



Queensland

Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Bill 2017



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2017

A Bill

for

An Act to amend the *Biodiscovery Act 2004*, the *Environmental Offsets Act 2014*, the *Environmental Protection Act 1994*, the *Forestry Act 1959*, the *Fossicking Act 1994*, the *Land Act 1994*, the *Land Title Act 1994*, the *Mineral Resources Act 1989*, the *Nature Conservation Act 1992* and the *Vegetation Management Act 1999* for particular purposes

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Act 2017*. 4
5
6

Part 2 Amendment of Nature Conservation Act 1992 7
8

Clause 2 Act amended 9

This part amends the *Nature Conservation Act 1992*. 10

Clause 3 Amendment of s 5 (How object is to be achieved) 11

Section 5(c), first dot point— 12

insert— 13

(iv) conservation agreements; and 14

(v) management programs; 15

Clause 4 Amendment of s 14 (Classes of protected areas to which Act applies) 16
17

(1) Section 14— 18

insert— 19

(ga) special wildlife reserves; and 20

(2) Section 14(ga) to (i)— 21

renumber as section 14(h) to (j).

1

Clause 5 Amendment of s 15 (Management of protected areas)

2

(1) Section 15(1)(b)—

3

insert—

4

(ia) a special wildlife reserve—the conservation agreement and management program for the area; or

5

6

7

(2) Section 15(1)(b)(ia) to (iv)—

8

renumber as section 15(1)(b)(iii) to (v).

9

Clause 6 Amendment of s 17 (Management principles of national parks)

10

11

Section 17(4), definition *ecotourism*—

12

omit.

13

Clause 7 Insertion of new s 21B

14

Part 4, division 1—

15

insert—

16

21B Management principles of special wildlife reserves

17

18

(1) A special wildlife reserve is to be managed to—

19

(a) permanently protect the area's exceptional natural and cultural resources and values; and

20

21

22

(b) protect the area's exceptional scientific values; and

23

24

(c) present the area's cultural and natural resources and values; and

25

26

(d) ensure the only use of the area is nature-based and ecologically sustainable.

27

28

	(2) Also, a special wildlife reserve is to be managed to do any of the following stated in the conservation agreement for the reserve—	1 2 3
	(a) allow controlled scientific study and monitoring of the area’s natural resources;	4 5
	(b) provide opportunities for educational and recreational activities in a way consistent with the area’s natural and cultural resources and values;	6 7 8 9
	(c) provide opportunities for ecotourism in a way consistent with the area’s natural and cultural resources and values;	10 11 12
	(d) provide for the manipulation of the area’s natural and cultural resources to protect or restore the area’s natural or cultural values;	13 14 15
	(e) provide for the manipulation of threatened wildlife’s habitat and the control of threatening processes relating to threatened wildlife, including threatening processes caused by other wildlife.	16 17 18 19 20
Clause 8	Amendment of s 27 (Prohibition on mining, geothermal activities and GHG storage activities)	21 22
	(1) Section 27(1)—	23
	<i>insert—</i>	24
	(g) a special wildlife reserve.	25
	(2) Section 27(2)(b), ‘or 42AE’—	26
	<i>omit, insert—</i>	27
	, 42AE, 43F or 43G	28
	(3) Section 27—	29
	<i>insert—</i>	30
	(2A) Subsection (1) applies in relation to land in a protected area even if the land is also subject to a	31 32

	tenure on which a mining interest, geothermal	1
	tenure or GHG authority could otherwise be	2
	granted.	3
	<i>Example of land in a protected area—</i>	4
	land in a special wildlife reserve that is subject to a lease	5
	under the <i>Land Act 1994</i>	6
(4)	Section 27(2A) and (3)—	7
	<i>renumber</i> as section 27(3) and (4).	8
Clause 9	Relocation and renumbering of pt 4, div 2, sdiv 4, hdg	9
	(Environmental impact statements)	10
	Part 4, division 2, subdivision 4, heading—	11
	<i>relocate</i> and <i>renumber</i> as part 4, division 4A heading.	12
Clause 10	Amendment of s 39A (Application of sdiv 4)	13
(1)	Section 39A, heading, ‘sdiv 4’—	14
	<i>omit, insert—</i>	15
	division	16
(2)	Section 39A(1)—	17
	<i>omit, insert—</i>	18
	(1) This division applies if a person seeks, under	19
	section 34, 35, 38, 43F or 43G(1), an interest in	20
	relation to land in a protected area.	21
(3)	Section 39A(2), ‘subdivision’—	22
	<i>omit, insert—</i>	23
	division	24
Clause 11	Relocation and renumbering of ss 39A–39C	25
	Sections 39A to 39C—	26

relocate and *renumber* in part 4, division 4A, as inserted by
this Act, as sections 53 to 55. 1
2

Clause 12 Insertion of new pt 4, div 3B 3

Part 4— 4

insert— 5

Division 3B Special wildlife reserves 6

43 Application of division 7

(1) This division applies to the following land— 8

(a) freehold land; 9

(b) Aboriginal land and Torres Strait Islander
land; 10
11

(c) land subject to a lease under the *Land Act*
1994; 12
13

(d) land that is a reserve under the *Land Act*
1994. 14
15

(2) However, this division does not apply to
transferable land under the *Aboriginal Land Act*
1991 or the *Torres Strait Islander Land Act 1991*. 16
17
18

(3) If a relevant provision is inconsistent with a
provision of another Act applying to land to
which this division applies, the relevant provision
prevails to the extent of the inconsistency. 19
20
21
22

(4) In this section— 23

relevant provision means— 24

(a) a provision of this division; and 25

(b) another provision of this Act applying to
land to which this division applies because
the land is in a special wildlife reserve. 26
27
28

43A Proposal for declaration of special wildlife reserve	1 2
(1) This section applies if, after considering the State interest in relation to an area of land, the Minister is satisfied the area should be declared as a special wildlife reserve.	3 4 5 6
(2) The Minister must prepare a proposal for the declaration.	7 8
(3) The proposal must describe the area (the <i>proposed reserve area</i>) to be included in the special wildlife reserve.	9 10 11
(4) The description of the proposed reserve area must include the following details—	12 13
(a) the geographical area of the proposed reserve area;	14 15
(b) the proposed reserve area’s exceptional natural and cultural resources and values.	16 17
(5) The Minister must give written notice about the proposal to—	18 19
(a) each person who has an interest in land in the proposed reserve area; and	20 21
(b) each holder of an exploration permit under the <i>Mineral Resources Act 1989</i> for land in the proposed reserve area; and	22 23 24
(c) each holder of an authority to prospect under the <i>Petroleum Act 1923</i> or the <i>Petroleum and Gas (Production and Safety) Act 2004</i> for land in the proposed reserve area; and	25 26 27 28 29
(d) each holder of a mining interest, geothermal tenure or GHG authority to which land in the proposed reserve area is subject.	30 31 32
(6) The notice must state a day by which the person may make submissions to the Minister about the	33 34

proposal.	1
(7) If the Minister considers it is impracticable to give written notice under subsection (5) to persons of a particular class, the Minister may give the notice by taking reasonable steps to ensure the class is made aware of the proposal.	2 3 4 5 6
<i>Examples of taking reasonable steps—</i>	7
• advertising in newspapers or other publications	8
• publishing a notice on the department’s website	9
(8) In this section—	10
<i>State interest</i> means an interest the Minister considers to be an economic, environmental or community interest of the State.	11 12 13
43B Making conservation agreement for special wildlife reserve	14 15
(1) The Minister must, for the State, enter into a conservation agreement for a proposed special wildlife reserve if—	16 17 18
(a) the Minister and the landholder of land in the proposed reserve area for the special wildlife reserve agree—	19 20 21
(i) the land should be a special wildlife reserve; and	22 23
(ii) on the terms of the agreement for the reserve; and	24 25
(b) there is an approved management program for the reserve.	26 27
(2) However, if the rights or interests of a person mentioned in section 43A(5) will be materially affected by the conservation agreement, the Minister must not enter into the agreement without the person’s written consent.	28 29 30 31 32
(3) In this section—	33

approved management program, for a special
wildlife reserve, means a management program
for the reserve approved by the Minister under
section 120EC.

- 43C Terms of conservation agreement for special
wildlife reserve**
- (1) A conservation agreement must—
- (a) be consistent with the management principles for a special wildlife reserve; and
 - (b) state it is binding on the landholder of the land and the landholder’s successors in title.
- (2) Without limiting subsection (1)(b), a conservation agreement may contain terms—
- (a) requiring the State to provide financial or other assistance; or
 - (b) requiring the State to provide technical advice; or
 - (c) requiring the State to carry out stated activities; or
 - (d) allowing a landholder to carry out stated activities; or
 - (e) prohibiting a stated use of land in the special wildlife reserve; or
 - (f) restricting the use or management of land in the special wildlife reserve; or
 - (g) requiring a landholder to refrain from, or not to permit, stated activities; or
 - (h) requiring a landholder to carry out stated activities; or
 - (i) requiring a landholder to permit or restrict access to the special wildlife reserve by stated persons; or

- | | |
|--|--------------------|
| (j) stating the way in which amounts provided to a landholder under the agreement are to be applied by the landholder; or | 1
2
3 |
| (k) requiring a landholder to repay amounts paid under the agreement if the landholder contravenes the agreement or the agreement ends; or | 4
5
6
7 |
| (l) providing for any other matter relating to the conservation of nature in the special wildlife reserve, including the implementation of the management program for the reserve. | 8
9
10
11 |

43D Declaration of special wildlife reserve 12

A regulation may declare an area of land the subject of a conservation agreement as a special wildlife reserve. 13
14
15

43E Agreeing to amend conservation agreement 16

- | | |
|---|----------------------|
| (1) The Minister and landholders bound by a conservation agreement for a special wildlife reserve may agree to amend the agreement. | 17
18
19 |
| (2) However, the amendment must not adversely affect the conservation of nature in the special wildlife reserve. | 20
21
22 |
| (3) If the amendment materially affects the rights or interests of a person mentioned in section 43A(5), the amendment may be made only with the written consent of the person. | 23
24
25
26 |
| (4) If a regulation under section 43J is required because of the amendment, the amendment does not take effect until the regulation commences. | 27
28
29 |
| (5) Subsection (1) is subject to section 43C(1). | 30 |

43F Leases etc. over land in special wildlife reserve	1 2
(1) A lease, agreement, licence, permit or other authority over, or in relation to, land in a special wildlife reserve (other than an agreement or a licence, permit or other authority issued or given under a regulation) may be granted, made, issued or given only—	3 4 5 6 7 8
(a) by the chief executive under this Act with the consent of the landholder of the land; or	9 10
(b) under another Act by—	11
(i) the Governor in Council; or	12
(ii) someone else with the consent of the Minister or chief executive; or	13 14
(c) if the landholder of the land gives a lease or sublease of the land to another person—by the landholder with the consent of the chief executive.	15 16 17 18
(2) A lease, agreement, licence, permit or other authority mentioned in subsection (1) must be consistent with the management principles and the conservation agreement for the special wildlife reserve.	19 20 21 22 23
(3) As soon as practicable after a lease is granted or given under subsection (1), the person who granted or gave the lease must lodge the lease for registration with—	24 25 26 27
(a) if the lease is over freehold land—the registrar of titles; or	28 29
(b) otherwise—the chief executive (lands).	30
43G Service facilities over land in special wildlife reserve	31 32
(1) The chief executive may grant, make, issue or	33

give a lease, agreement, licence, permit or other authority over, or in relation to, land in a special wildlife reserve if—	1 2 3
(a) the use under the authority is only for a new service facility; and	4 5
(b) the landholder of the land consents to the use; and	6 7
(c) the chief executive is satisfied—	8
(i) the management principles and the conservation agreement for the special wildlife reserve will be observed to the greatest possible extent; and	9 10 11 12
(ii) the use will be in the public interest; and	13 14
(iii) the use is ecologically sustainable; and	15
(iv) there is no reasonably practicable alternative to the use; and	16 17
(d) the use is prescribed by regulation to be a permitted use for the special wildlife reserve.	18 19 20
(2) The chief executive may grant, make, issue or give a lease, agreement, licence, permit or other authority over, or in relation to, land in a special wildlife reserve if—	21 22 23 24
(a) the use under the authority is only for an existing service facility; and	25 26
(b) the chief executive is satisfied the use—	27
(i) is ecologically sustainable; and	28
(ii) does not include carrying out substantial improvements to the existing service facility.	29 30 31

<i>Examples of a substantial improvement to an existing service facility—</i>	1
	2
• an upgrade of a road that provides access to a communications tower	3
	4
• the replacement of a pipeline with a larger pipeline	5
	6
(3) Subsection (1) has effect despite sections 15 and 43F(2).	7
	8
(4) Subsection (2) has effect despite sections 15, 43F(1)(a) and 43F(2).	9
	10
(5) In this section—	11
<i>new service facility</i> means a service facility, other than an existing service facility.	12
	13
43H Previous use authorities in special wildlife reserve	14
	15
(1) This section applies if—	16
(a) land is declared as a special wildlife reserve; and	17
	18
(b) immediately before the declaration, the land was being used (the <i>previous use</i>) by a person other than the landholder of the land in a way that is inconsistent with the management principles and conservation agreement for the special wildlife reserve.	19
	20
	21
	22
	23
	24
(2) The chief executive may grant an authority (a <i>previous use authority</i>) to the person over, or in relation to, the land to allow the previous use to continue for no longer than the allowable term.	25
	26
	27
	28
(3) A previous use authority must not be renewed.	29
(4) This section—	30
(a) applies despite sections 15, 43F(1)(a) and 43F(2); and	31
	32
(b) does not limit section 43G(2).	33

(5) In this section—	1
<i>allowable term</i> , in relation to previous use on a special wildlife reserve, means—	2 3
(a) if the previous use was under an authority—the unexpired term of the authority; or	4 5 6
(b) otherwise—3 years after the declaration of the reserve.	7 8
<i>authority</i> means an agreement, lease, licence, permit or other authority.	9 10
43I Amalgamation of special wildlife reserves	11
A regulation may—	12
(a) amalgamate the areas of 2 or more special wildlife reserves; and	13 14
(b) assign a name to the amalgamated area.	15
43J Revocation of special wildlife reserves	16
(1) A regulation may revoke the declaration of all or part of a special wildlife reserve.	17 18
(2) The regulation may be made only if the Legislative Assembly has, on a motion of which at least 28 days notice has been given, passed a resolution requesting the Governor in Council to make the revocation.	19 20 21 22 23
(3) Subsection (2) does not apply if the regulation—	24
(a) makes a minor change to the boundaries of a special wildlife reserve and the Minister is satisfied the change does not adversely affect the conservation of nature; or	25 26 27 28

<i>Example for paragraph (a)—</i>	1
changing the boundaries of a special wildlife reserve to align with a new survey of an existing road	2 3 4
(b) increases the area of land in a special wildlife reserve and the Minister is satisfied the increase does not adversely affect the conservation of nature; or	5 6 7 8
(c) dedicates the land subject of the revocation as a national park (scientific) or a national park.	9 10 11
(4) If the regulation revokes the declaration of all of a special wildlife reserve, the conservation agreement and management program for the reserve end on the revocation.	12 13 14 15
(5) If the regulation revokes the declaration of part of a special wildlife reserve, on the revocation, the conservation agreement and management program for the reserve stop having effect in relation to the land removed from the reserve.	16 17 18 19 20
43K Conservation agreements for special wildlife reserves binding	21 22
(1) A conservation agreement for a special wildlife reserve is binding on—	23 24
(a) the landholder of the land in the reserve; and	25
(b) the landholder’s successors in title; and	26
(c) any other person with an interest in land in the reserve who consented to the agreement.	27 28
(2) Subsection (1) applies even if—	29
(a) there is a lease or reserve under the <i>Land Act 1994</i> over the land in the special wildlife reserve; and	30 31 32
(b) under the <i>Land Act 1994</i> —	33

	(i) the lease is renewed or extended; or	1
	(ii) the lease is converted to freehold land or a different type of lease; or	2 3
	(iii) the reserve is converted to freehold land or a different type of reserve.	4 5
	43L Consent for transfer or surrender of land or expiry of lease	6 7
	(1) This section applies if—	8
	(a) a special wildlife reserve is declared over freehold land or land in a lease under the <i>Land Act 1994</i> ; and	9 10 11
	(b) a person intends, under the <i>Land Act 1994</i> , to do any of the following—	12 13
	(i) surrender all or part of the freehold land or lease;	14 15
	(ii) allow the lease to expire at the end of its term;	16 17
	(iii) transfer the lease.	18
	(2) The person must obtain the chief executive's written consent—	19 20
	(a) for the surrender or transfer before seeking approval from the Minister administering the <i>Land Act 1994</i> to surrender the freehold land or lease, or transfer the lease; or	21 22 23 24
	(b) for the expiry before giving an expiry advice under the <i>Land Act 1994</i> to the chief executive (lands).	25 26 27
Clause 13	Omission of s 50A (Chief executive to lodge with or notify particular matters to chief executive (lands))	28 29
	Section 50A—	30

omit.

1

Clause 14	Replacement of s 51 (Conservation agreements and covenants binding)	2 3
	Section 51—	4
	<i>omit, insert—</i>	5
	51 Conservation agreements and conservation covenants for nature refuges binding	6 7
	(1) A conservation agreement in relation to the land in a nature refuge is binding on—	8 9
	(a) the landholder of the land; and	10
	(b) the landholder’s successors in title; and	11
	(c) any other person with an interest in land in the nature refuge to the extent the agreement contains terms to that effect.	12 13 14
	(2) A conservation covenant in relation to the land in a nature refuge is binding on persons with an interest in the land to the extent stated in the covenant.	15 16 17 18
	(3) Subsection (1) applies even if—	19
	(a) there is a lease or reserve under the <i>Land Act 1994</i> over the land in the nature refuge; and	20 21
	(b) under the <i>Land Act 1994</i> —	22
	(i) the lease is renewed or extended; or	23
	(ii) the lease is converted to freehold land or a different type of lease; or	24 25
	(iii) the reserve is converted to freehold land or a different type of reserve.	26 27
Clause 15	Omission of s 52 (Liability of State)	28
	Section 52—	29

omit.

1

**Clause 16 Amendment of s 62 (Restriction on taking etc. of cultural
and natural resources of protected areas)**

2

3

(1) Section 62(1)(b), ‘or covenant’—

4

omit, insert—

5

, conservation covenant or management program

6

(2) Section 62(1)(c)(i), ‘sections 34 to 38’—

7

omit, insert—

8

a prescribed provision

9

(3) Section 62(7)—

10

insert—

11

prescribed provision means section 34, 35, 35A,
36, 37, 38, 42AD, 42AE, 42AEA, 42AN, 42AO,
42AOA, 42AP, 43F or 43H.

12

13

14

**Clause 17 Amendment of s 65 (Effect of change in class of
protected area)**

15

16

Section 65(2)(a), ‘and 33’—

17

omit, insert—

18

, 33 and 43J

19

Clause 18 Insertion of new s 68A

20

Part 4, division 6—

21

insert—

22

68A Liability of State

23

(1) The State is not legally liable for an act or
omission on, or in relation to, private land merely
because—

24

25

26

	(a) a conservation agreement has been entered into for the land; or	1 2
	(b) the land has been declared as, or as part of, a special wildlife reserve, nature refuge or coordinated conservation area.	3 4 5
	(2) In this section—	6
	<i>private land</i> means land other than State land.	7
Clause 19	Amendment of s 69 (Preservation of landholders' interests)	8 9
	Section 69(2)—	10
	<i>omit, insert—</i>	11
	(2) Subsection (1) does not apply to the extent—	12
	(a) the landholder is bound by a conservation agreement or conservation covenant in relation to the land; or	13 14 15
	(b) of a regulation giving effect to a management plan for the protected area.	16 17
	(3) Subsection (1) is subject to section 43L.	18
Clause 20	Amendment of s 70AA (Regulations may define extent of area)	19 20
	(1) Section 70AA(1), from 'section 29(1)'—	21
	<i>omit, insert—</i>	22
	a prescribed provision.	23
	(2) Section 70AA—	24
	<i>insert—</i>	25
	(3) In this section—	26
	<i>prescribed provision</i> means section 29(1), 41(5), 42(5), 42AB(2), 42AC(2), 42AI(2), 42AJ(2), 43D or 46(1).	27 28 29

Clause 21	Amendment of pt 7, hdg (Management statements, management plans and conservation plans)	1 2
	Part 7, heading, after ‘management plans’—	3
	<i>insert</i> —	4
	, management programs	5
Clause 22	Omission of pt 7, div 1 (Preliminary)	6
	Part 7, division 1—	7
	<i>omit.</i>	8
Clause 23	Amendment of s 114, hdg (Application of div 4)	9
	Section 114, heading, ‘div 4’—	10
	<i>omit, insert</i> —	11
	division	12
Clause 24	Amendment of s 115A (Notice of draft plan)	13
	Section 115A—	14
	<i>insert</i> —	15
	(6) In this section—	16
	<i>landholder</i> includes a person having an interest in land.	17 18
Clause 25	Insertion of new pt 7, div 6A	19
	Part 7—	20
	<i>insert</i> —	21
	Division 6A Management programs	22

120EA Preparation of management program	1
A landholder who intends to enter into a conservation agreement for a special wildlife reserve must prepare and give the Minister a management program for the reserve.	2 3 4 5
120EB Content of management program	6
(1) A management program must state management outcomes for the protection, presentation and use of the special wildlife reserve and actions to achieve the outcomes.	7 8 9 10
(2) A management program may also—	11
(a) divide the area of the special wildlife reserve into management zones; and	12 13
(b) authorise or restrict the taking, using or keeping of, or interfering with, a cultural or natural resource of the reserve.	14 15 16
120EC Approval of management program	17
The Minister may approve a management program for a special wildlife reserve only if the Minister is satisfied—	18 19 20
(a) the program is consistent with the management principles and proposed conservation agreement for the reserve; and	21 22 23
(b) the program states appropriate management outcomes for the protection, presentation and use of the reserve and appropriate actions to achieve the outcomes; and	24 25 26 27
(c) if the program authorises or restricts the taking, using or keeping of, or interfering with, a cultural or natural resource—that the authorisation or restriction is ecologically sustainable.	28 29 30 31 32

120ED When management program has effect 1

A management program for a special wildlife 2
reserve has effect when the reserve is declared 3
under this Act. 4

120EE Implementation of management program 5

The landholder of land in a special wildlife 6
reserve must give effect to the management 7
program for the reserve. 8

120EF Amendment of management program 9

(1) The landholder of land in a special wildlife 10
reserve may, at any time, prepare an amended 11
management program for the reserve for approval 12
by the chief executive. 13

(2) Section 120EC applies to the amended 14
management program as if— 15

(a) a reference to the Minister were a reference 16
to the chief executive; and 17

(b) a reference to a management program were 18
a reference to the amended management 19
program. 20

(3) An amended management program for a special 21
wildlife reserve has effect when it is approved by 22
the chief executive. 23

Clause 26 Renumbering of pt 7, divs 2–6A 24

Part 7, divisions 2 to 6A— 25

renumber as part 7, divisions 1 to 6. 26

Clause 27	Amendment of pt 7, div 7, hdg (Reviewing management statements and management plans)	1 2
	Part 7, division 7, heading, ‘and management plans’—	3
	<i>omit, insert—</i>	4
	, management plans and management programs	5 6
Clause 28	Insertion of new s 120GA	7
	Part 7, division 7—	8
	<i>insert—</i>	9
	120GA Review of management program	10
	(1) The chief executive and the landholder of land in a special wildlife reserve must jointly review the management program for the reserve—	11 12 13
	(a) no later than 5 years after the program first takes effect (the <i>first review</i>); and	14 15
	(b) subsequently, at intervals of not more than 5 years after the first review.	16 17
	(2) Subsection (1) applies even if the management program has been amended in the period before the review is required.	18 19 20
	(3) On completing a review under subsection (1), the chief executive and landholder may agree—	21 22
	(a) that the landholder will prepare an amended management program under section 120EF; or	23 24 25
	(b) to leave the management program unchanged.	26 27
Clause 29	Replacement of s 134 (Records to be maintained by registrar)	28 29
	Section 134—	30

omit, insert—

134 Records to be kept by registrar

- | | |
|--|----------------------------------|
| | 1 |
| 134 Records to be kept by registrar | 2 |
| (1) Subsections (2) to (4) apply in relation to the following instruments— | 3
4 |
| (a) a conservation agreement, including an amended conservation agreement; | 5
6 |
| (b) a regulation or conservation plan identifying an area as, or including— | 7
8 |
| (i) a critical habitat; or | 9 |
| (ii) an area of major interest; | 10 |
| (c) a regulation declaring a protected area. | 11 |
| (2) The chief executive must, within 14 days after the instrument is made, give the registrar a compliant document for the instrument. | 12
13
14 |
| (3) The registrar must record the information in the compliant document about the instrument, and the land to which it relates, in the appropriate register for the land in a way that a search of the register will show the existence of the instrument in relation to the land. | 15
16
17
18
19
20 |
| (4) The record must also state where the instrument may be inspected. | 21
22 |
| (5) Subsections (6) and (7) apply in relation to the following actions— | 23
24 |
| (a) the ending of a conservation agreement; | 25 |
| (b) the removal of an area as, or including, a critical habitat or an area of major interest from a regulation or conservation plan; | 26
27
28 |
| (c) the revocation of a protected area, in whole or part. | 29
30 |
| (6) The chief executive must, within 14 days after the action happens, give the registrar a compliant document for the action. | 31
32
33 |

	(7) The registrar must record the happening of the action in the appropriate register for the land.	1 2
	(8) In this section—	3
	<i>appropriate register</i> means—	4
	(a) for freehold land—the freehold land register; or	5 6
	(b) for other land—the appropriate register under the <i>Land Act 1994</i> .	7 8
	<i>compliant document</i> , for an instrument or action, means a document stating the information about the instrument or action, and the land to which it applies, required by the registrar for recording the information in the appropriate register for the land.	9 10 11 12 13 14
	<i>registrar</i> means—	15
	(a) for an instrument or action relating to freehold land—the registrar of titles; or	16 17
	(b) for an instrument or action relating to other land—the chief executive (lands).	18 19
Clause 30	Amendment of s 137 (Licences to be consistent with management principles, and management intent or plan)	20 21
	(1) Section 137, heading, from ‘principles,’—	22
	<i>omit, insert—</i>	23
	principles, and management intent, management plan or conservation agreement	24 25
	(2) Section 137(1)(b)—	26
	<i>omit, insert—</i>	27
	(b) any of the following for the area—	28
	(i) the interim or declared management intent;	29 30
	(ii) a management plan;	31

	(iii) a conservation agreement.	1
Clause 31	Amendment of s 141 (Delegation by chief executive)	2
	Section 141(3), definition <i>prescribed provision</i> , from	3
	‘42AO’—	4
	<i>omit, insert—</i>	5
	42AN, 42AO, 42AOA, 42AP, 42A, 43F, 43G,	6
	43H or 136.	7
Clause 32	Amendment of s 154 (Other powers of conservation officers)	8
	(1) Section 154(1)(a)(i), before ‘protected’—	9
	<i>insert—</i>	10
	protected areas,	11
	(2) Section 154(1)(a)—	12
	<i>insert—</i>	13
	(iii) investigating or monitoring compliance with	14
	a conservation agreement for a protected	15
	area;	16
		17
Clause 33	Amendment of s 174 (Application of Statutory Instruments Act)	18
	Section 174(1)—	19
	<i>insert—</i>	20
	• section 43J(1)	21
		22
Clause 34	Insertion of new s 174C	23
	Part 11—	24
	<i>insert—</i>	25

174C No fee for instrument, information or notice

- (1) This section applies if the chief executive is required, under this Act, to do any of the following—
- (a) give an instrument to, or lodge an instrument with, the registrar of titles or the chief executive (lands);
 - (b) give information in relation to an instrument to the registrar of titles or the chief executive (lands);
 - (c) give notice, under section 134, about an action to the registrar of titles or the chief executive (lands).
- (2) No fee is payable by the chief executive under this Act in relation to the instrument, information or notice.

Clause 35 Amendment of s 175 (Regulation-making power)

- Section 175(2)(h), ‘aircraft property’—
- omit, insert—*
- aircraft, property

Clause 36 Amendment of schedule (Dictionary)

- (1) Schedule, definition *conservation agreement*—
- omit.*
- (2) Schedule—
- insert—*
- conservation agreement*** means—
- (a) for a special wildlife reserve—a conservation agreement entered into under section 43B or amended under section 43E; or

Clause 38	Amendment of s 24 (Collection authority concerning land dedicated as new national park or declared as marine park)	1 2 3
	(1) Section 24, heading, from ‘dedicated’—	4
	<i>omit, insert—</i>	5
	in new national park, special wildlife reserve or marine park	6 7
	(2) Section 24(1)—	8
	<i>omit, insert—</i>	9
	(1) This section applies if—	10
	(a) land is dedicated as a national park or national park (scientific), or declared a special wildlife reserve, under the <i>Nature Conservation Act 1992</i> ; and	11 12 13 14
	(b) immediately before the dedication or declaration, a person held a collection authority that is inconsistent with the management principles under the <i>Nature Conservation Act 1992</i> for the park or reserve.	15 16 17 18 19 20
Part 4	Amendment of Environmental Offsets Act 2014	21 22
Clause 39	Act amended	23
	This part amends the <i>Environmental Offsets Act 2014</i> .	24
Clause 40	Amendment of s 7 (What is an <i>offset condition</i> and an <i>environmental offset</i>)	25 26
	Section 7(3), before ‘nature refuge’—	27
	<i>insert—</i>	28
	special wildlife reserve or	29

Clause 41	Amendment of s 18 (Electing how to deliver environmental offset)	1 2	
	(1) Section 18(1)—	3	
	<i>omit, insert—</i>	4	
	(1) This section applies if—	5	
	(a) under another Act, an offset condition has been, or may be, imposed on an authority; and	6 7 8	
	(b) the condition relates to the significant residual impact of a prescribed activity on a prescribed environmental matter.	9 10 11	
	(2) Section 18(2), after ‘administering agency’—	12	
	<i>insert—</i>	13	
	for the offset condition	14	
Clause 42	Insertion of new pt 6, div 7	15	
	Part 6—	16	
	<i>insert—</i>	17	
	Division 7	Miscellaneous	18
	25AA Planning chief executive may nominate person to perform functions	19 20	
	(1) This section applies if, in relation to an application for a development approval under the Planning Act—	21 22 23	
	(a) the planning chief executive is the assessment manager or a referral agency for the application; and	24 25 26	
	(b) the planning chief executive has not nominated a person as an enforcement authority for the assessable development the subject of the application under that Act.	27 28 29 30	

	(2) The planning chief executive may, by written notice given to a person, nominate the person to perform the planning chief executive's functions as an administering agency under this part for the development approval.	1 2 3 4 5
Clause 43	Amendment of s 29 (What is a legally secured offset area)	6
	Section 29(2)(a), after '29(1)'—	7
	<i>insert—</i>	8
	, 43D	9
Clause 44	Amendment of s 86 (Payment of amounts from offset account)	10 11
	Section 86(3)(b), before 'nature refuge'—	12
	<i>insert—</i>	13
	special wildlife reserve or	14
Clause 45	Amendment of sch 2 (Dictionary)	15
	(1) Schedule 2, definition <i>administering agency</i> —	16
	<i>omit.</i>	17
	(2) Schedule 2—	18
	<i>insert—</i>	19
	<i>administering agency</i> —	20
	(a) means—	21
	(i) in relation to an offset condition for a development approval for assessable development under the Planning Act—	22 23 24
	(A) if, under that Act, a referral agency may direct, or has directed, the assessment manager for the application for the	25 26 27 28

- development approval to impose 1
the offset condition—the referral 2
agency; or 3
- (B) if the planning chief executive 4
has, under the Planning Act, 5
schedule 2, definition *enforcement* 6
authority, paragraph (a)(iii), 7
nominated a person as an 8
enforcement authority for the 9
assessable development—the 10
person; or 11
- (C) otherwise—the assessment 12
manager for the application for 13
the development approval; or 14
- (ii) in relation to an authority under any 15
other Act—an entity that, under 16
another Act, performs a function in 17
relation to— 18
- (A) the grant of an authority for a 19
prescribed activity; or 20
- (B) enforcing compliance with the 21
conditions of an authority for a 22
prescribed activity, or otherwise 23
administering the authority; or 24
- (iii) for part 7—an administering agency 25
mentioned in section 26(1)(a) or (b); 26
and 27
- (b) includes, for part 6 in relation to a 28
development approval, a person nominated 29
by the planning chief executive under 30
section 25AA(2) for the development 31
approval. 32
- planning chief executive* means the chief 33
executive of the department in which the Planning 34
Act is administered. 35
- special wildlife reserve* see the *Nature* 36

	<i>Conservation Act 1992</i> , schedule.	1
(3)	Schedule 2, definition <i>impose</i> , paragraph (b), ‘tell’—	2
	<i>omit, insert—</i>	3
	direct	4
Part 5	Amendment of Environmental Protection Act 1994	5 6
Clause 46	Act amended	7
	This part amends the <i>Environmental Protection Act 1994</i> .	8
Clause 47	Amendment of s 19 (Environmentally relevant activity may be prescribed)	9 10
(1)	Section 19—	11
	<i>insert—</i>	12
	(1A) A regulation may prescribe an activity carried out partly within the State and partly outside the State, but within the Great Barrier Reef Marine Park, as an environmentally relevant activity if the Governor in Council is satisfied—	13 14 15 16 17
	(a) about the matters mentioned in subsection (1)(a) and (b); or	18 19
	(b) the activity will or may otherwise adversely affect an environmental value of the marine environment.	20 21 22
(2)	Section 19(2), after ‘subsection (1)’—	23
	<i>insert—</i>	24
	or (1A)	25
(3)	Section 19—	26
	<i>insert—</i>	27

	(3) In this section—	1
	<i>Great Barrier Reef Marine Park</i> means the Great	2
	Barrier Reef Marine Park under the <i>Great Barrier</i>	3
	<i>Reef Marine Park Act 1975</i> (Cwlth).	4
Part 6	Amendment of Forestry Act	5
	1959	6
Clause 48	Act amended	7
	This part amends the <i>Forestry Act 1959</i> .	8
Clause 49	Amendment of sch 3 (Dictionary)	9
	Schedule 3, definition <i>protected area</i> —	10
	<i>insert</i> —	11
	(h) a special wildlife reserve.	12
Part 7	Amendment of Fossicking Act	13
	1994	14
Clause 50	Act amended	15
	This part amends the <i>Fossicking Act 1994</i> .	16
Clause 51	Amendment of s 3 (Definitions)	17
	Section 3, definition <i>protected area</i> , paragraph (a)—	18
	<i>insert</i> —	19
	(vii) a special wildlife reserve; or	20

Part 8	Amendment of Land Act 1994	1
Clause 52	Act amended	2
	This part amends the <i>Land Act 1994</i> .	3
Clause 53	Amendment of s 199 (Duty of care condition)	4
	Section 199—	5
	<i>insert—</i>	6
	(3) However, if the lease land is also a special wildlife reserve or nature refuge under the <i>Nature Conservation Act 1992</i> , the lessee’s duty of care does not include, or no longer includes, the requirements mentioned in subsection (2)(e) and (f).	7 8 9 10 11 12
Clause 54	Amendment of s 199A (Land may be used only for tenure’s purpose)	13 14
	Section 199A(4)—	15
	<i>omit, insert—</i>	16
	(4) Despite subsections (2) and (3), lease land may be used—	17 18
	(a) under an approved agreement for an indigenous cultural interest for the lease land; or	19 20 21
	(b) for lease land that is also a special wildlife reserve or nature refuge under the <i>Nature Conservation Act 1992</i> —in a way permitted under that Act for the special wildlife reserve or nature refuge.	22 23 24 25 26

Clause 55	Amendment of s 279A (Registration of documents lodged or matters notified under particular Acts)	1 2
	Section 279A—	3
	<i>insert—</i>	4
	(3) If a conservation agreement is recorded in the land registry in relation to land, the agreement is taken to be—	5 6 7
	(a) for sections 162(5), 164F(2)(d), 172(5), 176G(2) and 176S(2)—a relevant registered interest; or	8 9 10
	(b) for sections 176(2)(c), 176K(3)(c), 240K(1), 240L(9), 325(1)(b), 327C(2) and 360D(2)—a registered interest.	11 12 13
Clause 56	Amendment of s 290J (Requirements for registration of plan of subdivision)	14 15
	Section 290J(1)(l)—	16
	<i>insert—</i>	17
	(iv) if the land the subject of the plan of subdivision is the subject of a conservation agreement—the chief executive of the department in which the <i>Nature Conservation Act 1992</i> is administered; and	18 19 20 21 22
Clause 57	Amendment of sch 6 (Dictionary)	23
	(1) Schedule 6, definition <i>appropriate register</i> , paragraph (d), ‘specified protected areas’—	24 25
	<i>omit, insert—</i>	26
	protected areas, critical habitat, or areas of major interest, under the <i>Nature Conservation Act 1992</i>	27 28
	(2) Schedule 6, definition <i>nature conservation area—</i>	29
	<i>insert—</i>	30

	(e) a special wildlife reserve.	1
Part 9	Amendment of Land Title Act 1994	2 3
Clause 58	Act amended	4
	This part amends the <i>Land Title Act 1994</i> .	5
Clause 59	Amendment of s 50 (Requirements for registration of plan of subdivision)	6 7
	Section 50(1)—	8
	<i>insert—</i>	9
	(k) if the plan affects land subject of a conservation agreement under the <i>Nature Conservation Act 1992</i> —be consented to, in writing, by the chief executive of the department in which that Act is administered.	10 11 12 13 14 15
Part 10	Amendment of Mineral Resources Act 1989	16 17
Clause 60	Act amended	18
	This part amends the <i>Mineral Resources Act 1989</i> .	19
Clause 61	Amendment of sch 2 (Dictionary)	20
	Schedule 2, definition <i>protected area</i> —	21
	<i>insert—</i>	22
	(f) a special wildlife reserve.	23

Part 11	Amendment of Vegetation Management Act 1999	1 2
Clause 62	Act amended	3
	This part amends the <i>Vegetation Management Act 1999</i> .	4
Clause 63	Amendment of s 7 (Application of Act)	5
	Section 7(1)(b)—	6
	<i>insert—</i>	7
	(viii)a special wildlife reserve; or	8

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