



Queensland

# **State Development and Public Works Organisation and Other Legislation Amendment Act 2015**

**Act No. 8 of 2015**





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## **State Development and Public Works Organisation and Other Legislation Amendment Act 2015**

**Act No. 8 of 2015**

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**An Act to amend the Land Court Act 2000, the Mineral and Energy  
Resources (Common Provisions) Act 2014 and the State Development and  
Public Works Organisation Act 1971 for particular purposes**

**[Assented to 22 July 2015]**

## The Parliament of Queensland enacts—

### Part 1 Preliminary

#### 1 Short title

This Act may be cited as the *State Development and Public Works Organisation and Other Legislation Amendment Act 2015*.

#### 2 Commencement

Section 10, to the extent it inserts section 97, commences on a day to be fixed by proclamation.

### Part 2 Amendment of State Development and Public Works Organisation Act 1971

#### 3 Act amended

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

#### 4 Amendment of s 47B (Application of sdiv 1)

(1) Section 47B, heading, ‘sdiv 1’—

*omit, insert—*

##### **div 6**

(2) Section 47B, ‘subdivision’—

*omit, insert—*

division

**5 Omission of s 47D (Restriction on giving of objection notice under the Environmental Protection Act, s 182)**

Section 47D—

*omit.*

## **Part 3 Amendment of Land Court Act 2000**

**6 Act amended**

This part amends the *Land Court Act 2000*.

**7 Amendment of s 21 (Rules of Land Court)**

(1) Section 21(1)(b), after ‘Court’—

*insert—*

, including for a function or power conferred on the court under this Act or another Act

(2) Section 21—

*insert—*

(2A) Also, without limiting subsection (1), the rules may provide for the procedures when the court, a member or a judicial registrar is exercising or performing an administrative function, including—

(a) rules providing for costs in relation to the exercise or performance of an administrative function; and

(b) rules providing for disclosure by persons in relation to the exercise or performance of an administrative function.

(3) Section 21(2A) to (5)—  
*renumber* as section 21(3) to (6).

**8 Omission of pt 2, div 6C, hdg (Additional power of Land Court when exercising particular jurisdiction)**

Part 2, division 6C, heading—  
*omit*.

**9 Amendment of s 35 (Privileges, protection and immunity)**

(1) Section 35(1), after ‘Land Court’—  
*insert*—

, or exercising another judicial power,

(2) Section 35(1A), ‘the Act’—  
*omit, insert*—

this Act

(3) Section 35(2), ‘were’—  
*omit, insert*—

or the exercise of judicial power by the court, member or judicial registrar were a proceeding

(4) Section 35(2)(a) and (b), after ‘in the proceeding’—  
*insert*—

or before the court, member or registrar

(5) Section 35—  
*insert*—

(3) If an administrative function is conferred on the Land Court, a member or judicial registrar, each of the following persons has the same privileges,



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protection and immunity the person would have if the exercise or performance of the administrative function were a proceeding in the Supreme Court—

- (a) the member or judicial registrar;
- (b) a lawyer or agent appearing before the court, member or registrar;
- (c) a witness attending before the court, member or registrar.

## 10 Insertion of new pt 6, div 5

Part 6—

*insert—*

### **Division 5                      Transitional provisions for State Development and Public Works Organisation and Other Legislation Amendment Act 2015**

#### **96 Privileges, protection and immunity for powers and functions before commencement**

Section 35 as amended by the *State Development and Public Works Organisation and Other Legislation Amendment Act 2015* applies to the exercise or performance of a judicial power or administrative function by the Land Court, a member or a judicial registrar before the commencement as if the power or function were exercised or performed after the commencement.

#### **97 Transitional regulation-making power**

- (1) A regulation (a *transitional regulation*) may provide that the provisions of this Act, with

necessary modifications provided in the regulation, apply to the Land Court in the exercise of a function or power conferred on the court under—

- (a) section 32F; or
  - (b) the *Aboriginal Cultural Heritage Act 2003*, part 6, division 5 and part 7, division 6; or
  - (c) the *Environmental Protection Act 1994*, chapter 5, part 5, division 3, subdivision 3; or
  - (d) the following provisions of the *Mineral Resources Act 1989*—
    - (i) sections 72 and 75 to 78;
    - (ii) sections 85 and 85A;
    - (iii) sections 265, 268 and 269;
    - (iv) sections 279, 279A and 281;
    - (v) section 318BC; or
  - (e) the *Petroleum and Gas (Production and Safety) Act 2004*, sections 320 and 363I; or
  - (f) the *Torres Strait Islander Cultural Heritage Act 2003*, part 6, division 5 and part 7, division 6.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day of the commencement.
  - (3) A transitional regulation must declare it is a transitional regulation.
  - (4) This section and any transitional regulation expire 1 year after the day of the commencement.

## 11 Amendment of sch 2 (Dictionary)

### Schedule 2—

