

Queensland



**ENVIRONMENTAL
LEGISLATION
AMENDMENT BILL 1995**

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1995

A BILL

FOR

An Act to amend legislation about the environment

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause **1.** This Act may be cited as the *Environmental Legislation Amendment Act 1995*.

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PART 2—AMENDMENT OF ENVIRONMENTAL PROTECTION ACT 1994

6

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Act amended

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Clause **2.** This part amends the *Environmental Protection Act 1994*.

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Amendment of s 42 (Public notice of applications for licences)

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Clause **3.** Section 42(3)(a)(ii), ‘paragraph (a)’—

11

omit, insert—

12

‘subparagraph (i)’.

13

Amendment of s 48 (Refusal of application for environmental authority)

14

15

Clause **4.(1)** Section 48(1), definition “**environmental authority**”—

16

omit.

17

(2) Section 48(1)—

18

insert—

19

‘ **“interstate environmental authority”** means a licence, permit or other

20

Environmental Legislation Amendment

authority that— 1

(a) is issued under an interstate law; and 2

(b) is prescribed under a regulation to be an environmental authority
for this section.’. 3
4

(3) Section 48(4), ‘if the authority’— 5

omit, insert— 6

‘if it’. 7

(4) Section 48(4)(a) and (b), after ‘environmental authority’— 8

insert— 9

‘or interstate environmental authority’. 10

Amendment of s 58 (Refusal of application for transfer of licence) 11

Clause **5.(1)** Section 58(1), definition “**environmental authority**”— 12

omit. 13

(2) Section 58(1)— 14

insert— 15

‘ “**interstate environmental authority**” means a licence, permit or other
authority that— 16
17

(a) is issued under an interstate law; and 18

(b) is prescribed under a regulation to be an environmental authority
for this section.’. 19
20

(3) Section 58(3)(a) and (b), after ‘environmental authority’— 21

insert— 22

‘or interstate environmental authority’. 23

**Amendment of s 106 (Authority may apply to court for order setting
aside immunity from prosecution) 24
25**

Clause **6.** Section 106(1), ‘103(1)’— 26

Environmental Legislation Amendment

	<i>omit, insert—</i>	1
	‘104(1)’.	2
	Replacement of pt 3 heading (Part 3—Other enforcement powers of authorised persons)	3 4
Clause	7. Chapter 4, part 3, heading—	5
	<i>omit, insert—</i>	6
	‘PART 3—OTHER ENFORCEMENT POWERS OF AUTHORISED PERSONS AND POLICE OFFICERS’.	7 8
	Amendment of s 144 (Power to require name and address)	9
Clause	8. Section 144(4), ‘an authorised person who is’—	10
	<i>omit.</i>	11
	Amendment of sch 4 (Dictionary)	12
Clause	9.(1) Schedule 4, definition “approval”—	13
	<i>omit, insert—</i>	14
	‘ “approval” means an approval under chapter 3, part 4 to carry out a level 2 environmentally relevant activity. ¹ ’.	15 16
	(2) Schedule 4, definition “noise abatement direction” —	17
	<i>omit, insert—</i>	18
	‘ “noise abatement direction” see section 150(3)(b).’.	19
	(3) Schedule 4—	20
	<i>insert—</i>	21
	‘ “engaging” in conduct includes failing to engage in conduct.	22
	“interstate environmental authority” see sections 48 and 58.’.	23

¹ Chapter 3 (Environmental management), part 4 (Environmental authorities)

**PART 3—AMENDMENT OF MARINE PARKS ACT
1982**

	Act amended	3
Clause	10. This part amends the <i>Marine Parks Act 1982</i> .	4
	Amendment of s 9 (Definitions)	5
Clause	11. Section 9— <i>insert—</i> ' “fee” includes tax.'	6 7 8

**PART 4—AMENDMENT OF NATURE
CONSERVATION ACT 1992**

	Act amended	11
Clause	12. This part amends the <i>Nature Conservation Act 1992</i> .	12
	Amendment of s 35 (Chief executive’s powers about permitted uses in National Parks)	13 14
Clause	13. Section 35(1)(a)— <i>omit, insert—</i> '(a) the use under the authority is prescribed under a regulation made for this section to be a permitted use for the area; and'	15 16 17 18
	Amendment of s 37 (Chief executive’s powers to renew existing authorities for National Parks)	19 20
Clause	14. Section 37(2)— <i>omit, insert—</i>	21 22

Environmental Legislation Amendment

‘(2) The chief executive may renew, or consent to the renewal of, an authority for the national park if the use under the authority is prescribed under a regulation made for this section to be a permitted use for the area.’.

Amendment of s 112 (Conservation plans)

- Clause **15.** Section 112(5)—
omit, insert—
 ‘(5) A conservation plan may make provision about the following matters—
- (a) any matter for which a regulation may be made under this Act, including, for example, prescribing offences for contraventions of the plan, and fixing a maximum penalty of a fine of not more than 165 penalty units for the contravention;
 - (b) the use or development of land, and activities, in an area identified under the plan as, or including, a critical habitat or an area of major interest.’.

Amendment of s 123 (Local governments’ decisions to be consistent with plans)

- Clause **16.** Section 123(2), ‘development on’—
omit, insert—
 ‘use of, or a development on,’.

Amendment of s 124 (Amendment of plans)

- Clause **17.** Section 124—
insert—
 ‘(2) However, subsection (1) does not apply to the amendment of a management or conservation plan to—
- (a) correct an error in the plan; or
 - (b) make a change (other than a change of substance) in the plan; or
 - (c) if the plan or a regulation provides that an amendment of a stated

type may be made to the plan by amendment under this subsection—make an amendment of that type.’.

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PART 5—AMENDMENT OF QUEENSLAND HERITAGE ACT 1992

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Act amended

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Clause 18. This part amends the *Queensland Heritage Act 1992*.

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Amendment of s 4 (Definitions)

7

Clause 19.(1) Section 4, definition “**cultural heritage significance**”—

8

omit.

9

(2) Section 4—

10

insert—

11

“**aesthetic significance**”, of a place or object, includes its visual merit or interest.

12

13

“**cultural heritage significance**”, of a place or object, includes its aesthetic, architectural, historical, scientific, social or technological significance to the present generation or past or future generations.’.

14

15

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Amendment of s 11 (Terms and conditions of membership)

17

Clause 20. Section 11(3)—

18

omit.

19

Amendment of s 23 (Criteria for entry in the Register)

20

Clause 21. Section 23(1)(e)—

21

omit, insert—

22

‘(e) the place is important because of its aesthetic significance;’.

23

Environmental Legislation Amendment

Amendment of ss 44–46 and 50

Clause	22. Sections 44 to 46 and 50, ‘order in council’—	1 2
	<i>omit, insert—</i>	3
	‘regulation’.	4

Replacement of ss 68 and 69

Clause	23. Sections 68 and 69—	5 6
	<i>omit, insert—</i>	7
	‘Regulation making power	8
	‘68. The Governor in Council may make regulations under this Act.’.	9

**PART 6—AMENDMENT OF RECREATION AREAS
MANAGEMENT ACT 1988**

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Act amended

Clause	24. This part amends the <i>Recreation Areas Management Act 1988</i> .	12 13
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Amendment of s 5 (Interpretation)

Clause	25. Section 5—	14 15
	<i>insert—</i>	16
	‘“fee” includes tax.’.	17

**PART 7—AMENDMENT OF WET TROPICS WORLD
HERITAGE PROTECTION AND MANAGEMENT
ACT 1993**

	Act amended	4
Clause	26. This part amends the <i>Wet Tropics World Heritage Protection and Management Act 1993</i> .	5 6
	Amendment of s 41 (Preparation of plans by Authority)	7
Clause	27. Section 41(4) and (5)— <i>omit, insert—</i>	8 9
	‘(4) A management plan may make provision for any matter for which a regulation may be made under this Act, including, for example—	10 11
	(a) prescribing offences for contraventions of the plan, and fixing a maximum penalty of a fine of not more than 165 penalty units for the contravention; and	12 13 14
	(b) exempting and prescribing acts for section 56(3), definition ‘prohibited act’.	15 16
	‘(5) A regulatory impact statement under the <i>Statutory Instruments Act 1992</i> need not be prepared for the first management plan for the wet tropics area.’	17 18 19
	Amendment of s 47 (Approval of final plan)	20
Clause	28.(1) Section 47(1)— <i>omit, insert—</i>	21 22
	‘ 47.(1) A final management plan does not have effect until approved by the Governor in Council.’	23 24
	(2) Section 47(3)— <i>omit, insert—</i>	25 26
	‘ (3) A final management plan is subordinate legislation.’	27

Omission of s 48 (Compliance with plan)

Clause	29. Section 48—	1
	<i>omit.</i>	2
		3

Amendment of s 52 (Amendment of plans)

Clause	30. Section 52—	4
	<i>insert—</i>	5
	‘ (2) However, subsection (1) does not apply to the amendment of a management plan to—	6
	(a) correct an error in the plan; or	7
	(b) make a change (other than a change of substance) in the plan; or	8
	(c) if the plan or a regulation provides that an amendment of a stated type may be made to the plan by amendment under this subsection—make an amendment of that type.’	9
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