



Queensland

Land and Other Legislation Amendment Bill 2014



Queensland

Land and Other Legislation Amendment Bill 2014

Contents

		Page
Part 1	Preliminary	
1	Short title	12
2	Commencement	12
Part 2	Amendment of Acquisition of Land Act 1967	
3	Act amended	12
4	Insertion of new ss 4A and 4B	12
	4A Taking non-native title right or interest	13
	4B Taking non-native title right or interest that is a resource interest	14
5	Amendment of s 5 (Purposes for which land may be taken)	15
6	Amendment of sch 1 (Purposes for taking land)	15
7	Amendment of sch 2 (Dictionary)	16
Part 3	Amendment of Forestry Act 1959	
8	Act amended	17
9	Amendment of s 35 (Granting of permit for land within State forest)	17
10	Amendment of s 36 (Dealings with respect to timber reserves) . .	18
11	Amendment of s 39A (Forest entitlement areas)	18
12	Amendment of s 39B (Rights and liberties of contracting party in respect of forest entitlement areas)	19
13	Amendment of s 39C (Interpretation)	19
14	Amendment of s 45 (Forest products etc. which are the property of the Crown)	19
15	Insertion of new s 53A	20
	53A Interfering with forest products on forest consent area	20
16	Replacement of s 61J (Agreement about forest products)	20
	61J Definitions for pt 6B	20

Contents

	61JA	Forest consent agreements	21
	61JB	Registration of forest consent agreement as profit a prendre	21
17		Amendment of s 61RH (Events that are compensation events) . .	22
18		Amendment of s 72 (Wild stock)	23
19		Amendment of s 75 (Removal of trespassers)	23
20		Amendment of s 77 (Persons found in possession of forest products)	23
21		Amendment of sch 3 (Dictionary)	23
Part 4	Amendment of Land Act 1994		
22		Act amended	24
23		Amendment of s 25 (Disposal of reservations by sale)	24
24		Amendment of s 26A (Disposal of redundant reservation)	24
25		Amendment of s 26B (Forest entitlement areas)	25
26		Amendment of s 28 (Interaction with native title legislation)	25
27		Amendment of s 34IA (Particular matters about issue of deed of grant)	25
28		Amendment of s 69 (What is the unimproved value)	25
29		Amendment of s 109C (Buying or leasing land if closed road amalgamated with adjoining land)	25
30		Amendment of s 115 (Conditions of sale)	26
31		Amendment of s 122 (Deeds of grant of unallocated State land) .	26
32		Amendment of s 127 (Reclaimed land)	26
33		Amendment of s 136 (Conditions of offer and lease)	26
34		Replacement of ch 4, pt 2 (Eligibility to hold land)	27
	Part 2	Restrictions on eligibility to hold land	
	142	Minors not to hold land	27
	143	Departmental officers not to hold land without approval	27
35		Amendment of s 155 (Length of term leases)	28
36		Amendment of s 155AA (Application of division 1B)	28
37		Insertion of new s 155CA	28
	155CA	Non-application of division to particular term leases .	28
38		Amendment of s 155D (When Minister may reduce)	29
39		Replacement of ch 4, pt 3, div 2, hdg.	29
40		Amendment of s 157 (Expiry of lease)	29
41		Insertion of new ch 4, pt 3, div 2, sdiv 2, hdg and s 157AB	30

	Subdivision 2	Renewal	
	157AA	Limited application of sdiv 2	30
42		Amendment of s 157A (Chief executive's approval required for renewal)	30
43		Omission of s 160A (Land management agreement condition for particular offers)	30
44		Amendment of s 162 (Issuing of new lease)	30
45		Omission of s 162A (Conditions imposed on particular new leases)	31
46		Replacement of s 164 (Short term extension)	31
	Subdivision 3	Extensions of rolling term leases	
	164	What is a rolling term lease	31
	164A	Approval of lease as a rolling term lease	32
	164B	Identification of lease as a rolling term lease	32
	164C	Making extension application or giving expiry advice.	33
	164D	When extension application or expiry advice may not be made or given	34
	164E	Length of extension	34
	164F	Effect of extension	35
	164G	Notice of expiry.	36
	Subdivision 4	Possible extension instead of renewal	
	164H	Application for term lease renewal may become extension application	37
47		Amendment of s 166 (Application to convert lease).	37
48		Amendment of s 168 (Notice of chief executive's decision)	38
49		Omission of s 168A (Land management agreement for new perpetual lease)	39
50		Amendment of s 169 (Conditions of freehold offer)	39
51		Amendment of s 170 (Purchase price if deed of grant offered)	39
52		Amendment of s 171 (When offer has been accepted)	39
53		Omission of ss 173A and 174	40
54		Amendment of s 176A (General provisions for deciding application)	40
55		Omission of s 176H (Restriction on transferring new leases).	41
56		Amendment of s 176K (Application to amalgamate)	41
57		Amendment of s 176L (General provisions for deciding application)	41
58		Amendment of s 176U (Making and registration of agreement about land management)	42

Contents

59	Amendment of s 176UA (Power to require land management agreement in particular circumstances)	42
60	Amendment of s 176W (Content of land management agreement)	42
61	Insertion of new s 176XA	42
	176XA Cancellation of land management agreement	42
62	Amendment of s 176Z (When payment obligations end if lease ends under part)	43
63	Amendment of s 176ZA (Overpayments relating to former lease)	43
64	Omission of ch 5, pt 1 (Rents)	43
65	Amendment of s 198C (Operation of div 1)	43
66	Omission of s 201A (Land management agreement condition) . .	43
67	Amendment of s 202A (Operation of div 2)	43
68	Amendment of s 203 (Typical conditions)	44
69	Amendment of s 211 (Reviewing imposed conditions of lease) . .	44
70	Insertion of new ch 5, pt 2, div 3A	44
	Division 3A Regulated conditions	
	212A Operation of div 3A	44
	212B Regulation may impose conditions	44
	212C Regulated conditions need not be registered	46
71	Amendment of s 213 (Obligation to perform conditions)	46
72	Amendment of s 234 (When lease may be forfeited)	46
73	Amendment of s 240Q (Disposal of proceeds of sale)	46
74	Amendment of s 249 (Payment by the State for improvements) .	47
75	Amendment of s 279 (Registration of land management agreements and transition to sale agreements)	47
76	Amendment of s 284 (Entitlement to search a register)	48
77	Amendment of s 290F (Plan of subdivision may be registered) . .	48
78	Omission of s 290FA (Taking effect of plan of subdivision)	48
79	Amendment of s 308 (Withdrawing lodged document before registration)	48
80	Amendment of s 322 (Requirements for transfers)	49
81	Amendment of s 348 (Disposal of proceeds of sale)	49
82	Omission of ss 373E and 373F	49
83	Amendment of s 373G (Profit a prendre by registration)	49
84	Amendment of s 377 (Registering personal representative)	50
85	Amendment of s 420C (Requirements for making an application)	50

86	Amendment of s 422 (Appeal process starts with internal review)	50
87	Amendment of s 423 (Who may apply for review etc.)	50
88	Replacement of s 434 (Meaning of unimproved value)	51
	434 Meaning of tourism purposes	51
	434A Establishing an island as a regulated island	51
	434B Availability of short-term extension in particular circumstances	51
	434C Change of status of particular land	52
89	Amendment of s 442 (Lapse of offer)	52
90	Amendment of s 448 (Regulation-making power)	52
91	Amendment of s 457 (Terms of pre-Wolfe freeholding leases) . .	53
92	Amendment of s 462 (Terms of post-Wolfe freeholding leases) . .	53
93	Amendment of s 466 (Terms of grazing homestead freeholding leases)	53
94	Amendment of s 481 (Cancellation)	54
95	Amendment of s 487 (Existing concessions continue)	54
96	Amendment of s 504 (Changing tenures of port lands)	54
97	Insertion of new ch 9, pt 1M	54
	Part 1M Transitional provisions for Land and Other Legislation Amendment Act 2014	
	521ZK Definitions for pt 1M	55
	521ZL Application for term lease renewal may become extension application for rolling term lease	55
	521ZM Application for term lease renewal before commencement may become extension application . .	56
	521ZN Ending of mandatory condition under repealed s 176H	57
	521ZO Transitional regulation-making power	57
98	Amendment of sch 1 (Community purposes)	57
99	Amendment of sch 1A (Provisions that include mandatory conditions for tenures)	58
100	Insertion of new sch 1B	58
	Schedule 1B Regulation about the payment and collection of rent and instalments	
	1 Matters that may be included	58
101	Amendment of sch 2 (Original decisions)	60
102	Amendment of sch 6 (Dictionary)	61

Contents

Part 5	Amendment of Land Title Act 1994	
103	Act amended	63
104	Amendment of s 35 (Entitlement to search register)	63
105	Amendment of s 63 (Transfer of mortgaged lot)	63
106	Amendment of s 82 (Creation of easement by registration)	64
107	Amendment of s 90 (Surrendering an easement)	64
108	Amendment of s 90A (When easement over registered lease ends)	65
109	Amendment of s 94 (Meaning of high-density development easement)	65
110	Amendment of s 95 (Easement for support)	67
111	Amendment of s 111 (Registering personal representative)	67
112	Amendment of s 149 (Registrar may withdraw instrument)	67
113	Amendment of s 159 (Withdrawing lodged instrument before registration)	67
114	Amendment of s 189 (Matters for which there is no entitlement to compensation)	68
Part 6	Amendment of Mineral Resources Act 1989	
115	Act amended	68
116	Insertion of new s 386Q	68
	386Q Period of effect of particular later development plans.	68
Part 7	Amendment of Native Title (Queensland) Act 1993	
117	Act amended	70
118	Amendment of s 144 (Compulsory acquisition of native title)	70
Part 8	Amendment of Nature Conservation Act 1992	
119	Act amended	72
120	Amendment of s 37 (Chief executive's powers to renew existing authorities for national parks)	72
121	Amendment of s 38 (Leases may be granted under Land Act 1994)	72
Part 9	Amendment of Petroleum Act 1923	
122	Act amended	73
123	Insertion of new ss 128A–128B	73
	128A Period of effect of particular later work programs.	73
	128B Period of effect of particular later development plans.	74
Part 10	Amendment of Petroleum and Gas (Production and Safety) Act 2004	
124	Act amended	75

125	Amendment of s 175AA (When holder may apply to change production commencement day)	75
126	Amendment of s 175AB (Requirements for making application)	76
127	Amendment of s 175AC (Deciding application)	76
128	Insertion of new ss 851AB and 851AC.	77
	851AB Period of effect of particular later work programs.	77
	851AC Period of effect of particular later development plans.	78
129	Insertion of new s 851AD.	79
	851AD Extended period for applying to change production commencement day.	79
Part 11	Amendment of Water Act 2000	
130	Act amended	81
131	Amendment of s 24 (Limiting taking of water under s 20A(2))	81
132	Insertion of new ch 2, pt 6, div 3A	82
	Division 3A Validation provision	
	236A Validation of particular decisions about water licences	82
Part 12	Amendment of subordinate legislation	
Division 1	Amendment of Sustainable Planning Regulation 2009	
133	Regulation amended	84
134	Amendment of sch 3 (Assessable development, self-assessable development and type of assessment).	85
135	Amendment of sch 26 (Dictionary).	86
Division 2	Amendment of Water Regulation 2002	
136	Regulation amended	87
137	Amendment of s 23 (Conditions of water bore driller's licence—Act, s 302)	87
138	Amendment of s 62 (Code for self-assessable development—Act, s 1014)	88
139	Amendment of s 102 (Declared subartesian areas—Act, s 1046)	88
140	Insertion of new s 102A	88
	102A Critical distances for non-stock or domestic bores in particular subartesian areas.	88
141	Replacement of sch 11 (Subartesian areas)	89
	Schedule 11 Subartesian areas	
142	Amendment of sch 17 (Dictionary).	94
Division 3	Amendment of Water Resource (Barron) Plan 2002	
143	Plan amended	96

Contents

144	Amendment of s 51 (Relationship with Sustainable Planning Act 2009)	96
Division 4	Amendment of Water Resource (Burnett Basin) Plan 2000	
145	Plan amended	98
146	Amendment of s 30F (Relationship with Sustainable Planning Act 2009)	98
Division 5	Amendment of Water Resource (Fitzroy Basin) Plan 2011	
147	Plan amended	100
148	Amendment of s 117 (Relationship with Sustainable Planning Act 2009)	100
Division 6	Amendment of Water Resource (Great Artesian Basin) Plan 2006	
149	Plan amended	102
150	Amendment of s 35 (Relationship with Sustainable Planning Act 2009)	102
Division 7	Amendment of Water Resource (Gulf) Plan 2007	
151	Plan amended	102
152	Amendment of s 83 (Relationship with Sustainable Planning Act 2009)	103
Division 8	Amendment of Water Resource (Mary Basin) Plan 2006	
153	Plan amended	104
154	Amendment of s 79 (Relationship with Sustainable Planning Act 2009)	104
Division 9	Amendment of Water Resource (Mitchell) Plan 2007	
155	Plan amended	106
156	Amendment of s 59 (Relationship with Sustainable Planning Act 2009)	106
Division 10	Amendment of Water Resource (Moreton) Plan 2007	
157	Plan amended	107
158	Amendment of s 84 (Relationship with Sustainable Planning Act 2009)	108
Division 11	Amendment of Water Resource (Pioneer Valley) Plan 2002	
159	Plan amended	109
160	Amendment of s 49ZC (Relationship with Integrated Planning Act 1997)	110
Division 12	Amendment of Water Resource (Wet Tropics) Plan 2013	
161	Plan amended	112
162	Amendment of s 62 (Relationship with Sustainable Planning Act 2009)	112

Division 13	Amendment of Water Resource (Whitsunday) Plan 2010	
163	Plan amended	114
164	Amendment of s 78 (Relationship with Sustainable Planning Act 2009)	114

2014

A Bill

for

An Act to amend the *Acquisition of Land Act 1967*, the *Forestry Act 1959*, the *Land Act 1994*, the *Land Title Act 1994*, the *Mineral Resources Act 1989*, the *Native Title (Queensland) Act 1993*, the *Nature Conservation Act 1992*, the *Petroleum Act 1923*, the *Petroleum and Gas (Production and Safety) Act 2004* and the *Water Act 2000* for particular purposes and to amend particular subordinate legislation under the *Sustainable Planning Act 2009* and the *Water Act 2000* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Land and Other Legislation
Amendment Act 2014*. 4
5

Clause 2 Commencement 6

The following provisions commence on a day to be fixed by
proclamation— 7
8

(a) part 3; 9

(b) part 4, other than sections 22, 76, 79 and 84; 10

(c) sections 125 to 127 and 129. 11

**Part 2 Amendment of Acquisition of
Land Act 1967** 12
13

Clause 3 Act amended 14

This part amends the *Acquisition of Land Act 1967*. 15

Clause 4 Insertion of new ss 4A and 4B 16

Part 1— 17

insert— 18

4A Taking non-native title right or interest	1
(1) This section applies to the taking of a non-native title right or interest if—	2 3
(a) the taking happens under a compulsory acquisition Act; and	4 5
(b) the taking under the compulsory acquisition Act—	6 7
(i) is authorised under the <i>Native Title (Queensland) Act 1993</i> , section 144(1)(b); or	8 9 10
(ii) is authorised under the compulsory acquisition Act but happens at the same time as the taking under that Act of native title rights and interests as authorised under the <i>Native Title (Queensland) Act 1993</i> , section 144(1)(a).	11 12 13 14 15 16 17
(2) The compulsory acquisition Act, including to the extent appropriate this Act, must be applied to the taking of the non-native title right or interest to the greatest practicable extent as if the right or interest were land to which the compulsory acquisition Act otherwise applies.	18 19 20 21 22 23
(3) However, when the taking has effect, despite any compulsory acquisition Act, including any other provision of this Act, the right or interest is completely extinguished to the extent it relates to land stated in the gazette resumption notice for the taking.	24 25 26 27 28 29
(4) Without limiting subsection (1), taking that happens under a compulsory acquisition Act includes taking under a compulsory acquisition Act other than this Act if either of the following applies—	30 31 32 33 34

[s 4]

(a)	the compulsory acquisition Act authorises a constructing authority to take land under this Act;	1 2 3
(b)	the compulsory acquisition Act authorises a constructing authority to take land under that Act but requires provisions of this Act to be applied to any aspect of the taking.	4 5 6 7
(5)	In this section— <i>gazette resumption notice</i> , for the taking of a right or interest, includes any instrument giving effect to the taking.	8 9 10 11
4B	Taking non-native title right or interest that is a resource interest	12 13
(1)	This section applies to the taking of a non-native title right or interest if—	14 15
(a)	it is a taking to which section 4A applies; and	16 17
(b)	the right or interest is a resource interest.	18
(2)	The entity taking the resource interest must give the relevant chief executive for the resource interest a written notice that—	19 20 21
(a)	states the details of the extinguishment of the resource interest; and	22 23
(b)	asks for the extinguishment to be recorded in the appropriate register kept by the chief executive; and	24 25 26
(c)	is accompanied by a certified copy of the <i>gazette resumption notice</i> mentioned in section 4A(3).	27 28 29
(3)	Compensation to be paid under the compulsory acquisition Act in relation to the taking of the resource interest is limited in the way provided	30 31 32

	for in the resource compensation provision for the resource interest.	1 2
	<i>Example—</i>	3
	If the resource interest is a mining tenement interest under the <i>Mineral Resources Act 1989</i> , on an application of section 10AAD of that Act, allowance can not be made for the value of minerals known or supposed to be on or below the surface of, or mined from, the land the subject of the mining tenement interest.	4 5 6 7 8 9 10
	(4) In this section—	11
	<i>relevant chief executive</i> , for a resource interest, means the chief executive of the department administering the resource interest compensation provision for the resource interest.	12 13 14 15
Clause 5	Amendment of s 5 (Purposes for which land may be taken)	16 17
	Section 5(3) and (4)—	18
	<i>omit, insert—</i>	19
	(3) A part heading in schedule 1—	20
	(a) is not, for this section, a purpose set out in schedule 1; and	21 22
	(b) indicates only the type of activity or other thing to which a purpose mentioned in the part ordinarily relates; and	23 24 25
	(c) does not limit the matters to which a purpose mentioned in the part may relate.	26 27
Clause 6	Amendment of sch 1 (Purposes for taking land)	28
	(1) Schedule 1, part 2, before first dot point—	29
	<i>insert—</i>	30
	• management, protection or control of the environmental values of areas or places	31 32

[s 7]

- (2) Schedule 1, part 2, last dot point— 1
omit, insert— 2
- management, protection or control of the 3
seashore, estuaries and land adjoining the 4
seashore and estuaries, including for 5
providing access to beaches, and works for 6
the management, protection or control of the 7
seashore, estuaries and land adjoining the 8
seashore and estuaries 9
- (3) Schedule 1, part 6— 10
insert— 11
- beaches 12

Clause 7 Amendment of sch 2 (Dictionary) 13

Schedule 2— 14

insert— 15

compulsory acquisition Act see the *Native Title* 16
(Queensland) Act 1993, section 144(4). 17

non-native title right or interest means any right 18
or interest included in non-native title rights and 19
interests. 20

non-native title rights and interests has the same 21
meaning as it has in the *Native Title* 22
(Queensland) Act 1993. 23

resource interest means— 24

(a) a geothermal interest under the *Geothermal* 25
Energy Act 2010; or 26

(b) a GHG interest under the *Greenhouse Gas* 27
Storage Act 2009; or 28

(c) a mining tenement interest under the 29
Mineral Resources Act 1989; or 30

[s 10]

- omit, insert—* 1
- (6) However, the term lease must not be granted and, if granted, must not be extended or renewed, unless the chief executive is satisfied the objects of this Act would not be prejudiced or opposed by the lease, including any conditions to be included in the lease. 2
3
4
5
6
7
- (6A) If a term lease granted under subsection (5) is a rolling term lease under the *Land Act 1994*, its term may be extended under that Act only with the agreement of the chief executive and only after the chief executive considers the extension under subsection (6). 8
9
10
11
12
13

- Clause 10 Amendment of s 36 (Dealings with respect to timber reserves)** 14
15
- Section 36— 16
- insert—* 17
- (4) If a term lease granted under subsection (1) is a rolling term lease under the *Land Act 1994*, its term may be extended under that Act only with the agreement of the chief executive. 18
19
20
21

- Clause 11 Amendment of s 39A (Forest entitlement areas)** 22
- (1) Section 39A, heading, after ‘areas’— 23
- insert—* 24
- and forest consent areas** 25
- (2) Section 39A(1), after ‘forest entitlement areas’— 26
- insert—* 27
- and forest consent areas 28
- (3) Section 39A(2), after ‘forest entitlement area’— 29
- insert—* 30

	or forest consent area	1
(4)	Section 39A—	2
	<i>insert—</i>	3
(4)	An agreement under subsection (2)(c)(i) that applies to a forest consent area applies subject to the forest consent agreement for the forest consent area.	4 5 6 7
Clause 12	Amendment of s 39B (Rights and liberties of contracting party in respect of forest entitlement areas)	8 9
(1)	Section 39B, heading, after ‘areas’—	10
	<i>insert—</i>	11
	and forest consent areas	12
(2)	Section 39B(a) and (b), after ‘forest entitlement area’—	13
	<i>insert—</i>	14
	or forest consent area	15
Clause 13	Amendment of s 39C (Interpretation)	16
	Section 39C, definition <i>contracting party</i> , after ‘forest entitlement area’—	17 18
	<i>insert—</i>	19
	or forest consent area	20
Clause 14	Amendment of s 45 (Forest products etc. which are the property of the Crown)	21 22
	Section 45(1)—	23
	<i>insert—</i>	24
	(ea) all forest products on all forest consent areas at all times;	25 26

[s 15]

Clause 15	Insertion of new s 53A	1
	After section 53—	2
	<i>insert</i> —	3
	53A Interfering with forest products on forest consent area	4
		5
	A person must not interfere with, or cause to be interfered with, any forest products on any forest consent area other than—	6
		7
		8
	(a) under the authority of an Act or law; or	9
	(b) under the authority of a permit, lease, licence or agreement granted or made under this Act.	10
		11
		12
	Maximum penalty—	13
	(a) for a first offence—1000 penalty units; or	14
	(b) for a subsequent offence—3000 penalty units.	15
		16
Clause 16	Replacement of s 61J (Agreement about forest products)	17
	Section 61J—	18
	<i>omit, insert</i> —	19
	61J Definitions for pt 6B	20
	In this part—	21
	<i>existing lease</i> see section 61JA.	22
	<i>forest consent agreement</i> means an agreement under section 61JA.	23
		24
	<i>forest consent area</i> means the area identified in a forest consent agreement as a forest consent area under this Act.	25
		26
		27
	<i>lease land</i> , for a lease, means the land the subject of the lease.	28
		29

61JA Forest consent agreements

- | | |
|---|----|
| | 1 |
| (1) The lessee of a lease (the <i>existing lease</i>) that is to | 2 |
| be converted under the <i>Land Act 1994</i> to a | 3 |
| freeholding lease or a deed of grant, and the chief | 4 |
| executive for the State, may enter into an | 5 |
| agreement that identifies an area that is the whole | 6 |
| or part of the lease land for the existing lease as a | 7 |
| forest consent area. | 8 |
| (2) A forest consent agreement may provide for | 9 |
| rights and obligations of any kind in relation to | 10 |
| the use and management of, including access to, | 11 |
| forest products on the forest consent area. | 12 |
| (3) A forest consent agreement, when registered as a | 13 |
| profit a prendre under 61JB(1), has effect as an | 14 |
| agreement and as a profit a prendre— | 15 |
| (a) even if there is no consideration for the | 16 |
| agreement; and | 17 |
| (b) even though forest products mentioned in | 18 |
| the agreement remain the property of State. | 19 |
| <i>Note—</i> | 20 |
| See section 45(1)(ea). | 21 |

61JB Registration of forest consent agreement as profit a prendre

- | | |
|---|----|
| | 22 |
| | 23 |
| (1) A forest consent agreement must be registered as | 24 |
| a profit a prendre. | 25 |
| (2) The profit a prendre must first be registered over | 26 |
| the existing lease by the chief executive (lands). | 27 |
| <i>Note—</i> | 28 |
| For the subsequent issue of any freeholding lease or | 29 |
| deed of grant, see the <i>Land Act 1994</i> , section 172(5) that | 30 |
| provides for the issue of new tenures subject to all | 31 |
| registered interests. | 32 |

[s 17]

	(3)	The forest consent agreement continues in force as an agreement until the profit a prendre is released or removed.	1 2 3
		<i>Note—</i>	4
		See the <i>Land Act 1994</i> , section 373O and the <i>Land Title Act 1994</i> , section 97L.	5 6
	(4)	If the forest consent agreement stops being in force—	7 8
	(a)	the forest consent area stops being a forest consent area under this Act; and	9 10
	(b)	all forest products on the forest consent area are no longer the property of the State and become the property of the lessee of the freeholding lease, or the registered owner under the deed of grant, for the land that included the forest consent area.	11 12 13 14 15 16
	(5)	If the chief executive agrees to release the profit a prendre, the chief executive’s agreement may be made conditional on the other party to the forest consent agreement paying the State the value of forest products on the forest consent area as decided by the chief executive.	17 18 19 20 21 22
Clause 17		Amendment of s 61RH (Events that are compensation events)	23 24
		Section 61RH(1)(c)—	25
		<i>omit, insert—</i>	26
	(c)	a term lease, as mentioned in section 35(5)—	27 28
	(i)	is granted over the licence area or part of the licence area under the <i>Land Act 1994</i> ; or	29 30 31
	(ii)	having been granted as mentioned in subparagraph (i), is renewed or extended under that Act;	32 33 34

Clause 18	Amendment of s 72 (Wild stock)	1
	Section 72(1), ‘or forest entitlement area’—	2
	<i>omit, insert</i> —	3
	, forest entitlement area or forest consent area	4
Clause 19	Amendment of s 75 (Removal of trespassers)	5
	Section 75—	6
	<i>insert</i> —	7
	(1A) Subsection (1) applies to a forest consent area as	8
	well as a State forest, timber reserve or forest	9
	entitlement area, but a forest officer may act	10
	under the subsection only with the agreement of	11
	the lessee or registered owner of the land that is	12
	or that includes the forest consent area.	13
Clause 20	Amendment of s 77 (Persons found in possession of forest products)	14
	Section 77, after ‘forest entitlement area,’—	15
	<i>insert</i> —	16
	forest consent area,	17
Clause 21	Amendment of sch 3 (Dictionary)	18
	Schedule 3—	19
	<i>insert</i> —	20
	<i>existing lease</i> , for part 6B, see section 61JA(1).	21
	<i>forest consent agreement</i> see section 61J.	22
	<i>forest consent area</i> see section 61J.	23
	<i>lease land</i> , for part 6B, see section 61J.	24
		25

[s 22]

Part 4 **Amendment of Land Act 1994** 1

Clause 22 Act amended 2

This part amends the *Land Act 1994*. 3

Clause 23 Amendment of s 25 (Disposal of reservations by sale) 4

(1) Section 25(1), after ‘Minister’— 5

insert— 6

in the way prescribed by regulation 7

(2) Section 25(3), ‘is the value’— 8

omit, insert— 9

must be decided 10

(3) Section 25(3)(a) and (b), ‘on’— 11

omit, insert— 12

for 13

Clause 24 Amendment of s 26A (Disposal of redundant reservation) 14

Section 26A(4)— 15

omit, insert— 16

(4) If the reservation is in a term lease or perpetual 17
lease and a rent and instalment regulation applies 18
to it for the purposes of this section, its rent may 19
be adjusted as provided for in the rent and 20
instalment regulation in relation to any increase 21
in the area of land in the lease. 22

Clause 25	Amendment of s 26B (Forest entitlement areas)	1
	Section 26B(6), after ‘Minister’—	2
	<i>insert—</i>	3
	in the way prescribed by regulation	4
Clause 26	Amendment of s 28 (Interaction with native title legislation)	5
	Section 28(4), definition <i>action</i> , paragraph (g), after ‘renewing’—	6
	<i>insert—</i>	7
	or extending	8
Clause 27	Amendment of s 34IA (Particular matters about issue of deed of grant)	10
	Section 34IA(2), after ‘reserve’—	11
	<i>insert—</i>	12
	in the way prescribed by regulation	13
Clause 28	Amendment of s 69 (What is the unimproved value)	14
	Section 69(1), after ‘value’—	15
	<i>insert—</i>	16
	in the way prescribed by regulation	17
Clause 29	Amendment of s 109C (Buying or leasing land if closed road amalgamated with adjoining land)	18
	Section 109C(4), after ‘premium’—	19
	<i>insert—</i>	20
	in the way prescribed by regulation	21
		22
		23

[s 30]

Clause 30	Amendment of s 115 (Conditions of sale)	1
	Section 115(3) to (5)—	2
	<i>omit, insert—</i>	3
	(3) If the interest sold is a lease of rural leasehold land and the Minister is satisfied the land suffers from, or is at risk of, land degradation, the sale notice—	4
		5
		6
		7
	(a) may include a requirement that the proposed lessee enter into a land management agreement for the lease; and	8
		9
		10
	(b) if a requirement as mentioned in paragraph (a) is included—must state that the lease will be issued subject to the condition that the lessee must comply with the agreement.	11
		12
		13
		14
Clause 31	Amendment of s 122 (Deeds of grant of unallocated State land)	15
	Section 122(3), after ‘land’—	16
	<i>insert—</i>	17
	in the way prescribed by regulation	18
		19
Clause 32	Amendment of s 127 (Reclaimed land)	20
	Section 127(6)(b), after ‘Minister’—	21
	<i>insert—</i>	22
	in the way prescribed by regulation	23
Clause 33	Amendment of s 136 (Conditions of offer and lease)	24
	Section 136(5) to (7)—	25
	<i>omit, insert—</i>	26
	(5) If the Minister is satisfied the additional area suffers from, or is at risk of, land degradation, the	27
		28

	Minister may require, as a condition of the offer,	1
	that the proposed lessee must enter into a land	2
	management agreement for—	3
	(a) the additional area; and	4
	(b) if the offer includes a condition mentioned	5
	in subsection (1) and the condition requires	6
	the additional area to be amalgamated or	7
	tied with lease land under another	8
	lease—the lease land under the other lease.	9
	(6) If the offered lease is issued and a condition of	10
	the offer is a requirement mentioned in	11
	subsection (5), the lease is subject to the	12
	condition that the lessee must comply with the	13
	land management agreement.	14
Clause 34	Replacement of ch 4, pt 2 (Eligibility to hold land)	15
	Chapter 4, part 2—	16
	<i>omit, insert—</i>	17
	Part 2	18
	Restrictions on	18
	eligibility to hold land	19
	142 Minors not to hold land	20
	An individual is eligible to apply for, buy or hold	21
	land under this Act only if the individual is an	22
	adult.	23
	143 Departmental officers not to hold land without	24
	approval	25
	An officer of the department is not eligible to	26
	acquire land under part 1 without the Minister’s	27
	written approval.	28

[s 35]

Clause 35	Amendment of s 155 (Length of term leases)	1
	(1) Section 155(1) and (2), ‘for land other than rural leasehold land’—	2
	<i>omit.</i>	3
	<i>omit.</i>	4
	(2) Section 155(3) to (7)—	5
	<i>omit.</i>	6
Clause 36	Amendment of s 155AA (Application of division 1B)	7
	(1) Section 155AA, heading, ‘division’—	8
	<i>omit, insert—</i>	9
	div	10
	(2) Section 155AA(2)—	11
	<i>renumber</i> as section 155AA(3).	12
	(3) Section 155AA—	13
	<i>insert—</i>	14
	(2) However, this division does not apply to a rolling term lease whose term has been extended under division 2, subdivision 3.	15
		16
		17
Clause 37	Insertion of new s 155CA	18
	Chapter 4, part 3, division 1C—	19
	<i>insert—</i>	20
	155CA Non-application of division to particular term leases	21
		22
	This division does not apply to a rolling term lease whose term has been extended under division 2, subdivision 3.	23
		24
		25

Clause 38	Amendment of s 155D (When Minister may reduce)	1
	(1) Section 155D(1), ‘mentioned in section 155(3) to (6)’—	2
	<i>omit, insert—</i>	3
	as provided for in repealed section 155(4), (5) or (6)	4
	(2) Section 155D(1)(d), ‘section 155(6)’	5
	<i>omit, insert—</i>	6
	repealed section 155(6)	7
	(3) Section 155D(4)—	8
	<i>insert—</i>	9
	<i>repealed</i> , in relation to a provision, means as in	10
	force before the commencement of this	11
	definition.	12
Clause 39	Replacement of ch 4, pt 3, div 2, hdg	13
	Chapter 4, part 3, division 2, heading—	14
	<i>omit, insert—</i>	15
	Division 2 Expiry, renewal and extension	16
		17
	Subdivision 1 Expiry	18
Clause 40	Amendment of s 157 (Expiry of lease)	19
	Section 157(1)—	20
	<i>omit, insert—</i>	21
	(1) A lessee’s right to possession of lease land ends	22
	on the day the lease expires, but does not end if	23
	the lease is renewed before it expires or its term	24
	is extended.	25

[s 41]

Clause 41	Insertion of new ch 4, pt 3, div 2, sdiv 2, hdg and s 157AB	1
	After section 157—	2
	<i>insert</i> —	3
	Subdivision 2 Renewal	4
	157AA Limited application of sdiv 2	5
	This subdivision does not apply to a rolling term lease.	6 7
Clause 42	Amendment of s 157A (Chief executive’s approval required for renewal)	8 9
	(1) Section 157A(1)(b), ‘this division’—	10
	<i>omit, insert</i> —	11
	this subdivision	12
	(2) Section 157A(2), ‘section 164’—	13
	<i>omit, insert</i> —	14
	section 434B	15
Clause 43	Omission of s 160A (Land management agreement condition for particular offers)	16 17
	Section 160A—	18
	<i>omit.</i>	19
Clause 44	Amendment of s 162 (Issuing of new lease)	20
	Section 162(3), ‘category’—	21
	<i>omit, insert</i> —	22
	rental category	23

Clause 45	Omission of s 162A (Conditions imposed on particular new leases)	1
		2
	Section 162A—	3
	<i>omit.</i>	4
Clause 46	Replacement of s 164 (Short term extension)	5
	Section 164—	6
	<i>omit, insert—</i>	7
	Subdivision 3 Extensions of rolling term leases	8
		9
	164 What is a <i>rolling term lease</i>	10
	(1) A term lease is a <i>rolling term lease</i> if any of the following circumstances apply to it—	11
		12
	(a) it is a lease for tourism purposes for land on a regulated island;	13
		14
	(b) it is a lease used for agriculture, grazing or pastoral purposes, and if the lease land is rural leasehold land, the lease land is 100ha or more in area;	15
		16
		17
		18
	(c) it is a lease used for agriculture, grazing or pastoral purposes, the lease land is rural leasehold land less than 100ha in area and the Minister has approved the lease as a rolling term lease;	19
		20
		21
		22
		23
	(d) another provision of this Act provides the lease is a rolling term lease.	24
		25
	<i>Example for paragraph (d)—</i>	26
	Under section 176A(3), if a rolling term lease over 100ha in area is subdivided into 2 or more new leases, each new lease that is issued is a rolling term lease even if its lease land is less than 100ha in area.	27
		28
		29
		30
		31

[s 46]

- (2) However, a State lease is not a *rolling term lease* 1
if the lease land is used for agriculture, grazing or 2
pastoral purposes. 3

164A Approval of lease as a rolling term lease 4

The Minister may approve a lease used for 5
agriculture, grazing or pastoral purposes as a 6
rolling term lease under section 164(1)(c) only if 7
the Minister is satisfied the most appropriate use 8
for the lease land is for agriculture, grazing or 9
pastoral purposes as the case may be. 10

164B Identification of lease as a rolling term lease 11

- (1) The identification, under this subdivision, of a 12
lease as a rolling term lease, including because of 13
the Minister's approval of the lease as a rolling 14
term lease under section 164(1)(c)— 15
- (a) allows the provisions of this subdivision 16
relating to the extension of rolling term 17
leases to be applied to the lease; and 18
- (b) does not affect any aspect of the lease, 19
including any conditions of the lease. 20
- (2) The chief executive must ensure the particulars 21
recorded in the leasehold land register for each 22
term lease that, under this subdivision, is a rolling 23
term lease, include that the lease is a rolling term 24
lease. 25
- (3) The recording of a lease as a rolling term lease as 26
mentioned in subsection (2) must be done— 27
- (a) for a lease in existence immediately before 28
the commencement of this section—as soon 29
as practicable after the commencement of 30
this section; and 31
- (b) for a lease that is granted after the 32
commencement of this section and is a 33

-
- rolling term lease immediately it is 1
granted—when the particulars of the lease 2
are first recorded in the leasehold land 3
register; and 4
- (c) for a lease that becomes a rolling term lease 5
because of the Minister’s approval of the 6
lease as a rolling term lease under section 7
164(1)(c)—as soon as practicable after it 8
becomes a rolling term lease. 9

**164C Making extension application or giving 10
expiry advice 11**

- (1) The Minister must grant an extension of the term 12
of a rolling term lease if the lessee makes an 13
application, in the approved form, to the chief 14
executive to have the lease extended (an 15
extension application), and making the 16
application is not prevented under section 164D. 17
- (2) The Minister must not grant an extension of the 18
term of a rolling term lease if the lessee advises 19
the chief executive, in the approved form, that the 20
lessee wishes to allow the lease to expire at the 21
end of its term (an *expiry advice*). 22
- (3) Despite subsection (1), if the rolling term lease is 23
issued under this Act or the repealed Act, but on 24
the authority of another Act, the Minister may 25
grant an extension of the lease only with the 26
agreement of a person whose agreement to the 27
extension is required under the other Act. 28
- (4) An agreement mentioned in subsection (3) may 29
be given subject to a requirement for changing 30
the conditions of the lease, and when the 31
extension of the lease is granted, the conditions 32
of the lease must be changed in the way required. 33
- (5) An extension application may be made— 34

[s 46]

- (a) at any time in the last 20 years of the term of the lease; or 1
2
- (b) at an earlier time approved by the Minister if the Minister is satisfied special circumstances exist. 3
4
5
- (6) An expiry advice may be given at any time in the last 5 years of the term of the lease. 6
7
- (7) If the Minister refuses to extend a lease for which an extension application is made, the lessee may appeal against the Minister's decision. 8
9
10
- 164D When extension application or expiry advice may not be made or given** 11
12
- A lessee may not make an extension application for a rolling term lease if the lessee has entered into an agreement with the Minister under section 327A to surrender the whole of the lease. 13
14
15
16
- 164E Length of extension** 17
- (1) This section provides for granting an extension of the term of a rolling term lease on an extension application being made under this subdivision. 18
19
20
- (2) The length of the extension granted must be— 21
- (a) for lease to which section 164C(3) applies—the term advised by a person whose agreement is required for the extension; or 22
23
24
25
- (b) otherwise—the original term of the lease. 26
- (3) In this section— 27
- original term*, of a lease, means the term of the lease— 28
29
- (a) if the lease was issued because of a renewal under the renewal provisions—as provided 30
31

for when the lease was issued as a new lease 1
under those provisions; or 2

(b) otherwise—as provided for when the lease 3
was issued; 4

and does not include any period by which the 5
term of the lease has been extended under any 6
provision of this Act, whether before or after the 7
commencement of this definition, or under the 8
repealed Act. 9

renewal provisions includes provisions of the 10
repealed Act providing for renewals of term 11
leases. 12

164F Effect of extension 13

- (1) If a rolling term lease is extended under this 14
subdivision— 15
- (a) the lease continues in force for the term of 16
the extension; and 17
- (b) the term of the extension commences 18
immediately after the lease would otherwise 19
have expired. 20
- (2) Without limiting subsection (1), on the 21
commencement of the term of the extension (the 22
extension commencement) of a rolling term 23
lease under this subdivision— 24
- (a) a condition of the lease that, immediately 25
before the extension commencement, was or 26
was taken to be, under this Act, an imposed 27
condition of the term lease, continues as an 28
imposed condition of the term lease as 29
extended; and 30
- (b) the term lease as extended is a lease for the 31
same purposes as the purposes of the term 32
lease immediately before the extension 33
commencement; and 34

[s 46]

- (c) the rent payable for the term lease immediately before the extension commencement continues to be the rent payable for the lease as extended, subject to adjustments applying from time to time under this Act; and
- (d) the lease as extended is subject to all relevant registered interests, and to all advices and notings in the land registry, to which the lease was subject immediately before the extension commencement, and in the same priorities; and
- (e) all acts done or omissions made in relation to the lease before the extension commencement have effect in relation to the term lease as extended.

Example for paragraph (e)—

A remedial action notice could be given after the extension commencement in relation to something done before the extension commencement.

- (3) The granting of an extension of a term lease under this subdivision does not stop the taking of action under this Act in relation to the lease, including, for example, action to end the lease, before the term of the extension commences or would otherwise have commenced.
- (4) The term of a rolling term lease may be extended under this subdivision regardless of how many times it has previously been extended under this subdivision or under other provisions of this Act or the repealed Act providing for extensions.

164G Notice of expiry

- (1) The chief executive must give the lessee of a rolling term lease notice advising when the lease is due to expire.

-
- (2) The notice must be given not later than 2 years before the lease is due to expire. 1
2
- (3) The notice need not be given if the chief executive has already received an extension application or expiry advice from the lessee, or if section 164D applies. 3
4
5
6

Subdivision 4 Possible extension instead of renewal 7
8

164H Application for term lease renewal may become extension application 9
10

- (1) This section applies if— 11
- (a) a renewal application for a term lease that is not a rolling term lease is made under the renewal provisions; and 12
13
14
 - (b) before the renewal application is finalised under those provisions, the lessee advises the chief executive that the lessee agrees to the lease becoming a rolling term lease; and 15
16
17
18
 - (c) the lease is the subject of an approval of the Minister under 164(1)(c) and becomes a rolling term lease. 19
20
21
- (2) The renewal application for the lease is taken to be an extension application for the lease, and must be dealt with under subdivision 3. 22
23
24

Clause 47 Amendment of s 166 (Application to convert lease) 25

- (1) Section 166(1), ‘Subject to subsections (2) to (3), a’— 26
omit, insert— 27
A 28
- (2) Section 166(1)(b)— 29

[s 48]

<i>omit, insert—</i>	1
(b) a term lease to freehold land; and	2
(c) a term lease to a perpetual lease, but only if the term lease is—	3 4
(i) a lease for pastoral purposes; or	5
(ii) a lease for tourism purposes for land on a regulated island.	6 7
(3) Section 166(2), (3) and (5)—	8
<i>omit.</i>	9
(4) Section 166(4)—	10
<i>renumber</i> as section 166(2).	11

Clause 48	Amendment of s 168 (Notice of chief executive's decision)	12 13	
	Section 168—	14	
	<i>insert—</i>	15	
	(1A) However, if the application is for the conversion to freehold land of a term lease for tourism purposes for land on a regulated island, the chief executive may offer a deed of grant only if the Governor in Council has first approved the conditions on which the offer is made.	16 17 18 19 20 21	
	(1B) If the land the subject of the proposed lease or deed of grant is to include a forest consent area—	22 23	
	(a) the proposed lease or deed of grant must be referred to the chief executive under the <i>Forestry Act 1959</i> to decide conditions to be included in the offer; and	24 25 26 27	
	(b) the offer must include any conditions decided under paragraph (a).	28 29	

Clause 49	Omission of s 168A (Land management agreement for new perpetual lease)	1 2
	Section 168A—	3
	<i>omit.</i>	4
Clause 50	Amendment of s 169 (Conditions of freehold offer)	5
	Section 169(b)(i)—	6
	<i>omit, insert—</i>	7
	(i) the lessee enter into a forest consent agreement in relation to the land; or	8 9
Clause 51	Amendment of s 170 (Purchase price if deed of grant offered)	10 11
	(1) Section 170(1)—	12
	<i>omit, insert—</i>	13
	(1) Unless a price or formula has already been stated in the lease to be converted, the purchase price is the amount decided by the chief executive in the way prescribed by regulation.	14 15 16 17
	(2) Section 170(3) to (5)—	18
	<i>omit, insert—</i>	19
	(3) Without limiting subsection (1), the regulation must provide for the purchase price to include the market value of any commercial timber that is the property of the State on the lease land, other than forest products the subject of a forest consent agreement.	20 21 22 23 24 25
Clause 52	Amendment of s 171 (When offer has been accepted)	26
	Section 171—	27
	<i>insert—</i>	28

[s 53]

	(2)	If the conditions of an offer include a requirement to enter into a forest consent agreement, the chief executive under the <i>Forestry Act 1959</i> must have advised the chief executive under this Act that the forest consent agreement has been entered into before the conditions of the offer may be taken to be fulfilled.	1 2 3 4 5 6 7
Clause 53		Omission of ss 173A and 174	8
		Sections 173A and 174—	9
		<i>omit.</i>	10
Clause 54		Amendment of s 176A (General provisions for deciding application)	11 12
	(1)	Section 176A(3)—	13
		<i>omit, insert—</i>	14
	(2A)	If the existing lease was a rolling term lease, each new lease is a rolling term lease under this Act, even if the lease land for the new lease is rural leasehold land of less than 100ha.	15 16 17 18
	(3)	The subdivision offer must state—	19
		(a) the imposed conditions of each of the new leases; and	20 21
		(b) for each new lease to be issued as a term lease—the term of the lease.	22 23
	(2)	Section 176A(5)—	24
		<i>omit.</i>	25
	(3)	Section 176A(2A) to (4)—	26
		<i>renumber</i> as section 176A(3) to (5).	27

Clause 55	Omission of s 176H (Restriction on transferring new leases)	1
		2
	Section 176H—	3
	<i>omit.</i>	4
Clause 56	Amendment of s 176K (Application to amalgamate)	5
	Section 176K—	6
	<i>insert—</i>	7
	(1A) For subsection (1)(b), 2 or more leases are taken to be of the same tenure type if—	8
		9
	(a) each lease is for land on a regulated island, and is either a term lease for tourism purposes or a perpetual lease for tourism purposes; or	10
		11
		12
		13
	(b) each lease is either a term lease for pastoral purposes or a perpetual lease for pastoral purposes.	14
		15
		16
	<i>Example—</i>	17
	Two leases would be taken to be of the same tenure type for subsection (1)(b) if they were both for pastoral purposes even though one lease was a term lease and the other was a perpetual lease.	18
		19
		20
		21
Clause 57	Amendment of s 176L (General provisions for deciding application)	22
		23
	(1) Section 176L—	24
	<i>insert—</i>	25
	(2A) However, if the proposed amalgamation is an amalgamation of a term lease and a perpetual lease, the amalgamation offer must be for a perpetual lease.	26
		27
		28
		29
	(2) Section 176L(5)—	30
	<i>omit.</i>	31

[s 58]

	(3) Section 176L(2A) to (4)—	1
	<i>renumber</i> as section 176L(3) to (5).	2
Clause 58	Amendment of s 176U (Making and registration of agreement about land management)	3
	Section 176U(3)—	4
	<i>omit.</i>	5
		6
Clause 59	Amendment of s 176UA (Power to require land management agreement in particular circumstances)	7
	(1) Section 176UA(1)(b)—	8
	<i>omit.</i>	9
		10
	(2) Section 176UA(1)(c)—	11
	<i>renumber</i> as section 176UA(1)(b).	12
Clause 60	Amendment of s 176W (Content of land management agreement)	13
	Section 176W(1), from ‘include’—	14
	<i>omit, insert</i> —	15
	include any matter the Minister considers appropriate	16
	to achieve the purposes of a land management	17
	agreement.	18
		19
Clause 61	Insertion of new s 176XA	20
	Chapter 4, part 3, division 6—	21
	<i>insert</i> —	22
	176XA Cancellation of land management agreement	23
		24
	The Minister may, with the agreement of the	25
	lessee, cancel a land management agreement	26
	registered on a lease.	27

Clause 62	Amendment of s 176Z (When payment obligations end if lease ends under part)	1 2
	Section 176Z, ‘lease ended’—	3
	<i>omit, insert—</i>	4
	the lease ends	5
Clause 63	Amendment of s 176ZA (Overpayments relating to former lease)	6 7
	Section 176ZA(4)—	8
	<i>omit.</i>	9
Clause 64	Omission of ch 5, pt 1 (Rents)	10
	Chapter 5, part 1—	11
	<i>omit.</i>	12
Clause 65	Amendment of s 198C (Operation of div 1)	13
	Section 198C(3), after ‘permit’—	14
	<i>insert—</i>	15
	, or that are regulated conditions of a lease, licence or permit under division 3A	16 17
Clause 66	Omission of s 201A (Land management agreement condition)	18 19
	Section 201A—	20
	<i>omit.</i>	21
Clause 67	Amendment of s 202A (Operation of div 2)	22
	Section 202A(3), after ‘mandatory condition’—	23
	<i>insert—</i>	24
	or regulated condition	25

[s 68]

Clause 68	Amendment of s 203 (Typical conditions)	1
	Section 203(g)—	2
	<i>omit.</i>	3
Clause 69	Amendment of s 211 (Reviewing imposed conditions of lease)	4
	Section 211(2), from ‘If a lease’ to ‘for the lease’—	5
	<i>omit, insert—</i>	6
	If there is no land management agreement for a lease	7
Clause 70	Insertion of new ch 5, pt 2, div 3A	8
	Chapter 5, part 2—	9
	<i>insert—</i>	10
	Division 3A Regulated conditions	11
	212A Operation of div 3A	12
	(1) This division provides for particular conditions of leases, licences or permits that are provided for under a regulation.	13
	(2) Each condition that a regulation states is a condition of a lease, licence or permit is a regulated condition of the lease, licence or permit.	14
	(3) A regulated condition of a lease, licence or permit binds the lessee, licensee or permittee as well as any mandatory condition or imposed condition of the lease.	15
	212B Regulation may impose conditions	16
	(1) A regulation may impose a condition on a category of leases, licences or permits.	17

-
- (2) If a lease is of a category of leases to which a regulated condition applies, the lease becomes subject to that regulated condition when, under this Act—
- (a) it is first granted; or
 - (b) if it is a term lease—
 - (i) it is granted as a renewed lease; or
 - (ii) its term is extended, other than for an extension under section 434B.
- (3) If a licence or permit is of a category of licences or permits to which a regulated condition applies, the licence or permit becomes subject to that regulated condition when it is issued under this Act.
- (4) If a lease, licence or permit is subject to a regulated condition (the *original condition*) and the regulation is amended to change or omit the original condition, the lease, licence or permit continues to be subject to the original condition as if it had not been changed or omitted.
- (5) However, the designated officer for the lease, licence or permit may, if considered appropriate, and with the agreement of the lessee, licensee, or permittee—
- (a) omit the original condition from the lease, licence or permit if the regulated condition is omitted from the regulation; or
 - (b) change the original condition if the regulated condition is changed in the regulation.
- (6) Without limiting subsection (1), a category of leases may be identified for the purposes of a regulation under this section having regard to any of the following—
-

[s 71]

	(a) whether the leases are freeholding leases, perpetual leases or term leases;	1 2
	(b) their rental categories;	3
	(c) what area of Queensland they are located in;	4
	(d) a combination of any of the matters mentioned in paragraphs (a) to (c).	5 6
	212C Regulated conditions need not be registered	7
	To remove any doubt, it is declared that a regulated condition of a lease, licence or permit binds the lessee, licensee or permittee even though the condition is not registered.	8 9 10 11
Clause 71	Amendment of s 213 (Obligation to perform conditions)	12
	Section 213(5), definition <i>conditions</i> , ‘and imposed conditions’— <i>omit, insert</i> —	13 14
	, imposed conditions and regulated conditions	15
Clause 72	Amendment of s 234 (When lease may be forfeited)	16
	Section 234(a), note— <i>omit, insert</i> —	17 18
	<i>Note</i> —	19
	A rent and instalment regulation may allow the Minister to take action for non-payment.	20 21
Clause 73	Amendment of s 240Q (Disposal of proceeds of sale)	22
	Section 240Q(b), from ‘charges’— <i>omit, insert</i> —	23 24
	all debts owing to the State under section 438;	25

Clause 74	Amendment of s 249 (Payment by the State for improvements)	1 2
(1)	Section 249(1), from ‘If a term lease’ to ‘mentioned in section 160A(1),’—	3 4
	<i>omit, insert—</i>	5
	If a relevant term lease	6
(2)	Section 249—	7
	<i>insert—</i>	8
	(7) In this section—	9
	<i>extension provisions</i> means chapter 4, part 3, division 1B and division 2, subdivision 3.	10 11
	<i>relevant term lease</i> means—	12
	(a) a term lease for pastoral purposes; or	13
	(b) a term lease for agricultural or grazing purposes if—	14 15
	(i) the lease is for rural leasehold land; and	16
	(ii) the lease land is 1000ha or more; and	17
	(iii) the term is 20 years or more; and	18
	(iv) it was granted under the renewal provisions or extended under the extension provisions.	19 20 21
Clause 75	Amendment of s 279 (Registration of land management agreements and transition to sale agreements)	22 23
(1)	Section 279(1), ‘an agreement mentioned in section 176U(1) or 240O’—	24 25
	<i>omit, insert—</i>	26
	a land management agreement or transition to sale agreement	27 28
(2)	Section 279—	29
	<i>insert—</i>	30

[s 76]

	(3)	A registered land management agreement is a relevant registered interest under the following—	1 2
	(a)	section 162(5);	3
	(b)	section 172(5), but only if the new tenure is a term lease or perpetual lease;	4 5
	(c)	section 176G(2);	6
	(d)	section 176S(2).	7
Clause 76		Amendment of s 284 (Entitlement to search a register)	8
		Section 284(4), from ‘at’ to ‘entity’—	9
		<i>omit, insert—</i>	10
		by, or a copy mentioned in subsection (1) obtained from, an entity	11 12
Clause 77		Amendment of s 290F (Plan of subdivision may be registered)	13 14
		Section 290F(6)—	15
		<i>omit.</i>	16
Clause 78		Omission of s 290FA (Taking effect of plan of subdivision)	17
		Section 290FA—	18
		<i>omit.</i>	19
Clause 79		Amendment of s 308 (Withdrawing lodged document before registration)	20 21
	(1)	Section 308(1)—	22
		<i>omit, insert—</i>	23
	(1)	The chief executive may withdraw a document, or permit a document to be withdrawn, if the chief executive is satisfied—	24 25 26

	(a) the document will not give effect to the intention expressed in it or a related document because of the order in which the document has been lodged in relation to other documents; or	1 2 3 4 5
	(b) the document should not have been lodged.	6
	(2) Section 308(2), ‘subsection (1)(a)’— <i>omit, insert</i> — subsection (1)	7 8 9
Clause 80	Amendment of s 322 (Requirements for transfers) Section 322(4)(b)(v), ‘section 325(4) and (5)’— <i>omit, insert</i> — section 202AA	10 11 12 13
Clause 81	Amendment of s 348 (Disposal of proceeds of sale) Section 348(b), from ‘any rent,’— <i>omit, insert</i> — all debts owing to the State under section 438;	14 15 16 17
Clause 82	Omission of ss 373E and 373F Sections 373E and 373F— <i>omit.</i>	18 19 20
Clause 83	Amendment of s 373G (Profit a prendre by registration) Section 373G— <i>insert</i> — (2) However, the Minister’s approval is not required if the profit a prendre is a forest consent agreement.	21 22 23 24 25 26

[s 84]

Clause 84	Amendment of s 377 (Registering personal representative)	1
		2
	Section 377(2)(c)—	3
	<i>insert—</i>	4
	(iii) the person has obtained a grant of representation other than in Queensland and the chief executive considers the person would succeed in an application for the resealing of the grant in Queensland.	5
		6
		7
		8
		9
		10
Clause 85	Amendment of s 420C (Requirements for making an application)	11
		12
	Section 420C—	13
	<i>insert—</i>	14
	(4A) Also, the chief executive may refuse to process an application relating to a lease if payment of rent under the lease is in arrears.	15
		16
		17
Clause 86	Amendment of s 422 (Appeal process starts with internal review)	18
		19
	Section 422, from ‘a decision’ to ‘this Act’—	20
	<i>omit, insert—</i>	21
	an original decision	22
Clause 87	Amendment of s 423 (Who may apply for review etc.)	23
		24
	Section 423, ‘a decision mentioned in schedule 2’—	24
	<i>omit, insert—</i>	25
	an original decision	26

Clause 88	Replacement of s 434 (Meaning of <i>unimproved value</i>)	1
	Section 434—	2
	<i>omit, insert—</i>	3
	434 Meaning of <i>tourism purposes</i>	4
	(1) For this Act, a lease is a lease for <i>tourism purposes</i> if it is a lease for, or is ancillary to, a major tourist facility or a major resort development.	5 6 7 8
	(2) Without limiting subsection (1), if a lease expressly states that it is a lease for a major tourist facility or a major resort development it is taken to be a lease for <i>tourism purposes</i> for this Act.	9 10 11 12 13
	434A Establishing an island as a regulated island	14
	(1) A regulation may declare an island, or a part of an island, is a regulated island.	15 16
	(2) The Minister may recommend a regulation under subsection (1) only if the Minister is satisfied the island or the part, if held under a lease for tourism purposes, should not be the subject of a conversion to freehold land unless the Governor in Council has first approved the conditions on which the offer for the conversion is made.	17 18 19 20 21 22 23
	434B Availability of short-term extension in particular circumstances	24 25
	(1) This section applies if a term lease is the subject of an application under this Act for renewal, extension, conversion, subdivision or amalgamation.	26 27 28 29
	(2) If it appears the term lease will expire before the application is finalised, the Minister may extend the term of the lease, for periods of no longer	30 31 32

[s 89]

than 2 years, until the application is fully dealt with. 1
2

- (3) A lease may be extended under subsection (1) for 3
2 or more periods having regard to the same 4
circumstances or different circumstances each 5
time it is extended. 6

434C Change of status of particular land 7

- (1) This section applies to a term lease issued under 8
this Act or the repealed Act, on the authority of 9
another Act (the *original Act*), over land (the 10
relevant land) set apart and declared, or 11
dedicated, under the original Act. 12

- (2) If the relevant land ceases to be administered 13
under the original Act and becomes an area set 14
apart and declared, or dedicated, under another 15
Act (the *new Act*), the lease continues to be a 16
term lease under this Act and the new Act. 17

- (3) However, the term lease ends if the new Act 18
states that any interest in the relevant land is 19
ended. 20

Clause 89 Amendment of s 442 (Lapse of offer) 21

Section 442(9), after ‘or premium’— 22

insert— 23

to a price or premium decided by the offeror in the 24
way prescribed by regulation 25

Clause 90 Amendment of s 448 (Regulation-making power) 26

- (1) Section 448(3)— 27

renumber as section 448(5). 28

- (2) Section 448— 29

insert— 30

	(3)	Schedule 1B provides for matters that may be included in a regulation under subsection (2)(h).	1 2
	(4)	Subsection (3) does not limit subsection (2)(h).	3
Clause 91		Amendment of s 457 (Terms of pre-Wolfe freeholding leases)	4 5
		Section 457(2)—	6
		<i>omit, insert</i> —	7
	(2)	To remove any doubt, it is declared that the purchase price for a pre-Wolfe freeholding lease is not reduced by any deferral for hardship that may apply under a rent and instalment regulation.	8 9 10 11
Clause 92		Amendment of s 462 (Terms of post-Wolfe freeholding leases)	12 13
		Section 462(2)—	14
		<i>omit, insert</i> —	15
	(2)	To remove any doubt, it is declared that the purchase price for a post-Wolfe freeholding lease is not reduced by any deferral for hardship that may apply under a rent and instalment regulation.	16 17 18 19
Clause 93		Amendment of s 466 (Terms of grazing homestead freeholding leases)	20 21
		Section 466(2)—	22
		<i>omit, insert</i> —	23
	(2)	To remove any doubt, it is declared that the purchase price for a grazing homestead freeholding lease is not reduced by any deferral for hardship that may apply under a rent and instalment regulation.	24 25 26 27 28

[s 94]

Clause 94	Amendment of s 481 (Cancellation)	1
	Section 481(a), note—	2
	<i>omit, insert—</i>	3
	<i>Note—</i>	4
	A rent and instalment regulation may allow the Minister to take action for non-payment.	5 6
Clause 95	Amendment of s 487 (Existing concessions continue)	7
	Section 487(2)—	8
	<i>omit, insert—</i>	9
	(2) Subsection (1) has effect subject to any provisions of a rent and instalment regulation relating to changes of a lessee's circumstances.	10 11 12
Clause 96	Amendment of s 504 (Changing tenures of port lands)	13
	Section 504(1C)—	14
	<i>omit, insert—</i>	15
	(1C) A rent and instalment regulation does not apply to the lease until the order in council ceases to apply to it.	16 17 18
Clause 97	Insertion of new ch 9, pt 1M	19
	Chapter 9—	20
	<i>insert—</i>	21

Part 1M	Transitional provisions for Land and Other Legislation Amendment Act 2014	1 2 3 4
521ZK	Definitions for pt 1M	5
	In this part—	6
	<i>amending Act</i> means the <i>Land and Other Legislation Amendment Act 2014</i> .	7 8
	<i>commencement</i> means the commencement of this part.	9 10
	<i>repealed</i> means repealed by the amending Act.	11
521ZL	Application for term lease renewal may become extension application for rolling term lease	12 13 14
(1)	This section applies if—	15
(a)	immediately before the commencement, a renewal application for a term lease had been made under the renewal provisions but had not been finalised under those provisions; and	16 17 18 19 20
(b)	on the commencement, the term lease becomes a rolling term lease.	21 22
(2)	After the commencement, and before the renewal application is finalised under the renewal provisions, the lessee may advise the chief executive that the lessee agrees to the renewal application being treated as an extension application.	23 24 25 26 27 28
(3)	If the lessee advises the chief executive under subsection (2), the renewal application for the lease is taken to be an extension application for	29 30 31

[s 97]

the lease, and must be dealt with under chapter 4, 1
part 3, division 2, subdivision 3. 2

(4) If, immediately before the commencement, an 3
offer to renew the lease had been made but not 4
accepted, on the lessee giving advice under 5
subsection (2), the offer is taken to have been 6
withdrawn. 7

(5) If the chief executive is satisfied the lessee does 8
not wish the renewal application to be treated as 9
an extension application, the renewal application 10
must be dealt with under this Act as in force 11
immediately before the commencement. 12

**521ZM Application for term lease renewal before 13
commencement may become extension 14
application 15**

(1) This section applies if— 16

(a) immediately before the commencement, a 17
renewal application for a term lease had 18
been made under the renewal provisions but 19
had not been finalised under those 20
provisions; and 21

(b) on the commencement, the term lease does 22
not become a rolling term lease. 23

(2) After the commencement, and before the 24
application is finalised under the renewal 25
provisions, the lessee may advise the chief 26
executive that the lessee wishes the lease to 27
become a rolling term lease. 28

(3) If the lessee advises the chief executive under 29
subsection (2), and the Minister approves the 30
lease as a rolling term lease under section 31
164(1)(c), the renewal application for the lease is 32
taken to be an extension application for the lease, 33
and must be dealt with under chapter 4, part 3, 34
division 2, subdivision 3. 35

-
- (4) If the lessee does not advise the chief executive under subsection (2), or if the lessee advises the chief executive under subsection (2) but the Minister does not approve the lease as a rolling term lease under section 164(1)(c), the renewal application must be dealt with under this Act as in force immediately before the commencement.

521ZN Ending of mandatory condition under repealed s 176H

- (1) This section applies to a lease that, immediately before the commencement, was subject to a mandatory condition under repealed section 176H.
- (2) On and from the commencement, the lease is no longer subject to the condition.

521ZO Transitional regulation-making power

A rent and instalment regulation may include a provision about a matter for which—

- (a) it is necessary to make provision to allow for or to facilitate achieving the transition from the repealed chapter 5, part 1 to the rent and instalment regulation; and
- (b) this Act does not make provision or sufficient provision.

- Clause 98 Amendment of sch 1 (Community purposes)**
- Schedule 1, heading, ‘section 4’—
- omit, insert—*
- schedule 6, definition *community purpose*

[s 99]

Clause 99	Amendment of sch 1A (Provisions that include mandatory conditions for tenures)	1 2
(1)	Schedule 1A, entries for sections 115(5), 162A, 168A, 176H and 190(1)— <i>omit.</i>	3 4 5
(2)	Schedule 1A— <i>insert</i> — <ul style="list-style-type: none">• section 176UA(3)	6 7 8
Clause 100	Insertion of new sch 1B	9
	After schedule 1A— <i>insert</i> —	10 11
	Schedule 1B	Regulation about the
		payment and
		collection
		of rent and
		instalments
		12 13 14 15 16
		section 448(3) 17
	1 Matters that may be included	18
	Matters that may be included in a regulation under section 448(2)(h), include, for leases, licences and permits (<i>authorities</i>), the following—	19 20 21 22
	(a) the setting of periods for which rents are payable;	23 24
	(b) the categorisation of authorities for rental purposes, including how categories may be changed, and including the review and appeal of decisions about categorisation;	25 26 27 28

-
- | | |
|--|----------------------------------|
| (c) the calculation of rent payable for authorities, including for different categories of authorities; | 1
2
3 |
| (d) the setting of rent payable for particular authorities if calculation provisions under paragraph (c) are not to be applied, having regard to prescribed circumstances; | 4
5
6
7 |
| (e) provision for the Minister to apply an alternative way of calculating the rent payable for a category of authority so that a lower rental amount may be applied in prescribed circumstances; | 8
9
10
11
12 |
| (f) ending the requirement to pay rent for leases subject to conversion to freehold; | 13
14 |
| (g) making of rent adjustments for authorities having regard to prescribed events, including, for example, a change in the area of an authority or a change in the category because of a change of purpose; | 15
16
17
18
19 |
| (h) the fixing, in prescribed circumstances, of lesser rents than would otherwise be payable, whether by applying a discount or in some other way, including, for example, the setting by the Minister of concessional arrangements for authorities— | 20
21
22
23
24
25 |
| (i) requiring unusual development or investigative activity; or | 26
27 |
| (ii) held by charitable, sporting or recreational organisations; or | 28
29 |
| (iii) affected by a property build-up scheme or an indigenous cultural interest; | 30
31 |
| (i) when and where any rent or instalment must be paid, including requiring payments to be made before objections or appeals are finalised; | 32
33
34
35 |

[s 101]

	(j) the refunding of overpaid rent or instalments, and the extent to which interest is payable on overpaid amounts;	1 2 3
	(k) deferral arrangements for the payment of rent or instalments because of hardship and when deferral arrangements cease to apply;	4 5 6
	(l) the payment of penalty interest on unpaid rent or instalments;	7 8
	(m) action that may be taken in relation to the non-payment of an amount of rent or instalments, or of any amount of interest payable because of the non-payment of rent or instalments, including—	9 10 11 12 13
	(i) the giving of notice about an intention to take an action mentioned in subparagraph (ii) or (iv); or	14 15 16
	(ii) action to recover the amount in a court; or	17 18
	(iii) action under this Act for the forfeiture of a lease; or	19 20
	(iv) the cancellation of a licence or permit; or	21 22
	(v) reinstatement of a cancelled licence or permit on payment of an unpaid amount.	23 24 25
Clause 101	Amendment of sch 2 (Original decisions)	26
	(1) Schedule 2, entries for sections 170(3), 182(2), 222(6) and 226(5)—	27 28
	<i>omit.</i>	29
	(2) Schedule 2—	30
	<i>insert—</i>	31

164C(7)	about the Minister's refusal to grant an extension of a lease	1 2
170(2)	about the chief executive's decision on the purchase price	3 4

Clause 102	Amendment of sch 6 (Dictionary)	5
(1)	Schedule 6, definitions <i>category</i> , <i>deferred interest</i> , <i>family arrangement</i> , <i>forest products</i> , <i>land management agreement</i> , <i>lease</i> , <i>original decision</i> , <i>penalty interest</i> , <i>profit a prendre</i> , <i>quarter day</i> , <i>rental valuation</i> , <i>set rent</i> and <i>unimproved value</i> —	6 7 8 9 10
	<i>omit.</i>	11
(2)	Schedule 6—	12
	<i>insert</i> —	13
	<i>expiry advice</i> see section 164C(2).	14
	<i>extension application</i> see section 164C(1).	15
	<i>forest consent agreement</i> see the <i>Forestry Act 1959</i> , section 61J.	16 17
	<i>forest consent area</i> see the <i>Forestry Act 1959</i> , section 61J.	18 19
	<i>forest products</i> see the <i>Forestry Act 1959</i> , schedule 3.	20 21
	<i>land management agreement</i> means an agreement about the management and use of lease land, entered into under chapter 4, part 3 division 6, whether before or after the commencement of this definition, and includes the agreement as amended from time to time.	22 23 24 25 26 27
	<i>lease</i> —	28
(a)	generally—means the interest in land comprising a lease held under this Act, as shown by the current particulars of the interest in the appropriate register; and	29 30 31 32

[s 102]

(b) for chapter 6, part 4, division 11A—includes sublease.	1 2
original decision means a decision—	3
(a) made under this Act and mentioned in schedule 2; or	4 5
(b) made under a regulation, if the regulation provides for an appeal in relation to the decision.	6 7 8
regulated condition see section 212A.	9
regulated island means an island, or a part of an island, declared by regulation under section 434A to be a regulated island.	10 11 12
renewal provisions means chapter 4, part 3, division 2, subdivision 2.	13 14
rental category , of a lease, licence or permit, means the categorisation of the lease, licence or permit under a rent and instalment regulation to the extent the regulation relates to rent.	15 16 17 18
rental period , for a lease, licence or permit, means the rental period prescribed for the lease, licence or permit by a rent and instalment regulation.	19 20 21 22
rent and instalment regulation means a regulation, or provisions of a regulation, made under this Act for the purposes of section 448(2)(h).	23 24 25 26
rolling term lease see section 164.	27
tourism purposes see section 434.	28
(3) Schedule 6, definition <i>rent</i> , after ‘payable’—	29
<i>insert—</i>	30
under a rent and instalment regulation	31

-
- (4) Schedule 6, definition *unallocated State land*, paragraph (b)— 1
omit, insert— 2
(b) a road or a reserve, or a national park, 3
conservation park, State forest or timber 4
reserve; or 5

Part 5 **Amendment of Land Title Act** 6 **1994** 7

Clause 103 Act amended 8
This part amends the *Land Title Act 1994*. 9

Clause 104 Amendment of s 35 (Entitlement to search register) 10
Section 35(4), from ‘at’ to ‘entity’— 11
omit, insert— 12
by, or a copy mentioned in subsection (1) obtained 13
from, an entity 14

Clause 105 Amendment of s 63 (Transfer of mortgaged lot) 15
(1) Section 63, heading, ‘Transfer of’— 16
omit, insert— 17
Dealing with 18
(2) Section 63(2), from ‘If’ to ‘the lot’— 19
omit, insert— 20
If a mortgagee of a lot becomes the registered owner 21
of the lot 22

[s 106]

Clause 106	Amendment of s 82 (Creation of easement by registration)	1
		2
(1)	Section 82(1A)—	3
	<i>renumber</i> as section 82(2).	4
(2)	Section 82(4), ‘subsection (2)(a)’—	5
	<i>omit, insert</i> —	6
	subsection (3)(a)	7
Clause 107	Amendment of s 90 (Surrendering an easement)	8
(1)	Section 90(2)(a) and (b), after ‘the lot’—	9
	<i>insert</i> —	10
	, or the lessee of the lease,	11
(2)	Section 90(3), after ‘the lot’—	12
	<i>insert</i> —	13
	, or all registered mortgagees and sublessees of the	14
	lease,	15
(3)	Section 90(4), ‘a lessee’—	16
	<i>omit, insert</i> —	17
	a lessee of the lot, or a sublessee of the lease,	18
(4)	Section 90(5)—	19
	<i>insert</i> —	20
	lessee , of a lease, means—	21
	(a) the registered lessee of the lease; or	22
	(b) if the mortgagee of the lease is in	23
	possession—the mortgagee in possession.	24
(5)	Section 90(5), definition <i>owner</i> , paragraph (b), ‘registered	25
	owner’—	26
	<i>omit, insert</i> —	27
	lot	28

Clause 108	Amendment of s 90A (When easement over registered lease ends)	1
		2
(1)	Section 90A(1)—	3
	<i>omit, insert—</i>	4
(1)	A registered easement, to the extent it benefits or burdens a registered lease, ends when the lease ends.	5
		6
		7
(2)	Section 90A(2), ‘burdens’—	8
	<i>omit, insert—</i>	9
	benefits or burdens	10
Clause 109	Amendment of s 94 (Meaning of high-density development easement)	11
		12
(1)	Section 94(2)—	13
	<i>omit, insert—</i>	14
(2)	A high-density development easement may be created only over 2 small, adjoining lots, and only if—	15
		16
		17
(a)	any of the following applies—	18
(i)	a wall of a building situated on 1 of the adjoining lots is also a wall of a building situated on the other adjoining lot, and the wall is on the common boundary of the 2 adjoining lots;	19
		20
		21
		22
		23
(ii)	a wall of a building situated on 1 of the adjoining lots is adjacent to a wall of a building situated on the other adjoining lot, each wall is constructed on the same foundation and the foundation is on the common boundary of the 2 adjoining lots;	24
		25
		26
		27
		28
		29
		30
(iii)	a wall of a building situated on 1 of the adjoining lots is adjacent to a wall of a	31
		32

[s 109]

- building situated on the other adjoining lot, each wall is constructed on a separate foundation and each foundation is adjacent to the common boundary of the 2 adjoining lots; or 1
2
3
4
5
- (b) a relevant development approval, under which a requirement for a circumstance mentioned in paragraph (a)(i), (ii) or (iii) applies as a condition, applies to both adjoining lots. 6
7
8
9
10
- (2) Section 94(4)— 11
insert— 12
- relevant development approval*** means— 13
- (a) a development approval under the *Sustainable Planning Act 2009* for any of the following as mentioned in section 7 of that Act— 14
15
16
17
- (i) carrying out building work; 18
- (ii) reconfiguring a lot; 19
- (iii) making a material change of use of premises; or 20
21
- (b) a PDA development approval under the *Economic Development Act 2012* for any of the following as mentioned in section 33(2) of that Act— 22
23
24
25
- (i) carrying out building work; 26
- (ii) reconfiguring a lot; 27
- (iii) making a material change of use of premises. 28
29

Clause 110	Amendment of s 95 (Easement for support)	1
	Section 95(5), ‘subsection (1) or (2)’—	2
	<i>omit, insert</i> —	3
	subsection (2) or (3)	4
Clause 111	Amendment of s 111 (Registering personal representative)	5
	Section 111(2)(c)—	6
	<i>insert</i> —	7
	(iii) the person has obtained a grant of representation other than in Queensland and the registrar considers the person would succeed in an application for the resealing of the grant in Queensland.	8
		9
		10
		11
		12
		13
		14
Clause 112	Amendment of s 149 (Registrar may withdraw instrument)	15
	Section 149(3) and note, ‘section 159(1)(a)’—	16
	<i>omit, insert</i> —	17
	section 159(1)	18
		19
Clause 113	Amendment of s 159 (Withdrawing lodged instrument before registration)	20
	Section 159(1)—	21
	<i>omit, insert</i> —	22
	(1) The registrar may withdraw an instrument, or permit an instrument to be withdrawn, if the registrar is satisfied—	23
		24
		25
		26
	(a) the instrument will not give effect to the intention expressed in it or a related instrument because of the order in which the	27
		28
		29

[s 114]

	instrument has been lodged in relation to	1
	other instruments; or	2
	(b) the instrument should not have been lodged.	3
Clause 114	Amendment of s 189 (Matters for which there is no entitlement to compensation)	4
	Section 189(1)(g), ‘error’—	5
	<i>omit, insert—</i>	6
	excess	7
		8
Part 6	Amendment of Mineral Resources Act 1989	9
		10
Clause 115	Act amended	11
	This part amends the <i>Mineral Resources Act 1989</i> .	12
Clause 116	Insertion of new s 386Q	13
	After section 386P—	14
	<i>insert—</i>	15
	386Q Period of effect of particular later development plans	16
		17
	(1) This section applies if—	18
	(a) before the commencement of this section,	19
	the holder of a mining lease was given,	20
	under section 318EH, a notice (the <i>notice</i>)	21
	of the approval of a proposed later	22
	development plan for the lease; and	23
	(b) the notice was given to the holder of the	24
	lease after the start of the plan period for the	25

-
- proposed plan as stated in the proposed plan. 1
2
- (2) For an Act, the approval has effect, and is taken to have had effect, from— 3
4
- (a) the start of the plan period; or 5
- (b) if the notice stated a later day of effect—the later day. 6
7
- (3) The notice is, and is taken always to have been, valid and effective— 8
9
- (a) even though the notice was given after the commencement of the plan period stated for the proposed plan; and 10
11
12
- (b) whether or not the notice purported, expressly or impliedly, to approve the carrying out of work under the plan before the approval was given; and 13
14
15
16
- (c) regardless of the extent to which section 318EF(b) was complied with. 17
18
- Example for paragraph (c)—* 19
- It does not matter if a development plan was considered under section 318EF(b) but was not current at the time of its consideration. 20
21
22
- (4) For this section, it does not matter if the notice was required to be an information notice as mentioned in section 318EH(2)(b) or (c). 23
24
25
- (5) This section applies despite chapter 8, part 9. 26

[s 117]

Part 7	Amendment of Native Title (Queensland) Act 1993	1 2
Clause 117	Act amended	3
	This part amends the <i>Native Title (Queensland) Act 1993</i> .	4
Clause 118	Amendment of s 144 (Compulsory acquisition of native title)	5 6
	(1) Section 144(1) and (2)—	7
	<i>omit, insert—</i>	8
	(1) The power of compulsory acquisition under a compulsory acquisition Act includes—	9 10
	(a) power to compulsorily acquire, for the purposes of the compulsory acquisition Act, native title rights and interests in relation to any land or waters; and	11 12 13 14
	(b) if native title rights and interests are compulsorily acquired in relation to land or waters, power to compulsorily acquire at the same time any non-native title rights and interests in relation to the land or waters.	15 16 17 18 19
	(2) To remove any doubt, it is declared that—	20
	(a) native title rights and interests in relation to any land may be acquired under a compulsory acquisition Act even though the Act would not otherwise apply to the land; and	21 22 23 24 25
	(b) all non-native title rights and interests in relation to the land may be acquired in accordance with subsection (1)(b) under a compulsory acquisition Act even though the Act would not otherwise apply to the land.	26 27 28 29 30

<i>Examples—</i>	1
1 As a result of the operation of subsection (2)(a), native title rights and interests in relation to unallocated State land under the <i>Land Act 1994</i> may be acquired under the <i>Acquisition of Land Act 1967</i> even though the <i>Acquisition of Land Act 1967</i> would not otherwise apply to the unallocated State land.	2 3 4 5 6 7
2 As a result of the operation of subsection (2)(b), if native title rights and interests in relation to particular unallocated State land are acquired under the <i>Acquisition of Land Act 1967</i> , all non-native title rights and interests in relation to that unallocated State land may also be acquired at the same time under the <i>Acquisition of Land Act 1967</i> even though the <i>Acquisition of Land Act 1967</i> would not otherwise apply to the unallocated State land.	8 9 10 11 12 13 14 15 16
(2) Section 144(4), definition <i>compulsory acquisition Act</i> , after ‘an Act’—	17 18
<i>insert—</i>	19
<i>, other than the Land Act 1994,</i>	20
(3) Section 144(4), definition <i>compulsory acquisition Act</i> , ‘Organization’—	21 22
<i>omit, insert—</i>	23
<i>Organisation</i>	24
(4) Section 144(4), definition <i>compulsory acquisition Act</i> , entry for <i>Transport (Gladstone East End to Harbour Corridor) Act 1996—</i>	25 26 27
<i>omit.</i>	28

[s 119]

Part 8	Amendment of Nature Conservation Act 1992	1 2
Clause 119	Act amended	3
	This part amends the <i>Nature Conservation Act 1992</i> .	4
Clause 120	Amendment of s 37 (Chief executive's powers to renew existing authorities for national parks)	5 6
	Section 37—	7
	<i>insert—</i>	8
	(6) If an authority under this section is also a rolling term lease under the <i>Land Act 1994</i> , the lease may be extended under that Act, but only with the consent of the chief executive under this Act.	9 10 11 12
	<i>Note for subsection (6)—</i>	13
	See the <i>Land Act 1994</i> , section 164C.	14
Clause 121	Amendment of s 38 (Leases may be granted under Land Act 1994)	15 16
	Section 38—	17
	<i>insert—</i>	18
	(4) If a lease granted under this section is also a rolling term lease under the <i>Land Act 1994</i> , the lease may be extended under that Act, but only with the consent of the chief executive under this Act.	19 20 21 22 23
	<i>Note for subsection (4)—</i>	24
	See the <i>Land Act 1994</i> , section 164C.	25

Part 9	Amendment of Petroleum Act 1923	1
		2
Clause 122	Act amended	3
	This part amends the <i>Petroleum Act 1923</i> .	4
Clause 123	Insertion of new ss 128A–128B	5
	Part 9, division 3—	6
	<i>insert—</i>	7
	128A Period of effect of particular later work programs	8
		9
	(1) This section applies if—	10
	(a) before the commencement of this section, the holder of an authority to prospect was given, under section 25F, a notice (the <i>notice</i>) of the approval of a proposed later work program for the authority; and	11 12 13 14 15
	(b) the notice was given to the holder of the authority after the start of the period of the proposed program as stated in the proposed program.	16 17 18 19
	(2) For an Act, the approval has effect, and is taken to have had effect, from—	20 21
	(a) the start of the period; or	22
	(b) if the notice stated a later day of effect—the later day.	23 24
	(3) The notice is, and is taken always to have been, valid and effective—	25 26
	(a) even though the notice was given after the commencement of the period stated for the proposed program; and	27 28 29

[s 123]

- (b) whether or not the notice purported, expressly or impliedly, to approve the carrying out of work under the program before the approval was given; and
- (c) regardless of the extent to which section 25E(2)(c) and (d) was complied with.
Example for paragraph (c)—

It does not matter if a work program was considered under section 25E(2)(c) but was not current at the time of its consideration.
- (4) This section applies despite part 4, division 2.

128B Period of effect of particular later development plans

- (1) This section applies if—
 - (a) before the commencement of this section, the holder of a petroleum lease was given, under section 53G, a notice (the *notice*) of the approval of a proposed later development plan for the lease; and
 - (b) the notice was given to the holder of the lease after the start of the plan period for the proposed plan as stated in the proposed plan.
- (2) For an Act, the approval has effect, and is taken to have had effect, from—
 - (a) the start of the plan period; or
 - (b) if the notice stated a later day of effect—the later day.
- (3) The notice is, and is taken always to have been, valid and effective—
 - (a) even though the notice was given after the commencement of the plan period stated for the proposed plan; and

[s 126]

Clause 126	Amendment of s 175AB (Requirements for making application)	1
		2
	Section 175AB—	3
	<i>insert—</i>	4
	(2) The holder must also give the Minister information, documents or instruments detailing all relevant arrangements relating to the lease unless the holder—	5 6 7 8
	(a) has already given the Minister the information, documents or instruments in complying with section 121(1)(g); and	9 10 11
	(b) lodges a written declaration that there has been no change in the relevant arrangements.	12 13 14
	(3) If the holder has already given the Minister the information, documents or instruments in complying with section 121(1)(g) but a relevant arrangement has been changed, the holder must give the Minister the details of the changed arrangement that the Minister reasonably requires to decide whether the lease is an arms-length commercial transaction.	15 16 17 18 19 20 21 22
Clause 127	Amendment of s 175AC (Deciding application)	23
	(1) Section 175AC(4)—	24
	<i>renumber</i> as section 175AC(5).	25
	(2) Section 175AC—	26
	<i>insert—</i>	27
	(4) The Minister may refuse the application if the Minister reasonably believes—	28 29
	(a) a relevant arrangement relating to the lease is not an arms-length commercial transaction; or	30 31 32

-
- (b) supply under the arrangement is unlikely to
be carried out. 1
2
- (3) Section 175AC— 3
insert— 4
- (6) The Minister may not decide to change the
production commencement day to a day that is
earlier than the day the decision is made. 5
6
7
- (7) The holder of the petroleum lease is taken not to
be in breach of the holder's obligation under
section 154(1) before the first of the following
happens— 8
9
10
11
- (a) the Minister decides whether to change the
production commencement day to a new
day, and the decision is not appealed or, if
there is an appeal, the appeal is finalised; 12
13
14
15
- (b) the Minister changes the production
commencement day with the agreement of
the lessee under subsection (2). 16
17
18

- Clause 128 Insertion of new ss 851AB and 851AC** 19
- After section 851AA— 20
- insert—* 21
- 851AB Period of effect of particular later work
programs** 22
23
- (1) This section applies if— 24
- (a) before the commencement of this section,
the holder of an authority to prospect was
given, under section 58, a notice (the *notice*)
of the approval of a proposed later work
program for the authority; and 25
26
27
28
29
- (b) the notice was given to the holder of the
authority after the start of the period of the
proposed program as stated in the proposed
program. 30
31
32
33

[s 128]

- (2) For an Act, the approval has effect, and is taken to have had effect, from—
- (a) the start of the period; or
 - (b) if the notice stated a later day of effect—the later day.
- (3) The notice is, and is taken always to have been, valid and effective—
- (a) even though the notice was given after the commencement of the period stated for the proposed program; and
 - (b) whether or not the notice purported, expressly or impliedly, to approve the carrying out of work under the program before the approval was given; and
 - (c) regardless of the extent to which section 57(2)(b) and (c) was complied with.
- Example for paragraph (c)—*
- It does not matter if a work program was considered under section 57(2)(b) but was not current at the time of its consideration.
- (4) This section applies despite chapter 2, part 1, division 3.

851AC Period of effect of particular later development plans

- (1) This section applies if—
- (a) before the commencement of this section, the holder of a petroleum lease was given, under section 149, a notice (the *notice*) of the approval of a proposed later development plan for the lease; and
 - (b) the notice was given to the holder of the lease after the start of the plan period for the

-
- proposed plan as stated in the proposed plan. 1
2
- (2) For an Act, the approval has effect, and is taken to have had effect, from— 3
4
- (a) the start of the plan period; or 5
- (b) if the notice stated a later day of effect—the later day. 6
7
- (3) The notice is, and is taken always to have been, valid and effective— 8
9
- (a) even though the notice was given after the commencement of the plan period stated for the proposed plan; and 10
11
12
- (b) whether or not the notice purported, expressly or impliedly, to approve the carrying out of work under the plan before the approval was given; and 13
14
15
16
- (c) regardless of the extent to which section 147(2)(b) was complied with. 17
18
- Example for paragraph (c)—* 19
- It does not matter if a development plan was considered under section 147(2)(b) but was not current at the time of its consideration. 20
21
22
- (4) This section applies despite chapter 2, part 2, division 4. 23
24

Clause 129 Insertion of new s 851AD 25

After section 851AC, as inserted by this Act— 26

insert— 27

851AD Extended period for applying to change production commencement day 28
29

- (1) This section applies if a petroleum lease states a production commencement day for the lease, and— 30
31
32

[s 129]

- (a) before the commencement of this section, the holder of the lease—
 - (i) did not start petroleum production under the lease so as to comply with section 154(1); and
 - (ii) did not make an application under section 175AA to change the production commencement day for the lease; or
- (b) on the commencement of this section, the holder of the lease—
 - (i) reasonably considers the holder is unlikely to be able to start petroleum production under the lease so as to comply with section 154(1) unless the production commencement day for lease is changed to a later date; and
 - (ii) either—
 - (A) is unable to make an application under section 175AA to change the production commencement day because the conditions under that section for making the application can not be complied with; or
 - (B) reasonably considers the holder is unlikely to be able make a suitable application under section 175AA in the time remaining before the start of 1 year, or shorter prescribed period, mentioned in section 175AA(b).
- (2) Despite section 175AA(b), the holder may apply under section 175AA in relation to the production commencement day for the lease, but only if—

[s 132]

- (2) Section 24(1)— 1
omit, insert— 2
- (1) If there is a shortage of water, the chief executive 3
may, by publishing a notice, limit or prohibit 4
either of the following— 5
- (a) the taking, under section 20(2)(a), of water 6
from a watercourse, lake or spring for a 7
relevant purpose; 8
- (b) the taking, under section 20A(1), (2) or (5), 9
of water for a relevant purpose. 10
- (3) Section 24(4), penalty, ‘for subsection (4)’— 11
omit. 12
- (4) Section 24— 13
insert— 14
- (5) In this section— 15
relevant purpose means either of the following— 16
- (a) the domestic purpose of watering a garden; 17
- (b) stock purposes generally. 18

Clause 132 Insertion of new ch 2, pt 6, div 3A 19

After section 236— 20

insert— 21

Division 3A Validation provision 22

**236A Validation of particular decisions about water 23
licences** 24

- (1) Subsection (2) applies to a decision of the chief 25
executive, made or purportedly made under this 26
Act before the commencement, to do any of the 27
following— 28

-
- | | | |
|-----|---|----------------------|
| (a) | grant all or part of an application for a water licence under section 211; | 1
2 |
| (b) | grant a water licence under section 212(2); | 3 |
| (c) | grant an application to amend a water licence on an application made under section 216; | 4
5
6 |
| (d) | amend a water licence under section 217, 218 or 219; | 7
8 |
| (e) | approve an application to renew a water licence under section 220(4); | 9
10 |
| (f) | approve an application to reinstate a water licence on an application made under section 221; | 11
12
13 |
| (g) | grant an application as mentioned in section 223 for the transfer, amendment or amalgamation of all or part of a water licence; | 14
15
16
17 |
| (h) | grant an application to amalgamate 2 or more water licences into a single licence on an application made under section 224; | 18
19
20 |
| (i) | grant 2 or more new water licences to replace an original licence on an application made under section 225; | 21
22
23 |
| (j) | grant an application for 1 or more water licences to replace a jointly held water licence under section 229. | 24
25
26 |
| (2) | The decision is taken to be, and to always have been, valid. | 27
28 |
| (3) | Subsection (2) does not apply to a decision if, within 6 months after the decision was made or purportedly made— | 29
30
31 |
| (a) | the decision was, or is, the subject of— | 32 |
| (i) | an application for internal review under chapter 6, part 2; or | 33
34 |
-

[s 133]

	(ii) an appeal or application for external review under chapter 6, part 3; or	1 2
	(iii) an application for a statutory order of review, or an application for review, under the <i>Judicial Review Act 1991</i> ; or	3 4 5
	(b) a person applied, or applies, to the Supreme Court for an order declaring a relevant instrument for the decision to be invalid.	6 7 8
(4)	A decision mentioned in subsection (3) is not invalid only because it is not a decision to which subsection (2) applies.	9 10 11
(5)	In this section—	12
	<i>decision</i> , to grant, approve or amend, does not include a decision to refuse to grant, approve or amend.	13 14 15
	<i>relevant instrument</i> , for a decision mentioned in subsection (1), means a water resource plan, resource operations plan or water licence that applies to the parcel, or parcels, of land to which the decision relates.	16 17 18 19 20
Part 12	Amendment of subordinate legislation	21 22
Division 1	Amendment of Sustainable Planning Regulation 2009	23 24
Clause 133	Regulation amended	25
	This division amends the <i>Sustainable Planning Regulation 2009</i> .	26 27

Clause 134	Amendment of sch 3 (Assessable development, self-assessable development and type of assessment)	1 2
(1)	Schedule 3, part 1, table 4, item 3, column 2, paragraph (b), 'schedule 4'—	3 4
	<i>omit, insert—</i>	5
	schedule 4, other than through a monitoring bore	6
(2)	Schedule 3, part 1, table 4, item 3, column 2, paragraph (c)(ii)—	7 8
	<i>omit, insert—</i>	9
	(ii) subartesian water—	10
	(A) if the operations are mentioned as assessable development in a water resource plan or a wild river declaration, or prescribed as assessable development under a regulation under the <i>Water Act 2000</i> ; and	11 12 13 14 15 16 17
	(B) other than through an exempt bore; or	18 19
(3)	Schedule 3, part 2, table 4, item 1, column 2, paragraph (b)(ii)—	20 21
	<i>omit, insert—</i>	22
	(ii) subartesian water—	23
	(A) if the operations are mentioned as self-assessable development in a water resource plan or a wild river declaration; and	24 25 26 27
	(B) other than through an exempt bore; or	28 29

[s 135]

Clause 135	Amendment of sch 26 (Dictionary)	1
	Schedule 26—	2
	<i>insert—</i>	3
	<i>domestic purposes</i> see the <i>Water Act 2000</i> , schedule 4.	4 5
	<i>exempt bore</i> means—	6
	(a) a monitoring bore; or	7
	(b) for taking or interfering with water outside the Great Artesian Basin plan area—any of the following—	8 9 10
	(i) a water bore for working out the sustainable extraction rate of water for an aquifer;	11 12 13
	(ii) a water bore for taking water for stock or domestic purposes;	14 15
	(iii) a replacement water bore.	16
	<i>Great Artesian Basin plan area</i> means the plan area under the <i>Water Resource (Great Artesian Basin) Plan 2006</i> , schedule 6.	17 18 19
	<i>monitoring bore</i> means a water bore used for monitoring—	20 21
	(a) the physical characteristics of an aquifer; or	22
	(b) the physical, chemical or biological characteristics of water in an aquifer.	23 24
	<i>Examples of physical characteristics of water—</i>	25
	standing water level, water discharge rate, water pressure	26 27
	<i>replacement water bore</i> means a water bore that—	28 29
	(a) is constructed or installed—	30

	(i)	to replace a water bore (the <i>previous bore</i>) used for the taking of, or interfering with, water—	1 2 3
	(A)	for which a development permit was held or, under the <i>Water Act 2000</i> section 1048A, was taken to be held; or	4 5 6 7
	(B)	which, under section 681(1) of the Act, was taken to be a lawful use of the premises in which the previous bore was constructed or installed; and	8 9 10 11 12
	(ii)	within 10m of the location of the previous bore; and	13 14
	(b)	taps the same aquifer tapped by the previous bore.	15 16
		<i>stock purposes</i> see the <i>Water Act 2000</i> , schedule 4.	17 18
		<i>water bore</i> see the <i>Water Act 2000</i> , schedule 4.	19
Division 2		Amendment of Water Regulation 2002	20 21
Clause 136		Regulation amended	22
		This division amends the <i>Water Regulation 2002</i> .	23
Clause 137		Amendment of s 23 (Conditions of water bore driller's licence—Act, s 302)	24 25
		Section 23(d), 'item 1(b)(iii)'—	26
		<i>omit, insert</i> —	27
		item 1(b)(ii)	28

[s 138]

Clause 138	Amendment of s 62 (Code for self-assessable development—Act, s 1014)	1
	Section 62(d), ‘item 1(b)(iii)’—	2
	<i>omit, insert—</i>	3
	item 1(b)(ii)	4
Clause 139	Amendment of s 102 (Declared subartesian areas—Act, s 1046)	5
	(1) Section 102(1), ‘schedule 11, column 1’—	6
	<i>omit, insert—</i>	7
	schedule 11, part 1, column 1	8
	(2) Section 102(2) and (3), ‘column 2’—	9
	<i>omit, insert—</i>	10
	schedule 11, part 1, column 2	11
	(3) Section 102(4), from ‘solely’ to ‘column 3’—	12
	<i>omit, insert—</i>	13
	works mentioned in schedule 11, part 1, column 3	14
Clause 140	Insertion of new s 102A	15
	Part 9, division 2—	16
	<i>insert—</i>	17
	102A Critical distances for non-stock or domestic bores in particular subartesian areas	18
	(1) This section applies to a non-stock or domestic bore in a subartesian area mentioned in schedule 11, part 2, column 1.	19
	(2) The <i>critical distance</i> of the bore from a boundary of a parcel of land is the distance stated opposite the area in schedule 11, part 2, column 2.	20

[s 141]

- (3) The *critical distance* of the bore from a watercourse is the distance stated opposite the area in schedule 11, part 2, column 3.
- (4) The *critical distance* of the bore from another water bore is the distance stated opposite the area in schedule 11, part 2, column 4.

Clause 141	Replacement of sch 11 (Subartesian areas)	7
	Schedule 11—	8
	<i>omit, insert—</i>	9
	Schedule 11 Subartesian areas	10
	Part 1 Areas, purposes and works	11
		12
	section 102	13

Column 1	Column 2	Column 3
Area and plan	Purposes for which water entitlement, water permit or seasonal water assignment notice not required	Works not assessable
Bluewater subartesian area on plan AP10053	—	an exempt bore
Bowen subartesian area on plan AP13528	stock or domestic purposes	(a) works for stock or domestic purposes (b) an exempt bore

[s 141]

Column 1	Column 2	Column 3
Area and plan	Purposes for which water entitlement, water permit or seasonal water assignment notice not required	Works not assessable
Burdekin subartesian area on plan AP10054	stock or domestic purposes	(a) works for stock or domestic purposes (b) an exempt bore
Cattle Creek subartesian area on plan AP10060	stock or domestic purposes	(a) works for stock or domestic purposes (b) an exempt bore
Clarendon subartesian area on plan AP10066	stock or domestic purposes	(a) works for stock or domestic purposes (b) an exempt bore
Cook subartesian area on plan CAS3056	stock or domestic purposes	(a) works for stock or domestic purposes (b) an exempt bore
Cressbrook Creek subartesian area on plan AP10064	stock or domestic purposes	(a) works for stock or domestic purposes (b) an exempt bore
Dryander subartesian area on plan CAS1827	stock or domestic purposes	(a) works for stock or domestic purposes (b) an exempt bore
Duck Farm subartesian area on plan AP10049	—	an exempt bore

[s 141]

Column 1	Column 2	Column 3
Area and plan	Purposes for which water entitlement, water permit or seasonal water assignment notice not required	Works not assessable
Eastern Downs subartesian area on plan AP12072 sheets 29 to 34	stock or domestic purposes	(a) works for stock or domestic purposes (b) an exempt bore
Farnborough subartesian area on plan AP10058	stock or domestic purposes	(a) works for stock or domestic purposes (b) an exempt bore
Fraser Island subartesian area on plan AP10063	domestic purposes	an exempt bore
Great Artesian Basin subartesian area on plan CAS2054	stock purposes from subartesian aquifers not connected to artesian aquifers domestic purposes	an exempt bore
Highlands subartesian area on plan CAS2055	stock or domestic purposes	(a) works for stock or domestic purposes (b) an exempt bore
Monto subartesian area on plan AP10061	stock or domestic purposes	(a) works for stock or domestic purposes (b) an exempt bore

[s 141]

Column 1	Column 2	Column 3
Area and plan	Purposes for which water entitlement, water permit or seasonal water assignment notice not required	Works not assessable
Moreton Island subartesian area on plan AP10065	stock or domestic purposes	(a) works for stock or domestic purposes (b) an exempt bore
Mulgildie subartesian area on plan AP12081 sheets 1 to 16	all purposes	(a) works for stock or domestic purposes (b) an exempt bore
North Stradbroke Island subartesian area on plan AP10067	stock or domestic purposes	(a) works for stock or domestic purposes (b) an exempt bore
Sarina subartesian area on plan CAS1672	stock or domestic purposes	(a) works for stock or domestic purposes (b) an exempt bore
Upper Georgina subartesian area	stock or domestic purposes	(a) works for stock or domestic purposes (b) an exempt bore

Part 2 **Critical distances for non-stock or domestic water bores**

1
2
3

Column 1	Column 2	Column 3	Column 4
Subartesian area as mentioned in part 1, column 1	Critical distance from a boundary of a parcel of land	Critical distance from a watercourse	Critical distance from another water bore
Bowen subartesian area	100m	—	—
Burdekin subartesian area	200m	—	400m
Cattle Creek subartesian area	100m	—	200m
Clarendon subartesian area	100m	50m	200m
Cook subartesian area	200m	—	400m
Cressbrook Creek subartesian area	100m	50m	200m
Dryander subartesian area	200m	40m	400m
Duck Farm subartesian area	200m	—	400m
Eastern Downs subartesian area	200m	—	400m

[s 142]

Column 1	Column 2	Column 3	Column 4
Subartesian area as mentioned in part 1, column 1	Critical distance from a boundary of a parcel of land	Critical distance from a watercourse	Critical distance from another water bore
Great Artesian Basin subartesian area	200m	—	400m
Highlands subartesian area	200m	—	400m
Monto subartesian area	100m	—	200m
Moreton Island subartesian area	100m	—	200m
Mulgildie subartesian area	100m	—	200m
Sarina subartesian area	200m	40m	400m

Clause 142 Amendment of sch 17 (Dictionary)

Schedule 17—

insert—

critical distance, of a non-stock or domestic water bore in a subartesian area mentioned in schedule 11, part 2, column 1, from—

- (a) a boundary of a parcel of land—see section 102A(2); or
- (b) a watercourse—see section 102A(3); or
- (c) another water bore—see section 102A(4).

1
2
3
4
5
6
7
8
9
10

-
- exempt bore*** means any of the following— 1
- (a) a water bore used for monitoring the 2
physical, chemical or biological 3
characteristics of water in an aquifer; 4
- Examples of physical characteristics of water—* 5
- standing water level, water discharge rate, water 6
pressure 7
- (b) a water bore for testing the water production 8
capacity, water production quality or 9
hydraulic properties of an aquifer; 10
- (c) a water bore for taking water for stock or 11
domestic purposes; 12
- (d) a non-stock or domestic water bore 13
constructed, erected or installed in a 14
subartesian area mentioned in schedule 11, 15
part 2, column 1, but not within the critical 16
distance from a boundary of a parcel of 17
land, a watercourse or another water bore; 18
- (e) a replacement water bore. 19
- non-stock or domestic water bore*** means a water 20
bore for taking water for a purpose other than a 21
stock or domestic purpose. 22
- replacement water bore*** means a water bore 23
that— 24
- (a) is constructed, installed or erected— 25
- (i) to replace a water bore (the ***previous*** 26
bore) used for the taking of, or 27
interfering with, water— 28
- (A) for which a development permit 29
was held or, under section 1048A 30
of the Act, was taken to be held; 31
or 32
- (B) which, under the *Sustainable* 33
Planning Act 2009, section 34
-

[s 143]

	681(1), was taken to be a lawful	1
	use of the premises in which the	2
	previous bore was constructed,	3
	installed or erected; and	4
	(ii) within 10m of the location of the	5
	previous bore; and	6
	(b) taps the same aquifer tapped by the previous	7
	bore.	8
Division 3	Amendment of Water Resource	9
	(Barron) Plan 2002	10
Clause 143	Plan amended	11
	This division amends the <i>Water Resource (Barron) Plan 2002</i> .	12
Clause 144	Amendment of s 51 (Relationship with Sustainable	13
	Planning Act 2009)	14
	(1) Section 51(1)—	15
	<i>omit, insert—</i>	16
	(1) Works for taking subartesian water for stock or	17
	domestic purposes in the Atherton Subartesian	18
	Area or the Cairns Northern Beaches Subartesian	19
	Area are self-assessable development for the	20
	<i>Sustainable Planning Regulation 2009</i> , schedule	21
	3, part 2, table 4, item (1)(b)(ii).	22
	(2) Section 51—	23
	<i>insert—</i>	24
	(2A) However, subsections (1) and (2) do not apply to	25
	any of the following works—	26
	(a) a water bore used for monitoring the	27
	physical, chemical or biological	28
	characteristics of subartesian water in an	29
	aquifer;	30

<i>Examples of physical characteristics of subartesian water—</i>	1
standing water level, water discharge rate, water pressure	2
(b) a water bore for determining the sustainable extraction rate of subartesian water for an aquifer;	3
(c) a water bore for taking subartesian water for stock or domestic purposes;	4
(d) a water bore, for taking subartesian water for a purpose other than a stock or domestic purpose, that is not constructed, erected or installed within—	5
(i) 200m of a boundary of a parcel of land or a watercourse; or	6
(ii) 400m of another water bore;	7
(e) a replacement water bore.	8
(3) Section 51(3)—	9
<i>omit, insert—</i>	10
(3) In this section—	11
<i>previous bore</i> means a water bore used for the taking of, or interfering with, water—	12
(a) for which a development permit was held or, under section 1048A of the Act, was taken to be held; or	13
(b) which, under the <i>Sustainable Planning Act 2009</i> , section 681(1), was taken to be a lawful use of the premises in which the previous bore was constructed, installed or erected.	14
<i>replacement water bore</i> means a water bore that—	15
(a) is constructed, installed or erected—	16

[s 145]

- (i) to replace a previous bore; and 1
- (ii) within 10m of the location of the 2
previous bore; and 3
- (b) taps the same aquifer tapped by the previous 4
bore. 5
- (4) Section 51(2A) and (3)— 6
renumber as section 51(3) and (4). 7

Division 4 **Amendment of Water Resource** 8
(Burnett Basin) Plan 2000 9

Clause 145 **Plan amended** 10
This division amends the *Water Resource (Burnett Basin)* 11
Plan 2000. 12

Clause 146 **Amendment of s 30F (Relationship with Sustainable** 13
Planning Act 2009) 14
Section 30F— 15
insert— 16

- (2) However, subsection (1) does not apply to any of 17
the following works— 18
 - (a) a water bore used for monitoring the 19
physical, chemical or biological 20
characteristics of subartesian water in an 21
aquifer; 22
Examples of physical characteristics of subartesian 23
water— 24
 - standing water level, water discharge rate, water 25
pressure 26
 - (b) a water bore for determining the sustainable 27
extraction rate of subartesian water for an 28
aquifer; 29

-
- (c) a water bore for taking subartesian water for stock or domestic purposes; 1
2
- (d) a water bore, for taking subartesian water for a purpose other than a stock or domestic purpose, that is not constructed, erected or installed within— 3
4
5
6
- (i) 100m of a boundary of a parcel of land; 7
or 8
- (ii) 200m of another water bore; or 9
- (iii) 200m of Elliott River; 10
- (e) a replacement water bore. 11
- (3) In this section— 12
- previous bore*** means a water bore used for the taking of, or interfering with, water— 13
14
- (a) for which a development permit was held or, under section 1048A of the Act, was taken to be held; or 15
16
17
- (b) which, under the *Sustainable Planning Act 2009*, section 681(1), was taken to be a lawful use of the premises in which the previous bore was constructed, installed or erected. 18
19
20
21
22
- replacement water bore*** means a water bore that— 23
24
- (a) is constructed, installed or erected— 25
- (i) to replace a previous bore; and 26
- (ii) within 10m of the location of the previous bore; and 27
28
- (b) taps the same aquifer tapped by the previous bore. 29
30

-
- (b) a water bore for determining the sustainable extraction rate of subartesian water for an aquifer; 1
2
3
- (c) a water bore for taking subartesian water for stock or domestic purposes; 4
5
- (d) a water bore, for taking subartesian water for a purpose other than a stock or domestic purpose, that is not constructed, erected or installed within— 6
7
8
9
- (i) 200m of a boundary of a parcel of land or a watercourse; or 10
11
- (ii) 400m of another water bore; 12
- (e) a replacement water bore. 13
- (4) In this section— 14
- previous bore*** means a water bore used for the taking of, or interfering with, water— 15
16
- (a) for which a development permit was held or, under section 1048A of the Act, was taken to be held; or 17
18
19
- (b) which, under the *Sustainable Planning Act 2009*, section 681(1), was taken to be a lawful use of the premises in which the previous bore was constructed, installed or erected. 20
21
22
23
24
- replacement water bore*** means a water bore that— 25
26
- (a) is constructed, installed or erected— 27
- (i) to replace a previous bore; and 28
- (ii) within 10m of the location of the previous bore; and 29
30
- (b) taps the same aquifer tapped by the previous bore. 31
32

[s 149]

Division 6 **Amendment of Water Resource
(Great Artesian Basin) Plan 2006** 1
2

Clause 149 **Plan amended** 3

 This division amends the *Water Resource (Great Artesian
Basin) Plan 2006*. 4
5

Clause 150 **Amendment of s 35 (Relationship with Sustainable
Planning Act 2009)** 6
7

(1) Section 35(1)(b) and (2)(b) and (c), ‘item 1(b)(iii)’— 8
 omit, insert— 9

 item 1(b)(ii) 10

(2) Section 35— 11
 insert— 12

(3) However, subsections (1) and (2) do not apply to 13
works for a water bore for monitoring the 14
physical, chemical or biological characteristics of 15
subartesian water in an aquifer. 16

*Examples of physical characteristics of subartesian
water—* 17
18

 standing water level, water discharge rate, water
pressure 19
20

Division 7 **Amendment of Water Resource
(Gulf) Plan 2007** 21
22

Clause 151 **Plan amended** 23

 This division amends the *Water Resource (Gulf) Plan 2007*. 24

Clause 152	Amendment of s 83 (Relationship with Sustainable Planning Act 2009)	1 2
	Section 83—	3
	<i>insert—</i>	4
	(3) However, subsections (1) and (2) do not apply to any of the following works—	5 6
	(a) a water bore used for monitoring the physical, chemical or biological characteristics of subartesian water in an aquifer;	7 8 9 10
	<i>Examples of physical characteristics of subartesian water—</i>	11 12
	standing water level, water discharge rate, water pressure	13 14
	(b) a water bore for determining the sustainable extraction rate of subartesian water for an aquifer;	15 16 17
	(c) a water bore for taking subartesian water for stock or domestic purposes;	18 19
	(d) a water bore, for taking subartesian water for a purpose other than a stock or domestic purpose, that is not constructed, erected or installed within—	20 21 22 23
	(i) 200m of a boundary of a parcel of land; or	24 25
	(ii) 400m of another water bore;	26
	(e) a replacement water bore.	27
	(4) In this section—	28
	<i>previous bore</i> means a water bore used for the taking of, or interfering with, water—	29 30
	(a) for which a development permit was held or, under section 1048A of the Act, was taken to be held; or	31 32 33

-
- (a) a water bore used for monitoring the physical, chemical or biological characteristics of subartesian water in an aquifer; 1
2
3
4
- Examples of physical characteristics of subartesian water—* 5
6
- standing water level, water discharge rate, water pressure 7
8
- (b) a water bore for determining the sustainable extraction rate of subartesian water for an aquifer; 9
10
11
- (c) a water bore for taking subartesian water for stock or domestic purposes; 12
13
- (d) a replacement water bore. 14
- (4) In this section— 15
- previous bore*** means a water bore used for the taking of, or interfering with, water— 16
17
- (a) for which a development permit was held or, under section 1048A of the Act, was taken to be held; or 18
19
20
- (b) which, under the *Sustainable Planning Act 2009*, section 681(1), was taken to be a lawful use of the premises in which the previous bore was constructed, installed or erected. 21
22
23
24
25
- replacement water bore*** means a water bore that— 26
27
- (a) is constructed, installed or erected— 28
- (i) to replace a previous bore; and 29
- (ii) within 10m of the location of the previous bore; and 30
31
- (b) taps the same aquifer tapped by the previous bore. 32
33

[s 155]

Division 9	Amendment of Water Resource (Mitchell) Plan 2007	1 2
Clause 155	Plan amended	3
	This division amends the <i>Water Resource (Mitchell) Plan 2007</i> .	4 5
Clause 156	Amendment of s 59 (Relationship with Sustainable Planning Act 2009)	6 7
(1)	Section 59(2)(b), ‘item 1(b)(iii)’— <i>omit, insert—</i>	8 9
	item 1(b)(ii)	10
(2)	Section 59— <i>insert—</i>	11 12
(3)	However, subsections (1) and (2) do not apply to any of the following works—	13 14
(a)	a water bore used for monitoring the physical, chemical or biological characteristics of subartesian water in an aquifer;	15 16 17 18
	<i>Examples of physical characteristics of subartesian water—</i>	19 20
	standing water level, water discharge rate, water pressure	21 22
(b)	a water bore for determining the sustainable extraction rate of subartesian water for an aquifer;	23 24 25
(c)	a water bore for taking subartesian water for stock or domestic purposes;	26 27
(d)	a water bore, for taking subartesian water for a purpose other than a stock or domestic purpose, that is not constructed, erected or installed within—	28 29 30 31

(i)	200m of a boundary of a parcel of land; or	1 2
(ii)	400m of another water bore;	3
(e)	a replacement water bore.	4
(4)	In this section—	5
	<i>previous bore</i> means a water bore used for the taking of, or interfering with, water—	6 7
(a)	for which a development permit was held or, under section 1048A of the Act, was taken to be held; or	8 9 10
(b)	which, under the <i>Sustainable Planning Act 2009</i> , section 681(1), was taken to be a lawful use of the premises in which the previous bore was constructed, installed or erected.	11 12 13 14 15
	<i>replacement water bore</i> means a water bore that—	16 17
(a)	is constructed, installed or erected—	18
(i)	to replace a previous bore; and	19
(ii)	within 10m of the location of the previous bore; and	20 21
(b)	taps the same aquifer tapped by the previous bore.	22 23
Division 10	Amendment of Water Resource (Moreton) Plan 2007	24 25
Clause 157	Plan amended	26
	This division amends the <i>Water Resource (Moreton) Plan 2007</i> .	27 28

[s 158]

Clause 158	Amendment of s 84 (Relationship with Sustainable Planning Act 2009)	1 2
(1)	Section 84(2), ‘item 1(b)(iii)’—	3
	<i>omit, insert—</i>	4
	item 1(b)(ii)	5
(2)	Section 84—	6
	<i>insert—</i>	7
(3)	However, subsections (1) and (2) do not apply to	8
	any of the following works in the Cressbrook	9
	Creek Alluvial groundwater management area or	10
	the Lockyer Valley groundwater management	11
	area—	12
(a)	a water bore used for monitoring the	13
	physical, chemical or biological	14
	characteristics of subartesian water in an	15
	aquifer;	16
	<i>Examples of physical characteristics of subartesian</i>	17
	<i>water—</i>	18
	standing water level, water discharge rate, water	19
	pressure	20
(b)	a water bore for determining the sustainable	21
	extraction rate of subartesian water for an	22
	aquifer;	23
(c)	a water bore for taking subartesian water for	24
	stock or domestic purposes;	25
(d)	a water bore, for taking subartesian water	26
	for a purpose other than a stock or domestic	27
	purpose, if the bore—	28
(i)	is used for taking water under a water	29
	allocation for which there is a	30
	volumetric limit; and	31
(ii)	is not constructed, erected or installed	32
	within—	33

-
- (A) 100m of a boundary of a parcel of land; or 1
2
- (B) 200m of another water bore; or 3
- (C) 50m from a watercourse; 4
- (e) a replacement water bore. 5
- (4) In this section— 6
- previous bore* means a water bore used for the 7
taking of, or interfering with, water— 8
- (a) for which a development permit was held or, 9
under section 1048A of the Act, was taken 10
to be held; or 11
- (b) which, under the *Sustainable Planning Act* 12
2009, section 681(1), was taken to be a 13
lawful use of the premises in which the 14
previous bore was constructed, installed or 15
erected. 16
- replacement water bore* means a water bore 17
that— 18
- (a) is constructed, installed or erected— 19
- (i) to replace a previous bore; and 20
- (ii) within 10m of the location of the 21
previous bore; and 22
- (b) taps the same aquifer tapped by the previous 23
bore. 24

Division 11 **Amendment of Water Resource** 25
(Pioneer Valley) Plan 2002 26

Clause 159 **Plan amended** 27

 This division amends the *Water Resource (Pioneer Valley)* 28
 Plan 2002. 29

[s 160]

Clause 160	Amendment of s 49ZC (Relationship with Integrated Planning Act 1997)	1 2
(1)	Section 49ZC, heading, ' <i>Integrated Planning Act 1997</i> '— <i>omit, insert—</i>	3 4
	Sustainable Planning Act 2009	5
(2)	Section 49ZC(1), (2) and (4), from ' <i>Integrated</i> '— <i>omit, insert—</i>	6 7
	<i>Sustainable Planning Regulation 2009</i> , schedule 3, part 2, table 4, item 1(b)(ii).	8 9
(3)	Section 49ZC— <i>insert—</i>	10 11
(4A)	However, subsections (1) and (2) do not apply to any of the following works—	12 13
(a)	a water bore used for monitoring the physical, chemical or biological characteristics of subartesian water in an aquifer;	14 15 16 17
	<i>Examples of physical characteristics of subartesian water—</i>	18 19
	standing water level, water discharge rate, water pressure	20 21
(b)	a water bore for determining the sustainable extraction rate of subartesian water for an aquifer;	22 23 24
(c)	a water bore for taking subartesian water for stock or domestic purposes;	25 26
(d)	a water bore, for taking subartesian water for a purpose other than a stock or domestic purpose, that is not is not constructed, erected or installed within—	27 28 29 30
(i)	200m of—	31
(A)	a boundary of a parcel of land; or	32

-
- (B) a boundary of subcatchment area 1
10; or 2
- (C) a relevant watercourse; or 3
- (ii) 400m of another water bore; or 4
- (iii) 100m of a watercourse, other than a 5
relevant watercourse; 6
- (e) a replacement water bore. 7
- (4) Section 49ZC(5)— 8
- insert—* 9
- previous bore*** means a water bore used for the 10
taking of, or interfering with, water— 11
- (a) for which a development permit was held or, 12
under section 1048A of the Act, was taken 13
to be held; or 14
- (b) which, under the *Sustainable Planning Act* 15
2009, section 681(1), was taken to be a 16
lawful use of the premises in which the 17
previous bore was constructed, installed or 18
erected. 19
- relevant watercourse*** means any of the 20
following— 21
- (a) Finch Hatton Creek; 22
- (b) Cattle Creek; 23
- (c) Owen Creek; 24
- (d) McGregor Creek; 25
- (e) Sandringham Lagoon. 26
- replacement water bore*** means a water bore 27
that— 28
- (a) is constructed, installed or erected— 29
- (i) to replace a *previous bore*; and 30

[s 161]

- (ii) within 10m of the location of the previous bore; and 1
2
- (b) taps the same aquifer tapped by the previous bore. 3
4
- (5) Section 49ZC(4A) and (5)— 5
renumber as section 49ZC(5) and (6). 6

Division 12 Amendment of Water Resource (Wet Tropics) Plan 2013 7
8

Clause 161 Plan amended 9
This division amends the *Water Resource (Wet Tropics) Plan 2013*. 10
11

Clause 162 Amendment of s 62 (Relationship with Sustainable Planning Act 2009) 12
13

- (1) Section 62(1), ‘item 1(b)(iii)’— 14
omit, insert— 15
 item 1(b)(ii) 16
- (2) Section 62(1)(b)— 17
omit, insert— 18
 - (b) a water bore constructed, installed or erected— 19
20
 - (i) to replace a water bore (the ***replaced bore***) for which a development permit was held or, under section 1048A of the Act, was taken to be held; and 21
22
23
24
 - (ii) at least 10m from the replaced bore. 25

(3) Section 62—	1
<i>insert—</i>	2
(1A) However, subsection (1) does not apply to any of the following works—	3 4
(a) a water bore used for monitoring the physical, chemical or biological characteristics of subartesian water in an aquifer;	5 6 7 8
<i>Examples of physical characteristics of subartesian water—</i>	9 10
standing water level, water discharge rate, water pressure	11 12
(b) a water bore for determining the sustainable extraction rate of subartesian water for an aquifer;	13 14 15
(c) a water bore for taking subartesian water for stock or domestic purposes;	16 17
(d) a water bore, for taking subartesian water for a purpose other than a stock or domestic purpose, that is constructed, installed or erected at least 400m from another water bore;	18 19 20 21 22
(e) a water bore—	23
(i) constructed, installed or erected to replace a previous bore; and	24 25
(ii) constructed, installed or erected within 10m of the previous bore; and	26 27
(iii) that taps the same aquifer tapped by the previous bore.	28 29
(4) Section 62(2), definition <i>replacement water bore—</i>	30
<i>omit.</i>	31
(5) Section 62(2)—	32
<i>insert—</i>	33

[s 163]

	<i>previous bore</i> means a water bore used for the taking of, or interfering with, water—	1 2
	(a) for which a development permit was held or, under section 1048A of the Act, was taken to be held; or	3 4 5
	(b) which, under the <i>Sustainable Planning Act 2009</i> , section 681(1), was taken to be a lawful use of the premises in which the previous bore was constructed, installed or erected.	6 7 8 9 10
(6)	Section 62(1A) and (2)— <i>renumber</i> as section 62(2) and (3).	11 12
Division 13	Amendment of Water Resource (Whitsunday) Plan 2010	13 14
Clause 163	Plan amended This division amends the <i>Water Resource (Whitsunday) Plan 2010</i> .	15 16 17
Clause 164	Amendment of s 78 (Relationship with Sustainable Planning Act 2009)	18 19
	(1) Section 78(1), ‘item 1(b)(iii)’— <i>omit, insert—</i> item 1(b)(ii)	20 21 22
	(2) Section 78— <i>insert—</i>	23 24
	(4) Also, subsections (1) and (2) do not apply to any of the following works—	25 26
	(a) a water bore used for monitoring the physical, chemical or biological	27 28

characteristics of subartesian water in an aquifer;	1 2
<i>Examples of physical characteristics of subartesian water—</i>	3 4
standing water level, water discharge rate, water pressure	5 6
(b) a water bore for determining the sustainable extraction rate of subartesian water for an aquifer;	7 8 9
(c) a water bore for taking subartesian water for stock or domestic purposes;	10 11
(d) a water bore, for taking subartesian water for a purpose other than a stock or domestic purpose, that is not constructed, erected or installed within—	12 13 14 15
(i) 200m of a boundary of a parcel of land; or	16 17
(ii) 400m of another water bore; or	18
(iii) 200m of a watercourse;	19
(e) a replacement water bore.	20
(5) In this section—	21
<i>previous bore</i> means a water bore used for the taking of, or interfering with, water—	22 23
(a) for which a development permit was held or, under section 1048A of the Act, was taken to be held; or	24 25 26
(b) which, under the <i>Sustainable Planning Act 2009</i> , section 681(1), was taken to be a lawful use of the premises in which the previous bore was constructed, installed or erected.	27 28 29 30 31

[s 164]

- replacement water bore* means a water bore 1
that— 2
- (a) is constructed, installed or erected— 3
- (i) to replace a previous bore; and 4
- (ii) within 10m of the location of the 5
previous bore; and 6
- (b) taps the same aquifer tapped by the previous 7
bore. 8

© State of Queensland 2014
Authorised by the Parliamentary Counsel