



Queensland

Regional Planning Interests Bill 2013



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2013

A Bill

for

An Act to manage the impact of resource activities and other regulated activities on areas of the State that contribute, or are likely to contribute, to Queensland's economic, social and environmental prosperity

[s 1]

The Parliament of Queensland enacts—	1
Part 1 Preliminary	2
Division 1 Introduction	3
1 Short title	4
This Act may be cited as the <i>Regional Planning Interests Act 2013</i> .	5 6
2 Commencement	7
This Act commences on a day to be fixed by proclamation.	8
Division 2 Purposes and application of Act	9
3 Purposes and achievement	10
(1) The purposes of this Act are to—	11
(a) identify areas of Queensland that are of regional interest because they contribute, or are likely to contribute, to Queensland’s economic, social and environmental prosperity; and	12 13 14 15
(b) give effect to the policies about matters of State interest stated in regional plans; and	16 17
(c) manage, including in ways identified in regional plans—	18
(i) the impact of resource activities and other regulated activities on areas of regional interest; and	19 20 21
(ii) the coexistence, in areas of regional interest, of resource activities and other regulated activities	22 23

	with other activities, including, for example, highly productive agricultural activities.	1 2
(2)	To achieve its purposes, this Act provides for a transparent and accountable process for the impact of proposed resource activities on areas of regional interest to be assessed and managed.	3 4 5 6
4	Act binds all persons	7
(1)	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.	8 9 10
(2)	However, the Commonwealth or a State can not be prosecuted for an offence against this Act.	11 12
5	Relationship with resource Acts and Environmental Protection Act	13 14
(1)	This Act applies despite any resource Act, the Environmental Protection Act, the <i>Sustainable Planning Act 2009</i> or the <i>Water Act 2000</i> (each the <i>other Act</i>).	15 16 17
(2)	A restriction or requirement under this Act applies as well as any restriction or requirement under the other Act.	18 19
	<i>Note—</i>	20
	See also section 56 (Regional interests conditions paramount).	21
Division 3	Interpretation	22
Subdivision 1	Dictionary	23
6	Dictionary	24
	The dictionary in schedule 1 defines particular words used in this Act.	25 26

[s 7]

Note—

For the meanings of some words in particular contexts, see also section 17.

Subdivision 2 Definitions about areas of regional interest

7 *Area of regional interest*

Each of the following is an *area of regional interest*—

- (a) a priority agricultural area;
- (b) a priority living area;
- (c) a strategic cropping area;
- (d) a strategic environmental area.

8 *Priority agricultural area*

(1) A *priority agricultural area* is an area—

- (a) shown on a map in a regional plan as a priority agricultural area; or
- (b) prescribed under a regulation.

(2) However, an area (the *proposed area*) may only be shown as, or prescribed to be, a priority agricultural area if it includes any 1 or more of the following—

- (a) an area used for a priority agricultural land use;
- (b) an area that contains a source of water, or infrastructure for supplying water, necessary for the ongoing use of land in the proposed area for a priority agricultural land use;
- (c) 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 paragraph (b).

-
- (3) A *priority agricultural land use* is highly productive agriculture—
- (a) of a type identified in a regional plan for an area of regional interest; or
 - (b) of a type prescribed under a regulation for an area of regional interest.
- 9** ***Priority living area***
- A *priority living area* is an area—
- (a) shown on a map in a regional plan as a priority living area; and
 - (b) that includes the existing settled area of a city, town or other community and other areas necessary or desirable—
 - (i) for the future growth of the existing settled area; and
 - (ii) as a buffer between the existing or a future settled area and resource activities.
- 10** ***Strategic cropping area***
- (1) A *strategic cropping area* is an area shown on the SCL trigger map as strategic cropping land or potential strategic cropping land.
 - (2) *Strategic cropping land* is land that is highly suitable for cropping.
 - (3) *Potential strategic cropping land* is land that is likely to be highly suitable for cropping.
 - (4) Land is *highly suitable for cropping* if the land complies with the criteria prescribed under a regulation for determining whether land is highly suitable for cropping based on a combination of soil, climate and landscape features.
 - (5) In this section—

[s 11]

- cropping*** includes the following— 1
- (a) the yield of any form of cultivated crop for any purpose, 2
including, for example, for food, as fibre, for fodder or 3
medicinal purposes; 4
 - (b) the growing of trees to produce, or as a component for, 5
food, fibre or a medicinal product; 6
 - (c) harvesting a timber plantation. 7
- SCL trigger map*** means the electronic map called ‘Trigger 8
Map for Strategic Cropping Land in Queensland’ approved by 9
the chief executive (natural resources) and published on the 10
website of the natural resources department. 11

- 11 Strategic environmental area** 12
- (1) A ***strategic environmental area*** is an area with strategic 13
environmental value— 14
- (a) shown on a map in a regional plan as a strategic 15
environmental area; or 16
 - (b) prescribed under a regulation. 17
- Examples—* 18
- the channel rivers of western Queensland 19
 - an area providing biophysical functions for sensitive plant and 20
animal species 21
 - an area supporting particular ecological processes, natural systems 22
and habitats 23
- (2) In this section— 24
- environmental value*** see the Environmental Protection Act, 25
section 9. 26

Subdivision 3	Definitions about Acts and authorities under them	1 2
12	<i>Resource Act and resource activity</i>	3
(1)	A <i>resource Act</i> is any of the following—	4
(a)	<i>Geothermal Energy Act 2010</i> ;	5
(b)	<i>Greenhouse Gas Storage Act 2009</i> ;	6
(c)	<i>Mineral Resources Act 1989</i> ;	7
(d)	<i>Petroleum Act 1923</i> ;	8
(e)	<i>Petroleum and Gas (Production and Safety) Act 2004</i> .	9
(2)	A <i>resource activity</i> is—	10
(a)	an activity for which a resource authority is required to lawfully carry out; or	11 12
(b)	for a provision about a resource authority or proposed resource authority—an authorised activity for the authority or proposed authority (if granted) under the relevant resource Act.	13 14 15 16
(3)	In this Act, a reference to a resource activity includes a reference to the carrying out of the activity.	17 18
(4)	In this section—	19
	<i>relevant resource Act</i> means the resource Act under which the authority is granted, or the proposed authority will, if granted, be granted.	20 21 22
13	<i>Resource authority</i>	23
	A <i>resource authority</i> is any of the following—	24
(a)	a geothermal tenure under the <i>Geothermal Energy Act 2010</i> ;	25 26
(b)	a GHG authority under the <i>Greenhouse Gas Storage Act 2009</i> ;	27 28

[s 14]

	(c) a mining tenement or an approval that grants rights over land under the <i>Mineral Resources Act 1989</i> ;	1 2
	(d) a 1923 Act petroleum tenure under the <i>Petroleum Act 1923</i> ;	3 4
	(e) a petroleum authority under the <i>Petroleum and Gas (Production and Safety) Act 2004</i> ;	5 6
	(f) a licence, permit, pipeline licence, primary licence, secondary licence or special prospecting authority granted under the <i>Petroleum (Submerged Lands) Act 1982</i> .	7 8 9 10
14	<i>Environmental authority</i>	11
	An <i>environmental authority</i> is an environmental authority as defined under the Environmental Protection Act, schedule 4.	12 13
15	<i>Authority holder</i>	14
	An <i>authority holder</i> , for a provision about a resource activity, is the person who holds a resource authority or an environmental authority for the resource activity.	15 16 17
Subdivision 4	Definition about other regulated activities	18 19
16	<i>Regulated activity</i>	20
	A <i>regulated activity</i> , for an area of regional interest, is an activity—	21 22
	(a) likely to have an impact on the area of regional interest; and	23 24
	(b) prescribed under a regulation for the area.	25

Subdivision 5	References in provisions	1
17	References in provisions	2
(1)	This section applies for any provision of this Act.	3
(2)	A reference to an application for a resource authority includes a reference to an application for any of the following for an existing resource authority—	4 5 6
(a)	an amendment;	7
(b)	a renewal;	8
(c)	a re-grant.	9
(3)	A reference to an application for an environmental authority includes a reference to an application for a major amendment to the environmental authority.	10 11 12
(4)	For a provision about an assessment application—	13
(a)	a reference to the applicant, or to a person who may make an application, includes a reference to the following—	14 15 16
(i)	the person who has made or may make the application;	17 18
(ii)	anyone else in whom the benefit of the application vests from time to time; and	19 20
(b)	a reference to the land is a reference to the land the subject of the application; and	21 22
(c)	if the application is about a resource activity or regulated activity—a reference to the activity is a reference to the activity the subject of the application; and	23 24 25 26
(d)	a reference to the regional interests authority is a reference to the authority issued, or that may be issued, as a result of the application.	27 28 29
(5)	For a provision about a decision, a reference to the land is a reference to the land the subject of the decision.	30 31

[s 18]

(6)	For a provision about a regional interests authority, resource authority or environmental authority, a reference to the land is a reference to the land the subject of the authority or to which it attaches.	1 2 3 4
(7)	In this section— <i>major amendment</i> , for an application to amend an environmental authority, means the amendment proposed in the application if—	5 6 7 8
(a)	an assessment level decision for the application has been made under the Environmental Protection Act, section 228; and	9 10 11
(b)	the decision is that the proposed amendment is a major amendment under that Act.	12 13
Part 2	Restrictions on resource activities in areas of regional interest	14 15 16
Division 1	Restrictions	17
18	Restrictions on carrying out resource activity or regulated activity	18 19
(1)	A person must not wilfully carry out, or allow the carrying out of, a resource activity or regulated activity in an area of regional interest unless the person holds, or is acting under, a regional interests authority for the activity. Maximum penalty—6250 penalty units or 5 years imprisonment.	20 21 22 23 24 25
(2)	A person must not carry out, or allow the carrying out of, a resource activity or regulated activity in an area of regional	26 27

interest unless the person holds, or is acting under, a regional interests authority for the activity.	1 2
Maximum penalty—4500 penalty units.	3
(3) Subsection (2) is an alternative offence for subsection (1).	4
<i>Note—</i>	5
For the effect of subsection (3), see section 78.	6
(4) This section does not apply to a resource activity that is an exempt resource activity for the area of regional interest.	7 8
19 Failure to comply with conditions	9
(1) This section applies to a person who is the holder of, or is acting under, a regional interests authority.	10 11
(2) The person must not wilfully contravene a condition of the authority.	12 13
Maximum penalty—6250 penalty units or 5 years imprisonment.	14 15
(3) The person must not contravene a condition of the authority.	16
Maximum penalty—4500 penalty units.	17
(4) Subsection (3) is an alternative offence for subsection (1).	18
<i>Note—</i>	19
For the effect of subsection (3), see section 78.	20
20 Carrying out exempt resource activity without notice	21
A person must not carry out, or allow the carrying out of, an exempt resource activity in an area of regional interest unless the person has complied with the notice requirement under section 26 for the activity.	22 23 24 25
Maximum penalty—500 penalty units.	26

[s 21]

21	Emergency activity defence	1
	It is a defence to a proceeding for an offence against this part for the defendant to prove—	2 3
	(a) the carrying out of the resource activity or regulated activity was because of an emergency endangering—	4 5
	(i) the life or health of a person; or	6
	(ii) the structural safety of a building or structure or the safety of infrastructure; and	7 8
	(b) the defendant gave the department notice of the activity as soon as practicable after starting it; and	9 10
	(c) the defendant took all reasonable steps—	11
	(i) to ensure the impact of the activity on the regional priority area is restorable; or	12 13
	(ii) if the impact is not restorable—to limit the impact.	14
Division 2	Exempt resource activities	15
22	Exemption: agreement of land owner	16
(1)	This section applies if the authority holder for a resource activity is not the owner of the land (the <i>land owner</i>).	17 18
(2)	The resource activity is an <i>exempt resource activity</i> for a priority agricultural area if—	19 20
(a)	either—	21
(i)	if a conduct and compensation agreement requirement applies to the authority holder under a resource Act—	22 23 24
(A)	the land owner and the authority holder are parties to a conduct and compensation agreement under the resource Act, other than because of the order of a court; and	25 26 27 28
(B)	the authority holder has complied with the requirement; or	29 30

-
- (ii) 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; and
- (b) the activity is not likely to have a significant impact on the priority agricultural area; and
- (c) the activity is not likely to have an impact on land owned by a person other than the land owner.
- (3) For subsection (2)(c), a resource activity has an impact on land if the activity has an impact on the suitability of the land to be used for priority agricultural land use.
- 23 Exemption: activity carried out for less than 1 year**
- (1) A resource activity is an *exempt resource activity* for a priority agricultural area or a strategic cropping area if—
- (a) the activity is being carried out during the 12-month exemption period for the resource authority; and
- (b) any impact of the activity on the area is restored within the 12-month exemption period; and
- (c) the activity is not likely to have an impact on the area after the 12-month exemption period; and
- (d) for a strategic cropping area—the activity is being carried out in compliance with the management practices prescribed under a regulation.
- (2) In this section—
- 12-month exemption period*, for a resource authority, means the period—
- (a) starting on the day when the first activity under the authority starts to be carried out on the land; and
- (b) ending on the first anniversary of that day.

[s 24]

24	Exemption: pre-existing resource activity	1
(1)	A resource activity is an <i>exempt resource activity</i> for an area of regional interest if—	2 3
(a)	the activity is being carried out—	4
(i)	on land in the area; and	5
(ii)	in accordance with a resource activity work plan; and	6 7
(b)	the land was not in an area of regional interest when the resource activity work plan took effect.	8 9
(2)	Subsection (1) does not apply to a resource activity if the activity is being carried out—	10 11
(a)	in a part of a priority agricultural area mentioned in section 8(2)(b) or (c); and	12 13
(b)	under a CMA tenure prescribed under a regulation.	14
(3)	In this section—	15
	<i>CMA tenure</i> see the <i>Water Act 2000</i> , section 362.	16
	<i>plan of operations</i> see the Environmental Protection Act, section 285.	17 18
	<i>resource activity work plan</i> , for a resource activity, means the following for the resource authority under which it is being carried out—	19 20 21
(a)	for a geothermal permit under the <i>Geothermal Energy Act 2010</i> —a work program for the activity under section 24 of that Act;	22 23 24
(b)	for a GHG permit under the <i>Greenhouse Gas Storage Act 2009</i> —a work program for the activity under section 24 of that Act;	25 26 27
(c)	for an authority to prospect under the <i>Petroleum and Gas (Production and Safety) Act 2004</i> —a work program for the activity under section 23 of that Act;	28 29 30

(d)	for an authority to prospect under the <i>Petroleum Act 1923</i> —a work program for the activity under section 2 of that Act;	1 2 3
(e)	for a mining lease under the <i>Mineral Resources Act 1989</i> or a petroleum lease under the <i>Petroleum and Gas (Production and Safety) Act 2004</i> —a plan of operations for the activity given to the administering authority under the Environmental Protection Act, section 287;	4 5 6 7 8
(f)	for a mining claim under the <i>Mineral Resources Act 1989</i> —a work program for the activity under schedule 2 of that Act;	9 10 11
(g)	for a mineral development licence under the <i>Mineral Resources Act 1989</i> —a statement about the activities to be carried out under the licence approved by the Minister under that Act, section 186(3)(b).	12 13 14 15
25	Exemption: small scale mining activity	16
	A resource activity is an <i>exempt resource activity</i> for an area of regional interest if the activity is a small scale mining activity within the meaning of the Environmental Protection Act.	17 18 19 20
26	Notice requirement	21
(1)	An authority holder for an exempt resource activity to be carried out in an area of regional interest must give the chief executive notice, in the approved form, of the authority holder’s intention to carry out the activity in the area.	22 23 24 25
(2)	A notice for a resource activity that is an exempt resource activity under section 23 must be accompanied by a document stating the authority holder’s plan for completing the activity and restoring the area in the period mentioned in section 23.	26 27 28 29
(3)	This section does not apply to a resource activity that is an exempt resource activity under section 24.	30 31

[s 27]

Part 3	Regional interests authorities	1
Division 1	Preliminary	2
27	Meaning of <i>assessing agency</i> and <i>assessor</i>	3
(1)	An <i>assessing agency</i> for an assessment application is an entity prescribed under a regulation.	4 5
	<i>Example—</i>	6
	A local government may be prescribed to be an assessment agency for an assessment application relating to a priority living area in the local government's area.	7 8 9
(2)	Each of the following is an <i>assessor</i> for an assessment application—	10 11
(a)	the chief executive;	12
(b)	if the application is referable—an assessing agency for the application.	13 14
28	When does a resource activity or regulated activity <i>impact</i> an area of regional interest	15 16
	In this Act, a resource activity or a regulated activity has an <i>impact</i> on an area of regional interest if the impact—	17 18
(a)	affects—	19
(i)	a feature, quality, characteristic or other attribute of the area; or	20 21
(ii)	the suitability of land in the area to be used for a particular purpose; and	22 23
(b)	relates to a matter mentioned in the following—	24
(i)	for a priority agricultural area—section 8(2)(a) to (c);	25 26
(ii)	for a priority living area—section 9(a);	27
(iii)	for a strategic cropping area—section 10(1);	28

-
- (iv) for a strategic environmental area—section 11(1)(a). 1
2

Division 2 Applying 3

29 Who may apply for regional interests authority 4

- (1) An eligible person (the *applicant*) may apply for a regional interests authority for a resource activity to be carried out in an area of regional interest (an *assessment application*). 5
6
7
- (2) Also, a person (also the *applicant*) who intends to carry out a regulated activity in an area of regional interest may apply for a regional interests authority for the activity to be carried out in the area (also an *assessment application*). 8
9
10
11
- (3) In this section— 12
- eligible person* means a person who holds, or has applied or may apply for, an environmental authority or resource authority (the *relevant authorities*) for the resource activity. 13
14
15

30 Requirements for making assessment application 16

- An assessment application must be— 17
- (a) made to the chief executive in the approved form; and 18
- (b) accompanied by a report— 19
- (i) assessing the resource activity or regulated activity’s impact on the area of regional interest; 20
 and 21
 22
- (ii) identifying any constraints on the configuration or operation of the activity; and 23
 24
- (c) accompanied by the fee prescribed under a regulation. 25

31 Owner of land given copy of assessment application 26

- (1) This section applies to an assessment application if— 27

[s 32]

- (a) the application is not notifiable; and 1
- (b) the applicant is not the owner of the land. 2
- (2) The applicant must give the owner a copy of the application 3
within 5 business days after the application is made. 4

Division 3 Amending or withdrawing 5

32 Amending 6

- (1) The applicant may amend an assessment application to do the 7
following (a *permitted amendment*) if the amended 8
application complies with section 30— 9
 - (a) make a minor amendment; 10
 - (b) make an amendment the chief executive is satisfied 11
would not adversely affect the chief executive’s ability 12
to decide the amended application. 13
- (2) A permitted amendment— 14
 - (a) may be made at any time before the application is 15
decided; and 16
 - (b) must be made by notice to the chief executive. 17
- (3) An assessment application can not be amended other than to 18
make a permitted amendment. 19

33 Withdrawal of application 20

- (1) The applicant may give the chief executive a notice 21
withdrawing an assessment application at any time before it is 22
decided. 23
- (2) The withdrawal takes effect when the notice is given. 24
- (3) The chief executive may, but need not, refund all or part of 25
any fee paid for the application if it is withdrawn. 26

Division 4	Public notification of particular applications	1 2
34	Application of div 4	3
(1)	This division applies to a notifiable assessment application.	4
(2)	An assessment application is <i>notifiable</i> if—	5
(a)	a regulation prescribes it as notifiable; and	6
(b)	it has not been granted an exemption by the chief executive under subsection (3).	7 8
(3)	The chief executive may, on the written request of the applicant, grant an exemption from notification for an assessment application if satisfied there has been sufficient notification under another Act or law of the resource activity to the public.	9 10 11 12 13
(4)	An assessment application is also <i>notifiable</i> if an assessor has given the applicant a requirement notice requiring the applicant to notify the application under this division.	14 15 16
35	Applicant must notify	17
(1)	The applicant must—	18
(a)	publish a notice about the assessment application in the way prescribed under a regulation; and	19 20
(b)	if the applicant is not the owner of the land—give the owner a notice about the application.	21 22
(2)	The notice must—	23
(a)	be in the approved form; and	24
(b)	state the following—	25
(i)	that submissions about the assessment application may be made to an assessor for the application;	26 27
(ii)	the day by which submissions about the application must be received (the <i>closing day</i>);	28 29

[s 36]

- (iii) that the making of a submission does not give rise to a right of appeal against a decision about the application. 1
2
3
 - (3) The approved form must include information about the way in which submissions must be lodged with an assessor for the application, including whether the submissions may be made electronically. 4
5
6
7
 - (4) The closing day must be a day that is after the end of the notification period prescribed under a regulation for the application. 8
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10

- 36 Consequence of failure to notify** 11
- (1) This section applies if the applicant has not complied with section 35 within the period that ends— 12
13
 - (a) 20 business days after the day the assessment application was made; or 14
15
 - (b) on a later day decided by an assessor for the application by notice. 16
17
- (2) The chief executive may— 18
 - (a) if the chief executive considers there is enough information about the relevant matters for the application—decide the application on the basis of that information; or 19
20
21
22
 - (b) refuse to decide the application until the applicant has complied with section 35 to the chief executive’s satisfaction; or 23
24
25
 - (c) decide the application is lapsed. 26
- (3) If the application is a notifiable application because of a requirement notice made by the assessing agency, the assessing agency may— 27
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29
 - (a) if it considers there is enough information about the relevant matters for the application—give its response for the application; or 30
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32

(b)	refuse to assess the application until the applicant has complied with section 35 to the assessing agency's satisfaction.	1 2 3
(4)	The assessing agency must give the chief executive notice of the refusal.	4 5
37	Properly made submissions	6
	A submission about an assessment application is <i>properly made</i> if the submission—	7 8
(a)	is in writing; and	9
(b)	states the name of each person who made the submission; and	10 11
(c)	states an address for service for at least 1 of the persons who made the submission; and	12 13
(d)	is received by the closing day for making submissions; and	14 15
(e)	is made to an assessor for the application in the way stated in the notice about the application.	16 17
38	Submissions must be published or available for inspection	18 19
(1)	This section applies to each submission about an assessment application that is properly made.	20 21
(2)	The assessor for the application must, within 5 business days after the application is decided under section 48—	22 23
(a)	publish a copy of the submission on the assessor's website; or	24 25
(b)	make the submission available at the assessor's office for inspection.	26 27
(3)	If a submission is available for inspection at the assessor's office, a person may—	28 29

[s 39]

- (a) inspect the submission free of charge at any time the office is open for business; and 1
2
- (b) obtain a copy of the submission, or part of the submission, from the assessor. 3
4
- (4) The assessor may charge a person for supplying a copy of the submission, or part of the submission. 5
6
- (5) The charge must not be more than the cost to the assessor of making and supplying the copy. 7
8
- (6) In this section— 9
office, of an assessor, means— 10
 - (a) if the assessor is an assessing agency—the assessing agency’s office and any other place decided by the assessing agency; or 11
12
13
 - (b) if the assessor is the chief executive—the department’s office and any other place approved by the chief executive. 14
15
16

Division 5 Referral to assessing agency 17

39 Application of div 5 18

- (1) This division applies to a referable assessment application. 19
- (2) An assessment application is *referable* if a regulation prescribes the application as referable. 20
21

40 Assessing agency’s functions 22

An assessing agency has, for assessing and responding to the part of the application giving rise to the referral, the functions prescribed under a regulation. 23
24
25

41 Assessing agency’s assessment of application 26

- (1) The chief executive must give the assessing agency for the application a copy of the application. 27
28

-
- (2) The assessing agency must, within the limits of its functions, assess the application and, in doing so, consider all of the following—
- (a) the extent of the expected impact of the resource activity or regulated activity on the area of regional interest;
 - (b) any criteria for the decision prescribed under a regulation;
 - (c) if the assessment is for a notifiable assessment application—all properly made submissions received by the assessing agency about the application;
 - (d) if the assessing agency is a local government—any criteria under the local government’s planning scheme for assessing the application.

42 Assessing agency’s response to application

- (1) The assessing agency may give the chief executive a response to the application.
- (2) The response may, within the limits of the assessing agency’s functions—
- (a) do any or all of the following—
 - (i) recommend conditions (each an *assessing agency condition*) to form part of any regional interests approval;
Note—
Under section 51(1)(a), a condition may, among other things, limit or restrict the carrying out of a resource activity or regulated activity on the land or part of it.
 - (ii) recommend the refusal of all or part of the application;
 - (iii) provide advice about the application; or
 - (b) tell the chief executive that the assessing agency has no requirements or advice relating to the application.

[s 43]

- (3) However, the response may only be given within the later of the following periods to end—
 - (a) 20 business days after the assessing agency received the application;
 - (b) any longer period decided by the chief executive.
- (4) If the response includes assessing agency conditions or refusing all or part of an application, it must include reasons for the conditions or the refusal.
- (5) If the assessment application is notifiable and section 36(2)(a) or (3)(a) does not apply, the assessing agency’s response must not be given to the chief executive before the closing day for submissions about the application.
- (6) The assessing agency must give the applicant a copy of the response.

43 Ministerial directions to assessing agency

- (1) The Minister may, by notice, give a direction to an assessing agency for an assessment application—
 - (a) if the Minister is satisfied its response is not within its functions—to reissue its response in a stated way and within a stated period to ensure the response is within the functions; or
 - (b) if the Minister is satisfied the assessing agency has not assessed the application under this Act—to issue or reissue its response in a stated way and within a stated period to ensure the assessing agency has assessed the application under this Act.
- (2) The Minister may give the direction even if the agency’s assessment period for the assessment application has ended under section 42(3).
- (3) The direction must state the reasons for the decision to give it.
- (4) The Minister must give the applicant a copy of the direction.
- (5) The assessing agency must comply with the direction.

-
- (6) If the Minister gives the direction, the chief executive can not
decide the assessment application until the assessing agency's
response is reissued. 1
2
3

Division 6 Additional information etc. for application 4
5

44 Requirement notice 6

- (1) An assessor for an assessment application may, by notice,
require (a *requirement notice*) the applicant to do all or any of
the following within a stated reasonable period— 7
8
9
- (a) complete or correct the application if it appears to an
assessor to be incorrect, incomplete or defective; 10
11
 - (b) give an assessor additional information about, or
relevant to, the application; 12
13
 - (c) notify the application under division 4; 14
 - (d) give an assessor an independent report by an
appropriately qualified person, or a statutory
declaration, verifying all or any of the following— 15
16
17
 - (i) any information included in the application; 18
 - (ii) any additional information required under
paragraph (b). 19
20
- (2) The requirement notice may require the statutory
declaration— 21
22
- (a) to be made by an appropriately qualified independent
person or by the applicant; and 23
24
 - (b) if the applicant is a corporation—to be made for the
applicant by an executive officer of the applicant
corporation. 25
26
27
- (3) The applicant must bear any costs incurred in complying with
the requirement notice. 28
29
- (4) An assessor may extend the stated period. 30

[s 45]

45	Consequence of noncompliance with requirement notice	1
(1)	This section applies if a requirement notice has, in the opinion of the assessor that gave it, been contravened.	2 3
(2)	The chief executive may, if the requirement notice was made by the chief executive or the chief executive receives a notice under subsection (4)—	4 5 6
(a)	if the chief executive considers there is enough information about the relevant matters for the application—decide the application on the basis of that information; or	7 8 9 10
(b)	refuse to decide the application until the requirement notice is complied with to the chief executive’s satisfaction; or	11 12 13
(c)	decide the application is lapsed.	14
(3)	If the assessor was the assessing agency, it may—	15
(a)	if it considers there is enough information about the relevant matters—give its response to the application; or	16 17
(b)	refuse to assess the application until the requirement notice is complied with to its satisfaction.	18 19
(4)	The assessing agency must give the chief executive notice of the refusal.	20 21
46	Additional advice or comment about assessment application	22 23
	The chief executive or an assessing agency may ask any person for advice or comment about an assessment application.	24 25 26
	<i>Example—</i>	27
	The chief executive may appoint a panel of experts to provide advice to the chief executive about an assessment application or a particular matter relevant to the application.	28 29 30

Division 7	Deciding application	1
47	Chief executive must decide application	2
(1)	The chief executive must consider and decide under this division each assessment application.	3 4
(2)	If the application is notifiable and section 36(2)(a) does not apply, a decision can not be made about the application before the closing day for submissions.	5 6 7
48	Decision generally	8
(1)	The chief executive must decide to—	9
(a)	approve all or part of the application and grant a regional interests authority; or	10 11
(b)	refuse the application.	12
(2)	If the chief executive decides to grant a regional interests authority, the chief executive may also decide to grant the authority with conditions (each a <i>regional interests condition</i>).	13 14 15 16
(3)	To remove any doubt, it is declared that if the chief executive approves only part of an application, the balance of the application is refused.	17 18 19
49	Criteria for decision	20
(1)	In deciding an assessment application, the chief executive must consider all of the following—	21 22
(a)	the extent of the expected impact of the resource activity or regulated activity on the area of regional interest;	23 24
(b)	any criteria for the decision prescribed under a regulation;	25 26
(c)	if the decision is for a notifiable assessment application—all properly made submissions received by the chief executive about the application;	27 28 29

[s 50]

	(d) if the decision is for a referable assessment application—any advice about the application included in an assessing agency’s response.	1 2 3
	(2) Also, the chief executive may consider any other matter the chief executive considers relevant.	4 5
50	Compliance with assessing agency’s response	6
	(1) This section applies if the assessing agency for a referable assessment is a local government	7 8
	(2) If the local government has given its response to the application (other than just advice), the chief executive must give effect to any recommendations in the response.	9 10 11
51	Conditions generally	12
	(1) A regional interests condition may—	13
	(a) limit or restrict the carrying out of a resource activity or regulated activity; or	14 15
	(b) require the applicant to install and operate stated plant or equipment in a stated way within a stated period; or	16 17
	(c) 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; or	18 19 20 21
	(d) require the applicant to do, or refrain from doing, anything else the chief executive considers is necessary or desirable to achieve this Act’s purposes.	22 23 24
	(2) A condition under subsection (1)(c) is an <i>SCL mitigation requirement</i> .	25 26

Division 8	Steps after deciding application	1
52	Notice about decision	2
(1)	As soon as practicable after deciding an assessment application, the chief executive must give the applicant a decision notice about the decision.	3 4 5
(2)	The chief executive must give a copy of the decision notice to—	6 7
(a)	if the applicant is not the owner of the land—the owner of the land; and	8 9
(b)	if the assessment application is referable—each assessing agency for the application.	10 11
(3)	If the applicant has applied for an environmental authority for the resource activity or regulated activity, the decision notice may be included in, or accompany, a notice under the Environmental Protection Act for the environmental authority application.	12 13 14 15 16
53	Public notification of decision	17
(1)	The chief executive must, within 5 business days after deciding an assessment application, publish a notice about the decision—	18 19 20
(a)	on the department’s website; or	21
(b)	in a newspaper circulating generally in the area of the land.	22 23
(2)	The notice must—	24
(a)	identify the resource activity or regulated activity, the applicant and the land; and	25 26
(b)	briefly describe any conditions imposed on the resource activity or regulated activity by the decision; and	27 28
(c)	state that an affected land owner may appeal against the decision, the period within which an appeal must be started and how the right to appeal is to be exercised.	29 30 31

[s 54]

54	Issuing authority	1
	As soon as practicable after deciding to grant a regional interests authority, the chief executive must issue the authority in the approved form.	2 3 4
55	When authority takes effect	5
(1)	A regional interests authority takes effect on the later of the following—	6 7
(a)	the day after the appeal period for the decision to grant the authority ends;	8 9
(b)	another day stated in the authority.	10
(2)	A decision notice for the decision to grant the authority must state that the decision takes effect when the appeal period for the decision ends.	11 12 13
(3)	In this section—	14
	<i>appeal period</i> , for a decision to grant a regional interests authority, means the period ending on the last day on which an appeal against the decision may be started under section 70(1).	15 16 17 18
Division 9	Miscellaneous	19
56	Regional interests conditions paramount	20
(1)	If there is any inconsistency between the conditions of a regional interests authority and a condition of the relevant authority, the conditions of the regional interests authority prevail to the extent of the inconsistency.	21 22 23 24
(2)	For subsection (1), it does not matter when the authorities or conditions were granted or imposed in relation to each other.	25 26

Part 4	Mitigation	1
Division 1	Provisions for SCL mitigation conditions	2 3
57	Application of pt 4	4
	This part applies for the holder of a regional interests authority if the authority includes an SCL mitigation condition.	5 6 7
58	What is <i>mitigated SCL land</i>	8
	<i>Mitigated SCL land</i> is the land to which the SCL mitigation condition applies.	9 10
59	What is <i>mitigation</i>	11
(1)	<i>Mitigation</i> , for mitigated SCL land, means that either of the following, or a combination of the following, has taken place for the land's mitigation value—	12 13 14
(a)	a payment to the mitigation fund;	15
(b)	the entering into of a mitigation deed.	16
(2)	The <i>mitigation value</i> of mitigated SCL land is the amount prescribed under a regulation.	17 18
60	What are <i>mitigation measures</i>	19
(1)	<i>Mitigation measures</i> are the carrying out of activities to address the loss of the productive capacity of mitigated SCL land.	20 21 22
(2)	Also, for a mitigation deed, mitigation measures may include a combination of activities mentioned in subsection (1) and a payment to the mitigation fund.	23 24 25

[s 61]

61	What is a <i>mitigation deed</i>	1
	A <i>mitigation deed</i> is a deed to which the chief executive and the holder of a regional interests authority are parties that—	2 3
	(a) is about the mitigation value of mitigated SCL land; and	4
	(b) complies with the requirements prescribed under a regulation.	5 6
62	What are the <i>mitigation criteria</i>	7
	(1) The <i>mitigation criteria</i> are that mitigation measures (under a mitigation deed or under a payment from the mitigation fund) must—	8 9 10
	(a) aim to increase the productivity of cropping in the State; and	11 12
	(b) provide a public, rather than a private, benefit; and	13
	(c) aim to provide an enduring effect; and	14
	(d) be quantifiable and able to be independently valued; and	15
	(e) benefit the largest possible number of cropping agribusinesses; and	16 17
	(f) if a cropping activity or cropping system existed for mitigated SCL land to which the measures relate—provide a benefit to that type of activity or system in the relevant local area.	18 19 20 21
	(2) In deciding what is a relevant local area for subsection (1)(f), regard must be had to catchments and local government areas.	22 23
Division 2	Mitigation fund	24
63	Mitigation fund continued	25
	The strategic cropping land mitigation fund (the <i>mitigation fund</i>) established under the repealed <i>Strategic Cropping Land Act 2011</i> is continued in existence under this Act.	26 27 28

64	Purpose and administration	1
(1)	The mitigation fund’s purpose is to record amounts received under a mitigation condition and to pay amounts from it under this part.	2 3 4
(2)	Accounts for the mitigation fund must be kept as part of the department’s departmental accounts under the <i>Financial Accountability Act 2009</i> , section 69.	5 6 7
(3)	However, amounts received for the mitigation fund may be deposited with other amounts of the department in its departmental financial institution account under the <i>Financial Accountability Act 2009</i> , section 83.	8 9 10 11
65	Payments from fund	12
(1)	Amounts are payable from the mitigation fund only for—	13
(a)	mitigation measures; or	14
(b)	expenses incurred by the chief executive in performing functions under this part.	15 16
(2)	However, the chief executive may make a payment for mitigation measures only if the chief executive is satisfied the measures comply with the mitigation criteria.	17 18 19
66	Reporting requirement for mitigation measures	20
	A payment from the mitigation fund may be made only on the condition that its recipient must give the chief executive periodic reports about—	21 22 23
(a)	the progress of the mitigation measures funded; and	24
(b)	amounts spent on the measures.	25

[s 67]

Division 3	Miscellaneous provisions	1
67	Mitigation deed binds holder’s successors	2
	A mitigation deed binds each of the successors in law of the holder of each regional interests authority who is a party to it, including successors for the area of the authority.	3 4 5
	<i>Examples of successors in law—</i>	6
	a personal representative, successor in title, assign	7
Part 5	Appeals	8
68	Definitions for pt 5	9
	In this part—	10
	<i>affected land owner</i> , for a regional interests decision, means a person who owns land (<i>affected land</i>) that may be adversely affected by the resource activity or regulated activity because of—	11 12 13 14
	(a) the proximity of the affected land to the land the subject of the decision; and	15 16
	(b) the impact the activity may have on an area of regional interest.	17 18
	<i>court</i> means the Planning and Environment Court under the <i>Sustainable Planning Act 2009</i> .	19 20
	<i>regional interests decision</i> means each of the following decisions—	21 22
	(a) a decision to grant a regional interests authority;	23
	(b) a decision to impose a condition on a regional interests authority;	24 25
	(c) a decision to refuse all or part of an assessment application.	26 27

69	Appeal to Planning and Environment Court	1
	The following may appeal (an <i>appeal</i>) against a regional interests decision to the court—	2 3
	(a) the applicant;	4
	(b) if the applicant is not the owner of the land—the owner of the land;	5 6
	(c) an affected land owner.	7
70	Appeal period	8
	(1) An appeal may be started only within 20 business days after—	9
	(a) for a person who received a decision notice, or a copy of a decision notice, for the decision—the notice was received; or	10 11 12
	(b) for an affected land owner for a regional interests decision—notice of the decision was published under section 53.	13 14 15
	(2) However, the court may at any time extend the time for starting the appeal.	16 17
71	Respondent for appeal	18
	(1) The chief executive is the respondent for the appeal.	19
	(2) If the appellant is not the applicant for the decision, the applicant is a co-respondent for the appeal.	20 21
	(3) If the appellant is not the owner of the land for the decision, the owner of the land may apply to the court to be a co-respondent for the appeal.	22 23 24
	(4) If the appeal is about an assessing agency’s response, the assessing agency is a co-respondent for the appeal.	25 26
	(5) If the appeal is only about an assessing agency’s response, the chief executive may apply to the court to withdraw from the appeal.	27 28 29

[s 72]

72	Stay of operation of decision	1
	If an appeal against a decision under this Act is started, the operation of the decision is stayed until—	2 3
	(a) the court, on the application of a party to the appeal, decides otherwise; or	4 5
	(b) the appeal is decided, withdrawn or dismissed.	6
Part 6	Miscellaneous provisions	7
Division 1	Evidence	8
73	Evidentiary aids generally	9
	(1) A certificate purporting to be signed by the chief executive stating any of the following matters is evidence of the matter—	10 11 12
	(a) a stated document is—	13
	(i) a direction or decision, or a copy of a direction or decision, given or made under this Act; or	14 15
	(ii) a notice or other document, or a copy of a notice or other document, given under this Act;	16 17
	(b) on a stated day, or during a stated period, a stated person was or was not the holder of a regional interests authority for a stated resource activity or regulated activity;	18 19 20 21
	(c) on a stated day, or during a stated period, a regional interests authority—	22 23
	(i) was or was not in force for a stated person, resource activity or regulated activity; or	24 25
	(ii) was or was not subject to a stated condition;	26

-
- (d) on a stated day, a stated person was given a stated notice or direction under this Act; 1
2
- (e) a stated amount is payable under this Act by a stated person and has not been paid. 3
4
- (2) A certificate purporting to be signed by the chief executive (environment) stating any of the following matters is evidence of the matter— 5
6
7
- (a) on a stated day, or during a stated period, a stated person was or was not the holder of an environmental authority for a stated resource activity or regulated activity; 8
9
10
- (b) on a stated day, or during a stated period, an environmental authority— 11
12
- (i) was or was not in force for a stated person, resource activity or regulated activity; or 13
14
- (ii) was or was not subject to a stated condition. 15
- (3) A certificate purporting to be signed by the chief executive of a department administering a resource Act stating any of the following matters is evidence of the matter— 16
17
18
- (a) on a stated day, or during a stated period, a stated person was or was not the holder of a resource authority under the resource Act for a stated resource activity; 19
20
21
- (b) on a stated day, or during a stated period, a resource authority under the resource Act— 22
23
- (i) was or was not in force for a stated person or resource activity; or 24
25
- (ii) was or was not subject to a stated condition. 26

[s 74]

Division 2	Offence proceedings	1
74	Division of offences against Act	2
(1)	An offence against this Act for which the maximum penalty is 500 penalty units or more is an indictable offence, and a crime.	3 4 5
(2)	Any other offence against this Act is a summary offence.	6
75	Proceedings for indictable offences	7
(1)	A proceeding for an indictable offence against this Act may, at the prosecution's election, be taken summarily or on indictment.	8 9 10
(2)	A magistrate must not hear an indictable offence summarily if, at any stage of the hearing, the magistrate is satisfied—	11 12
(a)	the defendant, if convicted, may not be adequately punished on summary conviction because of the nature or seriousness of the offence; or	13 14 15
(b)	on the application of the defendant, the offence should not be heard summarily because of exceptional circumstances.	16 17 18
(3)	If subsection (2) applies—	19
(a)	the magistrate must proceed by way of an examination of witnesses for an indictable offence; and	20 21
(b)	a plea of the person charged at the start of the proceeding must be disregarded; and	22 23
(c)	evidence brought in the proceeding before the magistrate decided to act under subsection (2) is taken to be evidence in the proceeding for the committal of the person for trial or sentence; and	24 25 26 27
(d)	before committing the person for trial or sentence, the magistrate must make a statement to the person under the <i>Justices Act 1886</i> , section 104(2)(b).	28 29 30

-
- (4) The maximum penalty of imprisonment that may be summarily imposed for an indictable offence is 100 penalty units or 3 years imprisonment. 1
2
3
- 76 Limitation on who may summarily hear indictable offence proceedings** 4
5
- (1) A proceeding must be before a magistrate if it is a proceeding— 6
7
- (a) for the summary conviction of a person on a charge for an indictable offence; or 8
9
- (b) for an examination of witnesses for a charge for an indictable offence. 10
11
- (2) However, if a proceeding for an indictable offence is brought before a justice who is not a magistrate, jurisdiction is limited to taking or making a procedural action or order under the *Justices of the Peace and Commissioners for Declarations Act 1991*. 12
13
14
15
16
- 77 Proceeding for summary offences** 17
- (1) A proceeding for a summary offence against this Act must start within the later of the following periods to end— 18
19
- (a) 1 year after the commission of the offence; 20
- (b) within 1 year after the offence comes to the complainant's knowledge, but within 5 years after the offence is committed. 21
22
23
- (2) For subsection (1), an offence under part 2 does not come to the complainant's knowledge merely because the complainant receives a remotely sensed image that may provide evidence of the offence. 24
25
26
27
- (3) In this section— 28
- remotely sensed image* means information acquired about an object or phenomenon without making physical contact with it. 29
30
31

[s 78]

Example—

an image obtained by using aerial sensor technology to detect or classify
the object or phenomenon by way of electromagnetic radiation emitted
from aircraft or satellites or other propagated signals

78 Alternative offences

(1) This section applies if—

(a) a section of this Act provides that an offence against a
subsection of the section (the *smaller offence*) is an
alternative offence for an offence against another
subsection of the section (the *larger offence*); and

(b) in a proceeding for an offence against the larger offence,
the trier of fact—

(i) is not satisfied the defendant is guilty of the larger
offence; but

(ii) is satisfied the defendant is guilty of the smaller
offence.

(2) The trier of fact may find the defendant guilty of the smaller
offence.

(3) If the defendant is found guilty of the smaller offence, the
defendant is liable to be punished for the smaller offence.

(4) To remove any doubt, it is declared that—

(a) this section applies regardless of whether—

(i) the proceeding for the larger offence is summary or
on indictment; or

(ii) the trier of fact is a judge or a jury; and

(b) this section applies even if an indictment for the larger
offence does not include the smaller offence.

Division 3	Investigation and enforcement	1
79	Authorised persons under the Vegetation Management Act 1999	2 3
(1)	This section applies for a priority agricultural area and a strategic cropping area.	4 5
(2)	The functions of an authorised person (natural resources) include to ensure compliance with this Act.	6 7
(3)	To remove any doubt, it is declared that an authorised person (natural resources) may exercise the person's powers under the <i>Vegetation Management Act 1999</i> , part 3 (other than part 3, division 1, subdivisions 7 and 8) to perform the functions.	8 9 10 11
(4)	In this section— <i>authorised person (natural resources)</i> means an authorised officer under the <i>Vegetation Management Act 1999</i> .	12 13 14
80	Authorised persons under a Local Government Act	15
(1)	This section applies for a priority living area.	16
(2)	The functions of an authorised person (local government) include to ensure compliance with this Act.	17 18
(3)	To remove any doubt, it is declared that an authorised person (local government) may, to perform the functions—	19 20
(a)	for an authorised person under the <i>Local Government Act 2009</i> —exercise the person's powers under that Act, chapter 5, part 2, division 1; or	21 22 23
(b)	for an authorised person under the <i>City of Brisbane Act 2010</i> —exercise the person's powers under that Act, chapter 5, part 2, division 1.	24 25 26
(4)	In this section— <i>authorised person (local government)</i> means an authorised person under the <i>Local Government Act 2009</i> or the <i>City of Brisbane Act 2010</i> .	27 28 29 30

[s 81]

81	Authorised persons under the Environmental Protection Act	1 2
(1)	This section applies for a strategic environmental area.	3
(2)	The functions of an authorised person (environment) include to ensure compliance with this Act.	4 5
(3)	To remove any doubt, it is declared that an authorised person (environment) may exercise the person's powers under the Environmental Protection Act, chapter 9 to perform the functions.	6 7 8 9
(4)	In this section—	10
	<i>authorised person (environment)</i> means an authorised person under the Environmental Protection Act.	11 12
82	Ministerial direction to investigate	13
(1)	The Minister may, by notice, direct the relevant chief executive to cause an authorised person to exercise the person's functions under section 79, 80 or 81 in relation to a stated matter related to ensuring compliance with this Act.	14 15 16 17
(2)	The department's annual report must include details of each direction given under this section during the year.	18 19
Division 4	General	20
83	Guidelines	21
(1)	The chief executive may make guidelines giving advice about—	22 23
(a)	assessment applications; or	24
(b)	prescribed criteria for deciding assessment applications.	25
(2)	The chief executive must publish any guidelines made under subsection (1) on the department's website.	26 27

84	No compensation because of Act	1
(1)	No compensation is payable by the State or an official—	2
(a)	for, or in connection with, the enactment, making or operation of this Act or any statutory instrument under it; or	3 4 5
(b)	because the carrying out of an activity is made unlawful, or is conditional or restricted, under this Act.	6 7
(2)	In this section—	8
	<i>compensation</i> means any amount, whether by way of compensation, reimbursement or otherwise.	9 10
85	Delegation by chief executive	11
	The chief executive may delegate the chief executive's functions under this Act to an appropriately qualified public service employee.	12 13 14
86	Protection of officials from liability	15
(1)	An official does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act.	16 17 18
(2)	If subsection (1) prevents a civil liability attaching to an official, the liability instead attaches to the State.	19 20
(3)	In this section—	21
	<i>official</i> means any of the following—	22
(a)	the Minister;	23
(b)	the chief executive;	24
(c)	an assessing agency.	25
87	Approved forms	26
(1)	The chief executive may approve forms for use under this Act.	27

[s 88]

(2)	A form approved for use under this Act may be combined with, or used together with, an approved form under another Act.	1 2 3
88	Regulation-making power	4
(1)	The Governor in Council may make regulations under this Act.	5 6
(2)	A regulation may provide—	7
(a)	for fees payable under this Act and the matters for which they are payable; and	8 9
(b)	for a maximum penalty of 20 penalty units for contravention of the regulation.	10 11
Part 7	Repeal	12
89	Repeal	13
	The Strategic Cropping Land Act 2011, No. 47 is repealed.	14
Part 8	Transitional provisions for repeal of Strategic Cropping Land Act 2011	15 16 17
90	Definitions for pt 7	18
	In this part—	19
	<i>commencement</i> means the day on which the provision in which the term is used commences.	20 21
	<i>mitigation fund</i> see the repealed Act, section 148.	22

repealed Act means the repealed *Strategic Cropping Land Act 2011*. 1
2

SCL protection decision see the repealed Act, section 3
91(1)(b). 4

transitioned decision means a decision for which an 5
information notice was given under the repealed Act, section 6
102 or 105(6). 7

91 Application for SCL protection decision 8

(1) This section applies to an application for an SCL protection 9
decision for a resource activity made under the repealed Act, 10
section 95 if— 11

(a) at the commencement, the application had not been 12
decided or withdrawn; and 13

(b) the application is for a resource activity in an area that is 14
a strategic cropping area under this Act. 15

(2) The application is taken to be an assessment application made 16
under section 29. 17

92 SCL protection decision 18

(1) This section applies to each of the following SCL protection 19
decisions, to the extent the decision is for a resource activity 20
in an area that is a strategic cropping area under this Act— 21

(a) one for a resource activity made under the repealed Act; 22

(b) one made as a result of an appeal mentioned in section 23
95 or 96. 24

(2) The applicant for the decision is taken to have been issued a 25
regional interests authority (the *transitioned authority*) for the 26
resource activity in the strategic cropping area. 27

(3) To the extent the decision imposed an SCL protection 28
condition prohibiting the carrying out of all or part of the 29
resource activity— 30

(a) subsection (2) does not apply; and 31

[s 93]

(b) 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 section 48.

(4) An SCL protection condition imposed by the decision, other than an SCL condition mentioned in subsection (3) or a financial assurance condition, is taken to be a regional interests condition imposed on the transitioned authority.

(5) A condition mentioned in subsection (4) stops being a condition of an environmental authority or a resource authority for the resource activity.

Note—

Under the repealed Act, section 103, an SCL condition is taken to be a condition of a relevant environmental authority or resource authority.

(6) The chief executive may issue a regional interests authority for the transitioned authority to the applicant under section 53.

(7) In this section—

applicant means a person who applied for the decision.

financial assurance condition see the repealed Act, section 100(4).

SCL protection conditions—

1 See the repealed Act, section 99(1)(b).

2 *SCL protections conditions* includes a condition mentioned in paragraph 1 as imposed or amended as a result of an appeal mentioned in section 95 or 96.

93 SCL compliance certificate

(1) This section applies to an SCL compliance certificate, to the extent the certificate relates to a resource activity in an area that is a strategic cropping area under this Act.

(2) The person who holds the SCL compliance certificate is taken to have been issued a regional interests authority (the *transitioned authority*) for the resource activity.

-
- (3) The conditions under the standard conditions code for carrying out the resource activity are taken to be regional interests conditions imposed on the transitioned authority. 1
2
3
- (4) The chief executive may issue a regional interests authority for the transitioned authority to the applicant under section 53. 4
5
- (5) In this section— 6
SCL compliance certificate see the repealed Act, section 116. 7
standard conditions code means the standard conditions code in force under the repealed Act immediately before its repeal. 8
9

94 Mitigation requirements 10

- (1) This section applies if, immediately before the commencement, under the repealed Act, section 104(2), it is taken to be a condition of a resource authority that its holder must comply with the mitigation requirement (the *transitioned mitigation requirement*). 11
12
13
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15
- (2) The transitioned mitigation requirement is taken to be an SCL mitigation condition imposed on a regional interests authority issued to the resource activity holder under section 92. 16
17
18
- (3) For subsection (2)— 19
- (a) a payment made to the mitigation fund under the repealed Act for the mitigation requirement is taken to be a payment made to the mitigation fund under part 4 of this Act for the SCL mitigation condition; and 20
21
22
23
- (b) a mitigation deed entered into under the repealed Act for the mitigation requirement is taken to be a mitigation deed entered into under part 4 of this Act for the SCL mitigation condition. 24
25
26
27
- (4) In this section— 28
mitigation requirement see the repealed Act, section 11(7). 29

95 Right of appeal on commencement 30

- (1) This section applies if, on the commencement— 31

[s 96]

- (a) a person had a right to appeal against a transitioned decision that relates to the carrying out of a resource activity in an area that is a strategic cropping area under this Act; and 1
2
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4
 - (b) the person had not started the appeal. 5
 - (2) The person may appeal against the decision and the Land Court must hear and decide the appeal as if this Act has not been enacted. 6
7
8
- 96 Appeals started at commencement** 9
- (1) This section applies if— 10
 - (a) a person started an SCL appeal before the commencement; and 11
12
 - (b) the appeal is against a transitioned decision that relates to the carrying out of a resource activity in an area that is a strategic cropping area under this Act; and 13
14
15
 - (c) on the commencement the appeal has not been decided or withdrawn. 16
17
 - (2) The Land Court must hear and decide, or continue to hear and decide, the SCL appeal as if this Act has not been enacted. 18
19
 - (3) In this section— 20
 - SCL appeal* means an appeal to the Land Court under the repealed Act, section 109 against a transitioned decision. 21
22
- 97 Stop work notices and restoration notices** 23
- (1) This section applies if, before the commencement, a person was given a stop work notice or a restoration notice for the carrying out of a resource activity in an area that is a strategic cropping area under this Act. 24
25
26
27
 - (2) The person must comply with the notice. 28
 - (3) For subsection (2), the repealed Act, other than section 171, continues to apply as if this Act has not been enacted. 29
30

(4)	In this section—	1
	<i>restoration notice</i> see the repealed Act, section 160(2).	2
	<i>stop work notice</i> see the repealed Act, section 157(2).	3
Part 9	Amendment of Environmental Protection Act 1994	4 5
98	Act amended	6
	This part amends the <i>Environmental Protection Act 1994</i> .	7
99	Amendment of ch 5, hdg (Environmental authorities and environmentally relevant activities)	8 9
	Chapter 5, heading, note—	10
	<i>omit.</i>	11
100	Insertion of new s 212A	12
	After section 212—	13
	<i>insert—</i>	14
	212A Amendment of particular environmental authorities to reflect regional interests authority conditions	15 16 17
	(1) This section applies if an environmental authority for a resource activity or regulated activity is inconsistent with a regional interests authority for the activity under the <i>Regional Planning Interests Act 2013</i> .	18 19 20 21 22
	(2) The administering authority may amend the environmental authority to ensure it is consistent with the regional interests authority.	23 24 25

[s 101]

(3)	The administering authority must give written notice of the amendment to the environmental authority holder.	1 2 3
(4)	A reference in this section to an environmental authority or a regional interests authority includes a reference to a condition of the authority.	4 5 6 7
(5)	In this section— <i>regulated activity</i> see the <i>Regional Planning Interests Act 2013</i> , section 16.	8 9 10
101	Amendment of sch 4 (Dictionary)	11
	Schedule 4, definition <i>small scale mining activity</i> , ‘or on strategic cropping land or potential SCL under the <i>Strategic Cropping Land Act 2011</i> ’—	12 13 14
	<i>omit.</i>	15

Schedule 1	Dictionary	1
	section 6	2
	<i>affected land owner</i> , for part 5, see section 68.	3
	<i>appeal</i> see section 69.	4
	<i>applicant</i> , for a provision about an assessment application, see section 29(1).	5 6
	<i>approved form</i> means a form approved by the chief executive under section 87.	7 8
	<i>area of regional interest</i> see section 7.	9
	<i>assessing agency</i> , for an assessment application, see section 27(1).	10 11
	<i>assessing agency condition</i> see section 42(2)(a)(i).	12
	<i>assessment application</i> see section 29(1).	13
	<i>assessor</i> , for an assessment application, see section 27(2).	14
	<i>authority holder</i> see section 15.	15
	<i>chief executive (environment)</i> means the chief executive of the department administering the Environmental Protection Act.	16 17 18
	<i>chief executive (natural resources)</i> means the chief executive of the natural resources department.	19 20
	<i>closing day</i> , for submissions about an assessment application, see section 35(2)(b)(ii).	21 22
	<i>court</i> , for part 5, see section 68.	23
	<i>decision notice</i> , for a decision, means a notice stating the following—	24 25
	(a) the decision and the reasons for it;	26
	(b) the rights of appeal under part 5 against the decision;	27
	(c) the period in which any appeal under part 5 must be started;	28 29

(d) how rights of appeal under part 5 are to be exercised.	1
<i>environmental authority</i> see section 14.	2
<i>exempt resource activity</i> , for an area of regional interest, see section 22(1), 23(1), 24(1) or 25.	3 4
<i>Environmental Protection Act</i> means the <i>Environmental Protection Act 1994</i> .	5 6
<i>impact</i> , for a resource activity or regulated activity on an area of regional interest, see section 28.	7 8
<i>information</i> includes a document.	9
<i>mitigated SCL land</i> see section 58.	10
<i>mitigation</i> see section 59(1).	11
<i>mitigation criteria</i> see section 62(1).	12
<i>mitigation deed</i> see section 61.	13
<i>mitigation fund</i> see section 63.	14
<i>mitigation measures</i> see section 60(1).	15
<i>natural resources department</i> means the department that administers the <i>Land Act 1994</i> .	16 17
<i>notice</i> means written notice.	18
<i>notifiable</i> , for an assessment application, see section 34(2) and (4).	19 20
<i>owner</i> , of land, means the person for the time being entitled to receive the rent for the land or would be entitled to receive the rent for it if it were let to a tenant at a rent.	21 22 23
<i>party</i> , to an appeal, means the applicant and each respondent or co-respondent for the appeal.	24 25
<i>priority agricultural area</i> see section 8(1).	26
<i>priority agricultural land use</i> see section 8(3).	27
<i>priority living area</i> see section 9.	28
<i>properly made</i> , for a submission about an assessment application, see section 37.	29 30
<i>referable</i> , for an assessment application, see section 39(2).	31

<i>regional interests authority</i> means a regional interests authority (including its regional interests conditions) issued under section 54 that approves a resource activity or regulated activity for an area of regional interest applied for in an assessment application.	1 2 3 4 5
<i>regional interests condition</i> see section 48(2)(a).	6
<i>regional interests decision</i> , for part 5, see section 68.	7
<i>regional plan</i> see the <i>Sustainable Planning Act 2009</i> , section 23.	8 9
<i>regulated activity</i> see section 16.	10
<i>relevant authorities</i> see section 29(3), definition <i>eligible person</i> .	11 12
<i>relevant matters</i> , for an assessment application, means—	13
(a) for deciding the application—the matters mentioned in section 49(1); or	14 15
(b) for giving an assessing agency’s response—the matters mentioned in section 41(2).	16 17
<i>requirement notice</i> see section 44(1).	18
<i>resource Act</i> see section 12(1).	19
<i>resource activity</i> see section 12(2).	20
<i>resource authority</i> see section 13.	21
<i>strategic cropping area</i> see section 10(1).	22
<i>strategic environmental area</i> see section 11(1).	23