chief executive published the decision in the particular manner (clause 53).

Respondent for appeal

Clause 71 makes the chief executive the respondent for an appeal and also establishes who may be a co-respondent for the appeal.

Subclause 5 enables the chief executive to apply to the court to withdraw from the appeal if the appeal is only about an assessing agency's response. In this case, the assessing agency becomes the respondent for the appeal.

Stay of operation of decision

Clause 72 states that if an appeal against a decision under this Bill is started, the operation of the decision is stayed until—

(a) the court, on the application of a party to the appeal, decides otherwise; or

(b) the appeal is decided, withdrawn or dismissed.

Part 6 Miscellaneous provisions

This part provides for all miscellaneous provisions not captured elsewhere in the Bill.

Evidentiary aids generally

Clause 73 sets out what constitutes evidence of a decision made by the chief executive under this Bill.

Division of offences against Act

Clause 74 establishes that an offence against this Bill for which the maximum penalty is 500 penalty units or more is an indictable offence and a summary offence.

Proceedings for indictable offences

Clause 75 provides that a proceeding for an indictable offence against this Bill may, at the prosecution's election, be taken summarily or on indictment.

The maximum penalty of imprisonment that may be summarily imposed for an indictable offence is 100 penalty units or 3 years imprisonment.

The clause also provides that a magistrate must not hear an indictable offence summarily if the magistrate is satisfied:

- the defendant, if convicted, may not be adequately punished on summary conviction because of the nature or seriousness of the offence or
- on application of the defendant, the offence should not be heard summarily because of exceptional circumstances.

Limitation on who may summarily hear indictable offence proceedings

Clause 76 states when a proceeding must go before a magistrate.

Proceedings for summary offences

Clause 77 provides that a proceeding for a summary offence against this Bill must start within one year after the commission of the offence or within one year after the offence comes to the complainant's knowledge, but within five years after the offence is committed.

Alternative offences

Clause 78 provides that where an alternative smaller offence is provided for in the Bill, that the trier of fact hearing the matter, may find the defendant guilty of the smaller offence where the trier is satisfied that the defendant is only guilty of the smaller offence.

Authorised persons under the *Vegetation Management Act 1999*

Clause 79 prescribes the functions of an authorised person (natural resources) for the purposes of ensuring compliance with this Bill. This clause applies for a resource activity or regulated activity in a priority agricultural area or a strategic cropping area.

An authorised person (natural resources) is defined under the *Vegetation Management Act 1999* (VMA) and has the powers under part 3 (other than part 3, division 1, subdivisions 7 and 8) of the VMA which are provisions relating to enforcement, investigations and offences.

Authorised persons under a Local Government Act

Clause 80 prescribes the functions of an authorised person (local government) for the purposes of ensuring compliance with this Bill. This clause applies for a resource activity or regulated activity in a priority living area.

An authorised person (local government) is defined under the *Local Government Act 2009* (LG Act) or the *City of Brisbane Act 2010* and has the powers under chapter 5, part 2, division 1 of the LG Act or the *City of Brisbane Act 2010* which are the provisions which relate to monitoring and enforcement.

Authorised persons under Environmental Protection Act

Clause 81 prescribes the functions of an authorised person (environment) for the purposes of ensuring compliance with this Bill. This clause applies for a resource activity or regulated activity in a strategic environmental area.

An authorised person (environment) is defined under the *Environmental Protection Act 1994* (EP Act) and has the powers under chapter 9 of the EP Act which are provisions relating to investigation and enforcement.

Ministerial direction to investigate

Clause 82 enables the Minister to give a notice directing the chief executive to require an authorised person to exercise their compliance functions under clause 80, 81 and 82 of the Bill.

Subclause 2 requires any direction given by the Minister to be detailed in the department's annual report for a year.

Guidelines

Clause 83, subclause 1 enables the chief executive to prepare guidelines giving advice about assessment applications or prescribed criteria for regional interest decisions.

Subclause 2 requires the chief executive to publish any guidelines made under subclause 1 on the department's website.

No compensation because of Act

Clause 84 provides that no compensation is payable as a result of any changes to the existing status quo following the introduction of the Bill.

Delegation by chief executive

Clause 85 enables the chief executive to delegate their functions under this Bill to an appropriately qualified public service officer or employee.

Protection of officials from liability

Clause 86 provides that a Minister, the chief executive or an assessing agency does not incur civil liability for an act done, or omission made, honestly and without negligence under this Bill.

Approved forms

Clause 87 enables the chief executive to approve forms for use under this Bill and an approved form under this Bill to be combined with, or used together with an approved form under another Act.

Regulation-making power

Clause 88 enables the Governor in Council to make regulations under this Act that establish—

a) the fees that are payable under the Act and the matters for which they are payable; and
b) a maximum penalty of 20 penalty units for contravention of the regulation.

Part 7 Repeal

This part states which Acts are repealed upon introduction of the Bill.

Repeal

Clause 89 repeals the *Strategic Cropping Land Act 2011*.

Part 8 Transitional provisions for repeal of Strategic Cropping Land Act 2011

This part provides transitional provisions for an application or decision under the *Strategic Cropping Land Act 2011*.

Definitions for part 7

Clause 90 defines, for transitional provisions, the meaning of:

- commencement;
- repealed Act;

- SCL protection decision;
- mitigation fund;
- transitioned decision.

Application for SCL protection decision

Clause 91 provides that an application for an SCL protection decision for a resource activity made under the *Strategic Cropping Land Act 2011* is taken to be an application under clause 29 of the Bill if—

- at the commencement of the Bill, the application had not been decided or withdrawn; and
- the application is for a resource activity in an area that is a strategic cropping area under the Bill.

SCL protection decision

Clause 92 provides that an SCL protection decision for a resource activity obtained under the *Strategic Cropping Land Act 2011* or an SCL protection decision made as a result of an appeal mentioned in clause 95 or 96 is a regional interests authority under the Bill if the decision is for a resource activity in an area that is a strategic cropping area under the Bill.

Subclause 3 provides that despite this, where an SCL protection condition prohibited the carrying out of all or part of the resource activity, the carrying out of the activity, or part of the activity, is taken to have been the subject of an assessment application, or part of an application, refused under clause 48.

Subclause 4 and 5 provide that a protection condition regarding financial assurance is taken to be a regional interests condition imposed on a regional interest authority and no longer a condition of an environmental authority or resource authority.

Subclause 6 provides for the chief executive to issue a regional interests authority for an activity under this clause as per clause 53.

SCL compliance certificate

Clause 93 transitions the provisions of the *Strategic Cropping Land Act 2011* (SCL Act) and makes a compliance certificate for a resource activity obtained under the SCL Act a regional interest authority under the Bill, if the decision is for a resource activity in an area that is a strategic cropping area under the Bill.

Subclause 3 makes the conditions under the standard conditions code for the carrying out of the resource activity regional interests conditions imposed on the regional interests authority.

Subclause 4 provides for the chief executive to issue a regional interests authority for an activity under this clause as per clause 53.

Mitigation requirements

Clause 94 transitions the provisions of the *Strategic Cropping Land Act 2011* (SCL Act) making a condition about mitigation on a development approval or an SCL protection

decision under section 89(2) or section 104(2) of the *Strategic Cropping Land Act 2011* still apply and be required to be paid.

Right of appeal on commencement

Clause 95 transitions the provisions of the *Strategic Cropping Land Act 2011* (SCL Act) enabling a person to appeal against a decision to the Land Court where that person—

- on commencement of the Bill, had a right to appeal against an SCL protection decision or an SCL compliance decision (clause 81 and 82) that relates to the carrying out of a resource activity in an area that is a strategic cropping area under this Bill; and
- had not started the appeal.

Appeals started at commencement

Clause 96 transitions the provisions of the *Strategic Cropping Land Act 2011* (SCL Act) to require the Land Court to hear and decide or continue to hear and decide an appeal that was stated against an SCL protection decision or SCL compliance decision (clause 91 and 92) before the commencement of this Bill and the proposed repeal of the SCL Act.

Stop work notices and restoration notices

Clause 97 transitions stop work and restoration notices, issued under the *Strategic Cropping Land Act 2011* (SCL Act), to ensure they still have effect with the repeal of the SCL Act proposed by this Bill.

Part 9 Amendment of Environmental Protection Act 1994

Act amended

Clause 98 identifies that the provisions in Part 9 amend the *Environmental Protection Act 1994* (EP Act) to align the provisions of the EP Act with the provisions of the Bill.

Amendment of ch 5, hdg (Environmental authorities and environmentally relevant activities)

Clause 99 omits the note under the chapter 5 heading in the *Environmental Protection Act 1994* providing for the repeal of the *Strategic Cropping Land Act 2011* upon commencement of the Bill.

Insertion of new s212A

Clause 100 inserts a new section into the *Environmental Protection Act 1994* (EP Act). This new section is required to allow the administering authority of the EP Act to initiate an amendment to an existing environmental authority (EA) for a resource activity where conditions on a regional interests authority conflict with conditions on an environmental authority. This ability will ensure alignment between the EA and a regional interests authority.

Subclause 3 states that the administering authority must give written notice of the amendment to the environmental authority holder.

Amendment of sch 4 (Dictionary)

Clause 101 amends schedule 4 of the *Environmental Protection Act 1994* to omit from the definition of small scale mining activity the following: 'or on strategic cropping land or potential SCL under the *Strategic Cropping Land Act 2011' (SCL Act)* because the SCL Act is proposed to be repealed upon commencement of the Bill.

Schedule 1

Schedule 1 is a dictionary for key terms used in the Bill.