



Queensland

North Stradbroke Island Protection and Sustainability Bill 2011



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2011

A Bill

for

**An Act to provide for the ending of mining in the North
Stradbroke Island Region, and to amend particular other Acts
to provide for indigenous joint management of particular land
in the region**

[s 1]

The Parliament of Queensland enacts—	1
Part 1 Preliminary	2
Division 1 Introduction and object of Act	3
1 Short title	4
This Act may be cited as the <i>North Stradbroke Island Protection and Sustainability Act 2011</i> .	5 6
2 Object of Act	7
The object of this Act is to substantially end mining interests over land in the North Stradbroke Island Region by the end of 2019, and end mining in the region in 2025—	8 9 10
(a) to protect and restore environmental values of the region; and	11 12
(b) to facilitate, under other Acts, the staged creation of areas to be jointly managed by the State and the traditional owners of the region.	13 14 15
3 Act binds all persons	16
This Act binds all persons including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.	17 18 19

Division 2	Interpretation	1
4	Dictionary	2
	The dictionary in schedule 3 defines particular words used in this Act.	3 4
5	Meaning of <i>North Stradbroke Island Region</i>	5
(1)	The <i>North Stradbroke Island Region</i> is the part of the State shown as ‘Area A’ and ‘Area B’ on the map titled ‘NSI 1’ approved by the chief executive on 18 March 2011 and held by the department.	6 7 8 9
	<i>Editor’s note—</i>	10
	The map titled ‘NSI 1’ may be viewed on the department’s website at < www.derm.qld.gov.au >.	11 12
(2)	The exact location of the boundary of the North Stradbroke Island Region is held in digital electronic form by the department.	13 14 15
(3)	The information held in digital electronic form can be reduced or enlarged to show the details of the boundary.	16 17
Part 2	Dealing with mining interests in the North Stradbroke Island Region	18 19 20
Division 1	General provision	21
6	No compensation	22
	No amount, whether as compensation, reimbursement or otherwise, is payable by the State to any person for or in connection with the enactment or operation of this part.	23 24 25

[s 7]

Division 2	Provisions about mining interests	1
7	Application of pt 2	2
	This part applies—	3
	(a) in relation to an NSI mining interest, including the granting of an NSI mining interest; and	4 5
	(b) despite the Mineral Resources Act or any other Act or law.	6 7
8	Termination of particular NSI mining interests	8
	(1) This section applies to an NSI mining interest if, under the Mineral Resources Act, the term of the mining interest would, apart from this section, and unless ended sooner for any reason, end after 31 December 2019.	9 10 11 12
	(2) This section does not apply to the following mining leases—	13
	(a) 1105;	14
	(b) 1108;	15
	(c) 1109;	16
	(d) 1124;	17
	(e) 7064.	18
	(3) The term of the NSI mining interest, unless ended sooner for any reason, ends at the end of 31 December 2019, and the mining interest can not at any time be renewed.	19 20 21
	(4) The holder of the NSI mining interest may not at any time apply for a renewal of the mining interest under the Mineral Resources Act after the commencement.	22 23 24
9	Termination of mining lease 1109	25
	(1) The term of mining lease 1109, unless ended sooner for any reason, ends at the end of 31 December 2015, and the lease can not at any time be renewed.	26 27 28

-
- (2) The holder of mining lease 1109 may not at any time apply for a renewal of the mining lease under the Mineral Resources Act after the commencement. 1
2
3
- 10 Particular NSI mining interests not to be renewed** 4
- (1) An application for renewal of a relevant NSI mining interest made under the Mineral Resources Act but not decided before the commencement— 5
6
7
- (a) can not be further dealt with under that Act; and 8
- (b) is taken to have been withdrawn by the applicant on the commencement. 9
10
- (2) The holder of a relevant NSI mining interest may not apply for a renewal of the mining interest under the Mineral Resources Act after the commencement. 11
12
13
- (3) A renewal of a relevant NSI mining interest can not be granted under the Mineral Resources Act. 14
15
- (4) In this section— 16
- holder*, of a relevant NSI mining interest, means the holder of the mining interest under the Mineral Resources Act. 17
18
- relevant NSI mining interest* means an NSI mining interest in force on the commencement other than the following— 19
20
- (a) an NSI mining interest mentioned in schedule 1, column 1; 21
22
- (b) an NSI mining interest mentioned in schedule 2, column 1; 23
24
- (b) a mining interest to which section 8 or 9 applies. 25
- 11 Renewal of particular NSI mining leases** 26
- (1) On the commencement, each mining lease mentioned in schedule 1, column 1 is taken to have been renewed under the Mineral Resources Act. 27
28
29
- (2) The mining lease is renewed— 30

[s 12]

- | | | |
|-----------|---|----------------------|
| (a) | for the term stated opposite the mining lease in schedule 1, column 2; and | 1
2 |
| (b) | subject to— | 3 |
| (i) | each condition stated opposite the mining lease in schedule 1, column 3; and | 4
5 |
| (ii) | any condition to which the mining lease was subject immediately before the renewal. | 6
7 |
| (3) | The renewals have effect as if they were granted by the Governor in Council under the Mineral Resources Act. | 8
9 |
| (4) | If there is an inconsistency between a condition mentioned in subsection (2)(b)(i) and a condition mentioned in subsection (2)(b)(ii), the condition mentioned in subsection (2)(b)(i) prevails to the extent of the inconsistency. | 10
11
12
13 |
| (5) | A mining lease mentioned in schedule 1, column 1 can not at any time be renewed after the end of the term stated opposite the mining lease in schedule 1, column 2. | 14
15
16 |
| (6) | The holder of a mining lease mentioned in schedule 1, column 1 may not at any time apply for a renewal of the mining lease under the Mineral Resources Act after the commencement. | 17
18
19 |
| (7) | This section does not limit the application of any provisions of the Mineral Resources Act to the renewed mining lease including, for example, provisions about cancelling a mining lease or reducing its area. | 20
21
22
23 |
| (8) | The renewal of each lease does not create any rights in addition to the rights created in the initial granting of the relevant lease. | 24
25
26 |
| 12 | Variation of conditions for particular NSI mining leases | 27 |
| (1) | On the commencement, the conditions of each mining lease mentioned in schedule 2, column 1 are varied as follows— | 28
29 |
| (a) | the term of the mining lease is varied to be the term stated opposite the mining lease in schedule 2, column 2; | 30
31
32 |

-
- (b) from the day the mining lease would have expired apart 1
from this section, the conditions of the mining lease are 2
varied to include each condition stated opposite the 3
mining lease in schedule 2, column 3. 4
- (2) The variations of the conditions of the mining leases have 5
effect as if they were made by the Governor in Council under 6
the Mineral Resources Act, section 294. 7
- (3) If there is an inconsistency between a condition mentioned in 8
subsection (1)(b) and a condition to which the mining lease 9
was subject immediately before the variation of the term of 10
the mining lease, the condition mentioned in subsection (1)(b) 11
prevails to the extent of the inconsistency. 12
- (4) A mining lease mentioned in schedule 2, column 1 can not at 13
any time be renewed after the end of the term stated opposite 14
the mining lease in schedule 2, column 2. 15
- (5) The holder of a mining lease mentioned in schedule 2, column 16
1 may not at any time apply for a renewal of the mining lease 17
under the Mineral Resources Act after the commencement. 18
- (6) This section does not limit the application of any provisions of 19
the Mineral Resources Act to the mining lease as varied by 20
this section including, for example, provisions about 21
cancelling a mining lease or reducing its area. 22
- (7) The variation of the conditions of each lease does not create 23
any rights in addition to the rights created in the initial 24
granting of the relevant lease. 25
- 13 Dealing with applications for grant of NSI mining interest 26**
- (1) An application for the grant under the Mineral Resources Act 27
of an NSI mining interest made but not decided before the 28
commencement— 29
- (a) can not be further dealt with under that Act; and 30
- (b) is taken to have been withdrawn by the applicant on the 31
commencement. 32

[s 14]

(2)	A person can not apply under the Mineral Resources Act, the <i>Petroleum Act 1923</i> or the <i>Petroleum and Gas (Production and Safety) Act 2004</i> for a grant of an NSI mining interest after the commencement.	1 2 3 4
14	Prohibition on grant of NSI mining interest An NSI mining interest can not be granted.	5 6
Division 3	Provisions about particular environmental authority	7 8
15	Purpose of div 3 The purpose of this division is to provide for the amendment of a particular environmental authority for mining activities on North Stradbroke Island.	9 10 11 12
16	Definitions for div 3 In this division— <i>amendment application</i> see the Environmental Protection Act, section 238(1). <i>Enterprise Mine lease</i> means mining lease 1105 or mining lease 1117 under the Mineral Resources Act. <i>restricted mine path</i> , for an Enterprise Mine lease, means the area shown on the map titled ‘NSI 2’ approved by the chief executive on 18 March 2011 and held by the department. <i>Editor’s note</i> — The map titled ‘NSI 2’ may be viewed on the department’s website at < www.derm.qld.gov.au >.	13 14 15 16 17 18 19 20 21 22 23 24

17	Statutory conditions of the environmental authority for Enterprise Mine	1 2
	Environmental authority MIN100971509 is taken to include the following conditions—	3 4
	(a) mining activities that are the winning of a mineral from the place where it occurs may be conducted only within the restricted mine path for an Enterprise Mine lease; and	5 6 7 8
	(b) mining activities that are the winning of a mineral from the place where it occurs within the restricted mine path for an Enterprise Mine lease may only be conducted until the end of 31 December 2019.	9 10 11 12
18	Application by Enterprise Mine lease holder to amend restricted mine path	13 14
	(1) A holder of an Enterprise Mine lease may apply, within 2 months after commencement, to the Minister to amend the restricted mine path of an Enterprise Mine lease to add an area of land to the restricted mine path.	15 16 17 18
	(2) The application must be—	19
	(a) made in the approved form for an amendment application; and	20 21
	(b) supported by enough information to allow the Minister to decide the application.	22 23
19	Minister to decide application	24
	(1) The Minister must, within the period prescribed under the <i>Environmental Protection Regulation 2008</i> for an amendment application, decide either to grant or refuse the application.	25 26 27
	(2) However, the Minister may amend the restricted mine path of an Enterprise Mine lease to add an area of land to the restricted mine path only if—	28 29 30

[s 20]

- (a) the area proposed to be added to the mine path (the **added area**) is not, or does not include, a threatened ecosystem; and
- (b) the Minister is satisfied that the addition of the added area is reasonably necessary to facilitate mining at the same rate of production, until 31 December 2019, as the average rate for the Enterprise Mine lease over the two years immediately before commencement; and
- (c) the mine path, after addition of the added area, is consistent with the conditions applying under environmental authority MIN100971509.

(3) In this section—

threatened ecosystem means an ecosystem identified in the database known as the ‘Regional ecosystem description database’ kept by the department as one of the following—

- (a) an endangered dominant ecosystem;
- (b) an endangered sub-dominant ecosystem;
- (c) an of concern dominant ecosystem;
- (d) an of concern sub-dominant ecosystem.

Editor’s note—

The Regional ecosystem description database is available for inspection—

- (a) during office hours, at the Queensland Herbarium, Brisbane Botanic Gardens, Mt Coot-tha Road, Toowong and each regional office of the department; and
- (b) on the department’s website.

20 Steps after making decision

- (1) If the Minister decides to grant the application, the Minister must, within 10 business days after the decision is made—
 - (a) amend the environmental authority to give effect to the amendment; and

(b)	record particulars of the amendment in the appropriate register as if the authority had been amended under the Environmental Protection Act; and	1 2 3
(c)	give the applicant a copy of the amended environmental authority.	4 5
(2)	The amendment takes effect on the day of the amendment or a later day stated in the amended environmental authority.	6 7
(3)	If the Minister decides to refuse the application, the Minister must, within 10 business days after the decision is made, give the applicant a written notice about the decision.	8 9 10
21	Applications to amend restricted mine path of Enterprise Mine lease under the Environmental Protection Act	11 12
(1)	Sections 17 and 18 do not stop the holder of environmental authority MIN100971509, whether or not amended under section 19, from applying to amend the environmental authority under the Environmental Protection Act, chapter 5, part 8.	13 14 15 16 17
(2)	However, an amendment of the environmental authority under the Environmental Protection Act, chapter 5, part 8 can not be made if the amendment would—	18 19 20
(a)	result in the total area of the restricted mine path being increased in size—	21 22
(i)	if the restricted mine path is amended under section 19—to an area more than 5% larger than the restricted mine path as amended under the section; or	23 24 25 26
(ii)	otherwise—to an area more than 5% larger than the restricted mine path as defined in section 16; or	27 28
(b)	amend the condition of the environmental authority stated in section 17(b).	29 30
(3)	This section applies despite any provision of the Environmental Protection Act or any other Act or law.	31 32

[s 22]

Part 3	Miscellaneous	1
22	Opening and closing of road on DP104026	2
(1)	Lot 1 on SP228368 is dedicated to be a road for public use under the <i>Land Act 1994</i> .	3 4
(2)	The area of land shown as road to be closed on SP228368 is taken to be closed under the <i>Land Act 1994</i> .	5 6
(3)	This section applies despite any provision of the <i>Land Act 1994</i> .	7 8
Part 4	Amendment of Acts	9
Division 1	Amendment of Aboriginal Land Act 1991	10 11
23	Act amended	12
	This division amends the <i>Aboriginal Land Act 1991</i> .	13
24	Amendment of s 12 (Lands that are transferable lands)	14
	Section 12(1)—	15
	<i>insert—</i>	16
	‘(h) land in the following lots—	17
	(i) Lot 1 on SP228365;	18
	(ii) Lot 5 on SP228365;	19
	(iii) Lot 129 on SP228365;	20
	(iv) Lot 130 on SP228365;	21
	(v) Lot 113 on SP228365;	22

	(vi) Lot 119 on SP228365;	1
	(vii) Lot 1 on SP228366;	2
	(viii) Lot 2 on SP228367;	3
	(ix) Lot 1951 on SP228368;	4
	(x) Lot 90 on CP816530;	5
	(xi) Lot 147 on SL7542;	6
	(xii) Lot 300 on SP104019.’.	7
25	Amendment of pt 5B, hdg	8
	Part 5B, heading, from ‘national’—	9
	<i>omit, insert—</i>	10
	‘land in Cape York Peninsula Region and North Stradbroke Island Region’.	11
		12
26	Amendment of s 83F (Entering into indigenous management agreement)	13
		14
	(1) Section 83F(1)(a), after ‘Region’—	15
	<i>insert—</i>	16
	‘or the North Stradbroke Island Region’.	17
	(2) Section 83F(1)(b), from ‘become’—	18
	<i>omit, insert—</i>	19
	‘become—	20
	(i) for land in the Cape York Peninsula Region—a national park (Cape York Peninsula Aboriginal land); or	21
		22
		23
	(ii) for land in the North Stradbroke Island Region—an indigenous joint management area.’.	24
		25
	(3) Section 83F(2), after ‘land’—	26

[s 27]

<i>insert—</i>	1
‘or an indigenous joint management area’	2
27 Amendment of s 83G (Requirements for indigenous management agreement)	3
	4
(1) Section 83G(1)(b), from ‘managed’—	5
<i>omit, insert—</i>	6
‘managed in perpetuity as—	7
(i) for land in the Cape York Peninsula Region—a national park (Cape York Peninsula Aboriginal land); or	8
	9
	10
(ii) for land in the North Stradbroke Island Region—an indigenous joint management area; and’.	11
	12
	13
(2) Section 83G(2), after ‘Aboriginal land’—	14
<i>insert—</i>	15
‘or an indigenous joint management area’.	16
28 Insertion of new pt 5B, div 3	17
Part 5B, after section 83K—	18
<i>insert—</i>	19
‘Division 3 Protected areas in North Stradbroke Island Region	20
	21
‘83KA Requirement about grant of prescribed protected areas in North Stradbroke Island Region	22
	23
‘(1) This section applies to transferable land if the land is, or includes part of, a prescribed protected area in the North Stradbroke Island Region.	24
	25
	26
‘(2) Before the land is granted under this Act, the trustee, or proposed trustee, for the land must enter into an indigenous	27
	28

	management agreement with the State about the management of the land.	1 2
‘(3)	A grant of the land under this Act is subject to the condition that the land must become an indigenous joint management area.	3 4 5
‘(4)	In this section—	6
	<i>prescribed protected area</i> means land that is any of the following under the <i>Nature Conservation Act 1992</i> —	7 8
	(a) a national park (scientific);	9
	(b) a national park;	10
	(c) a national park (recovery);	11
	(d) a conservation park;	12
	(e) a resources reserve.’.	13
29	Amendment of schedule (Dictionary)	14
	Schedule—	15
	<i>insert</i> —	16
	‘ <i>indigenous joint management area</i> means an area declared under the <i>Nature Conservation Act 1992</i> as an indigenous joint management area.	17 18 19
	<i>North Stradbroke Island Region</i> see the <i>North Stradbroke Island Protection and Sustainability Act 2011</i> , section 5.’.	20 21
Division 2	Amendment of Nature Conservation Act 1992	22 23
30	Act amended	24
	This division amends the <i>Nature Conservation Act 1992</i> .	25

[s 31]

31	Amendment of s 15 (Management of protected areas)	1
	Section 15(1)(b)(ii), from ‘Aboriginal’ to ‘any’—	2
	<i>omit, insert—</i>	3
	‘Aboriginal land) or an indigenous joint management area—any’.	4
		5
32	Amendment of s 16 (Management principles of national parks (scientific))	6
	Section 16—	7
	<i>insert—</i>	8
	‘(3) Subject to subsections (1) and (2), a national park (scientific), or a part of a national park (scientific), that is also an indigenous joint management area is to be managed, as far as practicable, in a way that is consistent with any Aboriginal tradition applicable to the area, including any tradition relating to activities in the area.’.	9
		10
		11
		12
		13
		14
		15
33	Amendment of s 17 (Management principles of national parks)	16
	Section 17—	17
	<i>insert—</i>	18
	‘(3) Subject to subsections (1) and (2), a national park, or a part of a national park, that is also an indigenous joint management area is to be managed, as far as practicable, in a way that is consistent with any Aboriginal tradition applicable to the area, including any tradition relating to activities in the area.’.	19
		20
		21
		22
		23
		24
34	Amendment of s 19A (Management principles of national parks (recovery))	25
	Section 19A—	26
	<i>insert—</i>	27
	‘(2) Subject to subsection (1), a national park (recovery), or a part of a national park (recovery), that is also an indigenous joint	28
		29
		30

	management area is to be managed, as far as practicable, in a way that is consistent with any Aboriginal tradition applicable to the area, including any tradition relating to activities in the area.’.	1 2 3 4
35	Amendment of s 20 (Management principles of conservation parks)	5 6
	Section 20—	7
	<i>insert—</i>	8
	‘(2) Subject to subsection (1), a conservation park, or a part of a conservation park, that is also an indigenous joint management area is to be managed, as far as practicable, in a way that is consistent with any Aboriginal tradition applicable to the area, including any tradition relating to activities in the area.’.	9 10 11 12 13 14
36	Amendment of s 21 (Management principles of resources reserves)	15 16
	Section 21—	17
	<i>insert—</i>	18
	‘(3) Subject to subsections (1) and (2), a resources reserve, or a part of a resources reserve, that is also an indigenous joint management area is to be managed, as far as practicable, in a way that is consistent with any Aboriginal tradition applicable to the area, including any tradition relating to activities in the area.’.	19 20 21 22 23 24
37	Amendment of s 32 (Revocation of protected areas)	25
	Section 32—	26
	<i>insert—</i>	27
	‘(3) This section does not apply to a protected area, or a part of a protected area, that is an indigenous joint management area.	28 29

[s 38]

	<i>Note—</i>	1
	For a protected area that is also an indigenous joint management area, see section 42AK. Also, note section 42AM.’.	2 3
38	Amendment of s 33 (Amalgamation etc. of protected areas)	4 5
	Section 33—	6
	<i>insert—</i>	7
	‘(3) This section does not apply to a protected area, or a part of a protected area, that is an indigenous joint management area.	8 9
	<i>Note—</i>	10
	For a protected area, or part of a protected area, that is an indigenous joint management area, see section 42AL. Also, note section 42AM.’.	11 12
39	Amendment of s 34 (Leases etc. over protected areas)	13
	Section 34—	14
	<i>insert—</i>	15
	‘(3) This section does not apply to a protected area, or a part of a protected area, that is an indigenous joint management area.	16 17
	<i>Note—</i>	18
	For a protected area, or part of a protected area, that is an indigenous joint management area, see section 42AN.’.	19 20
40	Amendment of s 35 (Chief executive’s powers about permitted uses in national parks or national parks (recovery))	21 22 23
	Section 35—	24
	<i>insert—</i>	25
	‘(3) This section does not apply to—	26
	(a) a national park, or a part of a national park, that is an indigenous joint management area; or	27 28

	(b) a national park (recovery), or a part of a national park (recovery), that is an indigenous joint management area.	1 2
	<i>Note—</i>	3
	For an indigenous joint management area, see section 42AO.’.	4
41	Amendment of s 36 (Authorities for new national park or national park (recovery))	5 6
	Section 36—	7
	<i>insert—</i>	8
	‘(5A) This section does not apply to—	9
	(a) a national park, or a part of a national park, that is an indigenous joint management area; or	10 11
	(b) a national park (recovery), or a part of a national park (recovery), that is an indigenous joint management area.	12 13
	<i>Note—</i>	14
	For an indigenous joint management area, see section 42AP.’.	15
42	Amendment of pt 4, div 3, hdg	16
	Part 4, division 3, heading, after ‘land)’—	17
	<i>insert—</i>	18
	‘and indigenous joint management areas’.	19
43	Amendment of s 40 (Dedication of national park as national park (Aboriginal land) or national park (Torres Strait Islander land))	20 21 22
	Section 40(1)(a), after ‘Region’—	23
	<i>insert—</i>	24
	‘or the North Stradbroke Island Region’.	25
44	Insertion of new pt 4, div 3, sdiv 3	26
	Part 4, division 3—	27

[s 44]

<i>insert—</i>	1
‘Subdivision 3 Indigenous joint management areas	2
‘42AG Purpose of sdiv 3	3
‘The purpose of this subdivision is to provide for the declaration of prescribed protected areas situated in the North Stradbroke Island Region as indigenous joint management areas.	4 5 6 7
‘42AH Declaration of a prescribed protected area as indigenous joint management area	8 9
‘(1) This section applies to a prescribed protected area, or part of a prescribed protected area, (the <i>protected area land</i>) if—	10 11
(a) the protected area land is in the North Stradbroke Island Region and becomes Aboriginal land; and	12 13
(b) the Minister is satisfied an indigenous management agreement about the management of the Aboriginal land has been entered into.	14 15 16
‘(2) On the land becoming Aboriginal land, the Minister must recommend to the Governor in Council the making of a regulation declaring the protected area land as an indigenous joint management area.	17 18 19 20
‘(3) Despite any other Act, the declaration under the regulation is taken to have effect on the delivery of the deed of grant over the protected area land to the indigenous landholder for the land.	21 22 23 24
‘42AI Declaration of Aboriginal land as indigenous joint management area	25 26
‘(1) This section applies to Aboriginal land in the North Stradbroke Island Region that is not a prescribed protected area or included in a prescribed protected area if—	27 28 29

(a)	the indigenous landholder for the land has entered into an indigenous management agreement for it; and	1 2
(b)	the Minister and the indigenous landholder agree that the land is to be managed as an indigenous joint management area.	3 4 5
‘(2)	The Minister must recommend to the Governor in Council the making of a regulation—	6 7
(a)	dedicating the land as a prescribed protected area; and	8
(b)	declaring the land as an indigenous joint management area.	9 10
‘(3)	The regulation may define the extent of the land by reference to—	11 12
(a)	a stated depth below the surface of the land; or	13
(b)	a stated height above the surface of the land.	14
‘42AJ	Declaration of other land as an indigenous joint management area	15 16
‘(1)	This section applies to land in the North Stradbroke Island Region, other than land to which section 42AI applies, that is not a prescribed protected area or included in a prescribed protected area if—	17 18 19 20
(a)	under the <i>Aboriginal Land Act 1991</i> , an entity has entered into an indigenous management agreement for the land; and	21 22 23
(b)	the Minister and the entity agree that the land is to be managed as an indigenous joint management area.	24 25
‘(2)	If the land becomes Aboriginal land—	26
(a)	the grant of the land as Aboriginal land is subject to a condition that the land must become—	27 28
(i)	a prescribed protected area; and	29
(ii)	an indigenous joint management area; and	30

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(b) the Minister must recommend to the Governor in Council the making of a regulation—	1 2
(i) dedicating the land as a prescribed protected area; and	3 4
(ii) declaring the land as an indigenous joint management area.	5 6
‘(3) The regulation may define the extent of the land by reference to—	7 8
(a) a stated depth below the surface of the land; or	9
(b) a stated height above the surface of the land.	10
‘42AK Revocation of dedication of protected area or declaration of indigenous joint management areas	11 12
‘(1) A regulation may—	13
(a) revoke the dedication of a protected area, or part of a protected area, that is an indigenous joint management area; or	14 15 16
(b) revoke the declaration of all or a part of an indigenous joint management area;	17 18
only if the land the subject of the revocation has been surrendered to the State.	19 20
‘(2) A regulation under subsection (1)(a) may be made only if the Legislative Assembly has, on a motion of which at least 28 days notice has been given, passed a resolution requesting the Governor in Council to make the revocation.	21 22 23 24
‘42AL Amalgamation etc. of protected areas that are indigenous joint management areas	25 26
‘(1) This section applies only to protected areas that are indigenous joint management areas.	27 28
‘(2) The Governor in Council may, by regulation—	29

-
- (a) amalgamate protected areas of the same class, and assign a name to the amalgamated area; or 1
2
- (b) change the class of a protected area by dedicating the area as another class of protected area; or 3
4
- (c) change the boundaries of a protected area. 5
- ‘(3) If, because of the change in the class of a protected area, the area will be given less protection under this Act, the regulation may be made— 6
7
8
- (a) only with the consent of the indigenous landholder for the land; and 9
10
- (b) only if the Legislative Assembly has, on a motion of which at least 28 days notice has been given, passed a resolution requesting the Governor in Council to make the revocation. 11
12
13
14
- ‘(4) If, because of the change in the boundaries of a protected area, land will be removed from the area (other than for the purpose of dedicating the removed land as land with the same or a higher level of protection under this Act), the regulation may be made only if— 15
16
17
18
19
- (a) the land to be removed has been surrendered to the State; and 20
21
- (b) the Legislative Assembly has, on a motion of which at least 28 days notice has been given, passed a resolution requesting the Governor in Council to make the revocation. 22
23
24
25
- ‘(5) This section applies despite section 42AK. 26
- ‘42AM Effect of revocation of prescribed protected area on indigenous joint management area 27
28**
- ‘(1) This section applies if— 29
- (a) the dedication of a prescribed protected area, or part of a prescribed protected area, that is an indigenous joint management area is revoked under this Act; or 30
31
32

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- (b) a prescribed protected area, or part of a prescribed protected area, that is an indigenous joint management area is removed under section 42AL(2). 1
2
3
- ‘(2) On the revocation of the dedication of, or the removal of, the prescribed protected area or part— 4
5
 - (a) if the area or part is dedicated as another class of prescribed protected area—the declaration of the indigenous joint management area continues in force; or 6
7
8
 - (b) otherwise—the declaration of the indigenous joint management area for the protected area or part is taken to have been revoked. 9
10
11

- ‘42AN Leases etc. over land in indigenous joint management area 12
13**
- ‘(1) A lease, agreement, licence, permit or other authority over, or in relation to, land in an indigenous joint management area, other than an agreement or a licence, permit or other authority issued or given under a regulation, may be granted, made, issued or given only— 14
15
16
17
18
 - (a) by the chief executive with the consent of the indigenous landholder for the land; or 19
20
 - (b) by the indigenous landholder for the land with the consent of the chief executive. 21
22
- ‘(2) A lease, agreement, licence, permit or other authority mentioned in subsection (1) must be consistent with— 23
24
 - (a) the management principles and management plan for the indigenous joint management area; and 25
26
 - (b) any indigenous land use agreement for the land; and 27
 - (c) the indigenous management agreement for the land. 28

‘42AO Particular powers about permitted uses on land in particular indigenous joint management areas	1 2
‘(1) The chief executive and the indigenous landholder for land in a national park or national park (recovery), or part of a national park or national park (recovery), that is an indigenous joint management area, may grant, make, issue or give a lease, agreement, licence, permit or other authority over, or in relation to, the land if—	3 4 5 6 7 8
(a) the use under the authority is only for a service facility; and	9 10
(b) if the land is in a national park—the cardinal principle for the management of national parks will be observed to the greatest extent possible; and	11 12 13
(c) if the land is in a national park (recovery)—the management principle under section 19A(1)(a) will be observed to the greatest extent possible; and	14 15 16
(d) the chief executive and the indigenous landholder are satisfied—	17 18
(i) the use will be in the public interest; and	19
(ii) the use is ecologically sustainable; and	20
(iii) there is no reasonably practicable alternative to the use; and	21 22
(e) the use under the authority is prescribed under a regulation made for this section to be a permitted use for the indigenous joint management area.	23 24 25
‘(2) Subsection (1) has effect despite sections 15 and 42AN(2).	26
‘42AP Authorities for new national park or national park (recovery) that is an indigenous joint management area	27 28 29
‘(1) This section applies if—	30
(a) land is, or is part of, an indigenous joint management area; and	31 32

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- (b) the land is dedicated as a national park or national park (recovery); and 1
2
- (c) immediately before the dedication, the land was being 3
used (the *previous use*) in a way that is inconsistent with 4
the management principles of the park. 5
- ‘(2) The chief executive and the indigenous landholder for land in 6
the national park or national park (recovery), or a part of the 7
national park or national park (recovery), that is an indigenous 8
joint management area, may grant an authority (a *previous* 9
use authority) over, or in relation to, the land to allow the 10
previous use to continue for no more than the allowable term 11
after the dedication. 12
- ‘(3) However, a previous use authority must not be granted for a 13
national park if the previous use was under a sales permit 14
under the *Forestry Act 1959*, section 56. 15
- ‘(4) A previous use authority must not be renewed. 16
- ‘(5) This section applies despite sections 15 and 42AN(2). 17
- ‘(6) In this section— 18
- allowable term*, in relation to a previous use authority, means 19
a term no longer than— 20
- (a) if the previous use was under a permit or lease as 21
follows, the term that is the unexpired term of the permit 22
or lease— 23
- (i) an occupation permit under the *Forestry Act 1959*, 24
section 35(1)(a) under which the right of 25
occupation is only for a service facility; 26
- (ii) a stock grazing permit under the *Forestry Act 1959*, 27
section 35(1)(c); 28
- (iii) an apiary permit under the *Forestry Act 1959*, 29
section 35(1)(d); 30
- (iv) a sales permit under the *Forestry Act 1959*, section 31
56, for the taking of plant parts if it does not 32
authorise cutting or pruning of plants so severely 33
that the plant is likely to die; 34

	(v) a lease under the <i>Land Act 1994</i> ; or	1
	(b) otherwise—3 years after the dedication.	2
	<i>authority</i> means an agreement or a lease, licence, permit or other authority.	3 4
	<i>plant parts</i> means the flowers, foliage, seeds or stems of the plant.’.	5 6
45	Amendment of s 111 (Management plans)	7
	(1) Section 111(1)(b)—	8
	<i>insert</i> —	9
	‘(iv) an indigenous joint management area;’.	10
	(2) Section 111(8), after ‘land’—	11
	<i>insert</i> —	12
	‘or an indigenous joint management area’.	13
46	Amendment of s 120 (Implementation of approved plan)	14
	(1) Section 120(1), after ‘protected area’—	15
	<i>insert</i> —	16
	‘or an indigenous joint management area’.	17
	(2) Section 120(1)(b), after ‘land’—	18
	<i>insert</i> —	19
	‘or an indigenous joint management area’.	20
47	Amendment of sch (Dictionary)	21
	Schedule—	22
	<i>insert</i> —	23
	‘ <i>indigenous joint management area</i> means an area declared under this Act as an indigenous joint management area.	24 25

50	Amendment of sch 3 (Dictionary)	1
	Schedule 3—	2
	<i>insert—</i>	3
	<i>‘North Stradbroke Island Region see the North Stradbroke Island Protection and Sustainability Act 2011, section 5.’.</i>	4 5

Schedule 2 **Variation of conditions of** 1
 particular mining leases 2

section 12 3

Column 1	Column 2	Column 3
Mining lease	Term	Conditions
Mining lease 1163	The term for the mining lease is varied to end at the end of 31 December 2019.	The winning of a mineral from the place where it occurs in the area of land over which the lease is granted is not permitted under the lease.
Mining lease 1140	The term for the mining lease is varied to end at the end of 31 December 2019.	The winning of a mineral from the place where it occurs in the area of land over which the lease is granted is not permitted under the lease.
Mining lease 7064	The term for the mining lease is varied to end at the end of 31 October 2025.	The winning of a mineral from the place where it occurs in the area of land over which the lease is granted is not permitted under the lease.

Schedule 3	Dictionary	1
	section 4	2
<i>commencement</i>	means the day this definition commences.	3
<i>environmental authority</i>	see the Environmental Protection Act, schedule 4.	4 5
<i>Environmental Protection Act</i>	means the <i>Environmental Protection Act 1994</i> .	6 7
<i>Mineral Resources Act</i>	means the <i>Mineral Resources Act 1989</i> .	8 9
<i>mining interest</i>	means any lease, licence, permit or other instrument authorised under—	10 11
(a)	the Mineral Resources Act; or	12
(b)	the <i>Petroleum Act 1923</i> ; or	13
(c)	the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	14 15
<i>mining lease</i>	means a mining lease under the Mineral Resources Act.	16 17
<i>North Stradbroke Island Region</i>	see section 5.	18
<i>NSI mining interest</i>	means a mining interest over land in the North Stradbroke Island Region.	19 20