



Queensland

# Land and Other Legislation Amendment Act 2023

**Act No. 2 of 2023**

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**An Act to amend the Cape York Peninsula Heritage Act 2007, the Central Queensland Coal Associates Agreement Act 1968, the Land Act 1994, the Land Regulation 2020, the Land Title Act 1994, the Mineral Resources Act 1989, the Place Names Act 1994, the Stock Route Management Act 2002, the Survey and Mapping Infrastructure Act 2003, the Survey and Mapping Infrastructure Regulation 2014, the Vegetation Management Act 1999 and the legislation mentioned in schedule 1 for particular purposes, and to repeal the Foreign Governments (Titles to Land) Act 1948, the Starcke Pastoral Holdings Acquisition Act 1994, the Survey and Mapping Infrastructure (Survey Standards) Notice 2021, the Survey and Mapping Infrastructure (Survey Standards—Requirements for Mining Tenures) Notice (No. 1) 2011 and the Yeppoon Hospital Site Acquisition Act 2006**

**[Assented to 28 February 2023]**





## Queensland

# Land and Other Legislation Amendment Act 2023

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Land and Other Legislation Amendment Act 2023*.

### **2 Commencement**

The following provisions of this Act commence on a day to be fixed by proclamation—

- (a) sections 63(2) and (3), 64 and 65;
- (b) section 67, to the extent it inserts section 187B(1)(a);
- (c) section 69, to the extent it inserts section 340;
- (d) sections 79, 81, 83 and 86;
- (e) sections 94, 101 to 104, 106 and 107;
- (f) schedule 1, amendment of *Stock Route Management Act 2002*, amendment 4.

## **Part 2 Amendment of Cape York Peninsula Heritage Act 2007**

### **3 Act amended**

This part amends the *Cape York Peninsula Heritage Act 2007*.

### **4 Amendment of schedule (Dictionary)**

Schedule, definition *landholder for the land*, paragraph (a), from 'land trust' to 'for'—

[s 5]

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*omit, insert—*

trustee, under the *Aboriginal Land Act 1991*, of

## **Part 3**

# **Amendment of Central Queensland Coal Associates Agreement Act 1968**

### **5 Act amended**

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

### **6 Insertion of new s 9B**

After section 9A—

*insert—*

#### **9B Making of 2022 agreement authorised**

- (1) The Premier is authorised, for the State, to make an agreement (the **2022 agreement**) with the other parties named in the 2022 agreement.
- (2) The 2022 agreement must be substantially in the form set out in schedule 7.
- (3) The Premier must notify, by gazette notice, the date the 2022 agreement is made.

### **7 Insertion of new sch 7**

After schedule 6—

*insert—*

## **Schedule 7 Proposed 2022 agreement**

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section 9B

AGREEMENT MADE THE DAY OF 2022

Between

STATE OF QUEENSLAND

and

**BHP COAL PTY LTD ACN 010 595 721** (formerly Utah Development Company Limited), a company duly incorporated according to law and having its registered office at Level 14, 480 Queen Street, Brisbane, Qld, 4000

and

**BHP QUEENSLAND COAL INVESTMENTS PTY LTD ACN 098 876 825**, a company duly incorporated according to law and having its registered office at Level 14, 480 Queen Street, Brisbane, Qld, 4000

and

**MITSUBISHI DEVELOPMENT PTY LTD ACN 009 779 873**, a company duly incorporated according to law and having its registered office at Level 16, 480 Queen Street, Brisbane, Qld, 4000

and

**QCT INVESTMENT PTY LTD ACN 010 487 831**, a company duly incorporated according to law and having its registered office at Level 16, 480 Queen Street, Brisbane, Qld, 4000

and

**QCT MINING PTY LTD ACN 010 487 840**, a company duly incorporated according to law and having its registered office at Level 16, 480 Queen Street, Brisbane, Qld, 4000

and

**QCT RESOURCES PTY LTD ACN 010 808 705**, a company duly incorporated according to law and having its registered office at Level 16, 480 Queen Street, Brisbane, Qld, 4000

and

**UMAL CONSOLIDATED PTY LTD ACN 000 767 386** (formerly Utah Mining Australia Limited), a company duly incorporated according to law and having its registered office at Level 14, 480 Queen Street, Brisbane, Qld, 4000

**RECITAL**

- A. The parties to the Agreement have agreed to amend its terms to allow Special Coal Mining Leases to be removed from the operation of the Act and the Agreement in particular circumstances.

**IT IS AGREED—**

1. **Definitions**

In this agreement—

“**Act**” means the *Central Queensland Coal Associates Agreement Act 1968*; and

“**Agreement**” means the Central Queensland Coal Associates Agreement as defined in the Act, section 1A.

2. **Agreement amended**

The parties agree to amend the Agreement as set out in clauses 3 to 6 of this agreement.

3. **When this agreement takes effect**

This agreement takes effect on the day the Premier signs it.

4. **Amendment of Agreement, Pt 1, Cl 2**

4.1 This clause amends Part I, Clause 2 of the Agreement.

4.2 Definition “**The Coal Mining Acts**”—

immediately after the words ‘relating to coal mining’, *insert—*

, but does not include the MERCPC Act

4.3 Definition “**Minister**”—

*omit, insert—*

“**Minister**” means—

- (a) for Parts III and IIIA—the Minister administering Parts III and IIIA; and
- (b) otherwise—the Premier;

4.4 Definition “**Water Acts**”—

*omit, insert—*

“**Water Act**” means the *Water Act 2000*;

4.5 *Insert as appropriate in alphabetical order of the clause—*

“**changed holder event**” has the meaning given in the Financial Provisioning Act;

“**Corresponding Application**”, for Part 1, Clause 7B, and Part IIIA means—

- (a) an application under the MERCP Act for approval of a prescribed dealing that is an assessable transfer for a mining lease; or
- (b) a notice of a notifiable dealing under the MERCP Act to enable registration;

“**Financial Provisioning Act**” means the *Mineral and Energy Resources (Financial Provisioning) Act 2018*;

“**MERC P Act**” means the *Mineral and Energy Resources (Common Provisions) Act 2014*;

“**proposed changed holder event**” means an event that would be a changed holder event under the Financial Provisioning Act, section 31A, if it were to occur;

“**Removed Lease**” means a mining lease that is removed from the operation of the Act and this Agreement under Part IIIA;

“**Scheme Fund**” means the Financial Provisioning Fund under the Financial Provisioning Act;

“**Scheme Manager**” means the scheme manager under the Financial Provisioning Act;

5. **Amendment of Agreement, Pt 1, Cl 6 and Cl 7**

Part 1, Clauses 6 and 7 of the Agreement—

*omit, insert—*

**7A. Transfer of benefits and obligations of this Agreement**

- (1) The Companies and each of them may transfer the benefits and obligations of this Agreement in whole or in part (including their rights to or as the holder of any lease, licence, easement, grant or other title) to Utah Construction & Mining Co. or a subsidiary company of Utah Construction & Mining Co. or a company jointly owned by the Companies as a matter of right. Mitsubishi Development Pty Ltd may likewise transfer such benefits to Mitsubishi Shoji Kaisha or a subsidiary company of Mitsubishi Shoji Kaisha as a matter of right.
- (2) Subject to Part IIIA, any other transfer of benefits and obligations made hereunder to any other company or companies may be done only with approval of the Governor in

Council and on such terms and conditions as the Governor in Council may by Order in Council specify and in any such case the transferee may be made a party to this Agreement and this Agreement may be varied in accordance with Clause 5 of this Part.

- (3) An approval mentioned in subclause (2) of this Clause shall not be given unless it is established to the satisfaction of the Minister that such transferee is capable of carrying out the obligations so transferred and has sufficient funds available for the purpose.
- (4) Further, no transfer to another company in accordance with subclause (2) of this Clause shall be valid unless or until such company has been duly registered or is a recognised registered company under the laws relating to companies in the State.

**7B. Application of Financial Provisioning Act to proposed transfer requiring approval under Clause 7A**

- (1) This Clause applies if the Governor in Council decides under Clause 7A to approve a proposed transfer that involves the proposed transfer in whole or in part of a right or interest of one or more of the Companies as holder of a Special Coal Mining Lease.
- (2) If the proposed transfer would have required a Corresponding Application if the Special Coal Mining Lease had instead been a mining lease granted under The Coal Mining Acts—
  - (a) the proposed transfer is taken to be a changed holder event for each environmental authority for the Special Coal Mining Lease that would be affected if the proposed transfer occurred (“**each relevant environmental authority**”); and
  - (b) the proposed transferor and proposed transferee must make a written request to the Scheme Manager to make a changed holder review allocation for each relevant environmental authority under the Financial Provisioning Act, section 32, as if the proposed transfer had been completed, and the following provisions of the Financial Provisioning Act apply (with all necessary modifications)—
    - (i) section 34;
    - (ii) part 3, division 1, subdivision 4;
    - (iii) part 3, division 2; and
    - (iv) parts 3B, 4 and 5.
- (3) The Scheme Manager—



5

- (a) must review the risk category to which each relevant environmental authority for the Special Coal Mining Lease is allocated under the Financial Provisioning Act, section 32, as soon as reasonably practicable after receiving the written request; and
- (b) as soon as reasonably practicable after deciding to confirm or change the risk category allocation for each relevant environmental authority—
  - (i) must give the proposed transferee written notice of the decision; and
  - (ii) if the proposed transferee consents—may give the Companies written notice of the decision.
- (4) The Scheme Manager’s decision takes effect on the day the proposed transferee receives the notice mentioned in subclause (3)(b)(i) of this Clause.
- (5) Any contribution to the Scheme Fund required to be paid, or surety required to be given, for each relevant environmental authority as a result of the Scheme Manager’s decision must be paid within one (1) month after the day the decision takes effect, and the proposed transfer cannot be completed for the purposes of the Act and this Agreement until the contribution is paid or the surety is given.

6. **Insertion of new Pt IIIA**

After Part III of the Agreement—

*insert—*

**PART IIIA. REMOVAL OF SPECIAL COAL MINING LEASE FROM OPERATION OF ACT AND THIS AGREEMENT**

**1. Application of this Part**

- (1) This Part IIIA applies if the Companies wish to remove a Special Coal Mining Lease (“**relevant Special Coal Mining Lease**”) from this operation of the Act and this Agreement.

**2. Exit Application**

- (1) If the Companies wish to remove the relevant Special Coal Mining Lease from the operation of the Act and this Agreement, but do not wish to change the proportions in which the Companies hold interests in the Special Coal Mining Lease, the Companies may give the Minister written notice requesting the removal of the relevant Special Coal Mining Lease (“**Exit Application**”).

- (2) In deciding the Exit Application, the Minister must act reasonably having regard to—
  - (a) the legitimate commercial and operational objectives of the Companies;
  - (b) the interests of the State as a party to this Agreement; and
  - (c) the public interest in relation to the regulation of coal mining in Queensland.
- (3) However, the Minister must not approve the Exit Application unless the Minister is satisfied that the Companies hold all necessary tenures, grants, permits, licences and other statutory authorities that the holder of a coal mining lease granted under The Coal Mining Acts is required under Queensland law to hold to carry out mining activities on the area of the relevant Special Coal Mining Lease as at the date of removal from the operation of the Act and this Agreement.
- (4) If the Minister is not satisfied of the matters stated in subclause (3) of this Clause, the Minister must give the Companies a written notice—
  - (a) stating the requirements (“**completion requirements**”) the Companies must complete in order for the Minister to be satisfied of those matters; and
  - (b) asking the Companies to give the Minister a written notice stating the period of time (“**nominated period**”) within which the Companies reasonably consider they can satisfy the completion requirements.
- (5) If the Companies receive written notice from the Minister under subclause (4) of this Clause and the Companies do not satisfy the completion requirements within the nominated period (or a longer period agreed between the Minister and the Companies), the Minister must refuse the Exit Application.
- (6) Subject to subclause (5) of this Clause, the Minister must decide the Exit Application—
  - (a) if the Minister gives the Companies written notice under subclause (4) of this Clause and the Companies satisfy the completion requirements within the nominated period (or a longer period agreed between the Minister and the Companies)—within three (3) months after the end of the nominated period or longer period agreed; or
  - (b) otherwise—within four (4) months after the Minister receives the Exit Application.
- (7) Within one (1) week after deciding the Exit Application, the Minister must give the Companies a written notice stating the Minister’s decision.

**3. Transfer and Exit Application**

- (1) This Clause applies if—
- (a) the Companies wish to remove the relevant Special Coal Mining Lease from the operation of the Act and this Agreement; and
  - (b) one or more of the Companies that is the holder, or are the holders, of the relevant Special Coal Mining Lease (“**relevant holder**”) wishes to transfer all or part of the relevant holder’s rights and interests in the relevant Special Coal Mining Lease to—
    - (i) one or more of the Companies;
    - (ii) a company or companies registered under the *Corporations Act 2001* (Cth) that is not one of the Companies (each, “**Another Company**”); or
    - (iii) combination of one or more of the Companies and Another Company, (each, a “**proposed transferee**”).
- (2) The Companies may give the Minister a written notice (“**Transfer and Exit Application**”) that—
- (a) is in substantially the same form, and accompanied by substantially the same information, (with all necessary modifications) as a Corresponding Application; and
  - (b) states—
    - (i) the identity of each proposed transferee; and
    - (ii) the extent of the rights and interests in the relevant Special Coal Mining Lease proposed to be transferred to each proposed transferee.
- (3) In deciding the proposed removal of a Special Coal Mining Lease from the operation of the Act and this Agreement under the Transfer and Exit Application, the Minister must act reasonably having regard to—
- (a) the legitimate commercial and operational objectives of the Companies;
  - (b) the interests of the State as a party to this Agreement; and
  - (c) the public interest in relation to the regulation of coal mining in Queensland.

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- (4) In addition, for deciding the proposed transfer under the Transfer and Exit Application, the provisions of the MERCPC Act relating to the transfer of a mining lease, or an interest in a mining lease, other than section 23, are taken to apply (with all necessary modifications) as though—
- (a) the relevant Special Coal Mining Lease were instead a mining lease granted and administered under The Coal Mining Acts; and
  - (b) the Transfer and Exit Application related to a transfer of a mining lease, or an interest in a mining lease, under the MERCPC Act.
- (5) If the proposed transfer would have required a Corresponding Application if the Special Coal Mining Lease had instead been a mining lease granted under The Coal Mining Acts—
- (a) the making of a Transfer and Exit Application is taken to be a changed holder event for each environmental authority for the relevant Special Coal Mining Lease that would be affected if the proposed transfer occurred (“**each relevant environmental authority**”); and
  - (b) the Scheme Manager must—
    - (i) review the risk category to which each relevant environmental authority is allocated (“**Changed Holder Review**”); and
    - (ii) decide to confirm or change the risk category to which each relevant environmental authority is allocated (“**Changed Holder Decision**”).
- (6) The following provisions of the Financial Provisioning Act apply (with all necessary modifications) to the Changed Holder Review and the Changed Holder Decision—
- (a) sections 32 and 34;
  - (b) part 3, division 1, subdivision 4;
  - (c) part 3, division 2; and
  - (d) parts 3B, 4 and 5.
- (7) As soon as reasonably practicable after making the Changed Holder Decision for each relevant environmental authority, the Scheme Manager—
- (a) must give the proposed transferee written notice of the Changed Holder Decision; and

- (b) if the proposed transferee consents—may give the proposed transferor written notice of the Changed Holder Decision.
- (8) The Changed Holder Decision takes effect on the day the proposed transferee receives the notice mentioned in subclause (7)(a) of this Clause.
- (9) The Transfer and Exit Application cannot be approved until any contribution to the Scheme Fund required to be paid, or surety required to be given, for each relevant environmental authority as a result of the Changed Holder Decision, has been paid or given.

**4. Indicative Approval of Transfer and Exit Application**

- (1) This Clause applies if the Companies propose to make a Transfer and Exit Application for the relevant Special Coal Mining Lease under Clause 3 of this Part IIIA (“**Proposed Transfer and Exit Application**”).
- (2) Before making the Proposed Transfer and Exit Application, the Companies may apply to the Minister for an indication of (an “**Indicative Approval**”)—
  - (a) whether the Minister is likely to approve the Proposed Transfer and Exit Application; and
  - (b) what, if any, conditions are likely to be imposed by the Minister.
- (3) If an application for Indicative Approval is made under subclause (2) of this Clause, the Minister must decide to either refuse to give the Indicative Approval or give the Indicative Approval with or without conditions.
- (4) If the proposed transfer under the Proposed Transfer and Exit Application would have required a Corresponding Application if the relevant Special Coal Mining Lease had instead been a mining lease granted under The Coal Mining Acts—
  - (a) the application for Indicative Approval is taken to be a proposed changed holder event for the Financial Provisioning Act, section 33, in relation to each environmental authority for the relevant Special Coal Mining Lease that would be affected if the proposed transfer occurred (“**each relevant environmental authority**”);
  - (b) the Companies must make an application under the Financial Provisioning Act, section 33, for a changed holder review allocation for each relevant environmental authority (“**Proposed Changed Holder Review Allocation**”);

- (c) for deciding the application for the Proposed Changed Holder Review Allocation, the Financial Provisioning Act, section 34, applies (with all necessary modifications); and
  - (d) the Financial Provisioning Act, sections 76F and 76G, apply to the Scheme Manager's decision for the Proposed Changed Holder Review Allocation as though it were a changed holder review allocation under the Financial Provisioning Act, section 32(2)(b).
- (5) If—
- (a) an Indicative Approval given under subclause (3) of this Clause indicates the Minister will approve the Proposed Transfer and Exit Application; and
  - (b) within 6 months from the day the Indicative Approval was given, the Companies make a Transfer and Exit Application,
- then, subject to subclause (6) of this Clause—
- (c) the Minister must approve the Transfer and Exit Application in accordance with the Indicative Approval unless—
    - (i) the proposed transferee is not eligible to be a resource authority holder under the MERCPC Act or The Coal Mining Acts;
    - (ii) the application for the Indicative Approval contained incorrect material information or omitted material information and, had the Minister been aware of the discrepancy, the Minister would not have given the Indicative Approval; or
    - (iii) preconditions for the Indicative Approval have not been complied with; and
  - (d) the Scheme Manager must decide to allocate each relevant environmental authority for the relevant Special Coal Mining Lease to the risk category indicated in the notice of decision for the Proposed Changed Holder Review Allocation if—
    - (i) the Companies did not make any submissions under the Financial Provisioning Act, section 34, in response to the notice of indicative decision; or
    - (ii) the Companies have given a notice to the Scheme Manager under the Financial Provisioning Act, section 34(1)(e)(ii).

- (6) If neither of the matters mentioned in subclause (5)(d)(i) or (ii) of this Clause has occurred when the Companies make the Transfer and Exit Application, the process described in Clauses 3(5) to (9) of this Part IIIA applies.

**5. Relationship between Part IIIA and the Water Act, chapter 8, part 3C, division 3**

- (1) If an Exit Application, or a Transfer and Exit Application, is made, the Companies may not, while the Exit Application, or the Transfer and Exit Application, is being decided, make a request or enter into an agreement under the Water Act, chapter 8, part 3C, division 3, to replace water rights in relation to the relevant Special Coal Mining Lease.
- (2) To avoid doubt, subclause (1) of this Clause does not affect any right of one or more of the Companies under the Water Act, chapter 8, part 3C, division 3, to make a request or enter into an agreement to replace the water rights under Part VII of this Agreement at any time other than while an Exit Application, or a Transfer and Exit Application, is being decided.

**6. Consequences of approval of Exit Application or Transfer and Exit Application**

- (1) If the Minister approves an Exit Application or a Transfer and Exit Application under this Part IIIA—
- (a) the relevant Special Coal Mining Lease immediately ceases to be a Special Coal Mining Lease and becomes a Removed Lease;
  - (b) the provisions of the Act and this Agreement (including the water rights described in Part VII of this Agreement) immediately cease to apply to the Removed Lease; and
  - (c) the Removed Lease—
    - (i) is taken for all purposes to be a mining lease granted under The Coal Mining Acts; and
    - (ii) will from that time forward be administered under The Coal Mining Acts.
- (2) To avoid doubt—
- (a) a Removed Lease has the same grant and commencement dates that it had before it ceased to be a Special Coal Mining Lease; and
  - (b) the removal of a Special Coal Mining Lease from the operation of the Act and this Agreement does not affect the rights and interests of the Companies under

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12

the Act and this Agreement in relation to the remaining Special Coal Mining Leases.



13

**SIGNED** for the **STATE OF QUEENSLAND** by )  
**THE PREMIER** )  
in the presence of: )  
..... )  
(signature of witness) ) .....  
..... )  
(name of witness) )

**EXECUTED** by **BHP COAL PTY LTD**  
**ACN 010 595 721** in accordance with  
section 127(1) of the *Corporations Act*  
*2001* (Cth):

_____ Signature of director	_____ Signature of director/secretary
_____ Name of director	_____ Name of director/secretary
_____ Date of signing	

**EXECUTED** by **BHP QUEENSLAND**  
**COAL INVESTMENTS PTY LTD ACN**  
**098 876 825** in accordance with  
section 127(1) of the *Corporations Act*  
*2001* (Cth):

_____ Signature of director	_____ Signature of director/secretary
_____ Name of director	_____ Name of director/secretary
_____ Date of signing	

[s 7]

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14

**EXECUTED by MITSUBISHI  
DEVELOPMENT PTY LTD ACN 009  
779 873** in accordance with section 127(1)  
of the *Corporations Act 2001* (Cth):

\_\_\_\_\_  
Signature of director

\_\_\_\_\_  
Signature of director/secretary

\_\_\_\_\_  
Name of director

\_\_\_\_\_  
Name of director/secretary

\_\_\_\_\_  
Date of signing

**EXECUTED by QCT INVESTMENT  
PTY LTD ACN 010 487 831** in  
accordance with section 127(1) of the  
*Corporations Act 2001* (Cth):

\_\_\_\_\_  
Signature of director

\_\_\_\_\_  
Signature of director/secretary

\_\_\_\_\_  
Name of director

\_\_\_\_\_  
Name of director/secretary

\_\_\_\_\_  
Date of signing

15

**EXECUTED** by **QCT MINING PTY LTD ACN 010 487 840** in accordance with section 127(1) of the *Corporations Act 2001* (Cth):

\_\_\_\_\_  
Signature of director

\_\_\_\_\_  
Signature of director/secretary

\_\_\_\_\_  
Name of director

\_\_\_\_\_  
Name of director/secretary

\_\_\_\_\_  
Date of signing

**EXECUTED** by **QCT RESOURCES PTY LTD ACN 010 808 705** in accordance with section 127(1) of the *Corporations Act 2001* (Cth):

\_\_\_\_\_  
Signature of director

\_\_\_\_\_  
Signature of director/secretary

\_\_\_\_\_  
Name of director

\_\_\_\_\_  
Name of director/secretary

\_\_\_\_\_  
Date of signing

Land and Other Legislation Amendment Act 2023  
Part 3 Amendment of Central Queensland Coal Associates Agreement Act 1968

[s 7]

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16

**EXECUTED** by **UMAL  
CONSOLIDATED PTY LTD ACN 000  
767 386** in accordance with section 127(1)  
of the *Corporations Act 2001* (Cth):

\_\_\_\_\_  
Signature of director

\_\_\_\_\_  
Signature of director/secretary

\_\_\_\_\_  
Name of director

\_\_\_\_\_  
Name of director/secretary

\_\_\_\_\_  
Date of signing

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## Part 4 Amendment of Land Act 1994

### 8 Act amended

This part amends the *Land Act 1994*.

*Note—*

See also the amendments in schedule 1.

### 9 Amendment of s 8 (Definitions for pt 4)

Section 8, definition *right line tidal boundary*, from ‘land that’—

*omit, insert—*

land that—

- (a) is located approximately where a tidal boundary might otherwise be located; or

*Example—*

The boundaries of a lot include a tidal boundary. Because of difficulties arising in relation to the location at law of the tidal boundary, or for some other reason, the registered owner of the lot agrees to surrender the lot to the State. The lot is resurveyed, and a new deed of grant is issued for the lot, but without the tidal boundary. The deed of grant and associated plan of survey now provide for a right line boundary in a location that is the approximate location of the previous tidal boundary.

- (b) adjoins land that is, whether permanently or from time to time, covered by tidal water.

### 10 Amendment of s 9 (Land adjacent to tidal boundary or right line tidal boundary owned by State)

- (1) Section 9(6), ‘commencement of this section’—

*omit, insert—*

relevant commencement

[s 11]

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(2) Section 9—

*insert—*

(7) For subsection (6), *relevant commencement* means—

- (a) in relation to a tidal boundary or right line tidal boundary under section 8, definition *right line tidal boundary*, paragraph (a)—the commencement of subsection (6); or
- (b) in relation to a right line tidal boundary under section 8, definition *right line tidal boundary*, paragraph (b)—the commencement of this subsection.

## 11 Amendment of s 60 (Trustee permits)

(1) Section 60(2)—

*omit, insert—*

(2) A trustee permit must not be inconsistent with—

- (a) the purpose of the trust land; or
- (b) the requirements prescribed by regulation.

(2A) Despite subsection (2)(a), a trustee permit may be inconsistent with the purpose of the trust land if—

- (a) a management plan for the trust land has been approved under section 48; and
- (b) the management plan—
  - (i) identifies the potential impacts of the trustee permit being inconsistent with the purpose of the trust land; and
  - (ii) states how the trustee permit being inconsistent with the purpose of the trust land would not diminish the purpose of the trust land.

- (2) Section 60(2A) to (4)—  
*renumber* as section 60(3) to (5).

## 12 Amendment of s 70 (Sale by mortgagee in possession)

Section 70(3), from ‘, in’—

*omit, insert*—

that the land is for sale, in a way the mortgagee considers is reasonably likely to come to the attention of members of the public in the locality of the land.

*Examples of ways a notice may be published under subsection (3)*—

- displaying the notice on the land so the notice is conspicuous and easily visible to members of the public from a place other than the land
- publishing the notice in a newspaper circulating generally in the locality of the land
- publishing the notice in an online local newspaper for the locality of the land

## 13 Amendment of s 98 (Closure of road)

Section 98(2)—

*omit, insert*—

- (2) The Minister may—
- (a) permanently close the road without receiving an application under section 99(1); or
  - (b) temporarily close the road without receiving an application under section 99(3).

## 14 Amendment of s 130 (Transfer of lease for significant development)

- (1) Section 130(1)—

[s 15]

---

*omit, insert—*

- (1) Before a lease issued for a significant development is transferred, the chief executive may obtain an independent assessment of the transferee's financial and managerial capabilities.
- (2) Section 130—  
*insert—*
  - (4) If the chief executive obtains an assessment under subsection (1), the lease must not be transferred to the transferee unless the Minister is satisfied, having regard to the assessment, about the transferee's financial and managerial capabilities.

**15 Omission of ch 4, pt 1, div 3 (Availability of additional areas)**

Chapter 4, part 1, division 3—

*omit.*

**16 Amendment of s 156 (Lessee must give improvements report and other information)**

- (1) Section 156(1), before paragraph (a)—  
*insert—*
  - (aa) the chief executive decides not to make an offer of a new lease under section 157B; or
- (2) Section 156(1)(b)—  
*omit, insert—*
  - (b) a renewal application made by the lessee is refused.
- (3) Section 156(1)(aa) to (b)—  
*renumber* as section 156(1)(a) to (c).



---

**17 Insertion of new s 157B**

After section 157A—

*insert—*

**157B Deciding not to make offer of new lease before receiving renewal application**

- (1) The chief executive may decide not to make an offer of a new lease at any time before receiving a renewal application from the lessee of a term lease.
- (2) Before deciding not to make an offer of a new lease under subsection (1), the chief executive must—
  - (a) give the lessee a notice stating each of the following—
    - (i) that the chief executive proposes not to make an offer of a new lease;
    - (ii) the reasons for the chief executive's proposal not to make an offer of a new lease;
    - (iii) that the lessee may, within the reasonable period stated in the notice, make written submissions about any matter relevant to the reasons for the chief executive's proposal; and
  - (b) consider any written submissions made by the lessee within the period stated in the notice.
- (3) Sections 420FA, 420G and 420H apply in relation to making a decision under subsection (1)—
  - (a) as if a reference in the sections to deciding or refusing an application were a reference to making the decision; and
  - (b) with other necessary changes.

[s 18]

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## **18 Amendment of s 158 (Application for new lease)**

(1) Section 158(1), from ‘unless’—

*omit, insert—*

unless—

- (a) the chief executive has given the lessee a notice under section 157B(2)(a) and the chief executive is continuing to consider whether to make a decision under that section; or
- (b) the chief executive has made either of the following decisions on the ground that a new lease is not the most appropriate form of tenure for the lease land—
  - (i) a decision not to make an offer of a new lease under section 157B;
  - (ii) a decision to refuse an earlier renewal application; or
- (c) a condition of the lease or this Act prohibits the renewal of the lease.

(2) Section 158(3)(a) and (b)—

*omit, insert—*

- (a) the chief executive has made either of the following decisions other than on the ground that a new lease is not the most appropriate form of tenure for the lease land—
  - (i) a decision not to make an offer of a new lease under section 157B;
  - (ii) a decision to refuse an earlier renewal application; and
- (b) there is no relevant change in circumstances from the decision under section 157B or the earlier application.

**19 Amendment of s 159A (Provisions for decision about most appropriate form of tenure)**

- (1) Section 159A(1), ‘the subject of a renewal application’—  
*omit.*
- (2) Section 159A(3), after ‘decision’—  
*insert—*  
in relation to a renewal application
- (3) Section 159A(4), ‘the election’—  
*omit, insert—*  
an election under subsection (3)

**20 Amendment of s 160 (Notice of chief executive’s decision)**

Section 160(2) and (3)—

*omit, insert—*

- (2) If the chief executive decides not to make an offer of a new lease under section 157B or decides to refuse a renewal application (each a ***refusal decision***), the lessee must be given notice of the reasons for the refusal decision.
- (3) The lessee may appeal against the chief executive’s refusal decision if the only reason for the decision was that the lessee had not complied with the conditions of the lease.

**21 Amendment of s 165A (Chief executive’s approval required for conversion)**

Section 165A, from ‘if’—

*omit, insert—*

if the chief executive has made an offer to convert the lease under this division and the offer has been accepted.

[s 22]

---

## **22 Insertion of new s 165B**

After section 165A—

*insert—*

### **165B Deciding to make offer to convert lease before receiving conversion application**

- (1) The chief executive may, at any time before receiving a conversion application, decide to offer to convert—
  - (a) a perpetual lease to freehold land; or
  - (b) a term lease to freehold land; or
  - (c) a term lease to a perpetual lease, but only if the term lease is—
    - (i) a lease for pastoral purposes; or
    - (ii) a lease for tourism purposes for land on a regulated island.
- (2) Before making a decision under subsection (1), the chief executive must evaluate the lease land to assess the most appropriate tenure for the land.
- (3) For conducting the evaluation under subsection (2), section 16 applies with necessary changes.
- (4) Sections 420FA and 420G apply in relation to making a decision under subsection (1)—
  - (a) as if a reference in the sections to deciding an application were a reference to making the decision; and
  - (b) with other necessary changes.

## **23 Amendment of s 166 (Application to convert lease)**

Section 166(2)(a) and (b)—

*omit, insert—*

- (a) either—

- (i) the lessee has rejected an earlier offer by the chief executive to convert the lease to freehold land or a perpetual lease; or
  - (ii) the lessee has made an earlier conversion application and the application was refused; and
- (b) there is no relevant change in circumstances from the rejection of the chief executive's offer or the earlier application.

## 24 Amendment of s 167 (Provisions for deciding application)

- (1) Section 167, heading, after 'deciding'—

*insert—*

### **conversion**

- (2) Section 167, before subsection (1)—

*insert—*

(1AA) This section applies in relation to the chief executive deciding a conversion application.

- (3) Section 167(2), 'Subsection (1)'—

*omit, insert—*

Subsection (2)

- (4) Section 167(2), 'fulfilment of'—

*omit, insert—*

compliance with

- (5) Section 167(3), 'subsection (1)(d)'—

*omit, insert—*

subsection (2)(d)

- (6) Section 167(6), 'subsection (1)(k)'—

*omit, insert—*

[s 25]

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subsection (2)(k)

(7) Section 167(6), ‘in subsection (1)’—

*omit, insert—*

in subsection (2)

(8) Section 167(1AA) to (7)—

*renumber* as section 167(1) to (8).

**25 Amendment of s 168 (Notice of chief executive’s decision)**

(1) Section 168(1), ‘applicant’—

*omit, insert—*

lessee

(2) Section 168(1A), ‘application’—

*omit, insert—*

offer

(3) Section 168(3)—

*omit, insert—*

(3) The offer may be for—

(a) a smaller size area of land; or

(b) if the offer is made in relation to a conversion application—a different tenure from the tenure applied for.

(4) Section 168(4) and (5), ‘the conversion’—

*omit, insert—*

a conversion

(5) Section 168(5), ‘fulfilled’—

*omit, insert—*

complied with

---

**26 Replacement of s 176Z (When payment obligations end if lease ends under part)**

Section 176Z—

*omit, insert—*

**176Z When payment obligations end if lease ends under part**

- (1) This section applies if a lease ends under this part.
- (2) An obligation to pay future rent and other amounts that may become payable in relation to the lease stops on—
  - (a) if the lease ends because an offer to convert the lease to freehold land is accepted—the day the offer to convert the lease is accepted; or
  - (b) otherwise—the day before the day on which the lease ends.

**27 Omission of ss 206 and 207**

Sections 206 and 207—

*omit.*

**28 Amendment of s 247 (Application of payment for improvements by incoming lessee or buyer)**

Section 247(2)—

*omit, insert—*

- (2) However, no amount is payable by the State to—
  - (a) a person mentioned in subsection (1), if the person waives the person's entitlement to payment of the amount; or
  - (b) a person who was a registered lessee of a lease, if the lease was forfeited because the

[s 29]

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lessee acquired the lease by fraud or was not eligible to acquire or hold the lease.

## 29 Amendment of s 322 (Requirements for transfers)

(1) Section 322(2)(a)—

*omit, insert—*

(a) the licence is held by—

- (i) the registered owner of freehold land (the *subject land*); or
- (ii) the lessee of land leased under this Act (also the *subject land*); and

(2) Section 322(2)(b), ‘freehold’—

*omit, insert—*

subject

(3) Section 322(2)(c), ‘the freehold’—

*omit, insert—*

an interest in the subject

## 30 Amendment of s 346 (Sale of mortgaged lease)

Section 346(2), from ‘, in’—

*omit, insert—*

that the lease is for sale, in a way the mortgagee considers is reasonably likely to come to the attention of members of the public in the locality of the lease.

*Examples of ways a notice may be published under subsection (2)—*

- displaying the notice on the land the subject of the lease so the notice is conspicuous and easily visible to members of the public from a place other than the land



- publishing the notice in a newspaper circulating generally in the locality of the lease
- publishing the notice in an online local newspaper for the locality of the lease

**31 Amendment of s 360A (Chief executive may change term leases, or perpetual leases, other than State leases)**

(1) Section 360A(2)(c), ‘if’—

*omit.*

(2) Section 360A(2)(e)—

*omit.*

(3) Section 360A—

*insert—*

(3A) The chief executive may act under subsection (2)(d) or (3)(c) in relation to unallocated State land that is to be granted without competition only if the Minister decides under section 121(1)(b) that the lease of the unallocated State land may be granted without competition.

(4) Section 360A(3A) to (5)—

*renumber* as section 360A(4) to (6).

**32 Amendment of s 362 (Easements may be created only by registration)**

Section 362—

*insert—*

(7) In this section—

***full supply level***, for a dam or weir, means the level of the dam’s or weir’s water surface when water storage is at maximum operating level without being affected by flood.

[s 33]

---

**33 Amendment of s 373A (Covenant by registration)**

Section 373A(12)—

*insert—*

*tidal water land* means land that, under section 9(1), is the property of the State and may be dealt with as unallocated State land.

**34 Amendment of s 373AB (Compliance with s 373A)**

Section 373AB(4), ‘section 373A(7)(b)’—

*omit, insert—*

section 373A(9)(b)

**35 Amendment of s 390A (Special provision for transport related land)**

(1) Section 390A, heading, after ‘for’—

*insert—*

**defence land or**

(2) Section 390A(2), from ‘transport’ to ‘purposes’—

*omit, insert—*

defence land or transport related land

(3) Section 390A—

*insert—*

(3) In this section—

*defence land* means lease land under a term lease or perpetual lease to the Commonwealth for defence purposes.

*transport related land* means—

(a) transport land; or

(b) lease land under a perpetual lease to the State for marine facility purposes.

---

**36 Insertion of new ch 7, pt 1D**

Chapter 7—

*insert—*

**Part 1D Provisions about offers**

**403P Application of part**

This part applies in relation to an offer made under this Act by a person (the *offeror*) to another person (the *offeree*).

**403Q Definitions for part**

In this part—

*offeree* see section 403P.

*offeror* see section 403P.

*offer period* see section 403R.

**403R Meaning of *offer period***

- (1) The period for which an offer is valid (the *offer period*) is—
  - (a) the period stated in the offer; or
  - (b) if no period is stated in the offer—3 months from the day the offer is made.
- (2) However, if the offer period is extended under subsection (3) or (4), the extended period is the *offer period*.
- (3) The offeror may extend the period for which the offer is valid in the offer period if the offeree applies for the extension within the offer period.
- (4) The offeror may extend the period for which the offer is valid after, but within 42 days after, the offer period ends if—

[s 36]

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- (a) the offeree applies for the extension after, but within 42 days after, the offer period ends; and
  - (b) the offeror considers that exceptional circumstances exist.
- (5) The period for which an offer is valid may be extended under subsection (4) only once.

#### **403S Requirement for making conditional offers**

- (1) This section applies if an offer is subject to conditions.
- (2) The offer must state—
  - (a) that, for the offer to be accepted, the conditions must be complied with within the offer period; and
  - (b) that the offer lapses if the offer is not accepted under this Act within the offer period.

#### **403T Requirements for acceptance of offers**

- (1) An acceptance of an offer must be in writing.
- (2) An offer that is made subject to conditions is accepted only if the conditions are complied with within the offer period.

*Note—*

See section 171 for a requirement about accepting particular conditional offers.

#### **403U Lapse of offer**

An offer lapses at the end of the offer period if the offer is not accepted under this Act within the offer period.

---

**403V Change in purchase price or cash premium if offer period extended**

- (1) This section applies if—
  - (a) an offer includes a purchase price, or a cash premium, that is not fixed by reference to a particular date; and
  - (b) the offeror extends the period for which the offer is valid under section 403R(3) or (4).
- (2) The offeror may amend the offer to change the purchase price or cash premium.
- (3) The offeror must decide the new purchase price or cash premium in the way the offeror was required to decide the original purchase price or cash premium under this Act.

**37 Omission of s 437 (Changing county or parish boundaries)**

Section 437—  
*omit.*

**38 Insertion of new ch 9, pt 7**

Chapter 9—  
*insert—*

**Part 7**                      **Transitional provisions  
for Land and Other  
Legislation  
Amendment Act 2023**

**550 Definitions for part**

In this part—  
*former*, for a provision of this Act, means the

[s 38]

---

provision as in force from time to time before the commencement.

*new*, for a provision of this Act, means the provision as in force from the commencement.

### **551 Existing applications to transfer leases issued for significant development**

- (1) This section applies if an application for approval to transfer a lease issued for a significant development is made, but not decided, under this Act before the commencement.
- (2) New section 130 applies in relation to the lease.

### **552 Registration of documents for particular existing dealings**

- (1) This section applies to a dealing mentioned in new section 390A(1) affecting defence land if—
  - (a) the dealing or the process for the dealing started before the commencement, whether or not the dealing or process was also completed before the commencement; and
  - (b) immediately before the commencement, a document for the dealing had not been registered.
- (2) New section 390A applies in relation to the dealing and the registration of a document for the dealing.
- (3) In this section—  
*defence land* see section 390A(3).

### **553 Existing offers for renewal of term leases**

- (1) This section applies if a term lease is the subject of an offer under this Act for renewal that was

made, but not fully dealt with, before the commencement.

- (2) New section 434B applies in relation to the lease.

### **554 Lapse of existing offers**

- (1) This section applies to an offer—
- (a) made under this Act before the commencement; and
  - (b) that has not, immediately before the commencement, lapsed under former section 442.
- (2) New chapter 7, part 1D applies in relation to the offer.

## **39 Amendment of sch 6 (Dictionary)**

- (1) Schedule 6, definitions *additional area*, *full supply level* and *personal residence condition*—  
*omit.*
- (2) Schedule 6—  
*insert—*

*offeree*, for chapter 7, part 1D, see section 403P.

*offeror*, for chapter 7, part 1D, see section 403P.

*offer period*, for chapter 7, part 1D, see section 403R.

# **Part 5 Amendment of Land Regulation 2020**

## **40 Regulation amended**

This part amends the *Land Regulation 2020*.

[s 41]

---

*Note—*

See also the amendments in schedule 1.

**41 Amendment of s 9 (Deciding purchase price for particular purposes—Act, ss 109C, 122, 123A and 170)**

Section 9(1)(d), ‘under section 168(1) of the Act’—

*omit, insert—*

in relation to a conversion offer

**42 Amendment of s 10 (Net present value)**

Section 10(2)—

*omit, insert—*

- (2) For land the subject of a conversion offer, the net present value must be worked out as at—
  - (a) if the offer is made under section 165B of the Act—the day stated in the offer; or
  - (b) if the offer is made in relation to a conversion application—the day the chief executive received the application.
- (3) For subsection (2)(a), the day stated in the offer may be earlier than the day the chief executive makes the offer, but no earlier than 4 months before the day the chief executive makes the offer.

**43 Amendment of s 13 (Working out unimproved value of land)**

(1) Section 13(4)—

*omit, insert—*

- (4) For deciding the purchase price for land granted or leased in relation to a conversion offer, the unimproved value of the land is the unimproved value as at—



- (a) if the offer is made under section 165B of the Act—the day stated in the offer; or
  - (b) if the offer is made in relation to a conversion application—the day the chief executive received the application.
- (4A) For subsection (4)(a), the day stated in the offer may be earlier than the day the chief executive makes the offer, but no earlier than 4 months before the day the chief executive makes the offer.
- (2) Section 13(4A) to (6)—  
*renumber* as section 13(5) to (7).

**44 Amendment of s 15 (Value of commercial timber—other land)**

- (1) Section 15(3)(a), from ‘at’—  
*omit, insert—*  
at—
- (i) if a conversion offer is made under section 165B of the Act—the day stated in the offer; or
  - (ii) if a conversion offer is made in relation to a conversion application—the day the chief executive received the application; or
- (2) Section 15—  
*insert—*
- (4) For subsection (3)(a)(i), the day stated in the offer may be earlier than the day the chief executive makes the offer, but no earlier than 4 months before the day the chief executive makes the offer.

[s 45]

---

**45 Amendment of s 19 (Appeal against decision on purchase price for conversion)**

Section 19(1)(a)—

*omit, insert—*

(a) makes a conversion offer; and

**46 Replacement of s 37 (Rent for lease with particular title reference)**

Section 37—

*omit, insert—*

**37 Rent for leases with particular title references**

The rent payable for the term of each of the leases with the title references 40058945, 40077786 and 40078857 is \$1.

**47 Amendment of sch 9 (Dictionary)**

Schedule 9—

*insert—*

*conversion offer* means an offer to convert a lease under chapter 4, part 3, division 3 of the Act.

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

**48 Act amended**

This part amends the *Land Title Act 1994*.

*Note—*

See also the amendments in schedule 1.

**49 Amendment of s 82 (Creation of easement by registration)**

Section 82—

*insert—*

(7) In this section—

*full supply level*, for a dam or weir, means the level of the dam's or weir's water surface when water storage is at maximum operating level without being affected by flood.

**Part 6A Amendment of Mineral Resources Act 1989**

**49A Act amended**

This part amends the *Mineral Resources Act 1989*.

**49B Amendment of s 291 (Deferral of rental for first rental period for particular mining leases)**

(1) Section 291, heading, 'rental for first rental period'—

*omit, insert—*

**initial rent**

(2) Section 291(1)(b) and (c) and (2) to (4), 'first rent'—

*omit, insert—*

initial rent

(3) Section 291(5), 'section 290(1)'—

*omit, insert—*

section 290(1), (3) and (5)

(4) Section 291(6), definitions *first rent* and *first rental period*—

*omit.*

[s 49C]

---

(5) Section 291(6)—

*insert—*

***initial rent***, for a mining lease, means the rental payable for the mining lease for—

- (a) the first rental period within the meaning of section 290(1); and
- (b) the rental year that starts immediately after the end of the first rental period.

*Example—*

For a mining lease granted on 1 January 2024, the initial rent would be the rental payable for—

- (a) 1 January 2024 to 31 August 2024; and
- (b) 1 September 2024 to 31 August 2025.

#### **49C Amendment of s 899 (Deferral of first rent under s 291)**

Section 899—

*insert—*

*Note—*

See, however, section 900.

#### **49D Insertion of new ch 15, pt 22**

Chapter 15—

*insert—*

**Part 22**

**Transitional provision  
for Land and Other  
Legislation  
Amendment Act 2023**

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**900 Application of s 291 to mining leases granted on or after 21 November 2022**

- (1) Section 291 as in force from the commencement applies, and is taken to have always applied, in relation to a mining lease granted on or after 21 November 2022.
- (2) This section applies despite section 899.

**Part 7**                      **Amendment of Place Names Act 1994**

**50 Act amended**

This part amends the *Place Names Act 1994*.

**51 Amendment of s 3 (Definitions)**

Section 3—

*insert—*

*Queensland government website* see the *Financial Accountability Act 2009*, section 88F(7).

*regional newspaper* see the *Financial Accountability Act 2009*, section 88H(2).

*relevant website*, for publishing a notice relating to a place, means—

- (a) the department's website; or
- (b) a Queensland government website; or
- (c) another website the Minister considers appropriate, having regard to the nature of the information contained in the notice.

[s 52]

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## **52 Amendment of s 9 (Notice of place name proposal)**

Section 9(2)(a)—

*omit, insert—*

- (a) must be published in the gazette and in at least 1 of the following ways—
  - (i) on a relevant website;
  - (ii) in an electronic version of a newspaper;
  - (iii) in a regional newspaper circulating generally in the area of the place to which the proposal relates; and

## **53 Amendment of s 11 (Decision about proposal)**

Section 11(2)(a)—

*omit, insert—*

- (a) must be published in the gazette and in at least 1 of the following ways—
  - (i) on a relevant website;
  - (ii) in an electronic version of a newspaper;
  - (iii) in a regional newspaper circulating generally in the area of the place to which the proposal relates; and

# **Part 8 Amendment of Stock Route Management Act 2002**

## **54 Act amended**

This part amends the *Stock Route Management Act 2002*.

*Note—*

See also the amendments in schedule 1.

---

**55 Insertion of new s 97A**

After section 97—

*insert—*

**97A Stock route map**

- (1) The chief executive may certify a map in digital electronic form as the stock route map for the State.
- (2) If the chief executive certifies a map under subsection (1)—
  - (a) the chief executive must publish the map, as the current stock route map for the State, on the department’s website; and
  - (b) the map takes effect as the stock route map for the State on the day it is published under paragraph (a).
- (3) A map published under subsection (2)(a) stops having effect as the stock route map for the State if the chief executive publishes another map under the subsection.
- (4) The chief executive must, for each map that stops having effect as the current stock route map for the State under subsection (3), publish the map as a previous stock route map for the State on the department’s website.
- (5) A map published under subsection (4) must state the period for which it had effect.

**56 Insertion of new s 97B**

Before section 98—

*insert—*

**97B Definition for part**

In this part—

[s 57]

---

*prescribed local government* means a local government to which part 3 applies.

**57 Amendment of s 98 (State stock route network management strategy)**

Section 98(1), ‘, as soon as practicable after the commencement of this part,’—

*omit.*

**58 Insertion of new s 100A**

After section 100—

*insert—*

**100A Notice of strategy taking effect**

The chief executive must, as soon as practicable after a State stock route network management strategy takes effect, notify each prescribed local government of that fact.

**59 Replacement of ss 102 and 103**

Sections 102 and 103—

*omit, insert—*

**102 Reviewing, amending and renewing strategy**

- (1) The chief executive may review, amend or renew a State stock route network management strategy as the chief executive considers appropriate.
- (2) However, the chief executive must review the effectiveness of the strategy at least 6 months before it stops having effect.
- (3) In amending the strategy, the chief executive must have regard to the principles of stock route network management.
- (4) If the chief executive amends or renews the



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strategy, the chief executive must notify each prescribed local government of the amendment or renewal.

### **103 Chief executive must publish copy of strategy**

- (1) The chief executive must, on or before the day the State stock route network management strategy takes effect, publish a copy of the strategy on the department's website.
- (2) If the chief executive amends or renews the strategy under this part, the chief executive must publish the amended or renewed strategy on the department's website.

## **60 Amendment of s 105 (Local governments to have stock route network management plan)**

- (1) Section 105, heading, 'have'—

*omit, insert—*

**adopt**

- (2) Section 105(1), '2 years after this part commences, have'—

*omit, insert—*

1 year after being notified of a State stock route network management strategy taking effect under section 100A, adopt

- (3) Section 105—

*insert—*

- (3) The plan must be consistent with—
  - (a) the principles of stock route network management; and
  - (b) the State stock route network management strategy.

[s 61]

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## **61 Replacement of ss 106 to 111**

Sections 106 to 111—

*omit, insert—*

### **106 Preparing draft plan—matters local government must have regard to**

- (1) In preparing a draft stock route network management plan, a local government must have regard to the following—
  - (a) the principles of stock route network management;
  - (b) the State stock route network management strategy in relation to which the plan is being prepared;
  - (c) the maintenance of travelling stock facilities and pasture for the needs of travelling stock on the local government's part of the stock route network;
  - (d) the environmental and cultural values of the local government's part of the stock route network;
  - (e) the uses, other than in relation to travelling stock, of the local government's part of the stock route network;
  - (f) how the uses mentioned in paragraph (e) may affect the local government's part of the stock route network being used for travelling stock;
  - (g) whether the local government's part of the stock route network needs management for controlled burning or grazing, declared pest treatment, erosion rehabilitation or pasture regeneration;
  - (h) how the integrity of the local government's part of the stock route network can be

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maintained so that the network is not fragmented;

- (i) the interests of the local community in the local government's area, including, for example, the interests of landholders, Aboriginal communities, industry groups and members of the public.
- (2) For subsection (1), the local government's part of the stock route network is the part of the network that is in the local government's area.
- (3) In this section—  
*declared pest* see the *Land Act 1994*, schedule 6.

### **107 Preparing draft plan—consultation requirements for particular stock routes**

- (1) This section applies if—
  - (a) a local government is preparing a draft stock route network management plan for managing stock routes in its area; and
  - (b) all or part of a stock route in the area is in, on, crosses or is adjacent to a protected area, State-controlled road or waterway.
- (2) The local government must, in preparing the draft plan—
  - (a) consult with the interested department for the protected area, State-controlled road or waterway about requirements under Acts administered by the department that may impact on the use of the stock route for travelling stock; and
  - (b) have regard to—
    - (i) the requirements; and

[s 61]

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- (ii) any recommendations of the interested department relating to the requirements.
- (3) In this section—
- interested department***—
- (a) for a protected area—means the department in which the *Nature Conservation Act 1992* is administered; or
  - (b) for a State-controlled road—means the department in which the *Transport Infrastructure Act 1994* is administered; or
  - (c) for a waterway—means the department in which the *Fisheries Act 1994* is administered.

***protected area*** see the *Nature Conservation Act 1992*, schedule.

***waterway*** see the *Fisheries Act 1994*, schedule 1.

### **108 Preparing draft plan—other consultation requirement**

- (1) This section applies if—
- (a) a local government is preparing a draft stock route network management plan for managing stock routes in its area; and
  - (b) the chief executive officer of the local government considers a requirement under an Act may impact on the use of 1 or more of the stock routes for travelling stock.
- (2) The local government must, in preparing the draft plan—
- (a) consult with the department in which the Act is administered about the requirement; and

- (b) have regard to—
  - (i) the requirement; and
  - (ii) any recommendations of the department relating to the requirement.
- (3) This section applies in addition to section 107.

### **109 Notice of draft plan and consideration of public submissions**

- (1) A local government must, as soon as possible after preparing a draft stock route network management plan, give public notice of that fact.
- (2) The notice must—
  - (a) be published in at least 1 of the following ways—
    - (i) on a relevant website;
    - (ii) in a regional newspaper circulating generally in the local government's area;
    - (iii) in an electronic version of a newspaper mentioned in subparagraph (ii); and
  - (b) state a website where an online copy of the draft plan may be accessed; and
  - (c) invite the public to make written submissions about the draft plan to the local government within 28 days after the notice is published (the *submission period*).
- (3) The local government must—
  - (a) ensure the draft plan is published on the website mentioned in subsection (2)(b) for the entire submission period; and
  - (b) if written submissions are made about the draft plan under subsection (2)(c)—

[s 61]

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- (i) consider the submissions; and
- (ii) make any amendments to the plan the local government considers appropriate in relation to the submissions.

### **110 Adopting plan**

A local government may adopt a stock route network management plan, by resolution, if—

- (a) sections 106 to 109 have been complied with in relation to the plan; and
- (b) the local government is satisfied the plan complies with section 105(3).

### **111 Duration of plan**

- (1) A local government's stock route network management plan takes effect from the start day stated in the plan.
- (2) The start day must be after the day the plan is adopted but within 1 year after the day the chief executive notifies the local government, under section 100A, about the State stock route network management strategy in relation to which the plan is prepared.
- (3) The plan stops having effect on the earlier of the following—
  - (a) immediately before another stock route network management plan of the local government takes effect under subsection (1);
  - (b) the day that is 1 year after the chief executive notifies the local government, under section 100A, about a new State stock route network management strategy taking effect.

- (4) Also, if the plan is renewed under section 113—
  - (a) the plan stops having effect immediately before the renewed plan takes effect; and
  - (b) subsections (1) and (3) apply to the renewed plan.

## **62 Replacement of ss 113 to 115**

Sections 113 to 115—

*omit, insert—*

### **113 Reviewing, amending and renewing plan**

- (1) A local government may review, amend or renew its stock route network management plan as the chief executive officer of the local government considers appropriate.
- (2) However, the local government must review the effectiveness of the plan at least 3 months before the start of each financial year.
- (3) Also, if the chief executive notifies the local government of an amendment of the State stock route network management strategy under section 102(4), the local government must, within 1 year after receiving the notice—
  - (a) review the plan; and
  - (b) if necessary, amend the plan to ensure it is consistent with the amended strategy.
- (4) Further, if the chief executive notifies the local government of the renewal of the State stock route network management strategy under section 102(4), the local government must renew the plan within 1 year after the local government receives the notice.

### **114 Requirements for review, amendment or renewal of plan**

- (1) This section applies in relation to a local government doing any of the following under section 113—
  - (a) reviewing its stock route network management plan, other than under section 113(2);
  - (b) amending its stock route network management plan, including as a result of a review under section 113(2);
  - (c) renewing its stock route network management plan.
- (2) Sections 107 to 110 apply in relation to the review, amendment or renewal—
  - (a) as if—
    - (i) a reference to preparing a draft stock route network management plan were a reference to reviewing, amending or renewing the plan; and
    - (ii) a reference to a stock route network management plan, or a draft stock route network management plan, were a reference to the stock route network management plan the subject of the review, amendment or renewal; and
  - (b) with any other necessary changes.

### **115 Local government must publish, and make available for inspection, copy of plan**

- (1) A local government must—
  - (a) publish a copy of its stock route network management plan on its website; and



- (b) keep an electronic copy of the plan available for inspection, free of charge, by the public at the local government's public office.
- (2) A reference in subsection (1) to a local government's stock route network management plan includes a reference to the plan as amended or renewed from time to time under section 113.

### **63 Amendment of s 116 (Application for permit)**

- (1) Section 116(3)—

*omit, insert—*

- (3) A notice mentioned in subsection (2)(c)(ii) must—
  - (a) be published in at least 1 of the following ways—
    - (i) on a relevant website;
    - (ii) in a regional newspaper circulating generally in the area in which the land is situated;
    - (iii) in an electronic version of a newspaper mentioned in subparagraph (ii); and
  - (b) identify the land; and
  - (c) invite persons to apply for a permit within 7 days after the notice is published.

- (2) Section 116(4)—

*omit, insert—*

- (4) The application—
  - (a) may be made in writing, electronically or orally; and
  - (b) must be accompanied by the application fee prescribed by regulation.
- (4A) However, the issuing entity may waive payment

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of the application fee if satisfied the applicant is experiencing financial hardship.

- (3) Section 116(4A) and (5)—  
*renumber* as section 116(5) and (6).

#### **64 Amendment of s 122 (Application for renewal)**

- (1) Section 122(2)—  
*omit, insert—*
- (2) The application—
- (a) may be made in writing, electronically or orally; and
  - (b) must be—
    - (i) made before the permit expires; and
    - (ii) accompanied by the renewal application fee prescribed by regulation.
- (2A) However, the issuing entity may waive payment of the renewal application fee if satisfied the applicant is experiencing financial hardship.
- (2) Section 122(2A) to (4)—  
*renumber* as section 122(3) to (5).

#### **65 Amendment of s 134 (Application for permit)**

- (1) Section 134(2)—  
*omit, insert—*
- (2) The application—
- (a) may be made in writing, electronically or orally; and
  - (b) must be accompanied by the application fee prescribed by regulation.

(2A) However, the issuing entity may waive payment of the application fee if satisfied the applicant is experiencing financial hardship.

(2) Section 134(2A) and (3)—  
*renumber* as section 134(3) and (4).

## 66 Amendment of s 168 (Notice of seizure)

Section 168(2)—

*omit, insert—*

- (2) If the owner's name is not known, the notice must be given to the owner by publishing the notice in at least 1 of the following ways—
- (a) on a relevant website;
  - (b) in a regional newspaper circulating generally in the area in which the stock were found;
  - (c) in an electronic version of a newspaper mentioned in paragraph (b).

## 67 Replacement of s 187A (Local government to pay amounts to department)

Section 187A—

*omit, insert—*

### **187A Fines payable to local government**

- (1) This section applies if, in proceedings brought by a local government for an offence against this Act, the court imposes a fine.
- (2) The fine must be paid to the local government's operating fund, unless the court orders the fine to be paid to a particular person.

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**187B Local government must use amounts received for particular purposes**

- (1) This section applies if a local government receives an amount—
  - (a) as an application fee under section 116(4)(b), 122(2)(b)(ii) or 134(2)(b); or
  - (b) as a permit fee for a stock route agistment permit or stock route travel permit; or
  - (c) under a water facility agreement; or
  - (d) in payment of a fine under section 187A.
- (2) The local government must use the amount for the administration, maintenance or improvement of the stock route network in its area.
- (3) For subsection (2), the administration of the stock route network in the local government's area includes deciding applications under sections 116, 122 and 134 relating to stock routes in the area.

**68 Amendment of s 188 (Minister may ask for particular information from local government)**

Section 188(1)(a), 'payable'—

*omit, insert—*

received

**69 Insertion of new ch 11, pt 4**

Chapter 11—

*insert—*

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## Part 4                      **Transitional provisions for Land and Other Legislation Amendment Act 2023**

### **334 Definitions for part**

In this part—

*continued strategy* see section 337(1).

*first map publication day* means the day a stock route map is first published by the chief executive under section 97A(2)(a).

*former*, in relation to a provision of this Act, means the provision as in force immediately before the commencement.

*new*, in relation to a provision of this Act, means the provision as in force on the commencement.

### **335 Existing stock routes declared under regulation**

- (1) This section applies to a road or route that, immediately before the commencement, was declared under a regulation to be a stock route.
- (2) The road or route continues as a stock route under this Act until the first map publication day.

### **336 Existing permits and applications for permits**

- (1) The first publication of a stock route map by the chief executive under section 97A(2)(a) does not affect any of the following—
  - (a) the effect of an existing permit under chapter 3;

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- (b) a local government deciding an existing permit application under this Act;
  - (c) the effect of a permit, granted in relation to an existing permit application, under chapter 3.
- (2) A permit mentioned in subsection (1)(a) or (c) applies to land for which the permit is granted even if—
- (a) immediately before the first map publication day, the land or a part of the land is relevant land only because it is a road or route to which section 335 applies; and
  - (b) on the first map publication day, the land or part is not identified as a stock route on the stock route map.
- (3) In this section—

*existing permit application* means an application for a stock route agistment permit or stock route travel permit, or the renewal of a stock route agistment permit, made but not decided before the first map publication day.

*existing permit* means a stock route agistment permit or stock route travel permit that is in effect on the first map publication day.

### **337 Continuation of State stock route network management strategy**

- (1) The State stock route network management strategy kept by the chief executive under former section 98 (the *continued strategy*) continues as the State stock route network management strategy under new section 98.
- (2) The chief executive is not required to comply with section 100A in relation to the continued strategy.

---

### **338 Continuation of adopted stock route network management plans**

- (1) This section applies to a local government's stock route network management plan if—
  - (a) the plan was adopted under former chapter 3, part 3 after the continued strategy took effect; and
  - (b) immediately before the commencement, the plan—
    - (i) was in effect; and
    - (ii) complied with former section 107.
- (2) The plan continues as the local government's stock route network management plan under new section 105.
- (3) New section 111(2) does not apply in relation to the plan.

### **339 Prescribed local governments without continued stock route network management plans**

- (1) This section applies to a prescribed local government that does not have a stock route network management plan that is continued under section 338.
- (2) If the prescribed local government had started preparing a stock route network management plan under former chapter 3, part 3 after the continued strategy took effect—
  - (a) the local government must continue to prepare the plan under former chapter 3, part 3; and
  - (b) former chapter 3, part 3 continues to apply in relation to the local government as if the

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*Land and Other Legislation Amendment Act 2023* had not been enacted; and

- (c) if the plan is adopted under former chapter 3, part 3—
  - (i) the plan is taken to be the local government's stock route network management plan under new section 105; and
  - (ii) new section 111(2) does not apply in relation to the plan.
- (3) If subsection (2) does not apply to the prescribed local government—
  - (a) the local government must adopt a stock route network management plan under new chapter 3, part 3; and
  - (b) for paragraph (a), the local government is taken to have been notified of the continued strategy taking effect under section 100A on the commencement.

*Note—*

Under section 105(1), the local government must adopt a stock route network management plan within 1 year after the notification.

### **340 Application fees**

An application fee mentioned in section 116(4)(b), 122(2)(b)(ii) or 134(2)(b) (each a *relevant fee provision*) applies only to an application made after the relevant fee provision commences.

### **341 Fines imposed by court after commencement**

Section 187A applies to a fine imposed by a court for an offence against this Act after the commencement, regardless of when the offence



was committed or the proceeding for the offence was started.

## 70 Amendment of sch 3 (Dictionary)

(1) Schedule 3, definitions *stock route* and *submission period*—  
*omit.*

(2) Schedule 3—  
*insert—*

***area***, of a local government, means the local government's local government area.

***prescribed local government***, for chapter 3, part 2, see section 97B.

***regional newspaper*** see the *Financial Accountability Act 2009*, section 88H(2).

***relevant website***, for the publication of a notice by a local government or the chief executive officer of a local government, means—

- (a) the local government's website; or
- (b) another website the chief executive officer of the local government considers appropriate, having regard to the nature of the information contained in the notice.

***stock route*** means—

- (a) a road or route that is ordinarily used for travelling stock; or
- (b) another road or route identified as a stock route on the stock route map.

***stock route map*** means the map published by the chief executive as the current stock route map for the State under section 97A(2)(a).

***stock route network management plan***, for a local government, means the local government's

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stock route network management plan under chapter 3, part 3.

- (3) Schedule 3, definition *State stock route network management strategy*, ‘prepared’—

*omit, insert—*

kept

## Part 9                      **Amendment of Survey and Mapping Infrastructure Act 2003**

### 71            **Act amended**

This part amends the *Survey and Mapping Infrastructure Act 2003*.

*Note—*

See also the amendment in schedule 1.

### 72            **Amendment of s 6 (Survey standards)**

- (1) Section 6(3)(g)(ii)—

*omit, insert—*

(ii) the extent to which, and how, searchable registered, or otherwise authoritative, information held by the registrar of titles or the chief executive can be used to represent any length of a tidal or non-tidal boundary of land on the plan of survey instead of resurveying that length of the boundary; and

- (2) Section 6—

*insert—*

(4A) The requirements for surveying a tidal or non-tidal boundary under subsection (3)(g)(i)

may include requirements about—

- (a) applying the ambulatory boundary principles to the tidal or non-tidal boundary; and
  - (b) extending a right line boundary of adjoining land to the tidal or non-tidal boundary.
- (3) Section 6(4A) to (6)—  
*renumber* as section 6(5) to (7).

## 73 Replacement of ss 9 and 10

Sections 9 and 10—

*omit, insert—*

### 9 Making survey standard or survey guideline and when it takes effect

- (1) A survey standard and survey guideline about a matter may be combined in 1 instrument.
- (2) A survey standard or survey guideline takes effect—
  - (a) on the day it is first published under section 10(1); or
  - (b) if a later day is stated in the survey standard or survey guideline—on the later day.
- (3) A survey standard must be tabled in the Legislative Assembly within 14 sitting days after it is published under section 10(1).
- (4) If a survey standard is not tabled under subsection (3), it ceases to have effect.
- (5) The *Statutory Instruments Act 1992*, sections 50 and 51 apply to a survey standard as if it were subordinate legislation.

[s 74]

---

## **10 Public access to survey standards and survey guidelines**

- (1) The chief executive must publish on a government website a copy of—
  - (a) each survey standard or survey guideline made under this part; and
  - (b) each document applied, adopted or incorporated by the survey standard or survey guideline.
- (2) The chief executive must also keep a copy of each document mentioned in subsection (1) at the department's head office.
- (3) The chief executive must make the documents mentioned in subsection (1) available for inspection on a government website, and at the department's head office, free of charge.

## **74 Amendment of s 25A (Special provision for taking of soil samples for multiple lot declarations)**

- (1) Section 25A, heading 'for multiple lot declarations'—

*omit, insert—*

### **etc. for collecting relevant evidence**

- (2) Section 25A(1)—

*omit, insert—*

- (1) The chief executive may, for the purpose of making a declaration under section 83, 93, 109 or 120 about land of a type mentioned in section 21, direct a surveyor—
  - (a) to take soil samples from the land; or
  - (b) to acquire remotely sensed images or other information for the land, including by, from or using an aircraft, satellite or other device; or

*Example of another device—*

a remotely controlled device commonly known as a drone

- (c) to do any other thing on the land that may provide evidence of the location of a natural feature or other thing forming a boundary of the land.

- (3) Section 25A(2)(a), ‘take soil samples’—

*omit, insert—*

do the thing mentioned in the direction

- (4) Section 25A(2)(b), ‘taking soil samples’—

*omit, insert—*

doing the thing mentioned in the direction

- (5) Section 25A(3)(a), ‘taking the soil samples’—

*omit, insert—*

doing the thing mentioned in the direction

## **75 Amendment of s 52 (Other datasets)**

Section 52, ‘the department’s website on the internet’—

*omit, insert—*

a government website

## **76 Amendment of s 62 (Definitions for pt 7)**

- (1) Section 62, heading, ‘pt 7’—

*omit, insert—*

**part**

- (2) Section 62, definitions *associated material* and *compiled plan of survey*—

*omit.*

- (3) Section 62—

[s 76]

---

*insert—*

***associated material***, for a plan of survey, means—

- (a) anything that records, whether on the plan of survey, in field notes accompanying the plan of survey or anywhere else, any aspect of the survey the subject of the plan of survey, including any of the following—
  - (i) a measurement or analysis, including an electronically produced measurement or analysis, made for, or in relation to, the survey;
  - (ii) information about survey marks for the survey; or
- (b) directions and instructions applying to surveyors when the plan of survey is or was prepared.

***relevant evidence***, in relation to making a declaration under section 83, 93, 109 or 120 about the location of a boundary, means evidence relevant to identifying the location of the boundary, including, for example, the following evidence about a natural feature relevant to identifying the location of the boundary—

- (a) evidence about the history of the location of the natural feature that is reasonably available to the chief executive;
- (b) if soil samples, images or other material is obtained under section 25A in relation to the last known location of the natural feature—the findings arising from the analysis of the samples, images or material.

(4) Section 62, definition *declaration decision*, ‘93(9)(b)’—

*omit, insert—*

93(10)(b)

---

**77 Amendment of s 65 (Special provision for reserved plans of survey)**

Section 65(4)—

*omit, insert—*

(4) In this section—

***reserved plan of survey*** means a plan of survey—

- (a) prepared and registered only for the purpose of a disposal of, or other dealing with, part of the land under the *Land Act 1994* for a public purpose under that Act; or
- (b) prepared and registered for the purposes of a development approval under the repealed *Sustainable Planning Act 2009* as in force at the commencement of this part, other than for the purposes of an amendment of the development approval made after the commencement of this part; or
- (c) prepared on the basis of a survey performed before the commencement of this part for the purposes of work directed or authorised under a regulation under the *State Development and Public Works Organisation Act 1971* to be undertaken or completed by an entity.

*Example for paragraph (c)—*

Under the *State Development and Public Works Organisation Act 1971*, section 140, a regulation may authorise the Coordinator-General to undertake works in, on, over, through or across a foreshore.

**78 Insertion of new ss 65A and 65B**

After section 65—

*insert—*

### **65A Special provision for old plans of survey**

- (1) This section applies in relation to an old plan of survey that—
  - (a) adopts a natural feature for representing a tidal or non-tidal boundary of land; and
  - (b) has not been superseded by a new plan of survey.
- (2) The natural feature is taken to have been adopted in compliance with the directions and instructions applying to surveyors when the old plan of survey was prepared if—
  - (a) a natural feature exists in a location that—
    - (i) corresponds with the location of a boundary shown on the old plan of survey; or
    - (ii) differs to the location mentioned in subparagraph (i) only to an extent attributable to a gradual change of a natural feature; and
  - (b) it is possible to describe the natural feature mentioned in paragraph (a).
- (3) Subsection (2) does not apply in relation to directions or instructions applying to surveyors about—
  - (a) tidal planes; or
  - (b) the adoption of the line of intersection of a particular level of water flow with land; or
  - (c) the adoption of the notional middle line separating the lands of owners on opposite sides of a watercourse.



---

### **65B Special provision for particular boundaries of new land**

- (1) This section applies in relation to a tidal or non-tidal boundary identified in source material for land (the *new land*) that is common with a boundary of land adjoining the new land that—
  - (a) is shown on a registered plan of survey for the adjoining land; and
  - (b) does not comply with the boundary location criteria to the extent allowed under this part.
- (2) The boundary shown on a plan of survey for the new land—
  - (a) must be represented as the boundary is shown on the registered plan of survey for the adjoining land; and
  - (b) is not required to comply with the boundary location criteria to the extent necessary to satisfy paragraph (a).
- (3) Subsection (2) applies until a new plan of survey for the adjoining land that shows the boundary in accordance with the boundary location criteria is registered.
- (4) In this section—

*boundary location criteria* means the criteria stated in section 72 or 100.

### **79 Omission of s 79 (Special requirement to support the operation of s div 3)**

Section 79—

*omit.*

[s 80]

---

**80 Amendment of s 83 (Third exception for the original adopted natural feature rule (tidal) provision (chief executive single lot declaration (tidal) exception))**

(1) Section 83(5)(a), before ‘would otherwise’—

*insert—*

provision

(2) Section 83(7), after ‘extent’—

*insert—*

, having regard to all relevant evidence,

**81 Omission of s 85 (Special requirement to support the operation of sdiv 4)**

Section 85—

*omit.*

**82 Amendment of s 93 (Multiple lot declaration (tidal) provision)**

(1) Section 93(3)—

*omit, insert—*

(3) However, the chief executive may make a multiple lot declaration (tidal) only if—

(a) all the land constituting the relevant lots was the subject of 1 old plan of survey (the *original old plan of survey*), whether or not any other land was also the subject of the original old plan of survey; and

(b) either—

(i) the original adopted natural feature rule (tidal) provision would otherwise apply to 1 or more of the relevant lots but, on a consideration of all the relevant lots taken as a whole, the chief executive is

---

satisfied a circumstance mentioned in subsection (4) exists for the relevant lots; or

- (ii) the second exception for the original adopted natural feature rule (tidal) provision (applied criteria exception) would otherwise have applied to locate the tidal boundary.

(3A) For subsection (3)(b)(i), the circumstances are—

- (a) it is not possible to make a meaningful correspondence between the evidence on the original old plan of survey of an adopted natural feature and evidence on the ground of any natural feature; or
- (b) the adopted natural feature is currently located in a substantially different location than it would have been if it had been the subject of only gradual change since it was adopted in the original old plan of survey; or
- (c) the natural feature adopted for representing the tidal boundary in the original old plan of survey was different from the natural feature that should have been adopted, having regard to the directions and instructions applying to surveyors when the original old plan of survey was prepared; or
- (d) because of circumstances not otherwise provided for in this subdivision, the original adopted natural feature rule (tidal) provision can not practicably be applied.

(2) Section 93(6), from ‘is not’—

*omit, insert—*

complies with the requirements of the first, second and third of the tidal boundary location criteria.

[s 83]

---

(3) Section 93(7), ‘subsection (4)(b)’—

*omit, insert*—

subsection (5)(b)

(4) Section 93(11)—

*omit.*

(5) Section 93(3A) to (10)—

*renumber* as section 93(4) to (11).

**83 Omission of s 107 (Special requirement to support the operation of sdiv 3)**

Section 107—

*omit.*

**84 Amendment of s 108 (Boundary location criteria rule (non-tidal) provision)**

Section 108(1), from ‘that’ to ‘extent’—

*omit, insert*—

closest to the water of the watercourse that, to the greatest practicable extent,

**85 Amendment of s 109 (First exception for the boundary location criteria rule (non-tidal) provision (chief executive single lot declaration (non-tidal) exception))**

Section 109(7), from ‘evidence’ to ‘chief executive’—

*omit, insert*—

relevant evidence

**86 Omission of s 112 (Special requirement to support the operation of sdiv 4)**

Section 112—

*omit.*

**87 Amendment of s 120 (Multiple lot declaration (non-tidal provision))**

(1) Section 120(6), before ‘relevant evidence’—

*insert—*

all

(2) Section 120(11)—

*omit.*

**88 Amendment of pt 9, hdg (Transitional provisions and repeals)**

Part 9, heading, after ‘repeals’—

*insert—*

**for Act No. 71 of 2003**

**89 Insertion of new pt 10**

After part 9—

*insert—*

**Part 10 Transitional provisions  
for Land and Other  
Legislation  
Amendment Act 2023**

**143 Existing survey standards and survey  
guidelines continue in effect**

A survey standard or survey guideline in effect immediately before the commencement continues in effect as a survey standard or survey guideline made under this Act.

[s 90]

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#### **144 Public access to survey standards and survey guidelines made before commencement**

- (1) Section 10 applies in relation to a survey standard or survey guideline made under this Act before the commencement, including a former standard or guideline.
- (2) In this section—  
*former standard or guideline* means a survey standard or survey guideline made under this Act, before the commencement, that is no longer in effect.

#### **90 Amendment of schedule (Dictionary)**

- (1) Schedule, definition *compiled plan of survey*—  
*omit.*
- (2) Schedule—  
*insert—*

*government website* means—

- (a) the department's website; or
- (b) a whole-of-government website.

*relevant evidence*, for part 7, see section 62.

*whole-of-government website* means—

- (a) an official Queensland government website with a URL that includes 'qld.gov.au', other than the website of a local government; or
- (b) another website prescribed by regulation.

- (3) Schedule, definition *ambulatory boundary principles*, ' , for part 7,'—  
*omit.*

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## Part 10                      **Amendment of Survey and Mapping Infrastructure Regulation 2014**

### 91      **Regulation amended**

This part amends the *Survey and Mapping Infrastructure Regulation 2014*.

### 92      **Amendment of s 18 (Procedure after reinstating existing boundaries)**

- (1) Section 18(2)(a), from ‘register’ to ‘boundary’—

*omit, insert—*

give the plan with the reinstated boundary to the relevant person under section 19

- (2) Section 18(2)(b), ‘registering entity’—

*omit, insert—*

relevant person

## Part 11                      **Amendment of Vegetation Management Act 1999**

### 93      **Act amended**

This part amends the *Vegetation Management Act 1999*.

### 94      **Amendment of s 8 (What is vegetation)**

Section 8(b), ‘prescribed under a regulation’—

*omit, insert—*

identified in the VM REDD as having a grassland structure

[s 95]

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**95 Amendment of s 16 (Preparing declaration)**

Section 16(7)(a)—

*omit, insert—*

- (a) be published—
  - (i) on the department’s website; and
  - (ii) in any other way the Minister considers appropriate, including, for example, in an electronic version of a newspaper; and

**96 Amendment of s 19Q (When code compliant clearing and conduct of native forest practices are accepted development, assessable development or prohibited development for Planning Act)**

- (1) Section 19Q, heading—

*omit, insert—*

**19Q Code compliant clearing and conduct of native forest practices are accepted development for Planning Act**

- (2) Section 19Q(2), including note—

*omit, insert—*

- (2) For the Planning Act, the activity is accepted development only if and to the extent the activity complies with the code.

*Note—*

Under the Planning Act, the activity to the extent it does not comply with the code may be prohibited development or assessable development. See chapter 5, part 2 of that Act in relation to offences applying to prohibited development and assessable development.

**98 Amendment of s 20D (When PMAV may be replaced)**

Section 20D(3)(b), including editor’s note—



*omit, insert—*

- (b) to reflect a change to a regional ecosystem, in an area mentioned in subsection (2), under division 7A; or

## **99 Insertion of new s 20G**

After section 20F—

*insert—*

### **20G Effect of PMAV**

- (1) An owner of land included in a PMAV, or any other person, may rely on the PMAV as correctly showing a vegetation category area.
- (2) Also, until the regulated vegetation management map is amended under section 20HB to reflect a PMAV that has been made or replaced, a reference in section 20AL, 20AM, 20AN, 20ANA or 20AO to an area of a particular category shown on the regulated vegetation management map is taken to include a reference to an area of that category shown on the PMAV.

## **100 Amendment of s 20HB (Amending vegetation management map)**

Section 20HB, from ‘certifies’—

*omit, insert—*

makes or replaces a PMAV, the chief executive must amend the regulated vegetation management map in a way that reflects the PMAV.

## **100A Replacement of pt 2, div 7A, hdg (Classes of regional ecosystems)**

Part 2, division 7A, heading—

[s 101]

---

*omit, insert—*

## **Division 7A      Regional ecosystems**

### **101      Insertion of new pt 2, div 7A, sdiv 1**

Part 2, division 7A—

*insert—*

### **Subdivision 1    Vegetation Management Regional Ecosystem Description Database (VM REDD)**

#### **22I    What is the *Vegetation Management Regional Ecosystem Description Database (or VM REDD)***

The *Vegetation Management Regional Ecosystem Description Database* (or *VM REDD*) is the database that has effect as the Vegetation Management Regional Ecosystem Description Database under this subdivision.

#### **22J    Certification of database**

- (1) The chief executive may certify a database about regional ecosystems as the Vegetation Management Regional Ecosystem Description Database.
- (2) The chief executive may certify a database under subsection (1) by certifying—
  - (a) a hard copy of the database; or
  - (b) a digital electronic form of the database.
- (3) If the chief executive certifies a digital electronic form of a database under subsection (1), a reference in this subdivision to the database is

taken to include a reference to a hard copy of the database.

- (4) Before certifying a database under subsection (1), the chief executive must ensure—
  - (a) the regional ecosystem numbers, descriptions and classes for regional ecosystems in the database reflect the relevant numbers, descriptions and classes in the Queensland Herbarium Regional Ecosystem Description Database; and
  - (b) if certified, the database would comply with sections 22LA(2), 22LB(2) and 22LC(2).
- (5) However, a failure to comply with subsection (4), or section 22LA(2), 22LB(2) or 22LC(2), in relation to the certification of a database under subsection (1) does not affect the validity of the certification.

## **22K When database in effect as VM REDD**

- (1) A database certified under section 22J takes effect as the VM REDD on—
  - (a) the day the database is tabled in the Legislative Assembly under subsection (2); or
  - (b) if the database states a later day from which the database takes effect—the day stated in the database.
- (2) A database certified under section 22J must be tabled in the Legislative Assembly within 14 sitting days after the certification.
- (3) If a database certified under section 22J is not tabled under subsection (2)—
  - (a) the database has no effect; and

[s 101A]

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- (b) the database that most recently was the VM REDD continues in effect as the VM REDD.
- (4) The *Statutory Instruments Act 1992*, section 50 applies to a database certified under section 22J as if it were subordinate legislation.
- (5) If a database certified under section 22J ceases to have effect under subsection (4), the database that most recently was the VM REDD again takes effect as the VM REDD.
- (6) The fact that a database certified under section 22J ceases to have effect under subsection (4) does not affect anything done or suffered under this Act before the database ceased to have effect.

## **22L Publication of VM REDD**

The chief executive must ensure each database certified under section 22J—

- (a) is published on the department’s website; and
- (b) states the period for which the database is or was the VM REDD.

## **101A Insertion of new pt 2, div 7A, sdiv 2, hdg**

Before section 22LA—

*insert—*

### **Subdivision 2 Classes of regional ecosystems**

## **102 Amendment of s 22LA (Endangered regional ecosystems)**

- (1) Section 22LA(1)—

*omit, insert—*

- (1) Each regional ecosystem identified in the VM REDD as an endangered regional ecosystem is an endangered regional ecosystem.
- (2) Section 22LA(2), from ‘The’ to ‘unless’—

*omit, insert—*

The VM REDD may identify a regional ecosystem as an endangered regional ecosystem only if

- (3) Section 22LA(3)—

*omit.*

### **103 Amendment of s 22LB (Of concern regional ecosystems)**

- (1) Section 22LB(1)—

*omit, insert—*

- (1) Each regional ecosystem identified in the VM REDD as an of concern regional ecosystem is an of concern regional ecosystem.

- (2) Section 22LB(2), from ‘The’ to ‘unless’—

*omit, insert—*

The VM REDD may identify a regional ecosystem as an of concern regional ecosystem only if

- (3) Section 22LB(3)—

*omit.*

### **104 Amendment of s 22LC (Least concern regional ecosystems)**

- (1) Section 22LC(1)—

*omit, insert—*

[s 105]

---

- (1) Each regional ecosystem identified in the VM REDD as a least concern regional ecosystem is a least concern regional ecosystem.
- (2) Section 22LC(2), from ‘The’ to ‘unless’—  
*omit, insert—*  
The VM REDD may identify a regional ecosystem as a least concern regional ecosystem only if
- (3) Section 22LC(3)—  
*omit.*

**105 Amendment of s 61 (Ability to prosecute under other Acts)**

Section 61(b), note—  
*omit.*

**106 Insertion of new pt 6, div 15**

Part 6—  
*insert—*

**Division 15 Transitional provisions for  
Land and Other Legislation  
Amendment Act 2023**

**149 References to Queensland Herbarium  
Regional Ecosystem Description Database in  
particular instruments**

- (1) This section applies to a reference to the Queensland Herbarium Regional Ecosystem Description Database in a VM instrument as in effect on the commencement.
- (2) If the context permits, the reference is taken to be

a reference to the VM REDD.

- (3) This section stops applying to a VM instrument when the instrument is first amended or replaced after the commencement.
- (4) In this section—  
***VM instrument*** means—
  - (a) the State policy; or
  - (b) an accepted development vegetation clearing code; or
  - (c) an area management plan; or
  - (d) State Code 16: Native vegetation clearing of the State development assessment provisions under the Planning Act.

### **150 Application of Act if no VM REDD or no former VM REDD**

- (1) Until a database takes effect as the VM REDD under this Act, the former provisions apply as if the *Land and Other Legislation Amendment Act 2023*, part 11 had not been enacted.
- (2) Subsection (3) applies if—
  - (a) a database certified under section 22J stops having effect as the VM REDD under this Act; and
  - (b) there is no database that was the VM REDD before the certification.
- (3) The former provisions apply, as if the *Land and Other Legislation Amendment Act 2023*, part 11 had not been enacted, until another database takes effect as the VM REDD under this Act.
- (4) In this section—  
***former provisions*** means the following provisions as in force immediately before the

[s 107]

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commencement—

- (a) section 8(b);
- (b) sections 22LA, 22LB and 22LC;
- (c) schedule, definitions *encroachment*, *grassland regional ecosystem* and *regional ecosystem number*;
- (d) a provision of a regulation made under a provision mentioned in paragraph (a), (b) or (c).

## 107 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *encroachment*, *grassland regional ecosystem* and *regional ecosystem number*—  
*omit.*
- (2) Schedule—  
*insert—*

***encroachment*** means a woody species that has invaded an area of a grassland regional ecosystem, identified in the VM REDD as having a woody grassland structure, to an extent the area is no longer consistent with the description of the regional ecosystem.

***grassland regional ecosystem*** means a regional ecosystem identified in the VM REDD as a grassland regional ecosystem.

***Queensland Herbarium Regional Ecosystem Description Database*** means the Regional Ecosystem Description Database maintained by the Queensland Herbarium that contains numbers, descriptions, classes and biodiversity status of regional ecosystems.

***regional ecosystem number***, for a regional ecosystem, means the regional ecosystem number



established under the VM REDD for the regional ecosystem.

*Vegetation Management Regional Ecosystem Description Database* see section 22I.

*VM REDD* see section 22I.

## **Part 12 Other amendments**

### **108 Legislation amended**

Schedule 1 amends the legislation it mentions.

## **Part 13 Repeal of legislation**

### **109 Repeals**

The following legislation is repealed—

- Foreign Governments (Titles to Land) Act 1948, 12 Geo 6 No. 12
- Starcke Pastoral Holdings Acquisition Act 1994, No. 4
- Survey and Mapping Infrastructure (Survey Standards) Notice 2021, SL No. 154
- Survey and Mapping Infrastructure (Survey Standards—Requirements for Mining Tenures) Notice (No. 1) 2011, SL No. 221
- Yeppoon Hospital Site Acquisition Act 2006, No. 43.

## Schedule 1      Other amendments

section 108

### Acquisition of Land Act 1967

- 1      **Sections 7(4B) and 16(2), from ‘the application’ to ‘section 9(4)’—**

*omit, insert—*

an application under section 9(1) has not been made within the time stated in section 9(2)

### Forest Wind Farm Development Act 2020

- 1      **Sections 32(3) and 45(3), ‘sections 441A and 442 apply’—**

*omit, insert—*

chapter 7, part 1D applies

### Government Owned Corporations Act 1993

- 1      **Schedule 5, entries for *Environmental Protection Regulation 2008, Land Regulation 2009, Queensland Building and Construction Commission Regulation 2003 and Sustainable Planning Act 2009—***

*omit.*

**2 Schedule 5—***insert—*

<i>Environmental Protection Regulation 2019</i>	schedule 19, part 2, definition <i>State or local government entity</i> , to the extent it applies to section 140
<i>Land Regulation 2020</i>	section 26(3), definition <i>government leasing entity</i> section 38(1)(c)
<i>Planning Act 2016</i>	schedule 2, definition <i>public sector entity</i>
<i>Queensland Building and Construction Commission Regulation 2018</i>	schedule 8, definition <i>agency of the State</i> , to the extent it applies to schedule 1, section 8

**Land Act 1994****1 Section 15(1), from ‘application’ to ‘section 166(1)’—***omit, insert—*

offer to convert a lease under chapter 4, part 3, division 3

**2 Section 120A(2)—***insert—**Note—*

See section 403T for requirements for acceptance of offers.

**3 Section 120A(3)—**

*omit.*

**4 Section 161—**

*omit.*

**5 Section 162(1)—**

*insert—*

*Note—*

See section 403T for requirements for acceptance of offers.

**6 Section 171—**

*omit, insert—*

**171 Compliance with particular conditional offers**

- (1) This section applies if the conditions of an offer include a requirement to enter into a forest consent agreement.
- (2) The condition including the requirement is taken to be complied with only if the chief executive under the *Forestry Act 1959* advises the chief executive under this Act that the forest consent agreement has been entered into.

*Note—*

See section 403T for requirements for acceptance of offers.

**7 Section 176F—**

*omit.*

**8 Section 176G(1)(b), note—**

*omit.*

---

**9 Section 176G(1)—***insert—**Note—**See—*

- (a) section 403T for requirements for acceptance of offers; and
- (b) section 153 for a requirement for a lease to state its purpose.

**10 Section 176R—***omit.***11 Section 176S(1), note—***omit, insert—**Note—**See—*

- (a) section 403T for requirements for acceptance of offers; and
- (b) section 153 for a requirement for a lease to state its purpose.

**12 Section 204(3), ‘fulfilling’—***omit, insert—*

complying with

**13 Section 360F(1), ‘360A(4)’—***omit, insert—*

360A(5)

**14 Section 361, definition *full supply level*—***omit.*

- 15 Section 434B(1) and (2), before ‘application’—**  
*insert—*  
offer or
- 16 Section 434B(2), ‘finalised’—**  
*omit, insert—*  
fully dealt with
- 17 Sections 441A and 442—**  
*omit.*
- 18 Sections 458(1)(a), 463(1)(a) and 467(1)(a), ‘fulfilled’—**  
*omit, insert—*  
complied with
- 19 Sections 471(1) and 478(1), ‘application’—**  
*omit, insert—*  
offer
- 20 Schedule 1A, entry for section 136—**  
*omit.*
- 21 Schedule 2, entries for sections 160(3) and 168(5), ‘fulfilled’—**  
*omit, insert—*  
complied with

## Land Regulation 2020

**1 Section 5(1), ‘section 60(2)’—**

*omit, insert—*

section 60(2)(b)

**2 Section 12, ‘and (5)’—**

*omit, insert—*

and (6)

**3 Section 42—**

*omit.*

## Land Sales Act 1984

**1 Section 8(1)(b), from ‘as’ to ‘176F’—**

*omit, insert—*

under the *Land Act 1994*

**2 Section 8(1)(b)—**

*insert—*

*Note—*

See the *Land Act 1994*, section 403T for requirements for acceptance of offers under that Act.

## **Land Title Act 1994**

- 1 **Section 81A, definition *full supply level*—**  
*omit.*
- 2 **Schedule 2, definition *full supply level*—**  
*omit.*

## **Queen’s Wharf Brisbane Act 2016**

- 1 **Section 54(3), definition *indemnity and insurance conditions* and note, ‘*Land Regulation 2009*, schedule 10A, part 1, sections 1 and 2’—**  
*omit, insert—*  
*Land Regulation 2020*, schedule 1, sections 1 and 2

## **Stock Route Management Act 2002**

- 1 **Chapter 3, part 1, heading—**  
*omit, insert—*

### **Part 1 Preliminary**

- 2 **Section 97, heading, after ‘Principles’—**  
*insert—*

#### **of stock route network management**



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**3 Section 100(2), ‘ceases to have’—**

*omit, insert—*

stops having

**4 Section 120, ‘section 122(3)’—**

*omit, insert—*

section 122(4)

**5 Section 309(2)—**

*omit, insert—*

- (2) A regulation may be made about charges, costs or fees payable under this Act.

## **Stock Route Management Regulation 2003**

**1 Section 9—**

*omit.*

**2 Section 16—**

*omit.*

## **Survey and Mapping Infrastructure Act 2003**

**1 Section 63, heading and section 64, heading, ‘pt 7’—**

*omit, insert—*

**this part**

## Water Act 2000

**1 Section 730(8), definition *indemnity and insurance conditions*, ‘*Land Regulation 2009*, schedule 10A, part 1, sections 1 and 2’—**

*omit, insert—*

*Land Regulation 2020*, schedule 1, sections 1 and 2

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