



Queensland

# **Wild Rivers and Other Legislation Amendment Bill 2007**





Queensland

# Wild Rivers and Other Legislation Amendment Bill 2007

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	4
<b>Part 2</b>	<b>Amendment of Wild Rivers Act 2005</b>	
2	Act amended in pt 2 . . . . .	4
3	Insertion of new pt 1A. . . . .	4
	Part 1A            Codes	
	Division 1        Wild rivers code	
	6A            What is the wild rivers code . . . . .	4
	6B            Code amendments . . . . .	5
	6C            Code amendments not requiring gazettal or tabling. . . . .	5
	6D            Publication of wild rivers code . . . . .	6
	Division 2        Codes generally	
	6E            Code for IDAS . . . . .	6
4	Amendment of s 12 (Content of declaration proposal) . . . . .	6
5	Amendment of s 13 (Matters Minister must consider) . . . . .	6
6	Amendment of s 14 (Content of wild river declaration) . . . . .	7
7	Omission of s 17A (Code for IDAS) . . . . .	8
8	Amendment of s 20 (Public notice of intention to amend wild river declaration) . . . . .	8
9	Amendment of s 21 (Moratorium period) . . . . .	8
10	Amendment of s 23 (Public notice about amendment proposal) . . . . .	8
11	Amendment of s 24 (Content of amendment proposal) . . . . .	9
12	Amendment of s 25 (Matters Minister must consider) . . . . .	9
13	Amendment of s 26 (Content of wild river amendment declaration) . . . . .	9
14	Amendment of s 37 (Relationship with water resource plans) . . . . .	9

*Wild Rivers and Other Legislation Amendment Bill  
2007*

---

15	Amendment of s 39 (Copies of documents to be available for public inspection) . . . . .	10
16	Insertion of new pt 6 . . . . .	10
	Part 6 Declaration and validation of particular matters for Wild Rivers and Other Legislation Amendment Act 2007	
	52 Definition for pt 6 . . . . .	10
	53 Validation of particular matters . . . . .	10
	54 Particular documents taken to be wild river declarations . . . . .	12
17	Amendment of schedule (Dictionary) . . . . .	12
<b>Part 3</b>	<b>Amendment of Environmental Protection Act 1994</b>	
18	Act amended in pt 3 . . . . .	13
19	Amendment of s 73AA (Development applications in relation to wild river areas) . . . . .	13
<b>Part 4</b>	<b>Amendment of Vegetation Management Act 1999</b>	
20	Act amended in pt 4 . . . . .	14
21	Insertion of new s 19D . . . . .	14
<b>Part 5</b>	<b>Amendment of Water Act 2000</b>	
22	Act amended in pt 5 . . . . .	14
23	Amendment of s 966A (Applications in relation to operational work in wild river areas) . . . . .	14

**2007**

---

**A Bill**

for

**An Act to amend the *Wild Rivers Act 2005*, and for other purposes**

---

*Wild Rivers and Other Legislation Amendment Bill  
2007*

---

	<b>The Parliament of Queensland enacts—</b>	1
	 <b>Part 1 Preliminary</b>	 2
<b>Clause 1</b>	<b>Short title</b>	3
	This Act may be cited as the <i>Wild Rivers and Other Legislation Amendment Act 2007</i> .	4 5
	 <b>Part 2 Amendment of Wild Rivers Act 2005</b>	 6 7
<b>Clause 2</b>	<b>Act amended in pt 2</b>	8
	This part amends the <i>Wild Rivers Act 2005</i> .	9
<b>Clause 3</b>	<b>Insertion of new pt 1A</b>	10
	After section 6—	11
	<i>insert—</i>	12
	<b>‘Part 1A Codes</b>	13
	<b>‘Division 1 Wild rivers code</b>	14
<b>‘6A</b>	<b>What is the <i>wild rivers code</i></b>	15
	‘(1) The <i>wild rivers code</i> is the ‘Wild Rivers Code’ made by the Minister on 30 January 2007, or that code as amended from time to time under this division.	16 17 18
	‘(2) The wild rivers code is a statutory instrument under the <i>Statutory Instruments Act 1992</i> .	19 20

*Wild Rivers and Other Legislation Amendment Bill  
2007*

---

<b>‘6B</b>	<b>Code amendments</b>	1
	‘(1) The Minister may amend the wild rivers code.	2
	‘(2) Subject to section 6C, an amendment of the wild rivers code takes effect when—	3 4
	(a) it is approved by the Governor in Council; and	5
	(b) the approval is gazetted.	6
	‘(3) The Minister must table a copy of the amendment in the Legislative Assembly within 14 sitting days after the Governor in Council’s approval of the amendment is gazetted.	7 8 9
	‘(4) In this section—	10
	<i>amend</i> includes replace.	11
<b>‘6C</b>	<b>Code amendments not requiring gazettal or tabling</b>	12
	‘(1) This section applies if the Minister amends the wild rivers code and the amendment is a minor amendment or permitted amendment of the code.	13 14 15
	‘(2) The amendment takes effect when it has been approved by the Governor in Council.	16 17
	‘(3) The requirements of section 6B do not otherwise apply for the amendment.	18 19
	‘(4) In this section—	20
	<i>minor amendment</i> , of the wild rivers code, means an amendment that is only to correct a minor error in the code or to make another change that is not a change of substance.	21 22 23
	<i>permitted amendment</i> , of the wild rivers code, means an amendment of—	24 25
	(a) a provision of the code about a suggested way of achieving a required outcome under the code; or	26 27
	(b) a definition in a dictionary in the code; or	28
	(c) a provision of the code to make it consistent with a regional vegetation management code under the <i>Vegetation Management Act 1999</i> .	29 30 31

*Wild Rivers and Other Legislation Amendment Bill  
2007*

---

<b>'6D</b>	<b>Publication of wild rivers code</b>	1
	‘The chief executive must keep a copy of the wild rivers code available for inspection by the public—	2 3
	(a) at the department’s head office and regional offices during office hours on business days; and	4 5
	(b) on the department’s web site.	6
<b>'Division 2</b>		
	<b>Codes generally</b>	7
<b>'6E</b>	<b>Code for IDAS</b>	8
	‘If a wild river declaration includes a reference to the wild rivers code or another code, then, in relation to IDAS, the code is a code for IDAS.’.	9 10 11
<b>Clause 4</b>	<b>Amendment of s 12 (Content of declaration proposal)</b>	12
	(1) Section 12(1)(b)—	13
	<i>omit, insert—</i>	14
	‘(b) the natural values of the proposed wild river that the proposed wild river declaration is intended to preserve (the <i>relevant natural values</i> );’.	15 16 17
	(2) Section 12(1)(r) to (t)—	18
	<i>renumber</i> as section 12(1)(t) to (v).	19
	(3) Section 12(1)—	20
	<i>insert—</i>	21
	‘(r) any plant species that has a high risk of having an adverse impact on the relevant natural values;	22 23
	(s) any plant species that has a moderate risk of having an adverse impact on the relevant natural values;’.	24 25
<b>Clause 5</b>	<b>Amendment of s 13 (Matters Minister must consider)</b>	26
	Section 13(2), ‘section 14(1)(j) to (o) and (2)’—	27



*Wild Rivers and Other Legislation Amendment Bill  
2007*

---

*omit, insert—* 1  
‘section 14(1)(k) to (p) and (3)’. 2

<b>Clause 6</b>	<b>Amendment of s 14 (Content of wild river declaration)</b>	3
	(1) Section 14(1), paragraphs (b) to (o) and (p)—	4
	<i>renumber</i> as paragraphs (c) to (p) and (s), respectively.	5
	(2) Section 14(1), after paragraph (a)—	6
	<i>insert—</i>	7
	‘(b) the natural values of the wild river that the declaration is intended to preserve (the <i>relevant natural values</i> );’.	8 9
	(3) Section 14(1)(j), as renumbered, after ‘area’—	10
	<i>insert—</i>	11
	‘under the declaration’.	12
	(4) Section 14(1)(p), as renumbered, from ‘the threshold’ to ‘IDAS,’—	13 14
	<i>omit, insert—</i>	15
	‘any threshold limits’.	16
	(5) Section 14(1)—	17
	<i>insert—</i>	18
	‘(q) any plant species that has a high risk of having an adverse impact on the relevant natural values;	19 20
	(r) any plant species that has a moderate risk of having an adverse impact on the relevant natural values;’.	21 22
	(6) Section 14(1)(s), as renumbered, ‘paragraphs (b) to (h)’—	23
	<i>omit, insert—</i>	24
	‘paragraphs (c) to (i)’.	25
	(7) Section 14(2) and (3)—	26
	<i>renumber</i> as section 14(3) and (4).	27
	(8) Section 14—	28
	<i>insert—</i>	29

*Wild Rivers and Other Legislation Amendment Bill  
2007*

---

‘(2) A wild river declaration may state that all or part of a code for IDAS is an applicable code for development stated in the wild river declaration.	1 2 3
<i>Note—</i>	4
See section 6E (Code for IDAS) and the <i>Integrated Planning Act 1997</i> , schedule 10, definition <i>code</i> .’	5 6
<b>Clause 7 Omission of s 17A (Code for IDAS)</b>	7
Section 17A—	8
<i>omit.</i>	9
<b>Clause 8 Amendment of s 20 (Public notice of intention to amend wild river declaration)</b>	10 11
(1) Section 20(2)(a), before ‘the wild river declaration’—	12
<i>insert—</i>	13
‘the title of’.	14
(2) Section 20(2)(c), ‘of the—	15
<i>omit, insert—</i>	16
‘of any’.	17
<b>Clause 9 Amendment of s 21 (Moratorium period)</b>	18
Section 21(1), from ‘For’ to ‘following period’—	19
<i>omit, insert—</i>	20
‘If a moratorium will have effect under a notice of intent, the moratorium period for the notice of intent is the following period’.	21 22 23
<b>Clause 10 Amendment of s 23 (Public notice about amendment proposal)</b>	24 25
(1) Section 23(1)(a), after ‘the’—	26
<i>insert—</i>	27
‘amendment of the’.	28

*Wild Rivers and Other Legislation Amendment Bill  
2007*

---

- (2) Section 23(2)(a), before ‘the wild river declaration’— 1  
*insert*— 2  
‘the title of’. 3

<b>Clause 11</b>	<b>Amendment of s 24 (Content of amendment proposal)</b>	4
	(1) Section 24, heading, ‘Content’—	5
	<i>omit, insert</i> —	6
	‘Discretionary content’.	7
	(2) Section 24(a), before ‘the wild river declaration’—	8
	<i>insert</i> —	9
	‘all or part of the provisions of’.	10
<b>Clause 12</b>	<b>Amendment of s 25 (Matters Minister must consider)</b>	11
	Section 25(2), ‘section 14(1)(j) to (o) and (2)’—	12
	<i>omit, insert</i> —	13
	‘section 14(1)(k) to (p) and (3)’.	14
<b>Clause 13</b>	<b>Amendment of s 26 (Content of wild river amendment declaration)</b>	15
	Section 26(a), before ‘the wild river declaration’—	17
	<i>insert</i> —	18
	‘the title of’.	19
<b>Clause 14</b>	<b>Amendment of s 37 (Relationship with water resource plans)</b>	20
	Section 37(1), ‘section 14(1)(j) to (o) and (2)’—	21
	<i>omit, insert</i> —	22
	‘section 14(1)(k) to (p) and (3)’.	23
		24

*Wild Rivers and Other Legislation Amendment Bill  
2007*

---

<b>Clause 15</b>	<b>Amendment of s 39 (Copies of documents to be available for public inspection)</b>	1 2
	Section 39(1)(e), ‘approved under section 16’—	3
	<i>omit.</i>	4
<b>Clause 16</b>	<b>Insertion of new pt 6</b>	5
	After section 51—	6
	<i>insert—</i>	7
<b>‘Part 6</b>	<b>Declaration and validation of particular matters for Wild Rivers and Other Legislation Amendment Act 2007</b>	8 9 10 11
<b>‘52</b>	<b>Definition for pt 6</b>	12
	‘In this part—	13
	<i>prepared declaration</i> means any of the following documents, made by the Minister on 30 January 2007—	14 15
	(a) ‘Fraser Wild River Declaration 2007’;	16
	(b) ‘Gregory Wild River Declaration 2007’;	17
	(c) ‘Hinchinbrook Wild River Declaration 2007’;	18
	(d) ‘Morning Inlet Wild River Declaration 2007’;	19
	(e) ‘Settlement Wild River Declaration 2007’;	20
	(f) ‘Staaten Wild River Declaration 2007’.	21
<b>‘53</b>	<b>Validation of particular matters</b>	22
	‘(1) A published notice is taken to be, and to have always been, a valid notice of intent under section 8 and a valid declaration proposal notice under section 11 for the proposed wild river area to which the published notice relates, published on the same day as the published notice was published.	23 24 25 26 27

*Wild Rivers and Other Legislation Amendment Bill  
2007*

---

- ‘(2) The ‘Amendment to Notice of Intent to Declare for the Fraser Wild River Area’ dated 18 July 2006 (the *amending notice*) is taken to be, and to have always been, a valid amendment of the notice of intent included in ‘Notice of Intent to Declare and Declaration Proposal Notice for the Fraser Wild River Area’ dated 9 December 2005, published on the same day as the amending notice was published.
- ‘(3) A notice published, or purportedly published, by the Minister extending a moratorium period that relates to a published notice is taken to be, and to have always been, a valid moratorium extension notice under section 9.
- ‘(4) A proposal prepared, or purportedly prepared, by the Minister for a proposed wild river area under a published notice and mentioned in the published notice is taken to be, and to have always been, a valid declaration proposal for the proposed wild river area under section 11.
- ‘(5) In this section—
- published notice* means any of the following notices published, or purportedly published, under sections 8 and 11—
- (a) ‘Notice of Intent to Declare and Declaration Proposal Notice for the Hinchinbrook Wild River Area’ dated 8 December 2005;
- (b) ‘Notice of Intent to Declare and Declaration Proposal Notice for the Settlement, Gregory, Morning Inlet and Staaten Wild River Areas’ dated 9 December 2005, but only to the extent the notice refers to the proposed Settlement, Gregory and Morning Inlet Wild River Areas;
- (c) ‘Notice of Intent to Declare and Declaration Proposal Notice for the Fraser Wild River Area’ dated 9 December 2005;
- (d) ‘Notice of Intent to Declare and Declaration Proposal Notice for the Staaten Wild River Area’ dated 8 December 2006.

*Wild Rivers and Other Legislation Amendment Bill  
2007*

---

<b>'54</b>	<b>Particular documents taken to be wild river declarations</b>	1 2
	'(1) Each prepared declaration is taken to be a wild river declaration for this Act.	3 4
	'(2) Despite section 16(2), the declaration has effect on the commencement of this section.	5 6
	'(3) Sections 16(3) and 38 do not apply to the declaration.	7
	'(4) The Minister must as soon as practicable after this section commences publish a copy of each prepared declaration on the department's website.'	8 9 10
<b>Clause 17</b>	<b>Amendment of schedule (Dictionary)</b>	11
	(1) Schedule, definitions <i>high risk species</i> , <i>moderate risk species</i> , <i>wild river area</i> and <i>wild river declaration</i> —	12 13
	<i>omit</i> .	14
	(2) Schedule—	15
	<i>insert</i> —	16
	<b>'high risk species</b> , for a wild river area, means a plant species listed in the wild river declaration for the area as a plant species that has a high risk of having an adverse impact on the natural values of the wild river area that the declaration is intended to preserve.	17 18 19 20 21
	<b>moderate risk species</b> , for a wild river area, means a plant species listed in the wild river declaration for the area as a plant species that has a moderate risk of having an adverse impact on the natural values of the wild river area that the declaration is intended to preserve.	22 23 24 25 26
	<b>prepared declaration</b> see section 52.	27
	<b>wild river area</b> means—	28
	(a) an area declared under part 2 as a wild river area; or	29
	(b) an area shown as a wild river area in a prepared declaration.	30 31
	<b>wild rivers code</b> see section 6A.	32

*Wild Rivers and Other Legislation Amendment Bill  
2007*

---

- wild river declaration** means— 1
- (a) a declaration approved under part 2; or 2
- (b) a declaration that under section 54 is taken to be a wild river declaration.’. 3  
4
- (3) Schedule, definition *agricultural activities*, paragraph 2, paragraph (d), after ‘crop of pasture or grain species’— 5  
6  
*insert*— 7  
‘in a preservation area’. 8
- (4) Schedule, definition *agricultural activities*, paragraph 2, paragraph (d)(ii), ‘wild river preservation area’— 9  
10  
*omit, insert*— 11  
‘wild river area of which the preservation area is a part’. 12

**Part 3** **Amendment of Environmental Protection Act 1994** 13  
14

- Clause 18** **Act amended in pt 3** 15  
This part amends the *Environmental Protection Act 1994*. 16
- Clause 19** **Amendment of s 73AA (Development applications in relation to wild river areas)** 17  
18  
Section 73AA(9), definition *exempt environmentally relevant activity*, paragraph (b), ‘19 (dredging material),’— 19  
20  
*omit*. 21

*Wild Rivers and Other Legislation Amendment Bill  
2007*

---

	<b>Part 4</b>	<b>Amendment of Vegetation Management Act 1999</b>	1 2
<b>Clause 20</b>	<b>Act amended in pt 4</b>		3
	This part amends the <i>Vegetation Management Act 1999</i> .		4
<b>Clause 21</b>	<b>Insertion of new s 19D</b>		5
	Part 2, division 4—		6
	<i>insert—</i>		7
<b>‘19D</b>	<b>Application of ss19A–19C to wild rivers code</b>		8
	‘Sections 19A to 19C do not apply to the wild rivers code under the <i>Wild Rivers Act 2005</i> , or a part of that code, that is a declared area code.’.		9 10 11
	<b>Part 5</b>	<b>Amendment of Water Act 2000</b>	12
<b>Clause 22</b>	<b>Act amended in pt 5</b>		13
	This part amends the <i>Water Act 2000</i> .		14
<b>Clause 23</b>	<b>Amendment of s 966A (Applications in relation to operational work in wild river areas)</b>		15 16
	(1) Section 966A(2)—		17
	<i>omit, insert—</i>		18
	‘(2) Subsection (3) applies if any part of the application relates to—		19 20
	(a) operational work in a wild river high preservation area that interferes with the flow of water in a watercourse, lake or spring in the wild river high preservation area; or		21 22 23



*Wild Rivers and Other Legislation Amendment Bill  
2007*

---

- |     |  |                            |
|-----|--|----------------------------|
| (b) | operational work in a wild river preservation area that interferes with the flow of water in a nominated waterway and is not a dam or weir; or   | 1<br>2<br>3                |
| (c) | operational work in a high preservation area that takes overland flow water, other than works stated in a wild river declaration for the area to be assessable development under the <i>Integrated Planning Act 1997</i> for which a development application under that Act may be made.’. | 4<br>5<br>6<br>7<br>8<br>9 |
| (2) | Section 966A(4)(b)—<br><i>omit.</i>  | 10<br>11                   |
| (3) | Section 966A(4)(c)—<br><i>renumber</i> as section 966A(4)(b).  | 12<br>13                   |