

Queensland



**STATE DEVELOPMENT AND  
OTHER LEGISLATION  
AMENDMENT ACT 2001**

**Act No. 46 of 2001**



# Queensland



## STATE DEVELOPMENT AND OTHER LEGISLATION AMENDMENT ACT 2001

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Queensland



**State Development and Other Legislation  
Amendment Act 2001**

**Act No. 46 of 2001**

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**An Act to amend the *State Development and Public Works Organisation Act 1971*, and for other purposes**

*[Assented to 28 June 2001]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **1 Short title**

This Act may be cited as the *State Development and Other Legislation Amendment Act 2001*.

### **2 Commencement**

(1) The following sections are taken to have commenced on 16 June 1999—

- (a) sections 30 and 40;
- (b) section 41, to the extent it inserts sections 29PA and 29PB.<sup>1</sup>

(2) The remaining provisions commence on a day to be fixed by proclamation.

(3) The *Acts Interpretation Act 1954*, section 15DA(1) and (2),<sup>2</sup> apply to the remaining provisions as if the reference in the section 15DA(2) to ‘1 year’ were a reference to ‘2 years’.

(4) The *Acts Interpretation Act 1954*, sections 15DA(3) and (4) do not apply to the remaining provisions.

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1 Sections 29PA (Concurrence agencies for conditions of development approvals) and 29PB (Changing or cancelling a condition of a development approval)

2 *Acts Interpretation Act 1954*, section 15DA (Automatic commencement of postponed law)



## **PART 2—AMENDMENT OF CENTRAL QUEENSLAND COAL ASSOCIATES AGREEMENT ACT 1968**

### **3 Act amended in pt 2 and sch 1**

(1) This part amends the *Central Queensland Coal Associates Agreement Act 1968*.

(2) Schedule 1 also includes amendments of the *Central Queensland Coal Associates Agreement Act 1968*.

### **4 Replacement of s 4 (Variation of agreement)**

Section 4—

*omit, insert—*

#### **‘4 Variation of agreement**

‘(1) The agreement, as varied by the 1984 agreement, may be further varied by a further agreement corresponding to the proposed further agreement set out in schedule 2.

‘(2) The Premier must notify the date of the making of the further agreement by gazette notice.

‘(3) On the making of the further agreement the provisions of the further agreement have the force of law as if they were enacted.

‘(4) In this section—

“**1984 agreement**” means the agreement made under the authority of the *Central Queensland Coal Associates Agreement and Queensland Coal Trust Act 1984*.’.

## **PART 3—AMENDMENT OF ELECTRICITY ACT 1994**

### **5 Act amended in pt 3**

This part amends the *Electricity Act 1994*.

## **6 Insertion of new ch 5, pt 2, div 3**

Chapter 5, part 2—

*insert—*

### ***‘Division 3—Limitation on restrictions and rationing***

#### **‘129A Limitation for Stanwell Magnesium Plant**

‘(1) This section applies if, apart from this section, an electricity restriction regulation or emergency rationing order applies to the supply of electricity to, or the use of electricity at, the Stanwell Magnesium Plant.

‘(2) The regulation or rationing order applies only to the supply of electricity to, or the use of electricity at, the plant that is more than the demand prescribed under a regulation.

‘(3) The prescribed demand—

- (a) must be at least 50 MW; but
- (b) must not be more than 100 MW.

‘(4) Subsection (2) applies despite any other provision of this part.

‘(5) In this section—

“**Stanwell Magnesium Plant**” means the magnesium production plant that Australian Magnesium Operations Pty Ltd (ABN 38 058 918 175) has built, or proposes to build, adjacent to the electricity generating facility at Stanwell called the ‘Stanwell Power Station.

#### **‘129B Expiry of div 3**

‘This division expires on 31 December 2033.’.

## **PART 4—AMENDMENT OF ENVIRONMENTAL PROTECTION ACT 1994**

### **7 Act amended in pt 4 and sch 2**

(1) This part amends the *Environmental Protection Act 1994*.

(2) Schedule 2 also includes amendments of the *Environmental Protection Act 1994*.

### **8 Amendment of s 37 (When EIS process applies)**

Section 37(1), after ‘project’, first mention—

*insert—*

‘, other than a significant project,’.

### **9 Amendment of s 60 (When process is completed)**

(1) Section 60—

*insert—*

‘(1A) The process is taken to have been completed for a significant project if the Coordinator-General’s report for the project has been given to the project’s proponent.’.

(2) Section 60(2), words before paragraph (a)—

*omit, insert—*

‘(2) The process is taken to have been completed for another project if—’.

(3) Section 60(2)(a), after ‘, however called,’—

*insert—*

‘for the project’.

### **10 Amendment of s 162 (Assessment level decision)**

Section 162(3)(a) and (b)—

*omit, insert—*

(a) it is for a mining project and the authority decides any proposed mining activity that forms part of the project is not a standard mining activity; or

(b) it is for an environmental authority (mining lease) and a relevant mining lease is, or is included in, a significant project.’.

## **11 Amendment of s 164 (Decision about EIS requirement)**

Section 164—

*insert—*

‘(1A) However, an EIS must not be required under subsection (1) for the application if—

- (a) it is for an environmental authority (mining lease); and
- (b) a relevant mining lease is, or is included in, a significant project.<sup>3</sup>.

## **12 Amendment of s 165 (Ministerial decision about assessment level)**

Section 165(1)—

*omit, insert—*

‘(1) This section does not apply for an application if—

- (a) it is for an environmental authority (mining lease); and
- (b) a relevant mining lease is, or is included in, a significant project.

‘(1A) If the application is not an application mentioned in subsection (1), this section applies despite any decision by the administering authority under this division, other than under section 162(3)(b).’.

## **13 Amendment of s 203 (EMOS—content requirements)**

Section 203(1)—

*insert—*

- ‘(ca) if a relevant mining lease is, or is included in, a significant project—state whether an EIS under the State Development Act, part 4, has been prepared for the project; and’.

---

3 For EISs for significant projects, see the State Development Act, section 29D (Application of divs 3–6) and part 4, division 3 (EIS process).

#### **14 Amendment of s 205 (EMOS assessment report may be prepared)**

Section 205, before subsection (1)—

*insert—*

‘(1A) This section does not apply for the application if—

- (a) a relevant mining lease is, or is included in, a significant project; and
- (b) an EMOS is included in the EIS for the project prepared under the State Development Act, part 4; and
- (c) the Coordinator-General’s report for the project states the EMOS complies, or substantially complies, with the content requirements under section 203.’.

#### **15 Amendment of s 206 (Requirements for EMOS assessment report)**

Section 206(b)—

*insert—*

‘(ia) if a relevant mining lease is, or is included in, a significant project—

- (A) the EIS prepared under the State Development Act, part 4, for the project; and
- (B) the Coordinator-General’s report for the project; and’.

#### **16 Amendment of s 209 (Conditions—standard applications)**

(1) Section 209(2)(a) and (b)—

*omit, insert—*

‘(a) either—

- (i) include the relevant standard environmental conditions; or
  - (ii) identify the conditions by reference to their gazettal or to a code of environmental compliance in which they are contained; and
- (b) if a relevant mining lease is, or is included in, a significant project—include any conditions for the draft stated in the

Coordinator-General's report for the project  
(**“Coordinator-General's conditions”**).’.

(2) Section 209(6)—

*insert—*

‘(c) the condition is not inconsistent with a Coordinator-General's condition.’.

### **17 Amendment of s 210 (Conditions—non-standard applications)**

Section 210—

*insert—*

‘(2A) However, if a relevant mining lease is, or is included in, a significant project—

- (a) the administering authority must include in the draft any conditions for the draft stated in the Coordinator-General's report for the project (**“Coordinator-General's conditions”**); and
- (b) any other condition included in the draft must not be inconsistent with a Coordinator-General's condition.’.

### **18 Amendment of s 216 (Right to make objection)**

(1) Section 216—

*insert—*

‘(2A) Also, a Coordinator-General's condition included in the draft under section 209 or 210 can not be objected to by anyone.<sup>4</sup>’.

(2) Section 216—

*insert—*

‘(4) To remove any doubt, it is declared that the reference to the application in subsection (1) does not include a reference to any other application document.’.

---

<sup>4</sup> Section 209(2)(b) (Conditions—standard applications) or 210 (Conditions—non-standard applications)

## **19 Amendment of s 222 (Nature of objections decision)**

Section 222—

*insert—*

‘(1A) However, if a relevant mining lease is, or is included in, a significant project and, under section 209 or 210,<sup>5</sup> Coordinator-General’s conditions were included in the draft, any stated conditions under subsection (1)(b)—

- (a) must include the Coordinator-General’s conditions; and
- (b) must not be inconsistent with a Coordinator-General’s condition.’.

## **20 Replacement of s 224 (Advice from MRA Minister about objections decision)**

Section 224—

*omit, insert—*

### **‘224 Advice from MRA and State Development Ministers about objections decision**

‘(1) After the objections decision for the application has been made, the EPA Minister must seek advice about the decision from—

- (a) the MRA Minister; and
- (b) if a relevant mining lease is, or is included in, a significant project—the Minister for the time being administering the State Development Act (the “**State Development Minister**”).

‘(2) The advice may be sought at the time and in the way the EPA Minister considers appropriate.

‘(3) The MRA Minister or State Development Minister may give the advice sought only within the later of the following periods to end—

- (a) 10 business days after the EPA Minister seeks the advice;
- (b) if the MRA Minister and the EPA Minister have, within the 10 business days, agreed to a longer period—the longer period.

---

<sup>5</sup> Section 209(2)(b) (Conditions—standard applications) or 210 (Conditions—non-standard applications)

‘(4) In giving the advice sought, the MRA Minister or State Development Minister may seek advice from any entity.

‘(5) A contravention of this section does not invalidate a decision under section 225 or an environmental authority granted under section 226 to which the decision relates.’.

## **21 Amendment of s 225 (EPA Minister’s decision on application)**

Section 225(3)(b)—

*omit, insert—*

‘(b) any Coordinator-General’s conditions included in the draft environmental authority under section 209 or 210.<sup>6</sup>’.

## **22 Amendment of s 305 (Conditions that may be made)**

Section 305(1)(f)—

*omit, insert—*

‘(f) stating, under the State Development Act, section 29W,<sup>7</sup> conditions for a draft environmental authority for an environmental authority (mining lease).’.

## **23 Insertion of new s 306A**

Chapter 5, part 13, division 3, after section 306—

*insert—*

### **‘306A Paramountcy of native title issues decision conditions**

‘(1) Subsection (2) applies if there is any inconsistency between—

(a) a native title issues condition; and

---

6 Section 209 (Conditions—standard applications) or 210 (Conditions—non-standard applications)

7 The State Development Act, section 29W (Application of Coordinator-General’s report to environmental authority (mining lease))



- (b) a condition of an environmental authority (mining activities) or a draft environmental authority for an environmental authority (mining activities).

‘(2) The native title issues condition prevails to the extent of the inconsistency.

‘(3) In this section—

“**native title issues condition**” means a condition imposed or made under, or as part of, the native title issues decision under the Mineral Resources Act.’.

## 24 Amendment of sch 3 (Dictionary)

(1) Schedule 3—

*insert—*

‘ “**Coordinator-General’s report**”, for a significant project, means the Coordinator-General’s report under the State Development Act, section 29K,<sup>8</sup> evaluating the EIS for the project.

“**significant project**” means a project declared under the State Development Act, section 29B, to be a significant project.’.

(2) Schedule 3, definition “**development condition**”—

*omit, insert—*

‘ “**development condition**”—

1. “Development condition”, of a development approval, means a condition of the approval imposed by, or imposed because of a requirement of, the administering authority as assessment manager or concurrence agency for the application for the approval.
2. The term includes a reference to a condition referred to in the *State Development and Public Works Organisation Act 1971*, section 29O(5).’.

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<sup>8</sup> The State Development Act, section 29K (Coordinator-General evaluates EIS, submissions, other material and prepares report)

## **PART 5—AMENDMENT OF INTEGRATED PLANNING ACT 1997**

### **25 Act amended in pt 5**

This part amends the *Integrated Planning Act 1997*.

### **26 Amendment of s 2.6.8 (Minister may proceed straight to designation in certain circumstances)**

(1) Section 2.6.8(a), before subparagraph (i)—

*insert—*

‘(ia) the Coordinator-General has, under the *State Development and Public Works Organisation Act 1971*, section 29A,<sup>9</sup> carried out a coordination in relation to the community infrastructure; or’.

(2) Section 2.6.8(a)(ia) to (iii)—

*renumber* as section 2.6.8(a)(i) to (iv).

### **27 Amendment of s 6.1.44 (Conditions may be changed or cancelled by assessment manager or concurrence agency in certain circumstances)**

(1) Section 6.1.44(2)—

*insert—*

‘(c) if paragraph (a) or (b) does not apply—the entity that has jurisdiction for the condition.’.

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<sup>9</sup> *State Development and Public Works Organisation Act 1971*, section 29A (Supervision of environment)

## **PART 6—AMENDMENT OF MINERAL RESOURCES ACT 1989**

### **28 Act amended in pt 6**

This part amends the *Mineral Resources Act 1989*.

### **29 Amendment of s 276 (Conditions of mining lease)**

Section 276(6)—

*omit.*

## **PART 7—AMENDMENT OF STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION ACT 1971**

### **30 Act amended in pt 7 and sch 2**

(1) This part amends the *State Development and Public Works Organisation Act 1971*.

(2) Schedule 2 also includes amendments of the *State Development and Public Works Organisation Act 1971*.

### **31 Amendment of s 5 (Definitions)**

(1) Section 5, ‘In this Act—’—

*omit, insert—*

‘The dictionary in the schedule defines particular words used in this Act.’.

(2) Section 5, definition “**local body**”—

*omit.*

(3) Section 5—

*insert—*

‘**approval**’, for part 4, see section 29.

“**assessment manager**”, for part 4, see section 29.

“**concurrence agency**”, for part 4, see section 29.

“**Coordinator-General’s report**”, for part 4, see section 29.

“**development approval**”, for part 4, see section 29.

“**EIS**”, for part 4, see section 29.

“**environmental authority (mining lease)**”, for part 4, see section 29.

“**Environmental Protection Act**”, for part 4, see section 29.

“**EPA Minister**”, for part 4, see section 29.

“**IDAS**”, for part 4, see section 29.

“**Integrated Planning Act**” means the *Integrated Planning Act 1997*.

“**local body**” means—

- (a) a government owned corporation; or
- (b) a statutory body as defined under the *Statutory Bodies Financial Arrangements Act 1982*; or
- (c) another body established under an Act.

“**Mineral Resources Act**”, for part 4, see section 29.

“**MRA Minister**”, for part 4, see section 29.

“**properly made submission**”, for part 4, see section 29.

“**proponent**”, for part 4, see section 29.

“**significant project**”, for part 4, see section 29.

“**submission period**”, for part 4, see section 29.’.

(4) Section 5, definitions, as amended—

*relocate* to the schedule as inserted by this Act.

## 32 Amendment of s 29 (Definitions for pt 4)

Section 29—

*insert*—

‘ “**approval**” includes authority, lease, licence, permit or other approval.

**“concurrency agency”** means a concurrence agency under the *Integrated Planning Act 1997*.

**“Coordinator-General’s report”**, for an EIS, means the report the Coordinator-General must prepare under section 29K(3).

**“environmental authority (mining lease)”** means an environmental authority (mining lease) under the Environmental Protection Act.

**“Environmental Protection Act”** means the *Environmental Protection Act 1994*.

**“EPA Minister”** means the Minister for the time being administering the Environmental Protection Act.

**“Mineral Resources Act”** means the *Mineral Resources Act 1989*.

**“MRA Minister”** means the Minister for the time being administering the Mineral Resources Act.’.

### **33 Amendment of s 29B (Declaration of significant project)**

Section 29B(4)—

*omit, insert—*

‘(4) If the project involves a proposed environmental authority (mining lease), the Coordinator-General must give a copy of the gazette notice to the EPA and MRA Ministers.’.

### **34 Replacement of s 29H (Preparation of EIS)**

Section 29H—

*omit, insert—*

#### **‘29H Preparation of EIS**

‘(1) The EIS prepared by the proponent—

- (a) must, for the whole project, address the terms of reference to the satisfaction of the Coordinator-General; or
- (b) may, for a particular stage of the project, address the terms of reference to the satisfaction of the Coordinator-General.

‘(2) If the proponent prepares an EIS under subsection (1)(b), the proponent may prepare a further EIS under this division for another or all remaining stages of the project.

‘(3) A further EIS prepared under subsection (2) must be given to the Coordinator-General by the day stated in the Coordinator-General’s report for giving the Coordinator-General the further EIS.’.

### **35 Amendment of s 29I (Public notification of EIS)**

Section 29I(1), ‘prepared the EIS’—

*omit, insert—*

‘prepared an EIS’.

### **36 Amendment of s 29K (Coordinator-General evaluates EIS, submissions, other material and prepares report)**

Section 29K(4)—

*omit, insert—*

‘(4) In evaluating the EIS, the Coordinator-General may—

- (a) evaluate the environmental effects of the project and any other related matters; and
- (b) state conditions under section 29O, 29S or 29W; and
- (c) make recommendations under section 29Q or 29Y.

‘(5) After completing the report, the Coordinator-General must—

- (a) give a copy of it to the proponent; and
- (b) publicly notify the report.’.

### **37 Insertion of new pt 4, div 4, sdiv 1, hdg**

Part 4, division 4—

*insert—*

*‘Subdivision 1—Development approvals’.*

**38 Amendment of s 29L (Application of div 4)**

(1) Section 29L, heading, ‘div 4’—

*omit, insert—*

‘sdiv 1’.

(2) Section 29L, ‘division’—

*omit, insert—*

‘subdivision’.

**39 Amendment of s 29M (Applications for material change of use or requiring impact assessment)**

Section 29M(1)(d)—

*omit, insert—*

‘(d) despite paragraph (b), until the development approval applied for has effect—

(i) the Coordinator-General’s report is taken to be a concurrence agency’s response for the application under IDAS; and

(ii) the Coordinator-General may exercise any power of the entity that, other than for paragraph (b), would have been the concurrence agency for the application.’.

**40 Amendment of s 29O (Application of Coordinator-General’s report to IDAS)**

(1) Section 29O(1)(a) and (b), ‘any development approval’—

*omit, insert—*

‘the development approval’.

(2) Section 29O(1)(c), ‘any approval’—

*omit, insert—*

‘the approval’.

(3) Section 29O(2)(b), ‘a development approval’—

*omit, insert—*

‘the development approval’.

**(4)** Section 29O—

*insert—*

‘**(2A)** To remove any doubt, it is declared that subsection (1)(a) does not limit the assessment manager’s power under the Integrated Planning Act to—

- (a) assess the development application; and
- (b) impose conditions not inconsistent with conditions that must be attached under subsection (1)(a).’.

**(5)** Section 29O—

*insert—*

‘**(5)** If the Coordinator-General’s report provides for a condition that must be attached to any development approval—

- (a) the report may state the entity that is to have jurisdiction for the condition after the development approval has taken effect under the Integrated Planning Act, section 3.5.19; and
- (b) the condition is taken to be a concurrence agency condition under the Integrated Planning Act.’.

#### **41 Insertion of new ss 29PA, 29PB and new pt 4, div 4, sdiv 2**

In part 4, division 4, after section 29P—

*insert—*

##### **‘29PA Concurrence agencies for conditions of development approvals**

‘**(1)** Subsection (2) applies if, in the report, the Coordinator-General nominates an entity as a concurrence agency for a development approval, including a condition of the approval, given in relation to the report.

‘**(2)** The entity is, from the day the approval takes effect, taken to be a concurrence agency for the development application that resulted in the approval, including the condition of the approval.

‘**(3)** This section applies despite section 29M(1)(b).



### **‘29PB Changing or cancelling a condition of a development approval**

‘(1) Subsection (2) applies if, in the report, the Coordinator-General nominates an entity for a condition the Coordinator-General requires to be imposed on or attached to any development approval given in relation to the report.

‘(2) For the *Integrated Planning Act 1997*, section 3.5.33, the entity is, in addition to the assessment manager who gives the approval, the entity for the condition.

### ***‘Subdivision 2—Community infrastructure***

### **‘29Q Application of Coordinator-General’s report to designation**

‘(1) This section applies if the project involves land for which a designation as community infrastructure under the *Integrated Planning Act*, section 2.6.8 may be made.

‘(2) The Coordinator-General’s report may recommend requirements for inclusion in the designation under the *Integrated Planning Act*, section 2.6.4(a).<sup>10</sup>

‘(3) In making the designation, the designator may have regard to the recommendation.’.

## **42 Replacement of pt 4, div 5 (Relationship with Mineral Resources Act 1989)**

Part 4, division 5—

*omit, insert—*

### ***‘Division 5—Relationship with Mineral Resources Act***

### **‘29R Application of div 5**

‘This division applies if the project involves a proposed mining lease under the *Mineral Resources Act*.

---

10 The *Integrated Planning Act*, sections 2.6.4 (What designations may include) and 2.6.8 (Minister may proceed straight to designation in certain circumstances)

### **‘29S Application of Coordinator-General’s report to proposed mining lease**

‘(1) The Coordinator-General’s report may state conditions (“**Coordinator-General’s conditions**”) for the proposed mining lease.

‘(2) If Coordinator-General’s conditions are included in the report—

- (a) the report must state reasons for their inclusion; and
- (b) the Coordinator-General must give the MRA Minister a copy of the report; and
- (c) the conditions of the proposed mining lease are, subject to section 29U, taken to include the Coordinator-General’s conditions.

### **‘29T Coordinator-General’s conditions override other conditions**

‘(1) This section applies if—

- (a) the proposed mining lease is granted; and
- (b) the conditions of the mining lease include a Coordinator-General’s condition; and
- (c) there is any inconsistency between the Coordinator-General’s condition and another condition of the mining lease.

‘(2) Subject to section 29U, the Coordinator-General’s condition prevails to the extent of the inconsistency.

‘(3) In this section—

**“Coordinator-General’s condition”** means—

- (a) a Coordinator-General’s condition that, under section 29S, is taken to have been included in the proposed mining lease; or
- (b) a condition that is substantially the same as a condition mentioned in paragraph (a).

### **‘29U Paramountcy of native title issues decision conditions**

‘(1) If there is any inconsistency between a Coordinator-General’s condition under section 29S or 29T and a native title issues condition, the native title issues condition prevails to the extent of the inconsistency.

‘(2) In this section—

“**native title issues condition**” means a condition imposed or made under, or as part of, the native title issues decision under the Mineral Resources Act.

*‘Division 5A—Relationship with Environmental Protection Act, ch 5*

**‘29V Application of div 5A**

‘This division applies if the project involves a proposed environmental authority (mining lease).

**‘29W Application of Coordinator-General’s report to environmental authority (mining lease)**

‘(1) The Coordinator-General’s report may state conditions for any draft environmental authority under the Environmental Protection Act for the proposed environmental authority (mining lease).

‘(2) If conditions under subsection (1) are included in the report—

- (a) the report must state reasons for their inclusion; and
- (b) the Coordinator-General must give the EPA Minister a copy of the report.’.

**43 Amendment of s 29W (Application of div 6)**

(1) Section 29W, ‘*Mineral Resources Act 1989*’—  
*omit, insert—*

‘Environmental Protection Act, chapter 5,<sup>11</sup>’.

(2) Section 29W—

*renumber* as section 29WA.

---

11 The Environmental Protection Act, chapter 5 (Environmental authorities for mining activities)

**44 Amendment of s 29Y (Application of Coordinator-General's report to other approval process)**

Section 29Y(1)—

*omit, insert—*

‘(1) The Coordinator-General's report may recommend to the person who may give an approval required for the project that—

- (a) the approval be refused; or
- (b) stated conditions be imposed on the approval.’.

**45 Amendment of s 29ZA (Coordinator-General's report must be taken into consideration)**

Section 29ZA, from ‘required’—

*omit, insert—*

‘who may give an approval required for the project.’.

**46 Amendment of s 68 (Delegation of authority of Coordinator-General)**

(1) Section 68(2)(b), after ‘local body’—

*insert—*

‘or the chief executive of a department’.

(2) Section 68(3), after ‘local body’—

*insert—*

‘or chief executive’.

**47 Insertion of new s 77B**

In part 6, division 4, after section 77A—

*insert—*

**‘77B Project board is a statutory body**

‘(1) A project board is a statutory body for the *Statutory Bodies Financial Arrangements Act 1982*.

‘(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which a project board’s powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.’.

**48 Amendment of s 78 (Power of Coordinator-General to take land)**

Section 78(1), ‘an estate in fee simple in’—

*omit.*

**49 Amendment of s 84 (Power of Coordinator-General to negotiate transfer of works undertaken by the Coordinator-General)**

Section 84(1)—

*insert—*

‘(c) with any entity established under an Act;’.

**50 Replacement of ss 95–101A**

Sections 95 to 101A—

*omit, insert—*

**‘95 The Coordinator-General is a statutory body**

‘(1) The Coordinator-General is a statutory body for the *Statutory Bodies Financial Arrangements Act 1982*.

‘(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the Coordinator-General’s powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.’.

**51 Replacement of s 119 (Publication of orders in council)**

Section 119—

*omit, insert—*

**‘119 Publication of document or information by Coordinator-General**

‘(1) This section applies if a provision of this Act requires the Coordinator-General to publicly notify a document or information.

‘(2) The notification must be made by placing a link to a record or register of the document or information on—

- (a) the department’s web site on the internet; or
- (b) another web site the Coordinator-General considers appropriate.

‘(3) However, the document or information may also be publicly notified in any other way decided by the Coordinator-General.’.

## **52 Amendment of s 121 (Regulations)**

(1) Section 121(1)(e), after ‘or under this Act,’—

*insert—*

‘authorised works or’.

(2) Section 121(1)(f), after ‘use by the public of’—

*insert—*

‘authorised works or of’.

(3) Section 121(1)(i), ‘\$50’—

*omit, insert—*

‘20 penalty units’.

(4) Section 121(1)—

*insert—*

‘(fa) requirements for environmental impact statements, reports, studies or the process under part 4, division 3, to allow—

- (i) the process to be accredited under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth); or
- (ii) the making of a bilateral agreement under that Act to which the State is proposed as a party; or
- (iii) the State to meet its obligations under a bilateral agreement under that Act to which the State is a party;’.

## **53 Insertion of new s 122A**

Part 8, after section 122—

*insert—*

**‘122A Numbering and renumbering of Act**

‘In the next reprint of this Act, the provisions of this Act must be numbered and renumbered as permitted by the *Reprints Act 1992*, section 43.’.

**54 Amendment of s 123 (Studies being prepared are taken to be EISs for this part)**

Section 123(1)(a)(ii)—

*omit, insert—*

‘(ii) mining; or

(iii) land that the Minister proposes to designate under the *Integrated Planning Act 1997*, section 2.6.8, as community infrastructure; and’.

## **SCHEDULE 1**

### **AMENDMENT**

section 3(2)

## **CENTRAL QUEENSLAND COAL ASSOCIATES AGREEMENT ACT 1968**

### **1 After the schedule—**

*insert—*

### **‘SCHEDULE 2**

### **‘AGREEMENT**

**AN AGREEMENT** made the            day of            2001.

**BETWEEN** the **Honourable PETER BEATTIE** in his capacity as the Premier of Queensland, for an on behalf of the Government in the State of Queensland of the one part

**AND BHP COAL PTY LTD ACN 010 595 721** (formerly BHP Australia Coal Pty Ltd) (formerly Utah Development Company), a company duly incorporated according to land and having its registered office at Level 13, Riverside Centre, 123 Eagle Street, Brisbane, Queensland (“**BHPC**”)

**MITSUBISHI DEVELOPMENT PTY LTD ACN 009 779 873**, a company duly incorporated according to law and having its registered office at Level 32, AMP Place, 10 Eagle Street, Brisbane, Queensland (“**Mitsubishi**”)

**UMAL CONSOLIDATED PTY LTD ARBN 000 767 386**, (formerly Utah Mining Australia Limited), a company duly incorporated according to law and having its registered office at Level 13, Riverside Centre, 123 Eagle Street, Brisbane, Queensland (“**UCL**”)

**BHP QUEENSLAND COAL LIMITED ARBN 010 506 073**, a company duly incorporated according to law and having its registered office at



SCHEDULE 1 (continued)

Level 13, Riverside Centre, 123 Eagle Street, Brisbane, Queensland (“**BHPQ**”); and

**QCT INVESTMENT PTY LTD ACN 010 487 831**, a company duly incorporated according to law and having its registered office at Level 13, Riverside Centre, 123 Eagle Street, Brisbane, Queensland (“**QCT Investment**”); and

**QCT MINING PTY LTD ACN 010 487 840**, a company duly incorporated according to law and having its registered office at Level 13, Riverside Centre, 123 Eagle Street, Brisbane, Queensland (“**QCT Mining**”)

**QCT MANAGEMENT LIMITED ACN 010 472 036**, a company duly incorporated according to law and having its registered office at Level 13, Riverside Centre, 123 Eagle Street, Brisbane, Queensland (“**QCT Management**”) of the other part.

(hereinafter with their and each of their successors and permitted assigns referred to as “**the Companies**”).

**WHEREAS:-**

- A.** Utah Development Company and Mitsubishi on the 28th day of January, 1969 entered into an agreement with the State of Queensland relating to the development of certain coal deposits in Queensland (which agreement as amended by further agreements made between the Honourable Johannes Bjelke-Petersen in his capacity as the Premier of Queensland, for and on behalf of the State of Queensland of the one part and Utah Development Company and Mitsubishi of the other part and dated 18th June, 1970, 11th June, 1971, 23rd October, 1973 and 27th May, 1976 and by further agreement made between the Honourable Johannes Bjelke-Petersen in his capacity as the Premier of Queensland, for and on behalf of the State of Queensland of the one part and Utah Development Company, Mitsubishi, Australian Mutual Provident Society (“AMP”) and UCL (then known as Utah Mining Australia Limited) of the other part dated 1st February, 1977 and by further agreement made between the Honourable Johannes Bjelke-Petersen in his capacity as the Premier of Queensland, for and on behalf of the State of Queensland of the one part and Utah Development Company, Mitsubishi, AMP and UCL of the other part

## SCHEDULE 1 (continued)

dated 16th February, 1984 and by further agreement made between the Honourable Johannes Bjelke-Petersen in his capacity as the Premier of Queensland, for and on behalf of the State of Queensland of the one part and Utah Development Company, Mitsubishi, AMP, UCL, Pancontinental Mining Limited (“Pancontinental”), Bell Coal Pty Ltd (“Bell”), General Electric Minerals, Inc., UB Minerals, Inc. (“UB Minerals”), Bowen Basin Minerals, Inc., QCT Investment and QCT Mining of the other part dated 2nd April, 1984 and by further agreement made between the Honourable Johannes Bjelke-Petersen in his capacity as the Premier of Queensland, for and on behalf of the State of Queensland of the one part and BHPC (then known as Utah Development Company Limited), Mitsubishi, AMP, UCL, Pancontinental, Bell, BHPQ (then known as Utah Queensland Coal Limited (“UQCL”)), UB Minerals, Bowen Basin Minerals Pty Ltd (“Bowen Basin Minerals”), QCT Investment and QCT Mining of the other part dated 25th March, 1986 and 4th September, 1986 and by further agreement made between Theo Russell Cooper in his capacity as the Premier of Queensland, for and on behalf of the Government of the State of Queensland of the first part and BHPC (then known as BHP-Utah Coal Limited), Mitsubishi, AMP, UCL, Pancontinental, BHPQ (then known as Utah Queensland Coal Limited), Bowen Basin Minerals, QCT Investment and QCT Mining of the second part and Bell and UB Minerals of the third part dated 29th September, 1989, and by a further agreement made between Wayne Keith Goss in his capacity as the Premier of Queensland, for and on behalf of the State of Queensland of the one part and BHPC (then known as BHP Australia Coal Limited), Mitsubishi, AMP, UCL, BHPQ (then known as Utah Queensland Coal Limited), Bowen Basin Minerals, QCT Investment, QCT Mining, Pancontinental and Pancontinental Coal Pty Ltd of the other part dated 30th November, 1992 and by a further agreement made between Wayne Keith Goss in his capacity as the Premier of Queensland, for and on behalf of the State of Queensland of one part and BHPC (then known as BHP Australia Coal Pty Ltd), Mitsubishi, AMP, UCL, BHPQ, Bowen Basin Minerals, QCT Investment, QCT Mining and Pancontinental Coal Pty Ltd of the other part dated 16th May, 1995 and by further agreement made between Robert Borbidge in his capacity as Premier of Queensland, for and on behalf of the State of Queensland of the first part and BHPC (then known as BHP Australia Coal Pty Ltd), Mitsubishi, AMP, UCL,

## SCHEDULE 1 (continued)

BHPQ, QCT Resources Limited, QCT Investment, QCT Mining of the second part and Pancontinental Coal Pty Ltd and Bowen Basin Minerals of the third part dated 30th August, 1996 and by further agreement made between Robert Borbidge in his capacity as the Premier of Queensland, for and on behalf of the State of Queensland of the one part and BHPC, Mitsubishi, AMP, UCL, BHPQ, QCT Investment, QCT Mining and QCT Resources Limited of the other part dated 22nd May, 1997 and by further agreement made between Robert Borbidge in his capacity as the Premier of Queensland, for and on behalf of the State of Queensland of the one part and BHPC, Mitsubishi, AMP, UCL, BHPQ, QCT Investment, QCT Mining and QCT Resources Limited on the other part dated 5th March, 1998 and by further agreement made between Robert Borbidge in his capacity as the Premier of Queensland, for and on behalf of the State of Queensland of the one part and BHPC, Mitsubishi, AMP, UCL, BHPQ, QCT Investment, QCT Mining, QCT Resources Limited and QCT Management on the other part dated 30th April, 1998) is referred to as “the Agreement”;

- B.** The Agreement was authorised by the Central Queensland Coal Associates Agreement Act 1968 (the “Principal Act”).
- C.** By way of universal succession Utah Development Company merged into BHPC, a company incorporated in the State of Louisiana, United States of America and then known as Utah Development Company Limited with the consequence that BHPC as the successor of Utah Development Company has all the assets and liabilities of Utah Development Company including its benefits and obligations under the Agreement, and pursuant to the Louisiana Business Corporation Law and the Companies (Queensland) Code (as it then was), BHPC (then known as Utah Development Company Limited) transferred its place of incorporation to the State of Queensland.
- D.** Bell and UB Minerals transferred their entire interests in the benefits and obligations under the Agreement to various of the Companies and AMP and Bowen Basin Minerals in 1989.
- E.** By way of universal succession General Electric Minerals, Inc. merged into BHPQ (then known as Utah Queensland Coal Limited), a

SCHEDULE 1 (continued)

company incorporated in the State of Nevada, United States of America with the consequence that BHPQ as the successor of General Electric Minerals, Inc. has all the assets and liabilities of General Electric Minerals, Inc. including its benefits and obligations under the Agreement.

- F.** By way of universal succession, Bowen Basin Minerals, Inc. merged into Bowen Basin Minerals, a company incorporated in the State of Queensland, Australia with the consequence that Bowen Basin Minerals as the successor of Bowen Basin Minerals, Inc. had all the assets and liabilities of Bowen Basin Minerals, Inc. including its benefits and obligations under the Agreement. Bowen Basin Minerals and Pancontinental Coal Pty Ltd transferred their entire interests in the benefits and obligations under the Agreement to various of the Companies in 1996.
- G.** AMP transferred its entire interest in the benefits and obligations under the Agreement to various of the Companies in 1998.
- H.** The interests held by the Companies in the operations carried on pursuant to the Agreement are as follows:
- |                |        |
|----------------|--------|
| BHPC           | 42.85% |
| Mitsubishi     | 15.53% |
| UCL            | 0.75%  |
| BHPQ           | 8.5%   |
| QCT Investment | 12.00% |
| QCT Mining     | 15.78% |
| QCT Management | 4.59%  |
- I.** BHPC wishes to transfer a 2.10% interest in the benefits and obligations made under the Agreement (including a 2.10% interest in its rights to or as the holder of any lease, licence, easement, grant or other title granted to it pursuant thereto) to QCT Management.

SCHEDULE 1 (continued)

**J.** As a consequence of the transfer referred to in Recital I the Companies will hold all of the interests in the operations carried on pursuant to the Agreement as follows:

BHPC	40.75%
Mitsubishi	15.53%
UCL	0.75%
BHPQ	8.5%
QCT Investment	12.00%
QCT Mining	15.78%
QCT Management	6.69%

**K.** Section 4(1) of the Principal Act, provides, inter alia, that the Agreement may be varied pursuant to agreement between the parties under the authority of any Act.

**L.** The making of this Agreement is authorised by the Parliament of the State of Queensland expressed in the Act entitled the “*State Development and Other Legislation Amendment Act 2001*”.

**M.** In consideration of the foregoing recitals the parties hereto desire to vary the Agreement in the manner hereinafter set forth.

**NOW IT IS HEREBY AGREED** as follows:-

**1** The Agreement shall be and is hereby varied by deleting Clauses 11 and 12 of Part IX and substituting the following in lieu thereof:-

“**11.** Nothing in this Agreement contained or implied shall constitute a partnership between the State and the Companies or any of them or between the Companies. Any right or liability of the Companies under this Agreement or any lease or licence granted pursuant to the provisions of this Agreement is several and proportional to their respective interests being 40.75% as to BHP Coal Pty Ltd, 15.53% as to Mitsubishi Development Pty Ltd, 0.75% as to Umal Consolidated Pty Ltd, 8.50% as to BHP Queensland Coal Limited, 12.00% as to QCT Investment Pty Ltd, 15.78% as to QCT Mining Pty Ltd and 6.69% as to QCT Management Limited.

SCHEDULE 1 (continued)

- 12.** The State shall grant any lease or licence pursuant to the provisions of this Agreement to the Companies as tenants in common in the proportions specified by the Companies in the application for any such lease or licence. Provided that if any such lease or licence is granted without any application therefor or if any such application does not specify the proportions then the grant shall be made to the Companies in the proportions of 40.75% as to BHP Coal Pty Ltd, 15.53% as to Mitsubishi Development Pty Ltd, 0.75% as to Umal Consolidated Pty Ltd, 8.50% as to BHP Queensland Coal Limited, 12.00% as to QCT Investment Pty Ltd, 15.78% as to QCT Mining Pty Ltd and 6.69% as to QCT Management Limited.”
- 2** These presents are supplemental to the Agreement and subject only to such modifications as may be necessary to make the Agreement consistent with these presents the Agreement shall remain in full force and effect and shall be read and construed and be enforceable as if the terms of these presents were inserted in the Agreement by way of addition thereto.
- 3** Upon the making of this agreement the provisions thereof shall have the force of law.
- 4** (1) This agreement may be executed in two or more counterparts, one by the Premier of Queensland, and one or more than one by each of the Companies, together with such copies of the counterparts as the parties may require. It shall become binding upon all parties hereto and shall take immediate effect when, the Premier of Queensland is notified in the manner provided in paragraph (2) of this Clause that another counterpart or counterparts thereof has or have been exchanged by the Companies, notwithstanding that no exchange of counterparts has then occurred.
- (2) Notification pursuant to paragraph (1) hereof shall be made by letter or by facsimile from BHPC addressed to:

The Honourable the Premier of Queensland,  
Premier's Department  
Executive Building  
100 George Street

SCHEDULE 1 (continued)

Brisbane, Queensland 4000

Facsimile No. (07) 3221 1496

and shall be effective, where given by letter, on delivery to the aforesaid address, or where given by facsimile, upon the date indicated on the facsimile transmission report.

(3) Without prejudice to the full operation of the foregoing, the parties agree that, as soon as practicable after this agreement becomes binding and takes effect, they will arrange for each of the counterparts together with such copies of the counterparts as the parties may require to be executed by all parties hereto.

- 5 Each of the Attorneys executing this agreement hereby respectively acknowledges that he or she has at the time of executing this agreement no notice of the revocation of the power of attorney under the authority of which he or she executes this agreement.

**IN WITNESS WHEREOF** the parties hereto have executed this agreement the day and year first hereinbefore written.

**SIGNED** by **PETER BEATTIE,** )  
**PREMIER OF THE STATE OF** )  
**QUEENSLAND, FOR THE STATE** )  
in the presence of: )  
 )  
..... ) .....

Signature of witness

.....  
Name of witness (block letters)

**SIGNED** by )  
a duly constituted Attorney of **BHP** )  
**COAL PTY LTD** in the presence of: )  
 )

SCHEDULE 1 (continued)

..... )  
..... ) .....  
Signature of witness

.....  
Name of witness (block letters)

**SIGNED** by )  
a duly constituted Attorney of )  
**MITSUBISHI DEVELOPMENT** )  
**PTY LTD** in the presence of: )  
..... )  
Signature of witness

.....  
Name of witness (block letters)

**SIGNED** by )  
a duly constituted Attorney of **UMAL** )  
**CONSOLIDATED PTY LTD** in the )  
presence of: )  
..... )  
Signature of witness

.....  
Name of witness (block letters)



SCHEDULE 1 (continued)

**SIGNED** by )  
a duly constituted Attorney of **BHP** )  
**QUEENSLAND COAL LIMITED** )  
in the presence of: )  
) )  
) )  
..... ) .....

Signature of witness

.....

Name of witness (block letters)

**SIGNED** by )  
a duly constituted Attorney of **QCT** )  
**INVESTMENT PTY LTD** in the )  
presence of: )  
) )  
) )  
..... ) .....

Signature of witness

.....

Name of witness (block letters)

**SIGNED** by )  
a duly constituted Attorney of **QCT** )  
**MINING PTY LTD** )  
in the presence of: )  
) )  
..... ) .....

Signature of witness

SCHEDULE 1 (continued)

.....  
Name of witness (block letters)

**SIGNED** by )  
a duly constituted Attorney of **QCT** )  
**MANAGEMENT LIMITED** in the )  
presence of: )  
 )  
 )  
..... )

Signature of witness

.....  
Name of witness (block letters)

## **SCHEDULE 2**

### **MINOR AMENDMENTS**

sections 7 and 29

#### **ENVIRONMENTAL PROTECTION ACT 1994**

- 1 Section 67(1)(a), ‘of this part’—**  
*omit, insert—*  
‘under the EIS process’.
- 2 Section 67(1)(b), ‘under this part’—**  
*omit.*
- 3 Section 67(2)(a), ‘process under this part’**  
*omit, insert—*  
‘EIS process’.
- 4 Section 69(1), ‘process under part 1’—**  
*omit, insert—*  
‘EIS process’.
- 5 Section 70(2)(b), ‘process under part 1 of this chapter’—**  
*omit, insert—*  
‘EIS process’.

SCHEDULE 2 (continued)

**6 Section 70(2)(c), ‘part 1’—**

*omit, insert—*

‘the EIS process’.

**7 Section 103(3), ‘licence holder’—**

*omit, insert—*

‘approval holder’.

**8 Section 108, ‘activity’, first mention—**

*omit, insert—*

‘environmentally relevant activity to which the licence relates’.

**9 Section 108(b)(ii), ‘licensed activity’—**

*omit, insert—*

‘activity’.

**10 Section 111, ‘activity’, first mention—**

*omit, insert—*

‘environmentally relevant activity to which the licence relates’.

**11 Section 111(d)(ii), ‘licensed activity’—**

*omit, insert—*

‘activity’.

**12 Section 150(g), ‘or include’—**

*omit, insert—*

‘or is included in’.

SCHEDULE 2 (continued)

**13 Section 163(2), ‘standard authority’—**

*omit, insert—*

‘standard environmental authority (mining activities)’.

**14 Section 163(3), ‘non-standard authority’—**

*omit, insert—*

‘non-standard environmental authority (mining activities)’.

**15 Section 203(2)(c), after ‘strategies’, second mention—**

*insert—*

‘for the following’.

**16 Section 217(1)(c), ‘name of and an address for’—**

*omit, insert—*

‘name and address of’.

**17 Section 520(1)(b)(ii), ‘environmental authority’—**

*omit, insert—*

‘authority’.

**18 Schedule 1, heading, ‘sections 519 and 522’—**

*omit, insert—*

‘sections 519(1), 522 and 523’.

**19 Schedule 3, definition “approved”, ‘chapter 7, part 4 or 4A’—**

*omit, insert—*

‘chapter 4’.

SCHEDULE 2 (continued)

**20 Schedule 3, definition “owner”, ‘Commonwealth Native Title Act’—**

*omit, insert—*

*‘Native Title Act 1993 (Cwlth)’.*

**21 Schedule 3, definition “refusal period”, paragraphs (a) and (b), ‘for’—**

*omit.*

**22 Schedule 3, definition “replacement environmental authority”, ‘same or replaces’—**

*omit, insert—*

*‘same as, or replaces,’.*

**STATE DEVELOPMENT AND PUBLIC WORKS  
ORGANISATION ACT 1971**

**1 Section 4—**

*omit.*

**2 Section 10(1), after ‘his or her office’—**

*insert—*

*‘in the following circumstances’.*

**3 Sections 13(1) and 15(2), ‘order in council’—**

*omit, insert—*

*‘regulation’.*

SCHEDULE 2 (continued)

- 4 Sections 16(2)(a) and (b), 28(g)(i) and (ii), 45(1)(a), 51(1)(a) and (b), 54(1)(a), 68(2)(a), 77(4)(a) and (b), 87(2)(a) and (b), 90(4)(b)(i) and (ii), 91(1)(a), 105(1)(a) and 109(1)(a) and (b), ‘;’—**

*omit, insert—*

‘; and’.

- 5 Section 17, from ‘, by order’ to ‘Minister,’—**

*omit.*

- 6 Section 24(2), ‘make an order in council’—**

*omit, insert—*

‘publish a notice in the gazette’.

- 7 Section 24(2A), ‘order in council in the gazette’—**

*omit, insert—*

‘notice’.

- 8 Section 25(2), from ‘by the Governor’—**

*omit, insert—*

‘under a regulation.’.

- 9 Sections 29, 29M, 29N, 29W, 55C(2) and 123(4)(a), ‘*Integrated Planning Act 1997*’—**

*omit, insert—*

‘Integrated Planning Act’.

- 10 Part 4, division 4, heading, ‘1997’—**

*omit.*

SCHEDULE 2 (continued)

- 11 Section 29O(2A) to (5)**—  
*renumber* as section 29O(3) to (6).
- 12 Section 32(2), from ‘The’ to ‘council,’**—  
*omit, insert*—  
‘A regulation may’.
- 13 Section 32(2), ‘or may refuse to so declare’**—  
*omit*.
- 14 Section 32(3), from ‘The’ to ‘whereupon’**—  
*omit, insert*—  
‘If the declaration is revoked,’.
- 15 Section 36(1), ‘in consultation with the appropriate officers of Treasury’**—  
*omit*.
- 16 Section 46(1), ‘order in council’**—  
*omit, insert*—  
‘gazette notice’.
- 17 Section 48(1), from ‘The’ to ‘Minister,’**—  
*omit, insert*—  
‘A regulation may’.



SCHEDULE 2 (continued)

**18 Sections 48(1)(a) and (2)(a), 53(1)(a), 59(a), 87(1), 88(a), 89(1)(a) and (c), 90(3)(a), 106(1)(a), 108(a) and 112(2)(b), ‘;’—**

*omit, insert—*

‘; or’.

**19 Section 48(1)(b), from ‘any order’—**

*omit, insert—*

‘the declaration.’.

**20 Section 48(2)(a), from ‘any order’ to ‘revoked’—**

*omit, insert—*

‘the declaration is revoked.’.

**21 Section 57(1)—**

*omit, insert—*

‘(1) A regulation may direct the local body or local bodies concerned to undertake the works recommended.’.

**22 Section 57(2), from ‘, the Governor’ to ‘subsequent order’—**

*omit, insert—*

‘, the regulation may’.

**23 Section 57(2)(a), ‘directed by the Governor in Council’—**

*omit, insert—*

‘stated in the regulation’.

SCHEDULE 2 (continued)

**24 Section 57(2)(b), ‘local body specified by the Governor in Council’—**

*omit, insert—*

‘stated local body’.

**25 Section 57(2)(b), from ‘such shares’—**

*omit, insert—*

‘the shares stated in the regulation.’.

**26 Sections 58, 59(a), 60 and 61(1), ‘an order’—**

*omit, insert—*

‘a regulation’.

**27 Section 59, heading, ‘Orders’—**

*omit, insert—*

‘**Direction**’.

**28 Section 59, ‘to whom is directed an order’—**

*omit, insert—*

‘mentioned in a regulation’.

**29 Sections 59, 59(b) and 60, ‘the order’—**

*omit, insert—*

‘the regulation’.

SCHEDULE 2 (continued)

**30 Section 61(3), ‘the Governor in Council may, by order in council,’—**

*omit, insert—*

‘a regulation may’.

**31 Section 62, ‘this Act’—**

*omit, insert—*

‘the *Statutory Bodies Financial Arrangements Act 1982*’.

**32 Sections 62 and 63(1), ‘an order in council’—**

*omit, insert—*

‘a regulation’.

**33 Section 66, from ‘the Governor in Council,’ to ‘council,’—**

*omit, insert—*

‘a regulation may’.

**34 Section 67(2), ‘*Land Act 1962* be deemed to be public’—**

*omit, insert—*

‘*Land Act 1994* be taken to be community’.

**35 Section 72, after ‘as a member’—**

*insert—*

‘in the following circumstances’.

**36 Section 72(1)(g)—**

*omit.*

SCHEDULE 2 (continued)

**37 Section 77(1), ‘order in council’—**

*omit, insert—*

‘regulation’.

**38 Section 77(3), ‘order in council.’—**

*omit, insert—*

‘the regulation.’.

**39 Section 77(4), from ‘An’ to ‘board—’—**

*omit, insert—*

‘The regulation—’.

**40 Section 77(4)(a)—**

*omit.*

**41 Section 77(4)(c), ‘thereby or by another order in council’—**

*omit, insert—*

‘by the regulation’.

**42 Section 77(4)(b) and (c)—**

*renumber* as section 77(4)(a) and (b).

**43 Section 77(5), from ‘An’ to ‘shall’—**

*omit, insert—*

‘The regulation must’.

SCHEDULE 2 (continued)

**44 Section 77(5)(a)—**

*omit.*

**45 Section 77(5)(b) and (d), ‘order in council’—**

*omit, insert—*

‘regulation’.

**46 Section 77(5)(b) to (d)—**

*renumber* as section 77(5)(a) to (c).

**47 Section 78(1)(d), ‘schedule 2’—**

*omit, insert—*

‘the schedule’.

**48 Section 78(5), definition “infrastructure facility”, paragraph (g),  
after ‘a’—**

*insert—*

‘dam,’

**49 Section 79(2), from ‘The’ to ‘Minister,’—**

*omit, insert—*

‘A regulation may’.

**50 Section 81, ‘Land Act 1962, in the name of Her Majesty,’—**

*omit, insert—*

‘Land Act 1994’.

## SCHEDULE 2 (continued)

**51 Section 82, ‘order in council’—**

*omit, insert—*

‘gazette notice’.

**52 Section 84(2), ‘an order in council’—**

*omit, insert—*

‘regulation’.

**53 Sections 84(5), 105(1A), ‘Land Act 1962’—**

*omit, insert—*

‘Land Act 1994’.

**54 Section 85—**

*omit.*

**55 Sections 86(2) and 91(1), from ‘The’ to ‘council,’—**

*omit, insert—*

‘A regulation may’.

**56 Section 86(2), ‘the order in council’—**

*omit, insert—*

‘the regulation’.

**57 Section 91(1), from ‘may,’ to ‘council—’—**

*omit, insert—*

‘may—’.

## SCHEDULE 2 (continued)

**58 Section 91(1)(a) and (b) and (1A), ‘order in council’—**

*omit, insert—*

‘regulation’.

**59 Section 91(1B), ‘Governor in Council’—**

*omit, insert—*

‘regulation’.

**60 Section 92(1), from ‘the Governor’ to ‘require’—**

*omit, insert—*

‘a regulation may direct’.

**61 Section 92(1), ‘the order’—**

*omit, insert—*

‘the regulation’.

**62 Section 92(2), ‘Governor in Council may’—**

*omit, insert—*

‘regulation may’.

**63 Section 92(2), from ‘in such’ to ‘just’—**

*omit.*

**64 Section 92(3)(b)—**

*omit, insert—*

‘(b) under the *Statutory Bodies Financial Arrangements Act 1982*, sections 24 to 28, as if a reference in the sections to—

SCHEDULE 2 (continued)

- (i) the recovery amounts were a reference to moneys to be paid and unpaid under this section; and
- (ii) a statutory body were a reference to a local body.’.

**65 Section 105(1), from ‘made the Governor’ to ‘council close’—**

*omit, insert—*

‘made, a regulation may close’.

**66 Section 105(1), ‘in the Governor in Council’s opinion’—**

*omit.*

**67 Section 105(1)(b), ‘Governor in Council in the order in council’—**

*omit, insert—*

‘regulation’.

**68 Section 105(1)(b), ‘Governor in Council directs’—**

*omit, insert—*

‘regulation directs’.

**69 Section 105(1A), ‘an order in council’—**

*omit, insert—*

‘a regulation’.

**70 Section 105(2), after ‘may’—**

*insert—*

‘do 1 or more of the following’.



SCHEDULE 2 (continued)

**71 Section 116—**

*omit.*

**72 Section 121, heading—**

*omit, insert—*

**‘121 Regulation-making power’.**

**73 Section 121(1), after ‘respect to’—**

*insert—*

‘the following’.

**74 Section 121(1)(fa) to (k)—**

*renumber* as section 121(1)(g) to (l).

**75 Schedule—**

*omit, insert—*

**‘SCHEDULE**

**‘DICTIONARY**

section 5’.