



Queensland

Natural Resources Legislation Amendment Bill 2004



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Natural Resources Legislation Amendment Bill 2004

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2004

A Bill

for

An Act to amend legislation about natural resources

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Natural Resources Legislation Amendment Act 2004*. 4
5

**Part 2 Amendment of Land Protection
(Pest and Stock Route
Management) Act 2002** 6
7
8

Clause 2 Act amended in pt 2 9

This part amends the *Land Protection (Pest and Stock Route Management) Act 2002*. 10
11

**Clause 3 Amendment of s 6 (Relationship with Nature
Conservation Act and Forestry Act)** 12
13

(1) Section 6, heading, ‘Nature Conservation Act and Forestry Act’— 14
15

omit, insert— 16

‘**particular Acts**’. 17

(2) Section 6(1) and (2), after ‘Act 1992’— 18

insert— 19

‘, the *Fisheries Act 1994*’. 20

Clause 4	Amendment of s 37 (Declaring declared pests by emergency pest notice)	1 2
	(1) Section 37(2), ‘gazette’—	3
	<i>omit.</i>	4
	(2) Section 37(7), ‘ceases to have effect 3 months after it is gazetted’—	5 6
	<i>omit, insert—</i>	7
	‘expires 3 months after it commences’.	8
Clause 5	Amendment of s 41 (Keeping declared pest)	9
	Section 41—	10
	<i>insert—</i>	11
	‘(2) A person does not commit an offence against subsection (1) if the person keeps the declared pest for identification by—	12 13
	(a) for a declared pest that is an animal—Queensland Museum; or	14 15
	(b) for a declared pest that is a plant—Queensland Herbarium.’.	16 17
Clause 6	Insertion of new s 41A	18
	After section 41—	19
	<i>insert—</i>	20
	‘41A Amnesty for keeping particular declared pests	21
	‘(1) This section applies if the chief executive becomes aware that many persons are keeping animals of a particular type that is a declared pest (<i>a particular declared pest</i>) other than under declared pest permits.	22 23 24 25
	‘(2) The chief executive may, with the approval of the Minister, declare an amnesty (<i>an amnesty declaration</i>) for the particular declared pest.	26 27 28
	‘(3) A person who keeps a particular declared pest other than under a declared pest permit does not commit an offence against section 41 in relation to the particular declared pest if the person surrenders the pest—	29 30 31 32

- (a) during the amnesty period for the particular declared pest; and 1
2
- (b) in the way stated in the amnesty declaration. 3
- ‘(4) The chief executive may destroy or dispose of, in a reasonable way decided by the chief executive, a particular declared pest surrendered under subsection (3). 4
5
6
- ‘(5) Compensation is not payable for the destruction or disposal of a declared pest under an amnesty declaration. 7
8
- ‘(6) In this section— 9
- amnesty period*, for a particular declared pest mentioned in an amnesty declaration, means the period stated in the amnesty declaration as the period for surrendering the particular declared pest.’. 10
11
12
13

Clause 7 Amendment of s 44 (Supplying declared pest) 14

- Section 44— 15
- insert—* 16
- ‘(2) A person does not commit an offence against subsection (1) if the person supplies the declared pest for identification to— 17
18
- (a) for a declared pest that is an animal—Queensland Museum; or 19
20
- (b) for a declared pest that is a plant—Queensland Herbarium.’. 21
22

**Clause 8 Amendment of s 45 (Supplying things containing reproductive material of particular declared pests) 23
24**

- (1) Section 45(3)— 25
- renumber* as section 45(4). 26
- (2) Section 45— 27
- insert—* 28

- ‘(3) Both the supplier and the person to whom the thing is supplied must keep a copy of the written notice given under subsection (2) for 5 years after the notice is given.
Maximum penalty for subsection (3)—10 penalty units.’

Clause 9	Amendment of s 79 (Extending compliance period)	5
	(1) Section 79(1), (3) and (4), ‘person’—	6
	<i>omit, insert—</i>	7
	‘landowner’.	8
	(2) Section 79(2)—	9
	<i>omit, insert—</i>	10
	‘(2) The request must—	11
	(a) be in writing; and	12
	(b) state the reason for the request; and	13
	(c) state the period of extension requested.’	14
	(3) Section 79(3)(a)(i), ‘and’—	15
	<i>omit, insert—</i>	16
	‘or’.	17
	(4) Section 79(3)(a)(ii), after ‘it is’—	18
	<i>insert—</i>	19
	‘otherwise’.	20
	(5) Section 79(4), after ‘period,’—	21
	<i>insert—</i>	22
	‘or to extend the period other than as requested under subsection (2)(c),’.	23
		24
Clause 10	Amendment of s 80 (Noncompliance with pest control notice)	25
	(1) Section 80—	26
	<i>insert—</i>	27
		28

	‘(1A) The entry notice must also state the period, of not more than 2 months, that the notice remains in force.’	1 2
	(2) Section 80(1A) and (2)— <i>renumber</i> as section 80(2) and (3).	3 4
Clause 11	Amendment of s 90 (Emergency quarantine notice)	5
	(1) Section 90— <i>insert</i> —	6 7
	‘(8A) Subsection (1) does not allow the chief executive officer of the local government to give an emergency quarantine notice in relation to State land in the area.’	8 9 10
	(2) Section 90(8A) and (9)— <i>renumber</i> as section 90(9) and (10).	11 12
Clause 12	Amendment of s 116 (Application for permit)	13
	Section 116(2)(c)— <i>omit, insert</i> —	14 15
	‘(c) both of the following apply—	16
	(i) the permit is for either—	17
	(A) if the issuing entity is a local government prescribed for section 104—relevant land identified in the issuing entity’s stock route network management plan as land containing more pasture and water than is needed for the use of travelling stock; or	18 19 20 21 22 23
	(B) otherwise—relevant land the issuing entity is satisfied contains more pasture and water than is needed for the use of travelling stock;	24 25 26
	(ii) the issuing entity has given notice that a person may apply for a permit for the land.’	27 28
Clause 13	Amendment of s 118 (Deciding application)	29
	(1) Section 118(2)(a)—	30

<i>omit, insert—</i>	1
‘(a) if the issuing entity has a stock route network management plan—the use of the land for agistment is consistent with the plan; and’.	2 3 4
(2) Section 118(2)(b)(ii)—	5
<i>omit, insert—</i>	6
‘(ii) there is more pasture and water available on the land than is needed for the use of travelling stock; and’.	7 8 9

Clause 14	Amendment of s 159 (Amounts payable by landowner)	10
	Section 159, heading, ‘landowner’—	11
	<i>omit, insert—</i>	12
	‘ permit holder ’.	13

Clause 15	Amendment of s 163 (Water facility agreements)	14
(1)	Section 163(1)(e), ‘constructing’—	15
	<i>omit, insert—</i>	16
	‘constructing or maintaining’.	17
(2)	Section 163(1)—	18
	<i>insert—</i>	19
	‘(f) allowing access to the owner’s land for any purpose mentioned in paragraphs (a) to (e).’.	20 21

Clause 16	Amendment of s 165 (Registration of particular agreements)	22 23
	Section 165(2) and (3)—	24
	<i>omit, insert—</i>	25
‘(2)	As soon as practicable after the agreement is entered, the chief executive must give the land registrar written notice of the agreement.	26 27 28

- ‘(3) The land registrar must keep records showing that the land specified in the notice is the subject of a water facility agreement. 1
2
3
- ‘(4) The land registrar must keep the records in a way that allows a search of the register kept by the registrar under any Act relating to title to the land to show the existence of the agreement. 4
5
6
7
- ‘(5) As soon as practicable after the agreement is terminated, the chief executive must give the land registrar written notice of the termination. 8
9
10
- ‘(6) As soon as practicable after receiving a notice under subsection (5), the land registrar must remove the particulars of the agreement from the registrar’s records. 11
12
13
- ‘(7) While the agreement is in force, the landowner’s obligations under the agreement attach to the land and bind the owner and the owner’s successors in title to the land. 14
15
16
- ‘(8) In this section— 17
land registrar means— 18
(a) for freehold land—the registrar of titles; and 19
(b) for land leased from the State—the chief executive.’. 20

Clause 17 Insertion of new ss 195A and 195B 21

After section 195— 22

insert— 23

‘195A Investigations about eligibility for appointment 24

- ‘(1) The chief executive may make investigations about a person to decide whether the person is eligible for appointment as a member. 25
26
27
- ‘(2) Without limiting subsection (1), the chief executive may ask the commissioner of the police service for a written report about the criminal history of the person. 28
29
30
- ‘(3) The commissioner must give the report to the chief executive. 31
- ‘(4) However, the report is required to contain only criminal history in the commissioner’s possession or to which the commissioner has access. 32
33
34

'195B Criminal history is confidential document	1
'(1) An officer, employee or agent of the department must not, directly or indirectly, disclose to anyone else a report, or information contained in a report, given under section 195A.	2 3 4
Maximum penalty—100 penalty units.	5
'(2) However, the officer, employee or agent does not commit an offence against subsection (1) if—	6 7
(a) disclosure of the report or information to someone else is authorised by the chief executive; or	8 9
(b) the disclosure is otherwise required or permitted by law.	10
'(3) The chief executive may authorise disclosure under subsection (2)(a) only to the extent necessary to perform a function under or in relation to this Act.	11 12 13
'(4) The chief executive must destroy the report as soon as practicable after considering the person's eligibility.'	14 15
Clause 18 Amendment of s 224 (Qualifications for appointment)	16
Section 224—	17
<i>insert—</i>	18
'(3) Also, a regulation establishing a pest operational board may prescribe residential or land ownership or occupation requirements as qualifications for appointment as a director.'	19 20 21
Clause 19 Insertion of new ss 224A and 224B	22
After section 224—	23
<i>insert—</i>	24
'224A Investigations about eligibility for appointment	25
'(1) The chief executive may make investigations about a person to decide whether the person is eligible for appointment as a director.	26 27 28
'(2) Without limiting subsection (1), the chief executive may ask the commissioner of the police service for a written report about the criminal history of the person.	29 30 31
'(3) The commissioner must give the report to the chief executive.	32

- ‘(4) However, the report is required to contain only criminal history in the commissioner’s possession or to which the commissioner has access. 1
2
3

‘224B Criminal history is confidential document 4

- ‘(1) An officer, employee or agent of the department must not, directly or indirectly, disclose to anyone else a report, or information contained in a report, given under section 224A. 5
6
7
Maximum penalty—100 penalty units. 8
- ‘(2) However, the officer, employee or agent does not commit an offence against subsection (1) if— 9
10
- (a) disclosure of the report or information to someone else is authorised by the chief executive; or 11
12
- (b) the disclosure is otherwise required or permitted by law. 13
- ‘(3) The chief executive may authorise disclosure under subsection (2)(a) only to the extent necessary to perform a function under or in relation to this Act. 14
15
16
- ‘(4) The chief executive must destroy the report as soon as practicable after considering the person’s eligibility.’. 17
18

- 20 Clause Amendment of s 274 (Destruction or disposal of seized things) 19
20**
- (1) Section 274— 21
insert— 22
- ‘(3A) However, the authorised person may immediately destroy or dispose of the pest if— 23
24
- (a) the owner is given an opportunity under subsection (2) to produce a declared pest permit for the pest; and 25
26
- (b) the owner immediately gives a written declaration to the authorised person, admitting that the owner does not hold a declared pest permit for the pest.’. 27
28
29
- (2) Section 274(3A) to (5)— 30
renumber as section 274(4) to (6). 31

Clause 21	Amendment of sch 3 (Dictionary)	1
	(1) Schedule 3—	2
	<i>insert—</i>	3
	‘ <i>criminal history</i> , of a person, has the meaning given by the	4
	<i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> ,	5
	section 3, but does not include convictions for which the	6
	rehabilitation period has expired, and has not been revived,	7
	under that Act.’	8
	(2) Schedule 3, definition <i>State-controlled land</i> , paragraph (c),	9
	after ‘(Aboriginal land),’—	10
	<i>insert—</i>	11
	‘national park (recovery),’.	12
Part 3	Amendment of Surveyors Act	13
	2003	14
Clause 22	Act amended in pt 3	15
	This part amends the <i>Surveyors Act 2003</i> .	16
Clause 23	Amendment of s 16 (Disqualification from membership)—	17
	Section 16(1)(b), ‘this Act’	18
	<i>omit, insert—</i>	19
	‘this Act or the repealed Act’.	20
Clause 24	Amendment of s 36 (Eligibility for registration or	21
	registration endorsement—individuals)	22
	(1) Section 36(2)(a)(i) and 36(3)(a), ‘this Act’—	23
	<i>omit, insert—</i>	24
	‘this Act, the repealed Act’.	25
	(2) Section 36(2)(c)(i), ‘this Act’—	26

omit, insert— 1
 ‘this Act or the repealed Act’. 2

Clause 25	Amendment of s 38 (Eligibility for registration and registration endorsement—corporations)	3 4
	(1) Section 38(2)(b), ‘this Act’	5
	<i>omit, insert—</i>	6
	‘this Act or the repealed Act’.	7
	(2) Section 38(3)(a)—	8
	<i>omit, insert—</i>	9
	‘(a) if the corporation requires an endorsement other than as a consulting surveyor—a surveyor who holds the registration endorsement required; or’.	10 11 12
Clause 26	Amendment of s 43 (Who may assess competency)	13
	Section 43—	14
	<i>insert—</i>	15
	‘(4) The procedure may include 1 or more of the following—	16
	(a) training a person under an agreement (a <i>professional training agreement</i>) entered into between the board, the person and a surveyor who supervises the training;	17 18 19
	(b) assessing a person’s surveying project (a <i>professional assessment project</i>);	20 21
	(c) assessing a person’s skills and experience (<i>competence equivalence</i>).	22 23
	‘(5) Subsection (4) does not limit the procedures that may be decided under subsection (2)(a).’.	24 25
Clause 27	Amendment of s 44 (Application for competency assessment)	26 27
	Section 44—	28
	<i>insert—</i>	29

- ‘(3) The assessment fee may consist of a fee for 1 or more of the following—
- (a) lodging the application;
 - (b) varying or relodging a professional training agreement;
 - (c) assessing and reporting on training under a professional training agreement;
 - (d) assessing a professional assessment project;
 - (e) assessing competence equivalence.’.

Clause	28	Amendment of s 46 (Additional requirements for application by corporation)	9 10
		Section 46(1)(c)—	11
		<i>omit, insert—</i>	12
		‘(c) employs a surveyor; and’.	13
Clause	29	Amendment of s 63 (Amending, suspending or cancelling registration or registration endorsement)	14 15
		Section 63(1)(b), ‘this Act’	16
		<i>omit, insert—</i>	17
		‘this Act or the repealed Act’	18
Clause	30	Amendment of s 85 (Complaints about registrant’s professional conduct)	19 20
		Section 85(3), ‘that Act’—	21
		<i>omit, insert—</i>	22
		‘that Act or the repealed Act’.	23
Clause	31	Insertion of new s 194A	24
		After section 194—	25
		<i>insert—</i>	26

	'194A References	1
	'(1) A reference to this Act in any of the following provisions is taken also to have included, from 1 August 2004 until the commencement of this section, a reference to the repealed Act—	2 3 4 5
	(a) section 16;	6
	(b) section 36;	7
	(c) section 38;	8
	(d) section 63;	9
	(e) schedule 3, definition <i>professional conduct</i> ;	10
	(f) schedule 3, definition <i>professional misconduct</i> .	11
	'(2) The reference to the <i>Survey and Mapping Infrastructure Act 2003</i> in section 85(3) of this Act is taken also to have included, from 1 August 2004 until the commencement of this section, a reference to the repealed Act.'	12 13 14 15
Clause	32 Replacement of s 199 (Continuation of existing members' membership)	16 17
	Section 199—	18
	<i>omit, insert—</i>	19
	'199 Continuation of existing members' membership	20
	'(1) For the interim period—	21
	(a) the existing members continue in office and are taken to have been appointed as members under this Act; and	22 23
	(b) the existing president continues in office and is taken to have been appointed as chairperson under this Act.	24 25
	'(2) Despite sections 12 and 21, ¹ if a casual vacancy occurs in the office of the chairperson or a member during the interim period, the Minister may appoint another person to fill the vacancy for the remainder of the period.	26 27 28 29

1 Sections 12 (Membership of board) and 21 (Casual vacancy in member's office)

- ‘(3) Subject to section 15(3),² at the end of the interim period, the existing president and existing members go out of office. 1
2
- ‘(4) In this section— 3
- existing members* means the members of the old board holding office immediately before 1 August 2004. 4
5
- existing president* means the person holding office as president of the old board immediately before 1 August 2004. 6
7
- interim period* means the period from 1 August 2004 until— 8
- (a) 1 February 2005; or 9
- (b) the members of the board are sooner appointed under section 12. 10
11
- old board* means the Surveyors Board of Queensland constituted under the repealed Act and in existence immediately before 1 August 2004.’. 12
13
14

Clause 33 Amendment of sch 3 (Dictionary) 15

- (1) Schedule 3— 16
- insert*— 17
- ‘*competence equivalence* see section 43. 18
- former registrant* means a person who is not currently, registered under part 3 but who has previously been registered under part 3 or the repealed Act. 19
20
21
- professional assessment project* see section 43. 22
- professional training agreement* see section 43.’. 23
- (2) Schedule 3, definition *information notice*, paragraph (c), ‘applicant’— 24
25
- omit, insert*— 26
- ‘recipient of the information notice’. 27
- (3) Schedule 3, definition *information notice*, paragraph (d), ‘applicant’— 28
29
- omit, insert*— 30

2 Section 15 (Term of appointment)

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	‘recipient’.	1
(4)	Schedule 3, definition <i>professional conduct</i> , after ‘registrant’—	2
	‘registrant’—	3
	<i>insert</i> —	4
	‘or former registrant’.	5
(5)	Schedule 3, definition <i>professional conduct</i> , after ‘registrant’s’—	6
	‘registrant’s’—	7
	<i>insert</i> —	8
	‘or former registrant’s’.	9
(6)	Schedule 3, definition <i>professional conduct</i> , paragraph (d)—	10
	<i>omit, insert</i> —	11
	‘(d) the registrant’s or former registrant’s compliance with—	12
	(i) this Act or the repealed Act; or	13
	(ii) the code of practice or any code of professional conduct compiled or adopted under the repealed Act; or	14
		15
		16
	(iii) survey standards made under the <i>Survey and Mapping Infrastructure Act 2003</i> or the repealed Act.’.	17
		18
		19
(7)	Schedule 3, definition <i>professional misconduct</i> , after ‘registrant’—	20
	‘registrant’—	21
	<i>insert</i> —	22
	‘or former registrant’.	23
(8)	Schedule 3, definition <i>professional misconduct</i> , after ‘registrant’s’—	24
	‘registrant’s’—	25
	<i>insert</i> —	26
	‘or former registrant’s’.	27
(9)	Schedule 3, definition <i>professional misconduct</i> , paragraph (d)—	28
	paragraph (d)—	29
	<i>omit, insert</i> —	30
	‘(d) noncompliance with—	31
	(i) this Act or the repealed Act; or	32

of the plan of survey to the chief executive or lodges the
plan in the land registry; or

- (b) if paragraph (a) does not apply—within 40 business days after
the mark is placed.’.

Clause 36	Amendment of s 16 (Obligation on cadastral surveyor)	5
	(1) Section 16(1), ‘subsection (2)’—	6
	<i>omit, insert—</i>	7
	‘subsection (3)’.	8
	(2) Section 16(2)—	9
	<i>renumber</i> as section 16(3).	10
	(3) Section 16—	11
	<i>insert—</i>	12
	‘(2) However, subsection (1) does not apply if, within 40 business days of placing or supervising the placement of a survey mark, the cadastral surveyor lodges a copy of the plan of survey in the land registry.’.	13 14 15 16
Clause 37	Amendment of s 46 (State digital cadastral dataset)	17
	Section 46(2), ‘kept under the <i>Land Act 1994</i> or <i>Land Title Act 1994</i> ’—	18 19
	<i>omit.</i>	20
Clause 38	Amendment of s 47 (Effect and use of information in State digital cadastral dataset)	21 22
	Section 47(2), ‘kept under the <i>Land Act 1994</i> or <i>Land Title Act 1994</i> ’—	23 24
	<i>omit.</i>	25
Clause 39	Amendment of schedule (Dictionary)	26
	Schedule—	27
	<i>insert—</i>	28

'approved form means a form approved under section 65. 1

land registry means the land registry kept under the *Land Act 1994* or the *Land Title Act 1994*.'. 2
3

Part 5 **Amendment of Valuation of Land Act 1944** 4 5

Clause 40 **Act amended in pt 5** 6

This part amends the *Valuation of Land Act 1944*. 7

Clause 41 **Amendment of s 7 (Meaning of owner)** 8

Section 7— 9

insert— 10

'(4) Despite subsections (1) to (3), *owner* of land means— 11

(a) in relation to a valuation of the land for rating purposes—the person who is responsible for payment of the rates; or 12
13
14

(b) in relation to a valuation of the land for rental purposes—the person who is responsible for payment of the rental; or 15
16
17

(c) in relation to a valuation of the land for land tax purposes—the person who is responsible for payment of the land tax.'. 18
19
20

Clause 42 **Amendment of s 28 (Alteration of valuation in force or to come into force)** 21 22

(1) Section 28(1)(i)(i)— 23

omit, insert— 24

'(i) the implementation of a planning scheme, an alteration in the land use and development under a planning scheme or an amendment of a planning scheme; or'.'. 25
26
27
28

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- | | |
|---|---|
| (2) Section 28(1)(i)(ii), ‘an ordinance or a by-law’— | 1 |
| <i>omit, insert—</i> | 2 |
| ‘a local law’. | 3 |