



Queensland

Land, Water and Other Legislation Amendment Bill 2013



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2013

A Bill

for

An Act to amend the *Aboriginal Land Act 1991*, the *Acquisition of Land Act 1967*, the *Cape York Peninsula Heritage Act 2007*, the *City of Brisbane Act 2010*, the *Foreign Ownership of Land Register Act 1988*, the *Land Act 1994*, the *Land Title Act 1994*, the *Land Valuation Act 2010*, the *Local Government Act 2009*, the *Petroleum Act 1923*, the *Petroleum and Gas (Production and Safety) Act 2004*, the *River Improvement Trust Act 1940*, the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, the *Sustainable Planning Act 2009*, the *Sustainable Planning Regulation 2009*, the *Torres Strait Islander Land Act 1991*, the *Vegetation Management Act 1999*, the *Water Act 2000* and the *Water Supply (Safety and Reliability) Act 2008* for particular purposes, and to make consequential or minor amendments of the other legislation as stated in schedule 1 for purposes related to those particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Land, Water and Other
Legislation Amendment Act 2013*. 4
5

Clause 2 Commencement 6

The following provisions commence on a day to be fixed by
proclamation— 7
8

(a) parts 5, 10 and 18; 9

(b) division 3 of parts 9, 11, 12, 13 and 19; 10

(c) schedule 1, part 2. 11

**Part 2 Amendment of Aboriginal Land
Act 1991** 12
13

Clause 3 Act amended 14

This part amends the *Aboriginal Land Act 1991*. 15

Note— 16

See also the amendments in schedule 1. 17

Clause 4 Amendment of s 11 (DOGIT land) 18

(1) Section 11(2), from ‘road if the land’— 19

omit, insert— 20

	road.	1
(2)	Section 11(4), from ‘if the land’—	2
	<i>omit, insert—</i>	3
	if the land has, since the enactment day, become a road.	4
		5
Clause 5	Amendment of s 12 (Aboriginal reserve land)	6
	Section 12—	7
	<i>insert—</i>	8
	(3) Further, Aboriginal reserve land includes land within the external boundaries of land mentioned in subsection (1)(a) if the land has, since the enactment day, ceased to be a road.	9 10 11 12
	(4) Aboriginal reserve land does not include land within the external boundaries of land mentioned in subsection (1)(a) if the land has, since the enactment day, become a road.	13 14 15 16
Clause 6	Amendment of s 45 (Existing interests)	17
(1)	Section 45(2)—	18
	<i>insert—</i>	19
	(d) a lease, if it is a sublease of the Aurukun Shire lease or a sublease of the Mornington Shire lease;	20 21 22
(2)	Section 45(7)—	23
	<i>insert—</i>	24
	<i>Aurukun Shire lease</i> means the lease mentioned in section 48(1) granted to the Aurukun Shire Council.	25 26 27
	<i>Mornington Shire lease</i> means the lease mentioned in section 48(1) granted to the Mornington Shire Council.	28 29 30

[s 7]

Clause 7	Replacement of s 47 (Cancellation of deed of grant in trust)	1
	Section 47—	2
	<i>omit, insert—</i>	3
	47 Cancellation of deed of grant in trust	4
	(1) This section applies if a deed of grant (the <i>new deed</i>) over all or part of the land comprised in a deed of grant in trust takes effect under section 44.	5
	(2) The deed of grant in trust is cancelled to the extent of the new deed.	6
		7
		8
		9
		10
		11
Clause 8	Amendment of s 48 (Cancellation of leases over Aurukun and Mornington Shire lease lands)	12
	(1) Section 48(1), ‘, to the extent of the deed of grant, by operation of this section’—	13
	<i>omit, insert—</i>	14
	to the extent of the deed of grant	15
	(2) Section 48—	16
	<i>insert—</i>	17
	(3) Despite the cancellation of a lease under this section, a lease in the form of a sublease, as mentioned in section 45(2)(d), continues in force as a lease under section 45, with the trustee of the Aboriginal land as the lessor.	18
		19
		20
		21
		22
		23
		24
Clause 9	Amendment of s 177 (Claimable land recommended for grant taken to be transferable land)	25
	Section 177(1)—	26
	<i>insert—</i>	27
	(h) lot 215 on plan NPW46.	28
		29

Clause 10	Amendment of s 250 (Minister may appoint member)	1
	(1) Section 250(1)(a)—	2
	<i>omit.</i>	3
	(2) Section 250(1)(b) and (c)—	4
	<i>renumber</i> as section 250(1)(a) and (b).	5
Clause 11	Insertion of new s 250A	6
	Part 20, division 2, subdivision 1—	7
	<i>insert—</i>	8
	250A Land trust may appoint member	9
	(1) A land trust may, by resolution, appoint a person to be a member of the land trust.	10 11
	(2) A land trust can not appoint a person under subsection (1)—	12 13
	(a) without the person’s consent; or	14
	(b) if the person has been removed as a member of any land trust by the Minister under this division.	15 16 17
	(3) A person appointed as a member of a land trust under this section becomes a member on the later of the following—	18 19 20
	(a) the day the resolution appointing the person as a member is made;	21 22
	(b) any later day stated in the resolution.	23
	(4) A land trust must record its decision to appoint a person as a member of the land trust in the minutes of the meeting at which the person was appointed.	24 25 26 27

[s 12]

Clause 12	Replacement of pt 20, div 2, sdiv 2, hdg (Removal or suspension of members)	1 2
	Part 20, division 2, subdivision 2, heading—	3
	<i>omit, insert—</i>	4
	Subdivision 2 Grounds for removal or suspension of members	5 6
Clause 13	Amendment of s 251 (Grounds for removal or suspension of member)	7 8
	(1) Section 251(c), ‘fraudulent or improper way’—	9
	<i>omit, insert—</i>	10
	way that is fraudulent, improper or contrary to the best interests of the land trust	11 12
	(2) Section 251(d) and (e)—	13
	<i>omit.</i>	14
	(3) Section 251—	15
	<i>insert—</i>	16
	(2) Also, it is a ground for the Minister to remove or suspend a member that, because of any circumstances affecting the operation of the land trust—	17 18 19 20
	(a) the land trust can not remove or suspend a member and a majority of members of the land trust have asked the Minister in writing to remove or suspend the member; and	21 22 23 24
	(b) a ground mentioned in subsection (1)(a), (b) or (c) exists for the member.	25 26
	<i>Example of circumstances affecting the operation of a land trust—</i>	27 28
	A land trust can not form a quorum for a general meeting of the land trust to remove or suspend a member.	29 30 31

Clause 14	Amendment of s 252 (Show cause notice)	1
	Section 252(3)—	2
	<i>insert—</i>	3
	(f) that, if the member is removed as a member of the land trust, the member is also removed as a member of any other land trust.	4 5 6 7
Clause 15	Amendment of s 255 (Removing or suspending member)	8
	Section 255(7)—	9
	<i>omit.</i>	10
Clause 16	Insertion of new s 255A	11
	After section 255—	12
	<i>insert—</i>	13
	255A Effect of removing member on other land trust membership	14 15
	(1) This section applies if the Minister removes a member from a land trust under section 255(2) and the member is also a member of another land trust.	16 17 18 19
	(2) The member is also removed as a member of the other land trust.	20 21
Clause 17	Replacement of s 256 (Immediate removal or suspension of member)	22 23
	Section 256—	24
	<i>omit, insert—</i>	25
	256 Immediate suspension of member	26
	(1) The Minister may suspend a member of a land trust immediately if the Minister believes—	27 28

[s 17]

- | | |
|---|----------------------------|
| (a) either— | 1 |
| (i) a ground exists to remove or suspend
the member; or | 2
3 |
| (ii) the member is a member of the
executive committee of the land trust
and, in performing the member's
functions as a member of the
committee, is likely to contravene this
Act; and | 4
5
6
7
8
9 |
| (b) it is necessary to suspend the member
immediately because there is an immediate
risk to the proper operation of the land trust
or proper dealing with trust property. | 10
11
12
13 |
| (2) However, the Minister may immediately suspend
the member only if the Minister also gives the
member and the land trust a show cause notice
for action to remove or suspend the member
under this subdivision. | 14
15
16
17
18 |
| (3) If the Minister decides to immediately suspend
the member, the Minister must, when the
Minister gives the show cause notice— | 19
20
21 |
| (a) give the member an information notice
about the decision; and | 22
23 |
| (b) give the land trust a copy of the information
notice. | 24
25 |
| (4) The suspension— | 26 |
| (a) operates immediately the member is given
the information notice; and | 27
28 |
| (b) if the member is also a member of another
land trust—suspends the member as a
member of the other land trust; and | 29
30
31 |
| (c) continues to operate until the earlier of the
following happens— | 32
33 |

	(i) the show cause notice is finally dealt with;	1 2
	(ii) 60 days have passed since the suspension took effect.	3 4
Clause 18	Replacement of pt 20, div 2, sdiv 3 (Other matters)	5
	Part 20, division 2, subdivision 3—	6
	<i>omit, insert—</i>	7
	Subdivision 4 Removal or suspension of members by land trust	8 9
	257 Proposed removal or suspension approved by resolution and show cause notice	10 11
	(1) A land trust may, by resolution, decide to take action under this subdivision (the <i>proposed action</i>) to remove or suspend a member of the land trust because a ground exists for the removal or suspension.	12 13 14 15 16
	(2) However, members of the land trust must be given at least 14 days notice of the general meeting of the land trust at which the resolution is intended to be proposed.	17 18 19 20
	(3) If the land trust makes a decision under subsection (1), the land trust must—	21 22
	(a) refer the matter of the proposed action to the executive committee of the land trust to decide; and	23 24 25
	(b) give the member a notice (a <i>show cause notice</i>).	26 27
	(4) The show cause notice must state all of the following—	28 29

[s 18]

- (a) details of the resolution mentioned in subsection (1), including the date the resolution was made; 1
2
3
 - (b) the proposed action; 4
 - (c) the ground for the proposed action; 5
 - (d) an outline of the facts and circumstances forming the basis for the ground; 6
7
 - (e) if the proposed action is suspension of the member—the proposed suspension period; 8
9
 - (f) that the member may, within a stated period (the *show cause period*), make written representations to the land trust to show why the proposed action should not be taken. 10
11
12
13
- (5) The show cause period must end at least 1 month after the show cause notice is given. 14
15

257A Representations about show cause notice 16

- (1) The member may make written representations to the land trust about the show cause notice during the show cause period. 17
18
19
- (2) A copy of any representations made by the member under subsection (1) must be given to each member of the executive committee of the land trust. 20
21
22
23

257B Land trust decisions about removal or suspension of member 24
25

- (1) This section provides for how, by a resolution of the executive committee of the land trust, the land trust decides the action to be taken about a show cause notice given to a member of the land trust. 26
27
28
29
- (2) The resolution may be made only if the show cause period stated in the show cause notice has ended. 30
31
32
- (3) The executive committee must— 33

-
- (a) consider all representations about the show cause notice received under section 257A(1); and
- (b) decide—
- (i) whether a ground exists to remove or suspend the member; and
- (ii) if the executive committee decides a ground exists—whether removal or suspension of the member is warranted.
- (4) The land trust must take no further action about the show cause notice if the executive committee decides—
- (a) no ground exists to remove or suspend the member; or
- (b) a ground exists but the removal or suspension of the member is not warranted.
- (5) Subsections (6) to (8) apply if the executive committee decides a ground exists to remove or suspend the member and that the removal or suspension of the member is warranted.
- (6) The executive committee may decide to—
- (a) if the proposed action was to remove the member—remove or suspend the member; or
- (b) if the proposed action was to suspend the member—suspend the member for not longer than the proposed suspension period.
- (7) If a motion proposing removal or suspension fails to pass by resolution, the executive committee of the land trust may decide to—
- (a) adjourn the matter of the proposed action; or
- (b) refer the matter of the proposed action to a general meeting of the land trust to decide; or
-

[s 18]

- (c) take no further action about the show cause notice. 1
2
 - (8) A decision to remove or suspend takes effect on the later of the following— 3
4
 - (a) the day an information notice about the decision is given to the member under section 257D; 5
6
7
 - (b) any later day stated in the notice. 8
 - (9) The executive committee of the land trust must record its decisions under this section— 9
10
 - (a) if a decision was made at a meeting of the executive committee—in the minutes of the meeting at which the decision was made; or 11
12
13
 - (b) otherwise—in writing. 14
- 257C Decisions about removal or suspension of member referred to land trust general meeting** 15
16
17
- (1) This section applies if the executive committee of a land trust refers, to a general meeting of the land trust, the matter of the action to be taken about a show cause notice given to a member of the land trust. 18
19
20
21
22
 - (2) The land trust may, by resolution at a general meeting of the land trust, decide the action to be taken about the show cause notice. 23
24
25
 - (3) For subsection (2), section 257B applies with a reference to the executive committee of the land trust taken to be a reference to the land trust. 26
27
28
 - (4) However, if a motion proposing removal or suspension fails to pass by resolution, the land trust must take no further action about the show cause notice. 29
30
31
32

257D Action after decision about removal or suspension of member	1 2
(1) This section applies if a decision about a show cause notice given to a member of a land trust is made under section 257B or 257C.	3 4 5
(2) As soon as practicable after the decision is made, the land trust must give the member notice of the following—	6 7 8
(a) if, because of the decision, the land trust is, or is required, to take no further action about the show cause notice—notice that no further action will be taken;	9 10 11 12
(b) if the decision is to remove or suspend the member—an information notice for the decision;	13 14 15
(c) if the decision is to adjourn the matter of the removal or suspension of the member—notice of the decision to adjourn the matter;	16 17 18 19
(d) if the decision is to refer the matter of the removal or suspension of a member of the land trust to a general meeting of the land trust—notice of the decision to refer the matter and of the day and time of the general meeting of the land trust at which the matter will be considered.	20 21 22 23 24 25 26
257E Immediate suspension of member	27
(1) A land trust may, by a resolution of the executive committee of the land trust, suspend a member of a land trust immediately if the executive committee decides—	28 29 30 31
(a) either—	32
(i) a ground exists to remove or suspend the member; or	33 34

[s 18]

- (ii) the member is a member of the executive committee and, in performing the member's functions as a member of the executive committee, is likely to contravene this Act; and
 - (b) it is necessary to suspend the member immediately because there is an immediate risk to the proper operation of the land trust or proper dealing with trust property.
- (2) If the executive committee decides to immediately suspend the member, it must—
 - (a) give the member an information notice about the decision; and
 - (b) ensure a motion proposing disciplinary action be taken against the member is considered at a general meeting of the land trust within 60 days after the giving of the information notice.
- (3) The suspension—
 - (a) operates immediately the information notice is given; and
 - (b) continues to operate until the earliest of the following happens—
 - (i) a motion proposing disciplinary action be taken against the member fails to pass by resolution at a general meeting of the land trust;
 - (ii) 60 days have passed since the giving of the information notice and the member has not been given a show cause notice for proposed disciplinary action against the member;
 - (iii) a show cause notice for proposed disciplinary action against the member is finally dealt with;

(iv)	60 days have passed since the suspension took effect.	1 2
(4)	In this section—	3
	<i>disciplinary action</i> , against a member of a land trust, means action to remove or suspend the member under this subdivision.	4 5 6
257F Limitation on land trust’s power about suspension of member		7 8
	A land trust can not end the suspension of a person from membership of the land trust if the suspension is imposed by the Minister under this division.	9 10 11
Subdivision 5 Information about appointment, removal or resignation of members		12 13 14
257G Information about appointment, removal or resignation of members		15 16
(1)	This section applies to a land trust if—	17
(a)	the land trust appoints a person as a member of the land trust or removes a member from the land trust; or	18 19 20
(b)	a member of the land trust resigns.	21
(2)	As soon as practicable after the appointment, removal or resignation has effect, the land trust must give the chief executive notice of the appointment, removal or resignation.	22 23 24 25
Clause 19	Insertion of new s 265A	26
	After section 265—	27
	<i>insert—</i>	28

[s 20]

265A Resolution of executive committee without meeting	1 2
A resolution of the executive committee of a land trust is validly made by the committee, even if it is not passed at a meeting of the committee, if—	3 4 5
(a) notice of the proposed resolution is given, under procedures approved by the committee, to all members of the committee entitled to vote on the resolution (the <i>voting members</i>); and	6 7 8 9 10
(b) a majority of the voting members give written agreement to the resolution.	11 12

Clause 20	Insertion of new pt 25, div 4	13	
	After section 305—	14	
	<i>insert—</i>	15	
	Division 4	Transitional provision for Land, Water and Other Legislation Amendment Act 2013	16 17 18 19

306 Continuation of Mornington Shire subleases	20
(1) This section applies to a lease that, immediately before the cancellation of the Mornington Shire lease under section 48(1), was a sublease of the Mornington Shire lease.	21 22 23 24
<i>Note—</i>	25
The Mornington Shire lease was cancelled under section 48(1) on 7 December 2012 when deeds of grant for all the Mornington Shire lease land took effect under section 44.	26 27 28 29
(2) From the cancellation, the sublease is taken to have been, and is, continued in force as a lease	30 31

	under section 45 (as amended) with the trustee of the Aboriginal land as the lessor.	1 2
(3)	In this section—	3
	<i>commencement</i> means the commencement of the <i>Land, Water and Other Legislation Amendment Act 2013</i> , section 6.	4 5 6
	<i>Mornington Shire lease</i> see section 45(7).	7
	<i>section 45 (as amended)</i> means section 45, as in force immediately after the commencement.	8 9
Clause 21	Amendment of sch 1 (Dictionary)	10
(1)	Schedule 1, definitions <i>proposed action</i> , <i>show cause notice</i> and <i>show cause period</i> —	11 12
	<i>omit.</i>	13
(2)	Schedule 1—	14
	<i>insert</i> —	15
	<i>information notice</i> , about a decision, means a notice stating all of the following—	16 17
	(a) the decision;	18
	(b) the reasons for the decision;	19
	(c) that the person to whom the notice is given may appeal to the Land Court against the decision within 28 days after receiving the notice;	20 21 22 23
	(d) how the person may appeal.	24
	<i>notice</i> means a written notice.	25
	<i>proposed action</i> —	26
	(a) for a provision about action to be taken by the Minister under part 20, division 2, subdivision 3, see section 252(3)(a); or	27 28 29

[s 22]

(b) for a provision about action to be taken by a land trust under part 20, division 2, subdivision 4, see section 257(1).	1 2 3
<i>show cause notice</i> —	4
(a) for a notice given by the Minister, see section 252(2); or	5 6
(b) for a notice given by a land trust, see section 257(3).	7 8
<i>show cause period</i> —	9
(a) for a provision about a show cause notice given by the Minister, see section 252(3)(e); or	10 11 12
(b) for a provision about a show cause notice given by a land trust, see section 257(4)(f).	13 14

Part 3	Amendment of Acquisition of Land Act 1967	15 16
---------------	--	----------

Clause 22	Act amended	17
	This part amends the <i>Acquisition of Land Act 1967</i> .	18
	<i>Note</i> —	19
	See also the amendments in schedule 1.	20

Clause 23	Amendment of s 2 (Definitions)	21
(1)	Section 2, definition <i>gazette resumption notice</i> —	22
	<i>omit.</i>	23
(2)	Section 2—	24
	<i>insert</i> —	25

<i>affected person</i> , for land the subject of a resumption agreement, see section 15(2).	1 2
<i>gazette resumption notice</i> means a gazette notice mentioned in section 9(6) or (7), 15C(5) or 15D(1).	3 4 5
<i>gazetting authority</i> , for a gazette resumption notice, means—	6 7
(a) if the gazette resumption notice was made by the Governor in Council—the relevant Minister to whom the application was made under section 9(1) or 15C(1) for the land, the subject of the gazette resumption notice, to be taken; or	8 9 10 11 12 13
(b) if the gazette resumption notice was made by a relevant Minister under section 9(7)—the relevant Minister; or	14 15 16
(c) if the gazette resumption notice was made by a constructing authority under section 15D(1)—the constructing authority.	17 18 19
<i>multi-parcel purpose</i> see section 3(1).	20
<i>objection period</i> , for a notice of intention to resume, means the period—	21 22
(a) starting when the notice is served on the person to whom it is directed; and	23 24
(b) ending on the day specified in the notice as the day by which an objection to the taking of the land may be made.	25 26 27
<i>relevant Minister</i> means—	28
(a) for land to be taken for a purpose of the <i>State Development and Public Works Organisation Act 1971</i> , the State Development Minister; and	29 30 31 32

[s 24]

	(b) for land to be taken for a purpose of the <i>Transport Infrastructure Act 1994</i> , the Minister administering that Act; and	1 2 3
	(c) if the Governor in Council has, by gazette notice, declared land to be taken for a purpose of another Act—the Minister administering the other Act; and	4 5 6 7
	(d) otherwise—the Minister administering this Act.	8 9
	resumption agreement see section 15(1).	10
	State Development Minister means the Minister administering the <i>State Development and Public Works Organisation Act 1971</i> .	11 12 13
(3)	Section 2, definitions— <i>relocate</i> to schedule 2 as inserted under this Act.	14 15
(4)	Section 2, ‘In this Act—’— <i>omit, insert</i> — The dictionary in schedule 2 defines particular words used in this Act.	16 17 18 19
Clause 24	Insertion of new ss 3 and 4	20
	Part 1—	21
	<i>insert</i> —	22
	3 Meaning of <i>multi-parcel purpose</i>	23
	(1) Land is taken under this Act for a <i>multi-parcel purpose</i> if, to carry out the particular purpose for which the land is taken, it is necessary to take, under this Act, more than 1 parcel of land.	24 25 26 27
	<i>Examples of multi-parcel purposes</i> —	28
	roads and railways for which it is necessary to take, under this Act, more than 1 parcel of land	29 30
	(2) For subsection (1), it does not matter whether—	31

-
- (a) the parcels of land are owned by the same person or different persons; or
- (b) the same person or different persons are entitled to claim compensation under this Act for the taking of the parcels of land.
- (3) In this section—
- parcel*, of land, means—
- (a) a separate lot or parcel in a plan of survey registered, or deposited for registration, in the land registry or given to the chief executive (surveys); or
- (b) other land that is described in a way that is sufficient to substantially identify the land.
- 4 Relationship with other Acts**
- (1) This section applies if another Act provides for land to be taken under this Act, even though this Act would not otherwise apply to the land.
- Example—*
- The *Native Title (Queensland) Act 1993* provides for native title rights and interests relating to land, for example, unallocated State land under the *Land Act 1994*, to be acquired under this Act even though this Act would not otherwise apply to unallocated State land.
- (2) Despite the other Act, sections 9(7) and 15D do not apply to the taking of land if the land includes Aboriginal or Torres Strait interests.
- (3) For subsection (2), land includes Aboriginal or Torres Strait Islander interests if—
- (a) native title rights and interests exist for the land; or
- (b) the land is Aboriginal land or transferable land under the *Aboriginal Land Act 1991*; or

[s 25]

	(c) the land is Torres Strait Islander land or transferable land under the <i>Torres Strait Islander Land Act 1991</i> .	1 2 3
Clause 25	Amendment of s 9 (Ways in which land is to be taken)	4
(1)	Section 9(1)— <i>omit.</i>	5 6
(2)	Section 9, ‘Minister’— <i>omit, insert—</i> relevant Minister	7 8 9
(3)	Section 9— <i>insert—</i> (7A) Without limiting subsection (6), the relevant Minister may, by gazette notice, declare that the land particularised in the notice is taken for the purpose mentioned in the notice if—	10 11 12 13 14 15
	(a) the objection period for the notice of intention to resume the land has ended and no objections were received in response to the notice; and	16 17 18 19
	(b) if the land is being taken for a multi-parcel purpose—every other parcel of land required to be taken to carry out the multi-parcel purpose—	20 21 22 23
	(i) has been taken under this Act; or	24
	(ii) is the subject of a resumption agreement entered into by the constructing authority; or	25 26 27
	(iii) is the subject of a notice of intention to resume for which the objection period has ended and no objections were received.	28 29 30 31
(4)	Section 9(2) to (8)—	32

renumber as section 9(1) to (8).

1

Clause 26	Amendment of s 11 (Amending of gazette resumption notice)	2 3
	(1) Section 11(1) and (1A)—	4
	<i>omit, insert—</i>	5
	(1) Section 24AA of the <i>Acts Interpretation Act 1954</i> applies to the amendment of a gazette resumption notice.	6 7 8
	<i>Notes—</i>	9
	1 <i>Acts Interpretation Act 1954</i> , section 24AA (Power to make instrument or decision includes power to amend or appeal)	10 11 12
	2 See section 17 for the power to revoke a gazette resumption notice.	13 14
	(1A) However, to the extent the power to amend the gazette resumption notice is exercised to correctly describe the land taken by the notice or to correct another error, the power is not subject to sections 7 to 9 or division 3.	15 16 17 18 19
	(2) Section 11(1B), from ‘An amending’ to ‘only if’—	20
	<i>omit, insert—</i>	21
	Also, a gazetting authority may, by gazette notice, amend a gazette resumption notice made by the Governor in Council to change the description or area of land taken under the gazette resumption notice, but only if	22 23 24 25 26
	(3) Section 11(2), (3), (5) and (6)—	27
	<i>omit.</i>	28
	(4) Section 11(4)(a), ‘an amending’—	29
	<i>omit, insert—</i>	30
	amendment of the	31
	(5) Section 11(4)(b), ‘amending’—	32

[s 27]

omit, insert— 1

amended 2

(6) Section 11(1A) to (4)— 3

renumber as section 11(2) to (4). 4

Clause 27 Amendment of s 12 (Effect of gazette resumption notice) 5

Section 12(6)— 6

omit, insert— 7

(6) Subject to section 11, publication of a gazette
resumption notice is evidence that the following
provisions have been complied with— 8
9
10

(a) for land taken under division 3 in
accordance with a resumption
agreement—that division; 11
12
13

(b) otherwise—sections 7, 8 and 9. 14

Clause 28 Replacement of s 15 (Taking by agreement) 15

Section 15— 16

omit, insert— 17

Division 3 Taking by agreement 18

Subdivision 1 Resumption agreements 19

15 Meaning of *resumption agreement* 20

(1) A *resumption agreement* is an agreement,
complying with subsection (3), for a constructing
authority to take land under this Act entered into
by the authority and 1 or more of the affected
persons for the land. 21
22
23
24
25

-
- (2) An *affected person*, for land the subject of a resumption agreement, is each person who, to the constructing authority's knowledge—
- (a) will be entitled to claim compensation under this Act in respect of the taking of the land; or
 - (b) is a mortgagee of the land.
- (3) A resumption agreement must—
- (a) be written; and
 - (b) be signed by each affected person who is a party to the agreement; and
 - (c) state—
 - (i) the particular purpose for which the land to be taken is to be taken; and
 - (ii) a description of the land in the way mentioned in section 7(3)(b); and
 - (iii) if the land is an easement—the rights and obligations to be conferred and imposed by the easement.
- (4) A resumption agreement may, in relation to the compensation for the taking of the land to be taken, for each affected person provide—
- (a) for the compensation to the person; or
 - (b) that the amount of the compensation is to be fixed under part 4.
- (5) For subsection (4)(a), the compensation may include the benefit of an easement or another interest in land granted by the constructing authority over any land under the authority's control.

[s 28]

Subdivision 2 Process for taking	1
15A Application of sdiv 2	2
This subdivision applies if a constructing authority has entered into a resumption agreement for particular land.	3 4 5
15B Limit on taking under sdiv 2	6
The land may be taken under this subdivision only if, for every affected person for the land—	7 8
(a) the person—	9
(i) is a party to the resumption agreement; or	10 11
(ii) is a party to another resumption agreement for a particular interest in the land; or	12 13 14
(iii) has given written consent to the land being taken in accordance with the resumption agreement; or	15 16 17
(b) the person's interest in the land—	18
(i) has been taken under this Act; or	19
(ii) is taken under section 9 immediately before, or when, the land is taken under this subdivision.	20 21 22
15C Taking by Governor in Council	23
(1) The constructing authority may apply to the relevant Minister for the land to be taken under this section.	24 25 26
(2) The application must be—	27
(a) made within 1 year after the date of the resumption agreement; and	28 29

-
- (b) accompanied by— 1
- (i) a copy of the resumption agreement; 2
and 3
 - (ii) if the land is not identified in the 4
resumption agreement in the way 5
mentioned in section 7(3)(b)(i)—a 6
copy of a plan of survey of the land 7
certified by a cadastral surveyor as 8
being accurate or a plan that is 9
sufficient to substantially identify the 10
land. 11
- (3) The relevant Minister may, by written notice, 12
require the constructing authority to give the 13
relevant Minister stated information relating to 14
the application within a stated reasonable period. 15
- (4) The relevant Minister must consider the 16
application and any information given under 17
subsection (3) to ensure the land— 18
- (a) may be taken; and 19
 - (b) should be taken for the purpose for which it 20
is proposed to be taken. 21
- (5) The Governor in Council may, by gazette notice, 22
declare that the land is taken for the purpose 23
stated in the notice. 24

15D Taking by constructing authority 25

- (1) The constructing authority may, by gazette 26
notice, declare that the land is taken for the 27
purpose stated in the notice, without making any 28
application under section 15C. 29
- (2) However, the constructing authority may take the 30
land for a multi-parcel purpose only if every 31
other parcel of land required to be taken to carry 32
out the multi-parcel purpose— 33

[s 28]

- (a) has been taken under this Act; or 1
- (b) is the subject of a resumption agreement 2
entered into by the constructing authority; or 3
- (c) is the subject of a notice of intention to 4
resume for which the objection period has 5
ended and no objections have been received. 6
- (3) Also, the constructing authority may act under 7
subsection (1) to take the land only if the 8
authority is satisfied the land— 9
 - (a) may be taken; and 10
 - (b) should be taken for the purpose for which it 11
is proposed to be taken. 12

Subdivision 3 Miscellaneous 13

15E When taking is effective 14

A taking under this division is effective on the day the 15
gazette resumption notice is published. 16

15F Non-application of sections 7 to 9 17

Sections 7 to 9 do not apply to the taking of land under 18
this division. 19

15G When constructing authority is taken to have discontinued resumption 20 21

If a constructing authority has not made an application 22
under section 15C or taken land under section 15D 23
within 1 year after the date of a resumption agreement 24
to which the authority is a party— 25

- (a) the authority is taken to have discontinued 26
the resumption of the land the subject of the 27
agreement; and 28

- (b) section 16 applies as if the authority had served each of the affected persons for the land with a notice of intention to resume.

15H No limit on other acquisition of land

This division does not limit the power of a constructing authority to acquire land in another way, including, for example, by purchasing it.

Clause 29 Amendment of s 17 (Revocation before determination of compensation)

- (1) Section 17(1), from ‘Governor in Council, by’—

omit, insert—

Governor in Council or a gazetting authority, by gazette notice (the *revoking gazette notice*), may revoke the gazette resumption notice, in whole or in part.

- (2) Section 17, ‘or amending gazette notice’—

omit.

Clause 30 Replacement of s 36B (Minister may delegate certain authorities and functions)

Section 36B—

omit, insert—

36B Delegation by Minister

- (1) The Minister may delegate the Minister’s functions under this Act to an appropriately qualified officer or employee of the department.
- (2) However, the Minister can not delegate the Minister’s functions under section 9 in relation to an application for the taking of land if an objection was received in response to a notice of intention to resume for the land.

[s 31]

	(3)	A delegation of a function may permit the subdelegation of the function to an appropriately qualified officer or employee of the department.	1 2 3
	(4)	In this section—	4
		<i>appropriately qualified</i> , for a function, means having the qualifications, experience or standing to perform the function.	5 6 7
		<i>Example of standing for an officer of a department—</i>	8
		the officer’s classification or level in the department	9
		<i>department</i> , for a delegation of the Minister’s functions, means the department administered by the Minister.	10 11 12
		<i>functions</i> includes powers.	13
		<i>Minister</i> includes a relevant Minister, other than the State Development Minister.	14 15
Clause 31	Insertion of new pt 6, div 4		16
	After section 47—		17
	<i>insert—</i>		18
	Division 4	Provisions for Land, Water and Other Legislation Amendment Act 2013	19 20 21
	48 Definitions for div 4		22
	In this division—		23
		<i>commencement</i> means the commencement of the provision in which the word appears.	24 25
		<i>previous</i> , for a provision of this Act, means the provision as in force immediately before the commencement.	26 27 28

49 Applications under previous section 9(2)	1
(1) This section applies if—	2
(a) before the commencement, a constructing authority applied to the Minister for land to be taken under previous section 9(2); and	3 4 5
(b) on the commencement, the land the subject of the application had not been taken under this Act.	6 7 8
(2) Section 9, as in force immediately after the commencement, applies to the application.	9 10
(3) In this section—	11
<i>Minister</i> see previous section 9(1).	12
50 Agreements for taking under previous section 15(1)	13 14
(1) This section applies if—	15
(a) before the commencement, a constructing authority had entered an agreement to take land under previous section 15(1); and	16 17 18
(b) on the commencement, the land the subject of the agreement had not been taken under this Act.	19 20 21
(2) Part 2, division 3 applies to the agreement.	22
51 Delegations by Minister	23
(1) This section applies to a delegation of a Minister made under a previous delegation provision and in effect immediately before the commencement.	24 25 26
(2) The delegation has effect from the commencement as it were a delegation under section 36B.	27 28 29
(3) In this section—	30

[s 32]

	<i>previous delegation provision</i> means section 11(5) or 36B as in force immediately before the commencement.	1 2 3
Clause 32	Numbering of schedule (Purposes for taking land)	4
	Schedule—	5
	<i>number</i> as schedule 1.	6
Clause 33	Insertion of new sch 2	7
	After schedule 1, as numbered—	8
	<i>insert</i> —	9
	Schedule 2 Dictionary	10
	section 2	11
Part 4	Amendment of Cape York Peninsula Heritage Act 2007	12 13
Clause 34	Act amended	14
	This part amends the <i>Cape York Peninsula Heritage Act 2007</i> .	15
Clause 35	Amendment of s 7 (Meaning of <i>Cape York Peninsula Region</i>)	16 17
	(1) Section 7(1), from ‘map called’—	18
	<i>omit, insert</i> —	19
	designated map.	20
	(2) Section 7(4)—	21
	<i>insert</i> —	22

-
- designated map* means a map prepared and held 1
by the natural resources department— 2
- (a) called ‘Map 2 Cape York Peninsula 3
Region’; or 4
- (b) prescribed under a regulation. 5

Part 5 **Amendment of City of Brisbane Act 2010** 6
7

Clause 36 **Act amended** 8
This part amends the *City of Brisbane Act 2010*. 9

Clause 37 **Amendment of s 40 (Development processes)** 10

(1) Section 40(5)(c)— 11
omit. 12

(2) Section 40(5)(d)— 13
renumber as section 40(5)(c). 14

Part 6 **Amendment of Foreign Ownership of Land Register Act 1988** 15
16
17

Clause 38 **Act amended** 18
This part amends the *Foreign Ownership of Land Register Act 1988*. 19
20

[s 39]

Note—

See also the amendments in schedule 1.

		1
		2
Clause 39	Insertion of new s 2	3
	After section 1—	4
	<i>insert—</i>	5
	2 Definitions	6
	The dictionary in the schedule 1 defines particular	7
	words used in this Act.	8
Clause 40	Amendment of s 4 (Interpretation)	9
	(1) Section 4(1), definition <i>foreign natural person—</i>	10
	<i>omit, insert—</i>	11
	<i>foreign natural person</i> means a person who is	12
	not an Australian citizen within the meaning of	13
	the <i>Australian Citizenship Act 2007</i> (Cwlth)	14
	and—	15
	(a) whose continued presence in Australia is	16
	subject to a limitation as to time imposed by	17
	law; or	18
	(b) who is not domiciled in Australia.	19
	(2) Section 4(1), definition <i>interest in land</i> , paragraphs (d) and	20
	(m)—	21
	<i>omit.</i>	22
	(3) Section 4(1), definition <i>interest in land</i> , paragraph (p), ‘(other	23
	than an estate or interest referred to in paragraph (i))’—	24
	<i>omit.</i>	25
	(4) Section 4(1), definition <i>interest in land</i> , paragraphs (e) to	26
	(p)—	27
	<i>renumber</i> as paragraphs (c) to (i).	28
	(5) Section 4(1), definition <i>interest in land—</i>	29

insert— 1

(j) a carbon abatement interest under the *Land Act 1994* or *Land Title Act 1994*; or 2
3

(k) a covenant under the *Land Act 1994* or *Land Title Act 1994*; or 4
5

(l) a plantation licence under the *Forestry Act 1959*; or 6
7

(m) a profit a prendre under the *Land Act 1994* or *Land Title Act 1994*. 8
9

(6) Section 4(1), definition *last accounting date*, paragraph (a), after ‘314;’— 10
11

insert— 12

or 13

(7) Section 4(1), definitions— 14

relocate to schedule 1 inserted under this Act. 15

(8) Section 4(1), as amended— 16

omit. 17

(9) Section 4(5), ‘(4)’— 18

omit, insert— 19

(2) 20

(10) Section 4(6), after ‘foreign person’— 21

insert— 22

in schedule 1 23

(11) Section 4(3) to (6)— 24

renumber as section 4(1) to (4). 25

Clause 41 Insertion of new sch 1 26

After section 45— 27

insert— 28

[s 42]

Schedule 1 Dictionary 1

section 2 2

Part 7 Amendment of Land Act 1994 3

Clause 42 Act amended 4

This part amends the *Land Act 1994*. 5

Note— 6

See also the amendments in schedule 1. 7

Clause 43 Amendment of s 8 (Definitions for pt 4) 8

Section 8, definitions *lake* and *watercourse—* 9

omit. 10

Clause 44 Amendment of s 13B (Power to declare and deal with former watercourse land) 11
12

(1) Section 13B(2)— 13

omit, insert— 14

(2) However, before applying, the person must give notice of the person's intention to make the application to the owners of any land that adjoins the watercourse land. 15
16
17
18

(2) Section 13B(4)— 19

omit, insert— 20

(4) However, the chief executive (water) may make the declaration only if satisfied that— 21
22

	(a) the matters stated in subsection (1)(a) to (d) are true; and	1 2
	(b) taking a long-term perspective, there is negligible likelihood that the watercourse land will again become part of a functioning watercourse.	3 4 5 6
	(3) Section 13B(6), ‘consulted under subsection (4)(a)’— <i>omit, insert—</i>	7 8
	given notice of the proposed application under subsection (2)	9 10
Clause 45	Amendment of s 23A (Floating reservation on plan of subdivision)	11 12
	Section 23A(2)— <i>omit, insert—</i>	13 14
	(2) In making a decision for subsection (1), the Minister must have regard to the purpose of the reservation, the likely future use of the land and where the reservation is most likely to be needed.	15 16 17 18
	<i>Example—</i>	19
	If the reservation is for road purposes, the Minister will have regard to where the road is most likely to be needed.	20 21 22
Clause 46	Amendment of s 24 (Disposal of reservations no longer needed)	23 24
	Section 24(4)— <i>omit, insert—</i>	25 26
	(4) In making a decision under subsection (3), the Minister must have regard to the purpose of the reservation and the likely future use of the land.	27 28 29

[s 47]

	<i>Example—</i>	1
	If the reservation is for road purposes, the Minister will	2
	have regard to whether the road is likely to be needed.	3
Clause 47	Replacement of ss 31C to 31E	4
	Sections 31C, 31D and 31E—	5
	<i>omit, insert—</i>	6
	31C Applying for dedication of reserve	7
	(1) A person may apply to the Minister for the	8
	dedication of a reserve.	9
	(2) However, before applying, the person must give	10
	notice of the person’s intention to make the	11
	application to—	12
	(a) if the person is not the proposed trustee of	13
	the reserve—the proposed trustee; and	14
	(b) each person with a registered interest in the	15
	unallocated State land over which the	16
	reserve is proposed to be dedicated.	17
	(3) The person may also give notice to any other	18
	person the first person considers has an interest in	19
	the unallocated State land over which the reserve	20
	is proposed to be dedicated.	21
	31D Applying for adjustment of reserve	22
	(1) The trustee of a reserve may apply to the	23
	Minister—	24
	(a) to change the boundaries of the reserve; or	25
	(b) to change the purpose for which the reserve	26
	is dedicated.	27
	(2) However, before applying, the trustee must give	28
	notice of the trustee’s intention to make the	29
	application to each person with a registered	30
	interest in the reserve.	31

	(3) The trustee may also give notice to any other person the trustee considers—	1 2
	(a) has an interest in the reserve; or	3
	(b) would have an interest in the reserve if the boundaries of the reserve or the purpose for which the reserve is dedicated were changed.	4 5 6 7
Clause 48	Amendment of s 31F (Notice of registration of action in relation to reserve)	8 9
	(1) Section 31F(1)—	10
	<i>omit, insert—</i>	11
	(1) The chief executive must give notice of the registration of an action relating to a reserve to each relevant person for the action.	12 13 14
	(2) Section 31F(3), from ‘person given notice’—	15
	<i>omit, insert—</i>	16
	relevant person for the action.	17
	(3) Section 31F(4)—	18
	<i>insert—</i>	19
	<i>relevant person</i> , for an action in relation to a reserve, means—	20 21
	(a) the person or trustee that made an application under section 31C or 31D in relation to the proposed action;	22 23 24
	(b) each person given a notice under section 31C or 31D about the proposed action.	25 26
Clause 49	Amendment of s 34 (Applying to revoke dedication of reserve)	27 28
	Section 34—	29
	<i>insert—</i>	30

[s 50]

	(2)	However, before applying, the person must give notice of the person's intention to make the application to—	1 2 3
	(a)	if the person is not the trustee of the reserve—the trustee of the reserve; and	4 5
	(b)	each person with a registered interest in the reserve.	6 7
	(3)	The person may also give notice to any other person the first person considers has an interest in the reserve.	8 9 10
Clause 50	Amendment of s 34E (Notice of revocation)		11
	(1)	Section 34E(1)— <i>omit, insert—</i>	12 13
	(1)	The chief executive must give notice of the revocation of the dedication of a reserve to the person who applied for the revocation and each person given notice about the proposed revocation under section 34 (either a <i>relevant person</i>).	14 15 16 17 18 19
	(2)	Section 34E(3), from 'each person'— <i>omit, insert—</i> each relevant person.	20 21 22
Clause 51	Amendment of s 34I (Applying for deed of grant)		23
		Section 34I— <i>insert—</i>	24 25
	(3)	However, before applying, the trustee must give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.	26 27 28 29

	(4)	The trustee may also give notice to any other person the trustee considers has an interest in the reserve.	1 2 3
Clause 52		Amendment of s 34N (Notice of registration of deed of grant)	4 5
	(1)	Section 34N(1)— <i>omit, insert—</i>	6 7
	(1)	The chief executive must give notice of the registration of the deed of grant over an operational reserve to the trustee who applied for the issue of the deed of grant and each person given notice about the proposed issue under section 34I (either a <i>relevant person</i>).	8 9 10 11 12 13
	(2)	Section 34N(3), from ‘each person’— <i>omit, insert—</i> each relevant person.	14 15 16
Clause 53		Amendment of s 38A (Applying for additional community purpose, amalgamation or cancellation)	17 18
	(1)	Section 38A(1), after ‘trustee’— <i>insert—</i> (the <i>applicant</i>)	19 20 21
	(2)	Section 38A(2), after ‘person’— <i>insert—</i> (also the <i>applicant</i>)	22 23 24
	(3)	Section 38A— <i>insert—</i> (3) However, before applying under this section, the applicant must give notice of the applicant’s intention to apply to each of the following—	25 26 27 28 29

[s 54]

	(a) the trustee of the deed of grant in trust, other than the applicant;	1 2
	(b) each person with a registered interest in the trust land.	3 4
	(4) The applicant may also give notice to any other person the applicant considers has an interest in the trust land.	5 6 7
Clause 54	Amendment of s 38D (Notice of registration of action)	8
	(1) Section 38D(1)—	9
	<i>omit, insert—</i>	10
	(1) The chief executive must give notice of the registration of an action relating to a deed of grant in trust to the applicant and each person given notice about the proposed action under section 38A (either a <i>relevant person</i>).	11 12 13 14 15
	(2) Section 38D(3), from ‘each person’—	16
	<i>omit, insert—</i>	17
	each relevant person.	18
Clause 55	Amendment of s 55A (Applying to surrender)	19
	Section 55A—	20
	<i>insert—</i>	21
	(2) However, before applying, the trustee must give notice of the trustee’s intention to apply to each person with a registered interest in the deed of grant in trust.	22 23 24 25
	(3) The trustee may also give notice to any other person the trustee considers has an interest in the deed of grant in trust.	26 27 28

Clause 56	Amendment of s 55E (Notice of surrender)	1
(1)	Section 55E(1)—	2
	<i>omit, insert—</i>	3
	(1) The chief executive must give notice of the surrender of a deed in grant in trust to the trustee and each person given a notice about the proposed surrender under section 55A (either a <i>relevant person</i>).	4 5 6 7 8
(2)	Section 55E(3), from ‘each person’—	9
	<i>omit, insert—</i>	10
	each relevant person.	11
Clause 57	Amendment of s 57 (Trustee leases)	12
(1)	Section 57(2A), from ‘lease (a construction trustee lease)’—	13
	<i>omit, insert—</i>	14
	grant a trustee lease (construction) or a trustee lease (State or statutory body) over all or part of the trust land.	15 16 17
(2)	Section 57—	18
	<i>insert—</i>	19
	(2AA) A <i>trustee lease (construction)</i> is a lease of trust land to the State for the construction of transport infrastructure and the provision of transport services on the trust land.	20 21 22 23
	(2AB) A <i>trustee lease (State or statutory body)</i> is a lease of trust land if all of the following apply—	24 25
	(a) the trustee of the trust land is the State or a statutory body;	26 27
	(b) a stated mandatory standard terms document forms part of the lease;	28 29

[s 58]

- (c) the purpose of the lease is consistent with the purpose for which the trust land was reserved or granted in trust;
 - (d) if a management plan for the trust land is registered under section 48—the lease is consistent with the management plan.
- (3) Section 57(2B) and (3A), ‘construction trustee lease’—
omit, insert—
trustee lease (construction)
- (4) Section 57(4), ‘construction trustee lease’—
omit, insert—
trustee lease (construction) or trustee lease (State or statutory body)
- (5) Section 57(2A) to (6)—
renumber as section 57(3) to (11).

Clause 58 Amendment of s 57A (Amending a trustee lease)

- (1) Section 57A—
insert—
 - (1A) However, the Minister’s approval is not required if the lease is—
 - (a) a trustee lease (construction); or
 - (b) a construction trustee sublease; or
 - (c) a trustee lease (State or statutory body); or
 - (d) a sublease of a trustee lease (State or statutory body).
- (2) Section 57A(2), ‘However’—
omit, insert—
Also
- (3) Section 57A(1A) and (2)—

renumber as section 57A(2) and (3).

1

Clause 59 Amendment of s 58 (Other transactions relating to trustee leases)

2

3

(1) Section 58(1)—

4

omit, insert—

5

(1) A trustee lessee may transfer, mortgage or sublease a trustee lease if the trustee lessee first obtains the written approval of the Minister and the trustee to the transaction.

6

7

8

9

(1A) However, the Minister's approval is not required if—

10

11

(a) the trustee has a written authority under section 64; or

12

13

Note—

14

Under section 64, the Minister may give a trustee a standing authority to sublease.

15

16

(b) the lease is a trustee lease (State or statutory body).

17

18

(2) Section 58(2A), '(2)'—

19

omit, insert—

20

(3)

21

(3) Section 58(2A)(a), 'under a construction trustee lease under section 57(2A)'—

22

23

omit, insert—

24

trustee lease (construction)

25

(4) Section 58(2A)(a), '57(2A)', second mention—

26

omit, insert—

27

57(4)

28

(5) Section 58(1A) to (7)—

29

renumber as section 58(2) to (11).

30

[s 60]

Clause 60	Amendment of s 63 (Rent to be charged)	1
	Section 63(4), from ‘is a’—	2
	omit, insert—	3
	is—	4
	(a) the State; or	5
	(b) a statutory body prescribed under a	6
	regulation.	7
Clause 61	Amendment of s 97A (Definitions for div 2)	8
	Section 97A, definition <i>temporary road closure application</i> ,	9
	‘section 99(2)’—	10
	<i>omit, insert—</i>	11
	section 99(3)	12
Clause 62	Amendment of s 99 (Application to close road)	13
	(1) Section 99(2) to (6)—	14
	<i>renumber</i> as section 99(3) to (7).	15
	(2) Section 99—	16
	<i>insert—</i>	17
	(2) However, a public utility provider can not apply	18
	for the permanent closure of a road if the	19
	provider is a non-core utility provider.	20
	(3) Section 99(5) as renumbered, ‘Subsection (5)’—	21
	<i>omit, insert—</i>	22
	Subsection (6)	23
	(4) Section 99(5) as renumbered, ‘subsection (3)’—	24
	<i>omit, insert—</i>	25
	subsection (4)	26

Clause 63	Amendment of s 115 (Conditions of sale)	1
	Section 115(3)(b), ‘100ha’—	2
	<i>omit, insert—</i>	3
	1000ha	4
Clause 64	Amendment of s 136 (Conditions of offer and lease)	5
	Section 136(5)(a), ‘100ha’—	6
	<i>omit, insert—</i>	7
	1000ha	8
Clause 65	Amendment of s 155 (Length of term leases)	9
	Section 155(4)(a), (5)(a) and (6)(a), ‘100ha’—	10
	<i>omit, insert—</i>	11
	1000ha	12
Clause 66	Amendment of s 155AA (Application of division 1B)	13
	Section 155AA(1)(b), ‘100ha’—	14
	<i>omit, insert—</i>	15
	1000ha	16
Clause 67	Amendment of s 158 (Application for new lease)	17
	(1) Section 158(3)—	18
	<i>omit.</i>	19
	(2) Section 158(4) and (5)—	20
	<i>renumber</i> as section 158(3) and (4).	21
Clause 68	Amendment of s 159 (General provisions for deciding application)	22
	(1) Section 159(1)(k) and (l)—	23
		24

[s 69]

omit. 1

(2) Section 159(1)(m) to (o)— 2

renumber as section 159(1)(k) and (m). 3

(3) Section 159(2) and (3)— 4

omit. 5

(4) Section 159(4) and (5)— 6

renumber as section 159(2) and (3). 7

Clause 69 Amendment of s 160A (Land management agreement condition for particular offers) 8
9
Section 160A(1)(c), ‘100ha’— 10
omit, insert— 11
1000ha 12

Clause 70 Amendment of s 162A (Conditions imposed on particular new leases) 13
14
Section 162A(1)(b), ‘100ha’— 15
omit, insert— 16
1000ha 17

Clause 71 Amendment of s 164 (Short term extension) 18
Section 164, ‘1 year’— 19
omit, insert— 20
2 years 21

Clause 72 Amendment of s 166 (Application to convert lease) 22
(1) Section 166(1), ‘(4)’— 23
omit, insert— 24
(3) 25

-
- (2) Section 166(4)— 1
omit. 2
- (3) Section 166(5) and (6)— 3
renumber as section 166(4) and (5). 4

Clause 73 Amendment of s 167 (Provisions for deciding application) 5

- (1) Section 167(1)(k) and (l)— 6
omit. 7
- (2) Section 167(1)(m) to (o)— 8
renumber as section 167(1)(k) to (m). 9
- (3) Section 167(7), ‘(1)(m)’— 10
omit, insert— 11
 (1)(k) 12
- (4) Section 167(4)— 13
omit. 14
- (5) Section 167(5) to (7)— 15
renumber as section 167(4) to (6). 16

Clause 74 Amendment of s 168A (Land management agreement for new perpetual lease) 17

- Section 168A(1)— 18
omit, insert— 19
 (1) This section applies to the offer under section 21
 168(1) of a new perpetual lease if— 22
 (a) the lease is for rural leasehold land; and 23
 (b) the lease land is 1000ha or more. 24

Clause 75 Amendment of s 173A (Short-term extension) 25

- Section 173A, ‘1 year’— 26

[s 76]

omit, insert— 1
2 years 2

Clause 76 Amendment of s 176A (General provisions for deciding application) 3
4
Section 176A(5)(b)(ii), ‘100ha’— 5
omit, insert— 6
1000ha 7

Clause 77 Amendment of s 176L (General provisions for deciding application) 8
9
Section 176L(5)(b)(ii), ‘100ha’— 10
omit, insert— 11
1000ha 12

Clause 78 Insertion of new s 176UA 13
After section 176U— 14
insert— 15
176UA Power to require land management agreement in particular circumstances 16
17
(1) This section applies for a term or perpetual lease 18
if— 19
(a) the lease is for rural leasehold land; and 20
(b) the lease is not subject to a condition that a 21
land management agreement must be 22
entered into for the lease land; and 23
(c) the Minister is satisfied— 24
(i) the lease land suffers from, or is at risk 25
of, land degradation; or 26
(ii) the lessee is using the lease land in a 27
way that is not fulfilling the lessee’s 28

	duty of care for the land, under section 199.	1 2
(2)	The Minister, by notice, may require a land management agreement to be entered into for the lease land.	3 4 5
(3)	If a land management agreement is entered into under this section the lease is subject to a condition that the lessee must comply with the agreement.	6 7 8 9
Clause 79	Amendment of s 177A (Applying for permit)	10
	Section 177A—	11
	<i>insert—</i>	12
(2)	However, before applying, the person must give notice of the person’s intention to apply to the following and to any other entity with a registered interest in the proposed permit land—	13 14 15 16
(a)	for a permit for a reserve—the trustee of the reserve;	17 18
(b)	for a permit for a State-controlled road—the chief executive of the department in which the <i>Transport Infrastructure Act 1994</i> is administered;	19 20 21 22
(c)	for a permit for a road that is under the control of the a local government—the local government.	23 24 25
(3)	In this section—	26
	<i>State-controlled road</i> means a road or land, or part of a road or land, declared under the <i>Transport Infrastructure Act 1994</i> to be a State-controlled road.	27 28 29 30

[s 80]

Clause 80	Amendment of s 177D (Notice of permit)	1
	Section 177D(1), from ‘about the permit’—	2
	<i>omit, insert—</i>	3
	about the proposed permit under section 177A.	4
Clause 81	Amendment of s 180 (When permit may be cancelled or surrendered)	5
	Section 180(1)(c)—	6
	<i>omit, insert—</i>	7
	(c) the chief executive, having evaluated the	8
	land under section 16, considers the permit	9
	is not consistent with the most appropriate	10
	tenure and use for the land; or	11
	(d) for a permit for a reserve—the chief	12
	executive considers it appropriate for the	13
	trustee of the reserve to manage the reserve	14
	free of the permit; or	15
	(e) for a permit for a State-controlled road—the	16
	chief executive considers it appropriate for	17
	the chief executive of the department in	18
	which the <i>Transport Infrastructure Act 1994</i>	19
	is administered to control the road free of	20
	the permit; or	21
	(f) for a permit for a road that is under the	22
	control of a local government—the chief	23
	executive considers it appropriate for the	24
	local government to control the road free of	25
	the permit; or	26
	(g) the chief executive considers the	27
	cancellation is in the interests of the State,	28
	having regard to the public interest.	29
		30

Clause 82	Amendment of s 180A (Applying to cancel or surrender permit)	1 2
(1)	Section 180A(2) and (3)— <i>renumber</i> as section 180A(5) and (6).	3 4
(2)	Section 180A— <i>insert</i> —	5 6
(2)	However, before applying, the relevant entity must give notice of the entity's intention to apply to—	7 8 9
(a)	the permittee; and	10
(b)	any other entity with a registered interest in the permit land.	11 12
(3)	Also, a relevant entity for a permit can not apply to cancel the permit if the relevant entity is a non-core utility provider.	13 14 15
(4)	The relevant entity may also give notice to any other entity the relevant entity considers has an interest in the permit land.	16 17 18
Clause 83	Amendment of s 180E (Notice about cancellation or surrender)	19 20
(1)	Section 180E(1)— <i>omit, insert</i> —	21 22
(1)	The chief executive must give notice about the cancellation or surrender of a permit to—	23 24
(a)	if the permit is cancelled—	25
(i)	the applicant; and	26
(ii)	each entity given a notice under section 180A; and	27 28
(b)	if the permit is surrendered—each entity with a registered interest in the permit land.	29 30

[s 84]

- (2) Section 180E(3), from ‘to each entity’— 1
omit, insert— 2
to— 3
(a) the permittee; and 4
(b) if the application was to cancel the 5
permit—each entity given a notice under 6
section 180A. 7

Clause 84 Insertion of new s 183B 8
After section 183AA— 9
insert— 10

**183B No rent payable once offer to convert lease 11
is accepted** 12

- (1) This section applies to a lease if— 13
(a) the lessee has made an application to 14
convert the lease to freehold land under 15
section 166; and 16
(b) the chief executive has made an offer to 17
convert the lease. 18
(2) Rent stops being payable for the lease when the 19
offer to convert the lease is accepted. 20

Note— 21

Under section 171, an offer to convert a lease has not 22
been accepted until the lessee has fulfilled the 23
conditions of the offer. 24

**Clause 85 Amendment of s 188A (Limited rent discount for 25
particular leases)** 26

Section 188A(5), definition *relevant lease*, paragraph (a), 27
‘100ha’— 28

omit, insert— 29

1000ha 30

Clause 86	Omission of ch 5, pt 1A (Future conservation areas)	1
	Chapter 5, part 1A—	2
	<i>omit.</i>	3
Clause 87	Amendment of s 201A (Land management agreement condition)	4
	Section 201A(b), ‘100ha’—	5
	<i>omit, insert—</i>	6
	1000ha	7
Clause 88	Amendment of s 234 (When lease may be forfeited)	8
	Section 234(e)—	9
	<i>omit, insert—</i>	10
	(e) if the lessee has more than 1 conviction, not	11
	including any spent convictions, for a	12
	vegetation clearing offence, regardless of	13
	whether any of the offences were committed	14
	on the lease land; or	15
		16
Clause 89	Amendment of s 240I (Sale of lease)	17
	Section 240I(2) to (6)—	18
	<i>omit, insert—</i>	19
	(2) Subject to subsections (3) to (5), the <i>Local</i>	20
	<i>Government Act 2009</i> , to the extent that Act	21
	provides for the sale of land to recover overdue	22
	rates and charges relating to the land, applies to	23
	the sale of a lease under this subdivision.	24
	(3) The local government must start the process of	25
	selling a lease under this subdivision within the	26
	required period stated in the notice under section	27
	240H(2).	28

[s 90]

- (4) The local government must set a reserve price for the sale of the lease by auction, or a price for the sale of the lease under an agreement, that is at least the total of all charges owing to the State under this Act relating to the lease. 1
2
3
4
5
- (5) The local government must use the proceeds of the sale of the lease to pay the State the amount of all charges owing to the State under this Act relating to the lease before using the proceeds to pay any amount owing to the local government. 6
7
8
9
10

Clause 90 Insertion of new s 284A 11

After section 284— 12

insert— 13

284A Fee required to produce document under subpoena etc. 14
15

- (1) This section applies if a fee is payable under section 284(1) for a person to obtain a copy of a document and— 16
17
18
 - (a) a subpoena requires the document to be produced; or 19
20
 - (b) a person has applied under the *Evidence Act 1977*, section 134A for the document to be produced for inspection. 21
22
23
- (2) Despite any other law or rule of court, the chief executive is not required to produce, or provide a copy of, the document until the fee mentioned in section 284(1) is paid. 24
25
26
27
- (3) Subsection (2) does not apply if a department is not required to pay a fee for the document under an agreement mentioned in section 284(6). 28
29
30

Clause 91	Amendment of s 290JA (Dedication of public use land in plan)	1 2
(1)	Section 290JA(2), (3) and (4)—	3
	<i>omit, insert—</i>	4
(2)	On the coming into effect of the plan, without anything further—	5 6
(a)	if the dedication is for a reserve—the land is dedicated as a reserve for the community purpose or purposes stated in the plan; or	7 8 9
(b)	if the dedication is for a road—the road is opened as a road; or	10 11
(c)	if the dedication is for a non-tidal watercourse or a lake—the plan is taken to be the source material for the land for the <i>Survey and Mapping Infrastructure Act 2003</i> , section 99; or	12 13 14 15 16
	<i>Note—</i>	17
	The <i>Survey and Mapping Infrastructure Act 2003</i> , section 99 defines when a boundary of land is a non-tidal boundary (watercourse) or non-tidal boundary (lake). See section 13A of this Act for provisions about the ownership of land on the watercourse side or lake side of one of these boundaries.	18 19 20 21 22 23 24
(d)	otherwise—the land becomes unallocated State land.	25 26
(2)	Section 290JA(5), ‘(6)’—	27
	<i>omit, insert—</i>	28
(4)		29
(3)	Section 290JA(5), ‘(3)’—	30
	<i>omit, insert—</i>	31
(2)		32
(4)	Section 290JA(5) and (6)—	33

[s 92]

renumber as section 290JA(3) and (4). 1

Clause 92 Amendment of s 290JB (Access for public use land) 2

Section 290JB, after ‘as a road,’— 3

insert— 4

non-tidal watercourse or a lake, 5

Clause 93 Amendment of s 322A (Severing joint tenancy by transfer) 6
7

Section 322A(4), from ‘that a copy’— 8

omit, insert— 9

that— 10

(a) a copy of the transfer has been given to all of 11
the other joint tenants; or 12

(b) a reasonable attempt has been made to give 13
a copy of the transfer to all of the other joint 14
tenants. 15

Clause 94 Amendment of s 327B (Applying to surrender) 16

(1) Section 327B, heading, after ‘surrender’— 17

insert— 18

freehold land 19

(2) Section 327B(2)— 20

omit. 21

Clause 95 Replacement of s 327C (Notice of proposal to approve surrender of lease) 22
23

Section 327C— 24

omit, insert— 25

	327C Applying to surrender lease	1
	(1) A lessee may apply to surrender all or part of a lease.	2 3
	(2) However, before applying, the lessee must give notice of the lessee's intention to apply to any other person with a registered interest in the lease.	4 5 6 7
	(3) The lessee may also give notice to any other person the lessee considers has an interest in the lease.	8 9 10
Clause 96	Amendment of s 327F (Notice of surrender)	11
	(1) Section 327F(1)—	12
	<i>omit, insert—</i>	13
	(1) The chief executive must give notice of the surrender of a lease to the lessee and each person given notice about the proposed surrender under section 327 (either a <i>relevant person</i>).	14 15 16 17
	(2) Section 327F(3), from 'each person'—	18
	<i>omit, insert—</i>	19
	each relevant person.	20
Clause 97	Amendment of s 332 (Subleases require Minister's approval)	21 22
	(1) Section 332, heading—	23
	<i>omit, insert—</i>	24
	332 Requirements for subleases	25
	(2) Section 332(1)(a)—	26
	<i>omit, insert—</i>	27
	(a) if—	28

[s 98]

	(i) the Minister has given written approval to the sublease; or	1 2
	(ii) the lessee holds a general authority to sublease; or	3 4
	(iii) a stated mandatory standard terms document forms part of the sublease; and	5 6 7
(3)	Section 332(2) to (8)— <i>renumber</i> as section 332(3) to (9).	8 9
(4)	Section 332— <i>insert</i> — (2) A lessee or sublessee may seek the Minister’s approval even though subsection (1)(a)(ii) or (iii) applies to the sublease.	10 11 12 13 14
(5)	Section 332(3) as renumbered, ‘the application’— <i>omit, insert</i> — an application	15 16 17
(6)	Section 332(6), ‘subsection (4)’— <i>omit, insert</i> — subsection (5)	18 19 20
(7)	Section 332(9), ‘subsection (3)(a)’— <i>omit, insert</i> — subsection (4)(a)	21 22 23
Clause 98	Replacement of s 360D (Notice of proposal to amend lease)	24 25
	Section 360D— <i>omit, insert</i> —	26 27

360D Notice of intention to apply to amend lease

- (1) This section applies if a lessee or a person acting for the lessee (each *an applicant*) intends to make an application under section 360C to amend the description of a lease.
- (2) Before applying, the applicant must give notice of the applicant's intention to apply to any other person with a registered interest in the lease land.
- (3) The applicant may also give notice to any other person the applicant considers has an interest in the lease.

Clause 99 Amendment of s 360F (Notice of registration of amendment of lease)

- (1) Section 360F(1), from 'written notice'—
omit, insert—
the chief executive must give notice to the lessee of the lease and each person given notice about the proposed amendment under section 360D (either a *relevant person*).
- (2) Section 360F(3), from 'each person'—
omit, insert—
each relevant person.

Clause 100 Amendment of s 369 (Public utility easements)

- Section 369(3), 'paragraph (e)'—
omit, insert—
paragraph (g)

Clause 101 Amendment of s 420C (Requirements for making an application)

- (1) Section 420C(1)—

[s 102]

insert—

- (e) if the particular requirements under this Act for making the application include a notification provision—it must be accompanied by a copy of the notice of the applicant’s intention to make the application given to each entity under the notification provision.

- (2) Section 420C(6)—

insert—

notification provisions, for an application, means a requirement or discretion for the person making the application to give notice of the person’s intention to make the application to a particular person or entity.

Clause 102 Insertion of new ss 420CA and 420CB

After section 420C—

insert—

420CA Requirements for giving notice of intention to apply

- (1) This section applies if a person is required or permitted to give notice of the person’s intention to make an application (the ***proposed application***) under this Act.
- (2) The notice must—
- (a) be in the approved form; and
- (b) state the following—
- (i) the purpose of the proposed application;
- (ii) that the entity given the notice may make a submission against the proposal to the person or to the chief executive;

-
- (iii) that the submission must be in the approved form; 1
2
 - (iv) the closing day for the submission; 3
 - (v) the place or places where, or the way or ways, the submission must be lodged. 4
5

420CB Submissions 6

- (1) An entity given a notice about a proposed application mentioned in section 420CA may make a submission against the proposed application to— 7
8
9
10
 - (a) the person who gave the entity the notice; or 11
 - (b) the chief executive. 12
- (2) The submission must— 13
 - (a) be in the approved form; and 14
 - (b) be received by the closing day for the submission stated in the notice; and 15
16
 - (c) be lodged at a place or in a way stated in the notice. 17
18
- (3) The person who may or must decide the proposed application must, before deciding the application, consider all submissions received— 19
20
21
 - (a) under this section; or 22
 - (b) with the application. 23

Clause 103 Insertion of new s 420FA 24
After section 420F— 25
insert— 26

[s 104]

420FA Regard may be had to information and advice

A person who may or must decide an application may, in making the decision, have regard to information and advice obtained in the way the person considers appropriate.

Example—

If the Minister is making a decision under section 23A or 24 about a reservation for road purposes, the Minister might decide to seek advice from the chief executive of the department in which the *Transport Infrastructure Act 1994* is administered.

Clause 104 Amendment of s 481B (Application to cancel or surrender)

(1) Section 481B(1), after ‘public utility provider’—

insert—

(an *applicant*)

(2) Section 481B(2), after ‘licensee’—

insert—

(also an *applicant*)

(3) Section 481B(2)—

renumber as section 481B(3).

(4) Section 481B—

insert—

(2) However, an applicant mentioned in subsection (1) can not apply to cancel all or part of an occupation licence if the applicant is a non-core utility provider.

(5) Section 481B—

insert—

	(4)	However, before applying, an applicant must give notice of the applicant's intention to apply to each of the following—	1 2 3
	(a)	if the applicant is not the licensee of the occupation licence—the licensee;	4 5
	(b)	any other person with a registered interest in the occupation licence;	6 7
	(c)	if the occupation licence is a designated occupation licence—the chief executive of the department having responsibility for the administration of the forest reserve, national park, State forest or timber reserve the subject of the designated occupation licence.	8 9 10 11 12 13 14
	(5)	The applicant may also give notice to any other person the applicant considers has an interest in the occupation licence.	15 16 17
Clause 105		Amendment of s 481G (Notice of cancellation or absolute surrender)	18 19
	(1)	Section 481G(1)— <i>omit, insert—</i>	20 21
	(1)	The chief executive must give notice of a cancellation or absolute surrender of all or part of an occupational licence to the applicant and each person given a notice about the proposed cancellation or surrender under section 481B (either a <i>relevant person</i>).	22 23 24 25 26 27
	(2)	Section 481G(3), from 'each person'— <i>omit, insert—</i> each relevant person.	28 29 30

[s 106]

Clause 106	Insertion of new ch 9, pt 1K	1
	After section 521ZC—	2
	<i>insert—</i>	3
	Part 1K	4
	Transitional provisions	5
	for Land, Water and	6
	Other Legislation	7
	Amendment Act 2013	7
	521ZD Definitions for pt 1K	8
	In this part—	9
	<i>commencement</i> means the commencement of the	10
	provision in which the word appears.	11
	<i>previous</i> , for a provision of this Act, means the	12
	provision as in force immediately before the	13
	commencement.	14
	<i>relevant term lease</i> means a term lease to which	15
	the following apply—	16
	(a) the lease—	17
	(i) is for rural leasehold land; and	18
	(ii) is for a term of 20 years or more;	19
	(b) the lease land is 100ha or more but less than	20
	1000ha;	21
	(c) the lease is subject to a land management	22
	agreement.	23
	521ZE Cancellation of land management	24
	agreements	25
	(1) This section applies to a relevant term lease in	26
	force on the commencement.	27

-
- | | | |
|--------------|--|----------------------------------|
| (2) | Subject to section 521ZF, the lessee may apply in writing to the Minister for the cancellation of the land management agreement for the lease. | 1
2
3 |
| (3) | The Minister may grant the cancellation. | 4 |
| (4) | However, the agreement must not be cancelled if the Minister is satisfied— | 5
6 |
| | (a) the lease land suffers from, or is at risk of, land degradation; or | 7
8 |
| | (b) the lessee is using the lease land in a way that is not fulfilling the lessee's duty of care for the land, under section 199. | 9
10
11 |
| (5) | The cancellation of a land management agreement under this section does not affect the term of the lease. | 12
13
14 |
| (6) | If the Minister decides to refuse to grant the cancellation the lessee may appeal against the decision. | 15
16
17 |
| 521ZF | Prohibition on cancellation of particular land management agreements | 18
19 |
| (1) | This section applies to a relevant term lease in force on the commencement for which an extension of the term is granted under chapter 4, part 3, division 1B, regardless of whether the application for the extension is made before or after the commencement. | 20
21
22
23
24
25 |
| (2) | The lessee can not apply for the cancellation, under section 521ZE, of the land management agreement for the lease. | 26
27
28 |

[s 106]

521ZG Particular conditions about land management agreements for relevant term leases	1 2 3
(1) This section applies to a relevant term lease in force on the commencement that is subject to a condition imposed under section 203(g).	4 5 6
(2) If, under section 521ZE, the Minister cancels the land management agreement for the lease—	7 8
(a) the condition is taken to have been cancelled; and	9 10
(b) the chief executive must amend the leasehold land register to show the condition has been cancelled.	11 12 13
(3) The amendment of the register may be made despite any other provision of the Act.	14 15
521ZH Extension and reduction of relevant term leases	16 17
(1) This section applies to a relevant term lease in force on the commencement, subject to section 521ZE.	18 19 20
(2) Previous chapter 4, part 3, divisions 1B and 1C continue to apply for the lease.	21 22
521ZI Existing term lease applications	23
(1) This section applies to an application for a term lease that has been made under previous chapter 4, part 3 but not decided before the commencement.	24 25 26 27
(2) Previous chapter 4, part 3 and chapter 5, part 2 continue to apply to the application.	28 29
(3) However, subsection (4) applies if the application is for a lease to which the following apply—	30 31
(a) the lease—	32

	(i) is for rural leasehold land; and	1
	(ii) is for a term of 20 years of more;	2
	(b) the lease land is 100ha or more but less than 1000ha.	3 4
(4)	The Minister may, at the applicant's request, decide the application as if chapter 4, part 3 as amended under the amending Act applied to the application.	5 6 7 8
(5)	In this section—	9
	<i>amending Act</i> means the <i>Land, Water and Other Legislation Amendment Act 2013</i> .	10 11
Clause 107	Amendment of sch 2 (Original decisions)	12
(1)	Schedule 2, entry for section 58(3)—	13
	<i>omit, insert—</i>	14
58(6)	refusing a transfer, mortgage or sublease	
(2)	Schedule 2—	15
	<i>insert—</i>	16
521ZE(6)	refusal to grant the cancellation of a land management agreement	
(3)	Schedule 2, entry for section 332, '332(6)'—	17
	<i>omit, insert—</i>	18
	332(7)	19
Clause 108	Amendment of sch 3 (Requirements for approved agreements)	20 21
(1)	Schedule 3, part 1, section 1(c), '100ha'—	22
	<i>omit, insert—</i>	23
	1000ha	24

[s 109]

- (2) Schedule 3, part 2, section 1(c), ‘100ha’— 1
omit, insert— 2
1000ha 3

Clause 109 Amendment of sch 6 (Dictionary) 4

- (1) Schedule 6, definitions *criminal history, environmentally sensitive area, future conservation area, lake, reasonably believe, reasonably suspect* and *watercourse—* 5
omit. 8
- (2) Schedule 6— 9
insert— 10
- construction trustee sublease* see section 58(4)(a). 11
lake has the same meaning as in the Survey and Mapping Infrastructure Act 2003, section 62. 12
notice means written notice. 13
non-core utility provider means a person or entity mentioned in this schedule, definition *public utility provider* paragraph (e) or (f). 14
non-tidal watercourse means a watercourse in which the water that flows is not subject to tidal influence. 15
trustee lease (construction) see section 57(4). 16
trustee lease (State or statutory body) see section 57(5). 17
watercourse has the same meaning as in the Survey and Mapping Infrastructure Act 2003, section 63. 18
- (3) Schedule 6, definitions *Aboriginal people particularly concerned with land* and *Torres Strait Islanders particularly concerned with land, ‘4’—* 19
omit, insert— 20

3		1
(4)	Schedule 6, definition <i>appropriate register</i> , after ‘;’— <i>insert</i> —	2 3
	or	4
(5)	Schedule 6, definition <i>public purpose</i> , paragraph (c)— <i>omit</i> .	5 6
(6)	Schedule 6, definition <i>public utility provider</i> , paragraphs (e) and (f)— <i>renumber</i> as paragraphs (g) and (h).	7 8 9
(7)	Schedule 6, definition <i>public utility provider</i> — <i>insert</i> —	10 11
	(e) a person authorised under an Act to provide a particular public utility service;	12 13
	<i>Examples for paragraph (e)</i> —	14
	a special approval holder under the <i>Electricity Act 1994</i> or a service provider for a registered service under the <i>Water Supply (Safety and Reliability) Act 2008</i>	15 16 17 18
	(f) an entity approved by the Minister as suitable to provide infrastructure for use by another entity in the provision of a particular public utility service;	19 20 21 22
	<i>Example for paragraph (f)</i> —	23
	a relevant infrastructure owner as defined under the <i>Water Supply (Safety and Reliability) Act 2008</i> whose infrastructure may be used by another entity authorised to supply a water or sewerage service under that Act	24 25 26 27 28
(8)	Schedule 6, definition <i>required particulars</i> , ‘a future conservation area or’— <i>omit</i> .	29 30 31
(9)	Schedule 6, definition <i>required time</i> , ‘(3)’— <i>omit, insert</i> —	32 33

[s 110]

- (4) 1
- (10) Schedule 6, definition *statutory body*, ‘, a local government
owned corporation’— 2
3
omit. 4

Part 8 **Amendment of Land Title Act** 5 **1994** 6

- Clause 110** **Act amended** 7
- This part amends the *Land Title Act 1994*. 8
- Note—* 9
- See also the amendments in schedule 1. 10

- Clause 111** **Insertion of new s 35A** 11
- After section 35— 12
- insert—* 13
- 35A Fee required to produce document under
subpoena etc.** 14
15
- (1) This section applies if a fee is payable under 16
section 35(1) for a person to obtain a copy of a 17
document and— 18
- (a) a subpoena requires the document to be 19
produced; or 20
- (b) a person has applied under the *Evidence Act* 21
1977, section 134A for the document to be 22
produced for inspection. 23
- (2) Despite any other law or rule of court, the 24
registrar is not required to produce, or provide a 25
copy of, the document until the fee mentioned in 26
section 35(1) is paid. 27

	(3)	Subsection (2) does not apply if a department is not required to pay a fee for the document under an agreement mentioned in section 35(6).	1 2 3
Clause 112		Amendment of s 47 (Alienated State land to be registered)	4 5
		Section 47(1)—	6
		<i>omit, insert—</i>	7
	(1)	As soon as practicable after land is alienated from the State—	8 9
	(a)	if the deed of grant for the land takes effect on delivery to the grantee—notice that the deed has been delivered to the grantee must be given to the registrar; or	10 11 12 13
		<i>Note—</i>	14
		See the <i>Aboriginal Land Act 1991</i> , section 44 and the <i>Torres Strait Islander Land Act 1991</i> , section 40 for examples of deeds of grant that take effect on delivery of the deed to the grantee.	15 16 17 18
	(b)	otherwise—the deed of grant for the land must be lodged in the land registry.	19 20
Clause 113		Amendment of s 50 (Requirements for registration of plan of subdivision)	21 22
	(1)	Section 50(4) and (5)—	23
		<i>renumber</i> as section 50(5) and (6).	24
	(2)	Section 50—	25
		<i>insert—</i>	26
	(4)	Also, subsection (1)(h) and (i) does not apply to a plan of subdivision that, under a provision of another Act, is a plan that is not required to be approved by the relevant planning body.	27 28 29 30

[s 114]

Clause 114	Amendment of s 51 (Dedication of public use land in plan)	1 2
(1)	Section 51(1), from ‘other than’ to ‘proprietor’— <i>omit.</i>	3 4
(2)	Section 51(2), (3) and (3A)— <i>omit, insert—</i>	5 6
	(2) On registration of the plan, without anything further—	7 8
	(a) if the dedication is for a road—the road is opened for the <i>Land Act 1994</i> ; or	9 10
	(b) if the dedication is for a non-tidal watercourse or a lake—the plan is taken to be the source material for the land for the <i>Survey and Mapping Infrastructure Act 2003</i> , section 99; or	11 12 13 14 15
	<i>Note—</i>	16
	The <i>Survey and Mapping Infrastructure Act 2003</i> , section 99 defines when a boundary of land is a non-tidal boundary (watercourse) or non-tidal boundary (lake). See the <i>Land Act 1994</i> , section 13A for provisions about the ownership of land on the watercourse side or lake side of one of these boundaries.	17 18 19 20 21 22 23
	(c) if the dedication is for an identified community purpose under the <i>Land Act 1994</i> and the plan is consented to by the Minister administering the <i>Land Act 1994</i> —the lot is dedicated as a reserve for the community purpose; or	24 25 26 27 28 29
	(d) otherwise—the lot becomes unallocated State land under the <i>Land Act 1994</i> .	30 31
(3)	Section 51(4), ‘(5)’— <i>omit, insert—</i>	32 33
	(4)	34

	(4) Section 51(4) and (5)—	1
	<i>renumber</i> as section 51(3) and (4).	2
Clause 115	Amendment of s 51A (Access for public use land)	3
	Section 51A, after ‘as a road,’—	4
	<i>insert</i> —	5
	non-tidal watercourse or a lake,	6
Clause 116	Renumbering of s 54 (Division excluding road or watercourse)	7
	Section 54—	8
	<i>renumber</i> as section 53A.	9
Clause 117	Insertion of new pt 4, div 3A	10
	After section 53A, as renumbered—	11
	<i>insert</i> —	12
	Division 3A Dedication of road by notice	13
		14
		15
	54 Dedication of road by notice	16
	(1) The registered owner of a lot may dedicate the lot as a road for public use by the registration of a dedication notice.	17
		18
		19
	(2) Part of a lot may not be dedicated as a road for public use under this section.	20
		21
	(3) A dedication notice must have been approved by the relevant planning body.	22
		23
	(4) On the day the dedication notice is registered—	24
	(a) the dedication of the lot as a road for public use takes effect; and	25
		26

[s 118]

	(b) the land is opened for public use as a road.	1
(5)	This section does not apply if the dedication notice is for the land to be dedicated as a road under the <i>Acquisition of Land Act 1967</i> , section 12B.	2 3 4 5
	<i>Note—</i>	6
	A dedication notice for land taken under the <i>Acquisition of Land Act 1967</i> to be dedicated as a road is registered under section 12B of that Act.	7 8 9
(6)	In this section—	10
	<i>dedication notice</i> means a notice in the approved form requesting the registrar to register a dedication of land as a road.	11 12 13
	<i>relevant planning body</i> means—	14
	(a) if the lot is in a priority development area—MEDQ; or	15 16
	(b) otherwise—the local government.	17
Clause 118	Amendment of s 59 (Severing joint tenancy)	18
	Section 59(2), from ‘that a copy’—	19
	<i>omit, insert—</i>	20
	that—	21
	(a) a copy of the instrument has been given to all other joint tenants; or	22 23
	(b) a reasonable attempt has been made to give a copy of the instrument to all other joint tenants.	24 25 26
Clause 119	Amendment of s 67 (Amending a lease)	27
(1)	Section 67(1)—	28
	<i>omit.</i>	29
(2)	Section 67—	30

<i>insert—</i>	1
(3A) The <i>term</i> of a registered lease includes a period of possession under the lease because—	2 3
(a) an option to renew in the lease has been exercised, whether or not an instrument of amendment has been registered to extend the term of the lease for the option period; or	4 5 6 7
(b) otherwise—an instrument of amendment extending the term of the lease has been registered.	8 9 10
(3B) However, subsection (3)(a) applies to a second or subsequent option to renew in a lease only if, before the end of the option period for the previous option, an instrument of amendment was registered to extend the term of lease for that previous option period.	11 12 13 14 15 16
(3) Section 67—	17
<i>insert—</i>	18
(4A) In this section—	19
<i>option period</i> , for an option to renew in a lease, means the period for which the term of a lease is, or will be, extended by the exercise of the option.	20 21 22
(4) Section 67(2) to (4A)—	23
<i>renumber</i> as section 62(1) to (6).	24

Clause 120	Amendment of s 81A (Definitions for div 4)	25
(1)	Section 81A, definition <i>public utility provider</i> , paragraphs (e) and (f)—	26 27
	<i>renumber</i> as paragraphs (g) and (h).	28
(2)	Section 81A, definition <i>public utility provider</i> —	29
	<i>insert—</i>	30

[s 121]

	(e) a person authorised under an Act to provide a particular public utility service;	1 2
	<i>Examples for paragraph (e)—</i>	3
	a special approval holder under the <i>Electricity Act 1994</i> or a service provider for a registered service under the <i>Water Supply (Safety and Reliability) Act 2008</i>	4 5 6 7
	(f) an entity approved by the Minister as suitable to provide infrastructure for use by another entity in the provision of a particular public utility service;	8 9 10 11
	<i>Example for paragraph (f)—</i>	12
	a relevant infrastructure owner as defined under the <i>Water Supply (Safety and Reliability) Act 2008</i> whose infrastructure may be used by another entity authorised to supply a water or sewerage service under that Act	13 14 15 16 17
Clause 121	Amendment of s 82 (Creation of easement by registration)	18 19
	(1) Section 82(1), after ‘a lot’—	20
	<i>insert—</i>	21
	or part of a lot	22
	(2) Section 82—	23
	<i>insert—</i>	24
	(1A) An easement over a registered lease of a lot may only be created by registering an instrument of easement.	25 26 27
	(3) Section 82(2)—	28
	<i>insert—</i>	29
	(c) for a high-density development easement—the purposes under division 4AA for which the easement is created.	30 31 32
	(4) Section 82—	33

insert—

(2A) For subsection (2)(a), the terms of a high-density development easement are set out in division 4AA.

(5) Section 82(2) to (4)—

renumber as section 82(3) to (6).

Clause 122 Amendment of s 83 (Registration of easement)

Section 83(1)—

omit, insert—

(1) An instrument of easement may be registered only if—

(a) for an easement, other than a high-density development easement, over a part of a lot—a plan of survey designating the easement is registered; and

(b) it is signed by—

(i) the registered owner of the lot or lessee of the registered lease to be burdened; and

(ii) if the easement benefits another lot—the registered owner of the lot; and

(iii) if the easement benefits a registered lease—the lessee; and

(iv) if the easement benefits non-freehold land—the lessee or other person entitled to the land; and

(v) if the easement is a public utility easement—the public utility provider.

[s 123]

Clause 123	Amendment of s 83A (Registration of plan showing proposed easement)	1 2
	Section 83A(1), after ‘a proposed easement’—	3
	<i>insert—</i>	4
	, other than a high-density development easement,	5
Clause 124	Amendment of s 84 (Limitation of easements)	6
	Section 84, after ‘An easement’—	7
	<i>insert—</i>	8
	, other than a high-density development easement,	9
Clause 125	Amendment of s 89 (Easements for public utility providers)	10 11
	Section 89(2)(b), ‘paragraph (e)’—	12
	<i>omit, insert—</i>	13
	paragraph (g)	14
Clause 126	Insertion of new s 90A	15
	After section 90—	16
	<i>insert—</i>	17
	90A When easement over registered lease ends	18
	(1) A registered easement that burdens a registered lease ends when the lease ends.	19 20
	(2) If a registered lease is surrendered in part, to the extent a registered easement burdens the part of the lease that was surrendered, the easement ends.	21 22 23 24
	(3) The registrar may remove an easement that has ended from the freehold land register.	25 26

Clause 127	Amendment of s 91 (Amending an easement)	1
	Section 91(1), after ‘registered easement’—	2
	<i>insert—</i>	3
	, other than a high-density development easement,	4
Clause 128	Insertion of new pt 6, div 4AA	5
	Part 6—	6
	<i>insert—</i>	7
	Division 4AA High-density development easements	8
		9
	93 Application of div 4AA	10
	(1) This division applies if an easement registered under section 82 is a high-density development easement.	11
		12
		13
	(2) A reference in this division to a lot is a reference to a lot the subject of the easement.	14
		15
	94 Meaning of <i>high-density development easement</i>	16
		17
	(1) A <i>high-density development easement</i> is an easement created for 1 or more of the following purposes—	18
		19
		20
	(a) support;	21
	(b) shelter;	22
	(c) projections;	23
	(d) maintenance;	24
	(e) roof water drainage.	25
	(2) A high-density development easement may be created only—	26
		27

[s 128]

- (a) over 2 small, adjoining lots; and 1
- (b) if a wall of a building situated on 1 lot is— 2
 - (i) also a wall of a building situated on the 3
other lot and the wall is on the common 4
boundary of the 2 lots; or 5
 - (ii) constructed on the same foundation as, 6
and adjacent to, a wall of a building 7
situated on the other lot and the 8
foundation is on the common boundary 9
of the 2 lots. 10
- (3) Each lot to which a high-density development 11
easement relates is benefitted and burdened by 12
the easement to the extent necessary to give 13
effect to the purposes for which the easement is 14
created. 15
- (4) In this section— 16
small, for a lot, means the lot has an area of 17
300m² or less. 18

95 Easement for support 19

- (1) This section applies if a high-density 20
development easement is created for support. 21
- (2) An easement of lateral or subadjacent support 22
exists in favour of 1 lot (the *benefitted lot*) 23
against the other lot (the *burdened lot*) if the 24
burdened lot is capable of supplying lateral or 25
subadjacent support to the benefitted lot. 26
- (3) An easement of common wall support exists in 27
favour of the benefitted lot against the burdened 28
lot when a building on the burdened lot is 29
supplying common wall support to a building on 30
the benefitted lot. 31
- (4) For subsection (3), a building (*building A*) 32
supplies common wall support to another 33

-
- building (*building B*) if a wall (the *common wall*) of building A that is necessary to ensure the general safety and structural integrity of building B—
- (a) is also a wall of building B; or
 - (b) is constructed on the same foundation as, and adjacent to, a wall of building B.
- (5) An easement under subsection (1) or (2) entitles the owner of the benefitted lot to enter the burdened lot under the easement to maintain or replace any support.
- (6) The owner of the benefitted lot and the owner of the burdened lot are each liable to contribute equally to the cost of maintaining or replacing any support.
- (7) The owner of the burdened lot—
- (a) must maintain any structures on the burdened lot that provide support; and
 - (b) must insure, to the extent practicable, any structures on the burdened lot that provide support for—
 - (i) the full replacement value of the structure; and
 - (ii) public risk; and
 - (c) must not remove, change or otherwise interfere with any support, other than as required under paragraph (a), without the written consent of the owner of the benefitted lot.

96 Easement for shelter

- (1) This section applies if a high-density development easement is created for shelter.

[s 128]

- (2) An easement exists in favour of 1 lot (the *benefitted lot*) against the other lot (the *burdened lot*) entitling the owner of the benefitted lot to have the lot sheltered by the parts of a building situated on the burdened lot that are necessary to supply the shelter. 1
2
3
4
5
6
- (3) The easement under subsection (2) entitles the owner of the benefitted lot to enter the burdened lot under the easement to maintain or replace the shelter. 7
8
9
10
- (4) The owner of the burdened lot— 11
- (a) must maintain the parts of the building that supply the shelter; and 12
13
- (b) must insure, to the extent practicable, any parts of the building that supply the shelter for— 14
15
16
- (i) the full replacement value of the structure; and 17
18
- (ii) public risk; and 19
- (c) must not remove, change or otherwise interfere with any of the parts of the building that supply the shelter, other than as required under paragraph (a), without the written consent of the owner of the benefitted lot. 20
21
22
23
24
25

96A Easements for projections 26

- (1) This section applies if a high-density development easement is created for projections. 27
28
- (2) An easement exists in favour of 1 lot (the *benefitted lot*) against the other lot (the *burdened lot*) to permit parts of a building situated on the benefitted lot, including, for example, eaves, guttering, awnings and window sills, to project over the boundaries of the burdened lot. 29
30
31
32
33
34

-
- (3) The easement entitles the owner of the benefitted lot to enter the burdened lot to maintain or replace the building parts. 1
2
3
- (4) The owner of the benefitted lot— 4
- (a) is solely liable for the costs of maintaining or replacing the building parts; and 5
6
- (b) must insure, to the extent practicable, the building parts for— 7
8
- (i) their full replacement value; and 9
- (ii) public risk. 10
- (5) The owner of the burdened lot must not remove, change or otherwise interfere with any projection without the written consent of the owner of the benefitted lot. 11
12
13
14

96B Easement for maintenance of building close to boundary 15
16

- (1) This section applies if a high-density development easement is created for maintenance. 17
18
19
- (2) An easement exists in favour of 1 lot (the *benefitted lot*) against the other lot (the *burdened lot*) entitling the owner of the benefitted lot to enter the burdened lot to carry out maintenance or replacement of a building that is— 20
21
22
23
24
- (a) on the boundary of the benefitted lot; or 25
- (b) so close to the boundary of the benefitted lot that maintenance or replacement of the building is not able to be carried out without entering the burdened lot. 26
27
28
29

[s 128]

96C Easement for roof water drainage

- | | |
|---|----------------------------|
| | 1 |
| (1) This section applies if a high-density development easement is created for roof water drainage. | 2
3
4 |
| (2) An easement exists in favour of 1 lot (the <i>benefitted lot</i>) against the other lot (the <i>burdened lot</i>) to permit a roof water drainage structure that is part of a building situated on the benefitted lot to— | 5
6
7
8
9 |
| (a) project over the boundaries of the burdened lot; or | 10
11 |
| (b) be situated on the burdened lot; or | 12 |
| (c) also be part of a building situated on the burdened lot. | 13
14 |
| (3) For subsection (2), a <i>roof water drainage structure</i> is a structure— | 15
16 |
| (a) used for collecting rainwater from the roof of a building and conveying the rainwater to a drain or the ground, including, for example, guttering, a downpipe, a drainpipe or a box drain; and | 17
18
19
20
21 |
| (b) only to the extent the structure is visible and not concealed underground. | 22
23 |
| (4) The easement entitles the owner of the benefitted lot to enter the burdened lot to maintain or replace the roof water drainage structure. | 24
25
26 |
| (5) The owner of the benefitted lot— | 27 |
| (a) is solely liable for the costs of maintaining or replacing the roof water drainage structure; and | 28
29
30 |
| (b) must insure, to the extent practicable, the roof water drainage structure for— | 31
32 |
| (i) its full replacement value; and | 33 |

-
- (ii) public risk. 1
 - (6) The owner of the burdened lot must not, without 2
the written consent of the owner of the benefitted 3
lot— 4
 - (a) remove, change or otherwise interfere with 5
the roof water drainage structure; or 6
 - (b) obstruct or otherwise interfere with the flow 7
of water through the structure. 8
 - (7) However, the owner of the burdened lot may, 9
without the written consent of the owner of the 10
benefitted lot, interfere with the roof water 11
drainage structure to the extent necessary to 12
ensure water flows freely through the structure, 13
including, for example, by removing from the 14
structure a thing that is obstructing the flow of 15
water. 16

96D Insurance requirements 17

- (1) A policy of insurance for the full replacement 18
value of a structure required to be taken out under 19
this division— 20
 - (a) must cover— 21
 - (i) damage; and 22
 - (ii) costs incidental to the reinstatement or 23
replacement of the structure, including 24
the cost of taking away debris and the 25
fees of engineers and other 26
professional advisors; and 27
 - (b) must provide for the reinstatement of the 28
structure to its condition when new. 29
- (2) A policy of public risk insurance of a structure 30
required to be taken out under this division must 31
cover amounts for— 32

[s 128]

(a)	compensation for death, illness and bodily injury; and	1 2
(b)	damage to property.	3
(3)	In this section—	4
	<i>damage</i> , for coverage under insurance required to be put in place under this division, means—	5 6
(a)	earthquake, explosion, fire, lightning, storm, tempest and water damage; and	7 8
(b)	glass breakage; and	9
(c)	damage from impact, malicious act and riot.	10
 96E Notice of entry		 11
(1)	This section applies if, under this division, the owner of a lot benefitted by a high-density development easement is entitled to enter the lot burdened by the easement to maintain or replace a structure, part of a structure or another thing.	12 13 14 15 16
(2)	Before exercising the right of entry, the owner of the benefitted lot must give the owner of the burdened lot reasonable notice in writing of the owner's intention to enter the burdened lot and details of the maintenance or replacement to be carried out.	17 18 19 20 21 22
(3)	However, if the structure or other thing is damaged or destroyed and, in the circumstances, urgent maintenance or replacement is required and it is impractical to give a notice under subsection (2)—	23 24 25 26 27
(a)	the owner of the benefitted lot may exercise the right of entry without giving the notice to carry out the urgent maintenance or replacement; and	28 29 30 31
(b)	as soon as practicable after the entry, the owner of the benefitted lot must give the	32 33

	owner of the burdened lot written notice of	1
	the entry and details of the maintenance or	2
	replacement carried out.	3
Clause 129	Amendment of s 105 (Lapsing of caveat)	4
	Section 105(2)(b), after ‘written notice’—	5
	<i>insert—</i>	6
	, in the way the registrar requires,	7
Clause 130	Amendment of s 107 (Refusing or compromising application)	8
	(1) Section 107(1)(a), ‘and’—	9
	<i>omit, insert—</i>	10
	or	11
	(2) Section 107(3A), after ‘written notice’—	12
	<i>insert—</i>	13
	, in the way the registrar requires,	14
		15
Clause 131	Amendment of s 112 (Registering beneficiary)	16
	Section 112(2)(b), after ‘the lot’—	17
	<i>insert—</i>	18
	or the interest in the lot	19
Clause 132	Amendment of s 115N (Easements for support)	20
	(1) Section 115N(2) and (3)—	21
	<i>renumber</i> as section 115N(4) and (5).	22
	(2) Section 115N—	23
	<i>insert—</i>	24
	(2) An easement of common wall support exists—	25

[s 133]

(a)	in favour of a lot (lot X) against another lot	1
	when a building on the other lot is supplying	2
	common wall support to a building on lot X;	3
	and	4
(b)	in favour of a lot against common property	5
	when a building on the common property is	6
	supplying common wall support to a	7
	building on the boundary of the lot; and	8
(c)	in favour of common property against a lot	9
	when a building on the lot is supplying	10
	common wall support to a building on the	11
	boundary of the common property; and	12
(d)	in favour of common property against other	13
	common property when a building on the	14
	other common property is supplying	15
	common wall support to a building on the	16
	boundary of the common property.	17
(3)	For subsection (2), a building (building A)	18
	supplies common wall support to another	19
	building (building B) if a wall (the common	20
	wall) of building A is also a wall of building B	21
	and the common wall is necessary to ensure the	22
	general safety and structural integrity of building	23
	A.	24
(3)	Section 115N(4) and (5) as renumbered, after ‘subsection	25
	(1)’—	26
	<i>insert</i> —	27
	or (2)	28
Clause 133	Amendment of s 126 (Lapsing of caveat)	29
(1)	Section 126(3) and (4)(b), after ‘notify the registrar’—	30
	<i>insert</i> —	31
	, in the way the registrar requires,	32
(2)	Section 126(6), from ‘if a proceeding’—	33

-
- omit, insert—* 1
- if, before the caveat was lodged— 2
- (a) a proceeding has been started in a court of 3
competent jurisdiction to establish the 4
interest claimed under the caveat; and 5
- (b) the proceeding has not been decided, 6
discontinued or withdrawn. 7

Clause 134 Amendment of s 128 (Cancelling a caveat) 8

Section 128(3)— 9

omit, insert— 10

- (3) The registrar may remove a caveat immediately 11
before registering an instrument that has been 12
lodged if the instrument— 13
- (a) will, on registration, give full effect to an 14
interest claimed in the caveat; or 15
- (b) is an instrument of transfer and the registrar 16
is satisfied section 124(2)(c) applies to allow 17
the registration of the instrument. 18

Clause 135 Amendment of s 133 (Registering power of attorney) 19

(1) Section 133(3), ‘certified’— 20

omit. 21

(2) Section 133(3), ‘original’— 22

omit, insert— 23

power of attorney 24

(3) Section 133— 25

insert— 26

(4) In this section— 27

[s 136]

	<i>power of attorney</i> includes a copy of a power of attorney that has been certified under the <i>Powers of Attorney Act 1988</i> , section 14 or 45.	1 2 3
Clause 136	Amendment of s 151 (Effect of transferee’s notice on caveat)	4 5
	Section 151, heading, ‘transferee’s’—	6
	<i>omit, insert—</i>	7
	settlement	8
Clause 137	Amendment of s 154 (Lodging certificate of title)	9
(1)	Section 154, heading—	10
	<i>omit, insert—</i>	11
	154 Returning certificate of title for cancellation	12
(2)	Section 154(2)—	13
	<i>insert—</i>	14
	(j) an instrument affecting the public utility provider as the registered proprietor of a public utility easement;	15 16 17
	(k) an instrument affecting the registered proprietor of the following interests in land—	18 19 20
	(i) a registered profit a prendre, if the profit a prendre does not benefit any lot;	21 22 23
	(ii) a registered carbon abatement interest.	24
(3)	Section 154—	25
	<i>insert—</i>	26
	(3) For subsection (2)(j) and (k), an instrument affects the registered proprietor of an interest in land if the registration of the instrument would result in—	27 28 29 30

	(a) a change in the registered proprietor of the interest, including, for example, because the interest has been transferred or a person beneficially entitled under a will to the interest has been registered as proprietor of the interest; or	1 2 3 4 5 6
	(b) a change in the registered proprietor's name.	7
Clause 138	Omission of s 163 (Substitute instrument)	8
	Section 163—	9
	<i>omit.</i>	10
Clause 139	Amendment of sch 1 (Witnesses to instruments)	11
	Schedule 1, entry for execution of instrument in a State, Territory or place outside Australia—	12 13
	<i>omit, insert—</i>	14
	at any place in Australia or outside Australia	
	<ul style="list-style-type: none">• a notary public• a justice of the peace• a commissioner for declarations• a lawyer• a licenced conveyancer from another State• another person approved by the registrar	
Clause 140	Amendment of sch 2 (Dictionary)	15
	(1) Schedule 2, definition <i>lawyer</i> —	16
	<i>omit.</i>	17
	(2) Schedule 2—	18

[s 140]

insert—

cane railway easement, for part 6, division 4, see section 81A.

commissioner for declarations see the *Justices of the Peace and Commissioners for Declarations Act 1991*, section 3.

full supply level, for part 6, division 4, see section 81A.

high-density development easement see section 94.

justice of the peace see the *Justices of the Peace and Commissioners for Declarations Act 1991*, section 3.

lake see the Survey and Mapping Infrastructure Act 2003, section 62.

lawyer means an Australian lawyer as defined under the *Legal Profession Act 2007*, section 5(1).

legal practitioner means—

(a) an Australian legal practitioner as defined under the *Legal Profession Act 2007*, section 6(1); or

(b) a government legal officer engaged in government work as defined under the *Legal Profession Act 2007*, section 12(1) and (2).

mill owner, for part 6, division 4, see section 81A.

non-tidal watercourse means a watercourse in which the water that flows is not subject to tidal influence.

public thoroughfare easement, for part 6, division 4, see section 81A.

	<i>public utility easement</i> , for part 6, division 4, see section 81A.	1 2
	<i>public utility provider</i> , for part 6, division 4, see section 81A.	3 4
	<i>watercourse</i> see the <i>Survey and Mapping Infrastructure Act 2003</i> , section 63.	5 6
(3)	Schedule 2, definition <i>enforcement warrant</i> , paragraph (a)— <i>omit, insert</i> —	7 8
	(a) the <i>Civil Proceedings Act 2011</i> , section 90; or	9 10
Part 9	Amendment of Land Valuation Act 2010	11 12
Division 1	Preliminary	13
Clause 141	Act amended This part amends the <i>Land Valuation Act 2010</i> . <i>Note</i> — See also the amendments in schedule 1.	14 15 16 17
Division 2	Amendments commencing on assent	18 19
Clause 142	Amendment of s 74 (Exceptions to annual valuation requirement) Section 74(3), definition <i>market survey report</i> , paragraph (a), ‘in the area’— <i>omit, insert</i> —	20 21 22 23 24

[s 143]

	, including sales of land outside the area,	1
Clause 143	Amendment of s 112 (What is a <i>properly made</i> objection)	2
	(1) Section 112(1)—	3
	<i>insert—</i>	4
	(aa) it relates to only 1 valuation, unless section 107 applies; and	5 6
	(2) Section 112(1)(aa) to (d)—	7
	<i>renumber</i> as section 112(1)(b) to (e).	8
Clause 144	Insertion of new s 131A	9
	Chapter 3, part 3, division 4—	10
	<i>insert—</i>	11
	131A Immunity from civil liability	12
	(1) A chairperson for an objection conference is not civilly liable to someone for an act done, or omission made, honestly and without negligence under this Act.	13 14 15 16
	(2) If subsection (1) prevents a civil liability attaching to a chairperson, the liability instead attaches to the State.	17 18 19
Clause 145	Amendment of s 157 (How to appeal)	20
	(1) Section 157—	21
	<i>insert—</i>	22
	(3A) A valuation appeal notice may relate to the objection decision for only 1 objection.	23 24
	(2) Section 157(3A) and (4)—	25
	<i>renumber</i> as section 157(4) and (5).	26

Clause 146	Amendment of s 248 (Substituted service)	1
	Section 248(2)(a)—	2
	<i>omit, insert—</i>	3
	(a) posting it to the person at the address of the land to which it relates; or	4 5
Division 3	Amendments commencing by proclamation	6 7
Clause 147	Amendment of s 247 (General address for service)	8
	Section 247(5), ‘address as’—	9
	<i>omit, insert—</i>	10
	electronic or other address as	11
Clause 148	Insertion of new s 247A	12
	After section 247—	13
	<i>insert—</i>	14
	247A Electronic service	15
	(1) This section applies if—	16
	(a) the valuer-general wishes to serve a notice or other document on a person for a purpose under this Act; and	17 18 19
	(b) the person’s address for service is an electronic address.	20 21
	(2) The valuer-general may serve the document on the person by electronically transmitting to the electronic address—	22 23 24
	(a) the document; or	25

[s 149]

	(b) a message stating the document is available for the person to view by opening a stated hyperlink.	1 2 3
(3)	For subsection (2)(b), the person is taken to have been served with the document if it was able to be viewed at the location accessed by opening the hyperlink—	4 5 6 7
	(a) when the communication was transmitted (the <i>sending time</i>); and	8 9
	(b) for a period after the sending time that, in all the circumstances, was reasonable to allow the person to open the hyperlink and read or copy the document.	10 11 12 13
(4)	Subsection (3) applies whether or not the person opened the hyperlink.	14 15
(5)	This section does not limit the <i>Acts Interpretation Act 1954</i> , section 39 or the <i>Electronic Transactions (Queensland) Act 2001</i> .	16 17 18
Clause 149	Amendment of schedule (Dictionary)	19
	Schedule—	20
	<i>insert—</i>	21
	<i>address for service</i> includes an electronic address given for service.	22 23
	<i>Examples of an electronic address—</i>	24
	an email address, an internet protocol (IP) address, the address of a digital mailbox	25 26

Part 10	Amendment of Local Government Act 2009	1 2
Clause 150	Act amended	3
	This part amends the <i>Local Government Act 2009</i> .	4
Clause 151	Amendment of s 37 (Development processes)	5
	(1) Section 37(5)(c)—	6
	<i>omit.</i>	7
	(2) Section 37(5)(d)—	8
	<i>renumber</i> as section 37(5)(c).	9
Part 11	Amendment of Petroleum Act 1923	10 11
Division 1	Preliminary	12
Clause 152	Act amended	13
	This part amends the <i>Petroleum Act 1923</i> .	14
	<i>Note—</i>	15
	See also the amendments in schedule 1.	16
Division 2	Amendments commencing on assent	17 18
Clause 153	Amendment of s 2 (Definitions)	19
	Section 2, definition <i>1923 Act petroleum tenure</i> , paragraph (b)—	20

[s 154]

- omit, insert—* 1
- (b) for the following parts, includes a water 2
monitoring authority— 3
- (i) part 6B; 4
- (ii) parts 6H to 6K; 5
- (iii) part 6L, division 2; 6
- (iv) parts 6M, 6O, 6P and 6R. 7

- Clause 154 Amendment of s 75L (Restrictions on making conversion)** 8
- (1) Section 75L(a) to (c)— 9
renumber as section 75L(b) to (d). 10
- (2) Section 75L— 11
insert— 12
- (a) the well has been drilled as required under 13
section 75J, or decommissioned under 14
section 75U, on or after 1 January 2012; and 15

- Clause 155 Amendment of s 75U (Obligation to decommission)** 16
- (1) Section 75U(1)— 17
omit, insert— 18
- (1) This section applies to a person (the *responsible* 19
person) who— 20
- (a) holds a 1923 Act petroleum tenure on which 21
there is a well, water observation bore or 22
water supply bore drilled by or for the 23
tenure holder or that has been transferred to 24
the tenure holder, unless the well or bore 25
has, under division 3, been transferred to 26
someone else; or 27
- (b) holds a water monitoring authority on which 28
there is a water observation bore drilled by 29

	or for the authority holder or that has been transferred to the authority holder, unless the bore has, under division 3, been transferred to someone else.	1 2 3 4
(2)	Section 75U(2), after ‘tenure’— <i>insert</i> — or authority	5 6 7
(3)	Section 75U(4A) and (5)— <i>renumber</i> as section 75U(5) and (6).	8 9
Clause 156	Amendment of s 75V (Right of entry to facilitate decommissioning)	10 11
(1)	Section 75V(1)(b), after ‘tenure’— <i>insert</i> — or water monitoring authority	12 13 14
(2)	Section 75V(1)(c) and (3), after ‘tenure’— <i>insert</i> — or authority	15 16 17
Clause 157	Amendment of s 75W (Responsibility for well or bore after decommissioning)	18 19
(1)	Section 75W(1), after ‘holder’— <i>insert</i> — or water monitoring authority holder	20 21 22
(2)	Section 75W(2), after ‘tenure’— <i>insert</i> — or authority	23 24 25
(3)	Section 75W(4)(a), ‘exploration’— <i>omit, insert</i> —	26 27

[s 158]

	well or	1
Clause 158	Amendment of s 75X (Requirement to report outcome of testing)	2
	Section 75X(3)—	3
	<i>omit.</i>	4
Clause 159	Amendment of s 86 (Water rights)	5
	(1) Section 86(1)(a) and (b), at the end—	6
	<i>insert—</i>	7
	and	8
	(2) Section 86(2) and (3)—	9
	<i>omit, insert—</i>	10
	(2) However, a permission under subsection (1) is given on the condition that the authority to prospect holder or lessee complies with the underground water obligations applying to the holder or lessee.	11
		12
		13
		14
		15
		16
Clause 160	Insertion of new pt 15	17
	After section 193—	18
	<i>insert—</i>	19
	Part 15	Transitional provisions
		for Land, Water and
		Other Legislation
		Amendment Act 2013
	199 Definitions for pt 15	24
	In this part—	25

commencement means the commencement of the provision in which the word appears. 1
2

previous, for a provision of this Act, means the provision as in force immediately before the commencement. 3
4
5

200 Continuation of conversion of well 6

(1) This section applies if, immediately before the commencement, a 1923 Act petroleum tenure holder was converting a well to a water supply bore under section 75L. 7
8
9
10

(2) On the commencement, previous part 6D, division 2 continues to apply to the holder until the well is converted to a water supply bore. 11
12
13

Division 3 **Amendments commencing by proclamation** 14
15

Clause 161 **Amendment of s 2 (Definitions)** 16

(1) Section 2, definition *water observation bore*, paragraph 1, after ‘levels’— 17
18

insert— 19

, and includes a well that, under part 6D, division 2, has been, or is taken to have been, converted to a water observation bore 20
21
22

(2) Section 2, definition *water supply bore*— 23

omit, insert— 24

water supply bore means— 25

(a) a water bore drilled under section 86 with the permission of the Minister; or 26
27

[s 162]

	(b) a well that, under part 6D, division 2, has been, or is taken to have been, converted to a water supply bore.	1 2 3
Clause 162	Replacement of s 75K (Restriction on who may drill water observation bore or water supply bore)	4 5
	Section 75K—	6
	<i>omit, insert—</i>	7
	75K Restriction on who may drill water observation bore or water supply bore	8 9
	(1) A person must not drill a water observation bore or water supply bore unless the person is a licensed water bore driller.	10 11 12
	Maximum penalty—300 penalty units.	13
	(2) However, a 1923 Act petroleum tenure holder may drill a water observation bore or water supply bore in the area of the tenure if the holder complies with the requirements for drilling a water observation bore or water supply bore prescribed under a regulation.	14 15 16 17 18 19
	(3) Also, a water monitoring authority holder may drill a water observation bore in the area of the authority if the holder complies with the requirements for drilling a water observation bore prescribed under a regulation.	20 21 22 23 24
Clause 163	Replacement of pt 6D, div 2 (Converting well to water supply bore)	25 26
	Part 6D, division 2—	27
	<i>omit, insert—</i>	28

Division 2	Converting well to water observation bore or water supply bore	1 2 3
75KA Application of div 2		4
	This division applies to a well in the area of a 1923 Act petroleum tenure that has been drilled as required under section 75J, or decommissioned under section 75U, on or after 1 January 2012.	5 6 7 8
75L Restrictions on making conversion		9
(1)	The 1923 Act petroleum tenure holder may convert the well to a water observation bore or water supply bore only if—	10 11 12
(a)	the holder lodges—	13
(i)	a well completion report for the well; and	14 15
(ii)	a notice in the approved form that the holder intends to convert the well to a water observation bore or water supply bore; and	16 17 18 19
(b)	the holder complies with requirements prescribed under a regulation for converting the well to a water observation bore or water supply bore.	20 21 22 23
	Maximum penalty—500 penalty units.	24
(2)	The approved form must require the holder to state the day on which the well will be converted to a water observation bore or water supply bore.	25 26 27
(3)	In this section—	28
	<i>well completion report</i> means a well completion report that a regulation requires a 1923 Act	29 30

[s 164]

	petroleum tenure holder to lodge under section 76G(1)(b).	1 2
	75M Notice of conversion	3
	The 1923 Act petroleum tenure holder must, within 10 business days after the holder converts the well, lodge a notice stating the information prescribed under a regulation.	4 5 6 7
	Maximum penalty—50 penalty units.	8
	75MA Time of conversion	9
	(1) The well is taken to be converted to a water observation bore or water supply bore on the earlier of the following—	10 11 12
	(a) the day stated in the approved form under section 75L;	13 14
	(b) the day the notice under section 75M is lodged.	15 16
	(2) However, if the holder fails to give notice under sections 75L and 75M, the well is taken to be converted to a water observation bore or water supply bore immediately after the well is converted.	17 18 19 20 21
Clause 164	Replacement of s 75Q (Transfer of water observation bore or water supply bore to landowner)	22 23
	Section 75Q—	24
	<i>omit, insert—</i>	25
	75Q Transfer of water observation bore or water supply bore to landowner	26 27
	(1) A 1923 Act petroleum tenure holder may, by complying with the requirements under subsection (3), transfer a water observation bore	28 29 30

-
- or water supply bore in the area of the tenure to the landowner. 1
2
- Note—* 3
- See also the *Water Act 2000*, section 19 (Rights in all water vests in State) and chapter 2, part 2, division 1A (Authorised taking of, or interference with, water without water entitlement). 4
5
6
7
- (2) A water monitoring authority holder may, by complying with the requirements under subsection (3), transfer a water observation bore in the area of the authority to the landowner. 8
9
10
11
- (3) The requirements are that both of the following have been lodged— 12
13
- (a) a notice in the approved form; 14
- (b) the transfer fee prescribed under a regulation. 15
16
- (4) The approved form must require— 17
- (a) a statement by the holder transferring the bore that— 18
19
- (i) if the bore has been drilled under section 75K—section 75K has been complied with for the bore; or 20
21
22
- (ii) if the bore has been converted from a well under section 75L—section 75L has been complied with for the bore; and 23
24
25
26
- (b) the signed consent of the landowner to the transfer. 27
28
- (5) In this section— 29
- landowner** means the owner of the land on which the bore is located. 30
31

[s 165]

Clause 165	Amendment of s 75S (Transfer of water observation bore to petroleum tenure holders or water monitoring authority holder)	1 2 3
	Section 75S—	4
	<i>insert—</i>	5
	(2) The approved form must require a statement by the holder transferring the bore that—	6 7
	(a) if the bore has been drilled under section 75K—section 75K has been complied with for the bore; or	8 9 10
	(b) if the bore has been drilled under the 2004 Act, section 282—the 2004 Act, section 282 has been complied with for the bore.	11 12 13
Clause 166	Insertion of new s 75XA	14
	After section 75X—	15
	<i>insert—</i>	16
	75XA Notice about water observation bore or water supply bore to Water Act regulator	17 18
	(1) This section applies if a person—	19
	(a) drills a water observation bore or water supply bore; or	20 21
	(b) converts a well to a water observation bore or water supply bore.	22 23
	(2) The person must, within 60 business days after the day the drilling or conversion starts, give a notice to the Water Act regulator stating the information prescribed under a regulation about the bore.	24 25 26 27 28
Clause 167	Insertion of new ss 201–205	29
	Part 15, as inserted under this Act—	30

insert—

201 Drilling water observation bores or water supply bores

- (1) This section applies if immediately before the commencement a person, other than a licensed water bore driller, was drilling a water observation bore or water supply bore under section 75K.
- (2) On the commencement, previous section 75K continues to apply to the person until the water observation bore or water supply bore is completed.

202 Converting wells to water supply bores

- (1) This section applies if, immediately before the commencement—
- (a) a 1923 Act petroleum tenure holder was converting a well to a water supply bore under section 75L; and
- (b) the holder was not converting the well as allowed under section 200.
- (2) On the commencement—
- (a) the holder is taken to be converting the well to a water supply bore under new section 75L; and
- (b) new part 6D, division 2 applies.
- (3) In this section—
- new part 6D, division 2* means part 6D, division 2 as inserted under the *Land, Water and Other Legislation Amendment Act 2013*.
- new section 75L* means section 75L as inserted under the *Land, Water and Other Legislation Amendment Act 2013*.

[s 167]

203 Minister's consent required for particular transfers of water observation bores or water supply bores to landowners	1
	2
	3
(1) This section applies if—	4
(a) before the commencement, a 1923 Act petroleum tenure holder lodged a notice under section 75Q(2)(b) to transfer a water observation bore or water supply bore; and	5 6 7 8
(b) immediately before the commencement, the Minister's consent to the transfer had not been given.	9 10 11
(2) On the commencement, previous section 75Q(3) continues to apply to the transfer.	12 13
<i>Note—</i>	14
Under previous section 75Q(3), the approved form required the signed consent of the Minister and the landowner to the transfer.	15 16 17
204 Statement on approved form under s 75Q if bore drilled or well converted before the commencement	18
	19
	20
(1) This section applies if a 1923 Act petroleum tenure holder or a water monitoring authority holder is transferring, under section 75Q—	21 22 23
(a) a water observation bore or water supply bore drilled under previous section 75K; or	24 25
(b) a water supply bore converted from a well under previous section 75L.	26 27
(2) The requirement under section 75Q(4)(a) is taken to be satisfied if the holder gives the chief executive a signed notice stating—	28 29 30
(a) if the bore has been drilled under previous section 75K—previous section 75K has been complied with for the bore; or	31 32 33

-
- (b) if the bore has been converted from a well under previous section 75L—previous section 75L has been complied with for the bore.

205 Statement on approved form under s 75S if water observation bore drilled before the commencement

- (1) This section applies if a 1923 Act petroleum tenure holder, a 2004 Act petroleum tenure holder or a water monitoring authority holder is transferring, under section 75S, a water observation bore drilled under previous section 75K or the pre-amended 2004 Act, section 282.
- (2) The requirement under section 75S(2) is taken to be satisfied if the holder gives the chief executive a signed notice stating—
- (a) if the bore has been drilled under previous section 75K—previous section 75K has been complied with for the bore; or
- (b) if the bore has been drilled under the pre-amended 2004 Act, section 282—the pre-amended 2004 Act, section 282 has been complied with for the bore.
- (3) In this section—
- pre-amended 2004 Act* means the 2004 Act as in force before the commencement.

[s 168]

Part 12	Amendment of Petroleum and Gas (Production and Safety) Act 2004	1 2 3
Division 1	Preliminary	4
Clause 168	Act amended	5
	This part amends the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	6 7
	<i>Note—</i>	8
	See also the amendments in schedule 1.	9
Division 2	Amendments commencing on assent	10 11
Clause 169	Amendment of s 185 (Underground water rights)	12
	(1) Section 185(5), from ‘only for’—	13
	<i>omit, insert—</i>	14
	for any purpose.	15
	(2) Section 185(5), note—	16
	<i>omit.</i>	17
Clause 170	Omission of s 186 (Right to allow use of associated water for domestic or stock purposes)	18 19
	Section 186—	20
	<i>omit.</i>	21
Clause 171	Amendment of s 188 (Authorisation for Water Act)	22
	Section 188, from ‘the following’ to ‘of associated water.’—	23

omit, insert— 1
the taking or interference with or the use of water, 2
under the underground water rights is taken to be 3
authorised. 4

Clause 172 Amendment of s 283 (Restrictions on making conversion) 5

(1) Section 283(a) and (b)— 6

renumber as section 283(b) and (c). 7

(2) Section 283— 8

insert— 9

(a) the well has been drilled as required under 10
section 281, or decommissioned under 11
section 292, on or after 1 January 2012; and 12

Clause 173 Amendment of s 292 (Obligation to decommission) 13

(1) Section 292(1)— 14

omit, insert— 15

(1) This section applies to a person (the *responsible person*) who— 16
17

(a) holds a petroleum tenure on which there is a 18
petroleum well, water observation bore or 19
water supply bore drilled by or for the 20
tenure holder or that has been transferred to 21
the tenure holder, unless the well or bore 22
has, under division 3, been transferred to 23
someone else; or 24

(b) holds a water monitoring authority on which 25
there is a water observation bore drilled by 26
or for the authority holder or that has been 27
transferred to the authority holder, unless 28
the bore has, under division 3, been 29
transferred to someone else. 30

(2) Section 292(4)(b)— 31

[s 174]

insert— 1

Note— 2

For the power of an authorised person to ensure
compliance, see section 580. 3
4

(3) Section 292(4)(b), as amended— 5

renumber as section 292(4)(c). 6

(4) Section 292(4)— 7

insert— 8

(b) for a bore—the decommissioning complies 9
with the Water Act, sections 816 and 817; 10
and 11

(5) Section 292(5)— 12

renumber as section 292(6). 13

(6) Section 292— 14

insert— 15

(5) Subsection (4)(b) applies only to the extent it is 16
not inconsistent with subsection (4)(a). 17

Clause 174 Amendment of s 294 (Responsibility for well or bore after decommissioning) 18
19

(1) Section 294(2)(a), ‘petroleum tenure’— 20

omit, insert— 21

tenure or authority 22

(2) Section 294(2)(b), after ‘tenure’— 23

insert— 24

or authority 25

(3) Section 294(4)(a), ‘exploration’— 26

omit, insert— 27

well or 28

Clause 175	Amendment of s 543 (Requirement of petroleum tenure holder to report outcome of testing)	1
	Section 543(3)—	2
	<i>omit.</i>	3
		4
Clause 176	Amendment of s 670 (What is an <i>operating plant</i>)	5
(1)	Section 670(2)(b)(ii), ‘water;’—	6
	<i>omit, insert—</i>	7
	water and any petroleum incidentally collected with the water;	8
		9
(2)	Section 670(2)(d), ‘produced water;’—	10
	<i>omit, insert—</i>	11
	only produced water without any petroleum;	12
Clause 177	Amendment of s 675 (Content requirements for safety management plans)	13
(1)	Section 675(3) and (4)—	14
	<i>renumber as section 675(4) and (5).</i>	15
(2)	Section 675—	16
	<i>insert—</i>	17
(3)	If the description of operating plant includes a description of pipeline that transports produced water, the description must identify—	18
	(a) which, if any, pipelines transport produced water together with petroleum; and	19
		20
	(b) a distinguishable part of the pipeline from which the pipeline would be free from petroleum.	21
		22
		23
		24
		25
		26
	<i>Example for paragraph (b)—</i>	27
	isolation valve or an inlet to a water treatment plant	28
		29

[s 178]

- (3) Section 675(5), as renumbered— 1
insert— 2
distinguishable part, of a pipeline, does not 3
include a mere length of pipe. 4

Clause 178	Insertion of new ch 15, pt 16	5
	Chapter 15—	6
	<i>insert</i> —	7
	Part 16	8
	Transitional provisions	9
	for Land, Water and	10
	Other Legislation	11
	Amendment Act 2013	12
	977 Definitions for pt 16	13
	In this part—	14
	<i>commencement</i> means the commencement of the	15
	provision in which the word appears.	16
	<i>previous</i> , for a provision of this Act, means the	17
	provision as in force immediately before the	18
	commencement.	19
	978 Continuation of conversion of well	20
	(1) This section applies if, immediately before the	21
	commencement, a petroleum tenure holder was	22
	converting a petroleum well to a water supply	23
	bore under section 283.	24
	(2) On the commencement, previous chapter 2, part	25
	10, division 2 continues to apply to the holder	26
	until the well is converted to a water supply bore.	

Division 3	Amendments commencing by proclamation	1 2
Clause 179	Replacement of s 282 (Restriction on who may drill water observation bore or water supply bore)	3 4
	Section 282—	5
	<i>omit, insert—</i>	6
	282 Restriction on who may drill water observation bore or water supply bore	7 8
	(1) A person must not drill a water observation bore or water supply bore unless the person is a licensed water bore driller.	9 10 11
	Maximum penalty—300 penalty units.	12
	(2) However, a petroleum tenure holder may drill a water observation bore or water supply bore in the area of the tenure if the holder complies with the requirements for drilling a water observation bore or water supply bore prescribed under a regulation.	13 14 15 16 17 18
	(3) Also, a water monitoring authority holder may drill a water observation bore in the area of the authority if the holder complies with the requirements for drilling a water observation bore prescribed under a regulation.	19 20 21 22 23
Clause 180	Replacement of ch 2, pt 10, div 2 (Converting petroleum well to water supply bore)	24 25
	Chapter 2, part 10, division 2—	26
	<i>omit, insert—</i>	27

[s 180]

Division 2	Converting petroleum well to water observation bore or water supply bore	1 2 3
282A Application of div 2		4
	This division applies to a petroleum well in the area of a petroleum tenure that has been drilled as required under section 281, or decommissioned under section 292, on or after 1 January 2012.	5 6 7 8
283 Restrictions on making conversion		9
(1)	The petroleum tenure holder may convert the petroleum well to a water observation bore or water supply bore only if—	10 11 12
(a)	the holder lodges—	13
(i)	a well completion report for the well; and	14 15
(ii)	a notice in the approved form that the holder intends to convert the petroleum well to a water observation bore or water supply bore; and	16 17 18 19
(b)	the holder complies with requirements prescribed under a regulation for converting the petroleum well to a water observation bore or water supply bore.	20 21 22 23
	Maximum penalty—500 penalty units.	24
(2)	The approved form must require the holder to state the day on which the petroleum well will be converted to a water observation bore or water supply bore.	25 26 27 28
(3)	In this section—	29

well completion report means a well completion report that a regulation requires a petroleum tenure holder to lodge under section 553(1)(b).

284 Notice of conversion

The petroleum tenure must, within 10 business days after the holder converts the well, lodge a notice stating the information prescribed under a regulation.

Maximum penalty—50 penalty units.

284A Time of conversion

(1) The petroleum well is taken to be converted to a water observation bore or water supply bore on the earlier of the following—

(a) the day stated in the approved form under section 283;

(b) the day the notice under section 284 is lodged.

(2) However, if the holder fails to give notice under sections 283 and 284, the petroleum well is taken to be converted to a water observation bore or water supply bore immediately after the well is converted.

Clause 181 Amendment of s 288 (Transfer of water observation bore or water supply bore to landowner)

(1) Section 288(1)—

insert—

Note—

See also the *Water Act 2000*, section 19 (Rights in all water vests in State) and chapter 2, part 2, division 1A (Authorised taking of, or interference with, water without water entitlement).

[s 182]

- (2) Section 288(4)— 1
omit, insert— 2
- (4) The approved form must require— 3
- (a) a statement by the holder transferring the bore that— 4
- (i) if the bore has been drilled under section 282—section 282 has been complied with for the bore; or 5
- (ii) if the bore has been converted from a petroleum well under section 283—section 283 has been complied with for the bore; and 6
- (b) the signed consent of the landowner to the transfer. 7
- (3) Section 288(5), definition *construction*— 8
- omit.* 9

- Clause 182 Amendment of s 290 (Transfer of water observation bore to petroleum tenure or water monitoring authority holder)** 17
- Section 290— 18
- insert*— 19
- (2) The approved form must require a statement by the holder transferring the bore that section 282 has been complied with for the bore. 20

- Clause 183 Insertion of new s 543A** 24
- After section 543— 25
- insert*— 26
- 543A Notice about water observation bore or water supply bore to Water Act regulator** 27
- (1) This section applies if a person— 28

	(a) drills a water observation bore or water supply bore; or	1 2
	(b) converts a petroleum well to a water observation bore or water supply bore.	3 4
	(2) The person must, within 60 business days after the day the drilling or conversion starts, give a notice to the Water Act regulator stating the information prescribed under a regulation about the bore.	5 6 7 8 9
Clause 184	Amendment of s 670 (What is an <i>operating plant</i>)	10
	Section 670(2)(a), ‘maintaining or repairing’—	11
	<i>omit, insert</i> —	12
	completing, maintaining, repairing, converting or decommissioning	13 14
Clause 185	Insertion of new ss 979–982	15
	Chapter 15, part 16, as inserted under this Act—	16
	<i>insert</i> —	17
	979 Drilling water observation bores or water supply bores	18 19
	(1) This section applies if immediately before the commencement a person, other than a licensed water bore driller, was drilling a water observation bore or water supply bore under section 282.	20 21 22 23 24
	(2) On the commencement, previous section 282 continues to apply to the person until the water observation bore or water supply bore is completed.	25 26 27 28

[s 185]

980 Converting petroleum wells to water supply bores	1
	2
(1) This section applies if, immediately before the commencement—	3
	4
(a) a petroleum tenure holder was converting a petroleum well to a water supply bore under section 283; and	5
	6
	7
(b) the holder was not converting the well as allowed under section 978.	8
	9
(2) On the commencement—	10
(a) the holder is taken to be converting the petroleum well to a water supply bore under new section 283; and	11
	12
	13
(b) new chapter 2, part 10, division 2 applies.	14
(3) In this section—	15
new chapter 2, part 10, division 2 means chapter 2, part 10, division 2 as inserted under the Land, Water and Other Legislation Amendment Act 2013.	16
	17
	18
	19
<i>new section 283</i> means section 283 as inserted under the <i>Land, Water and Other Legislation Amendment Act 2013</i> .	20
	21
	22
981 Statement on approved form under s 288 if bore drilled or well converted before the commencement	23
	24
	25
(1) This section applies if a petroleum tenure holder or water monitoring authority holder is transferring, under section 288—	26
	27
	28
(a) a water observation bore or water supply bore drilled under previous section 282; or	29
	30
(b) a water supply bore converted from a petroleum well under previous section 283.	31
	32

-
- (2) The requirement under section 288(4)(a) is taken to be satisfied if the holder gives the chief executive a signed notice stating—
- (a) if the bore has been drilled under previous section 282—previous section 282 has been complied with for the bore; or
- (b) if the bore has been converted from a petroleum well under previous section 283—previous section 283 has been complied with for the bore.

982 Statement on approved form under s 290 if water observation bore drilled before the commencement

- (1) This section applies if a petroleum tenure holder or a water monitoring authority holder is transferring, under section 290, a water observation bore drilled under previous section 282.
- (2) The requirement under section 290(2) is taken to be satisfied if the holder gives the chief executive a signed notice stating previous section 282 has been complied with for the bore.

Clause 186 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *water observation bore*, paragraph 1, after ‘levels’—
- insert—*
- , and includes a petroleum well that, under chapter 2, part 10, division 2, has been, or is taken to have been, converted to a water observation bore
- (2) Schedule 2, definition *water supply bore*, paragraph (b), before ‘converted’—
- insert—*

[s 187]

, or is taken to have been,

1

Part 13 **Amendment of River
Improvement Trust Act 1940**

2

3

Division 1 **Preliminary**

4

Clause 187 **Act amended**

5

This part amends the *River Improvement Trust Act 1940*.

6

Note—

7

See also the amendments in schedule 1.

8

Division 2 **Amendments commencing on
assent**

9

10

Clause 188 **Amendment of s 2 (Definitions)**

11

(1) Section 2—

12

insert—

13

councillor, of a local government, see the *Local
Government Act 2009*, schedule 4.

14

15

(2) Section 2, definitions—

16

relocate to schedule 1 as inserted under this Act.

17

(3) Section 2, ‘In this Act—’—

18

omit, insert—

19

The dictionary in schedule 1 defines particular words
used in this Act.

20

21

Clause 189	Replacement of s 5 (Membership of trust)	1
	Section 5—	2
	<i>omit, insert—</i>	3
	Part 3	4
	Membership and operation of trusts	5
	Division 1	6
	Membership	6
	5 Membership of trust	7
	(1) Each trust must consist of the following members—	8 9
	(a) 2 councillors of each constituent local government for the trust, appointed by the local government;	10 11 12
	(b) up to 3 persons appointed by the Minister.	13
	(2) Despite subsection (1), if the Minister considers it appropriate, each constituent local government for a trust may appoint 1 councillor as a member of the trust, in addition to the councillors appointed under subsection (1)(a).	14 15 16 17 18
	(3) Each person appointed by a local government under subsection (1)(a) or (2) holds office for the term, of no more than 4 years, decided by the local government.	19 20 21 22
	(4) Each person appointed by the Minister under subsection (1)(b) holds office for the term, of no more than 4 years, decided by the Minister.	23 24 25
	(5) Despite subsections (3) and (4) and section 5A(6), if a person completes the person's term of office as a member of a trust, the person continues to hold office as a member until the person's successor is appointed.	26 27 28 29 30
	(6) This section is subject to divisions 2 and 4.	31

[s 189]

- (7) In this section— 1
constituent local government, for a trust, means 2
a local government whose local government area 3
or part of the area is included in the river 4
improvement area for which the trust is 5
constituted. 6

5A Appointment of members to vacancies 7

- (1) If the office of a member of a trust appointed by a 8
local government under section 5(1)(a) or (2) 9
becomes vacant, the local government must 10
appoint another of its councillors to the office 11
within 30 days after the vacancy. 12
- (2) If a local government does not appoint a 13
councillor to a vacant office under subsection (1), 14
the Minister may give the local government a 15
written notice requiring it to appoint a councillor 16
to the office within a reasonable period of at least 17
7 days. 18
- (3) If the local government does not comply with the 19
notice, the Minister may appoint a person, 20
whether or not a councillor of the local 21
government, to the vacant office. 22
- (4) If the office of a member of a trust appointed by 23
the Minister under section 5(1)(b) becomes 24
vacant, the Minister may appoint another person 25
to the office. 26
- (5) However, if there are no other members of the 27
trust appointed under section 5(1)(b), the 28
Minister must appoint another person to the 29
vacant office. 30
- (6) A person appointed under this section is 31
appointed for the balance of the term of office of 32
the person's predecessor. 33
- (7) This section is subject to divisions 2 and 4. 34

5B Application of particular provisions of Local Government Act	1 2
The <i>Local Government Act 2009</i> , chapter 6, part 2, division 5 applies to a member of the trust as if—	3 4
(a) a reference to a councillor were a reference to a member of the trust; and	5 6
(b) a reference to a local government, or the chief executive officer of a local government, were a reference to the trust; and	7 8 9 10
(c) a reference to a local government's area were a reference to the trust's river improvement area; and	11 12 13
(d) all other necessary changes were made.	14

Division 2 Eligibility for membership 15

5C Eligibility for appointment as member	16
(1) A person is not eligible to be appointed as a member of a trust if the person—	17 18
(a) is incapable of performing the member's functions because of physical or mental incapacity; or	19 20 21
(b) is an insolvent under administration under the Corporations Act, section 9; or	22 23
(c) has been convicted of an indictable offence and the rehabilitation period for the offence has not expired or has been revived under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> ; or	24 25 26 27 28
(d) is the secretary or another officer or an employee of the trust; or	29 30

[s 189]

(e) is directly interested in an agreement with, 1
or on behalf of, the trust. 2

(2) Also, a person is not eligible to be appointed as a 3
member of a trust by a local government under 4
section 5(1)(a) or (2) or 5A(1) or (2) if the 5
person's term of office as councillor of the local 6
government has ended or the office has otherwise 7
become vacant. 8

5D Investigations about eligibility for appointment 9

(1) The chief executive may make investigations 10
about a person to decide whether the person is 11
eligible to be appointed as a member of the trust. 12

(2) Without limiting subsection (1), the chief 13
executive may— 14

(a) by written notice, ask the person for written 15
consent for the chief executive to obtain a 16
written report about the person's criminal 17
history; and 18

(b) if the person gives the consent, ask the 19
commissioner of the police service for a 20
written report about the person's criminal 21
history. 22

(3) The commissioner must give the requested report 23
to the chief executive. 24

(4) However, the report is required to contain only 25
criminal history in the commissioner's 26
possession or to which the commissioner has 27
access. 28

5E Criminal history is confidential document 29

(1) A public service employee in the employ of the 30
department or an agent engaged to perform 31
services for the department must not, directly or 32
indirectly, disclose to anyone else a report, or 33

-
- information contained in a report, given under section 5D. 1
2
- Maximum penalty—100 penalty units. 3
- (2) However, the officer, employee or agent does not contravene subsection (1) if— 4
5
- (a) disclosure of the report or information to someone else is authorised by the chief executive to the extent necessary to perform a function under or in relation to this Act; or 6
7
8
9
- (b) the disclosure is otherwise required or permitted by law. 10
11
- (3) The chief executive must destroy the report as soon as practicable after considering the person's eligibility. 12
13
14

Division 3 Executive members 15

5F Chairperson 16

- (1) A trust must elect one of its members appointed under section 5(1)(b) as its chairperson— 17
18
- (a) at its first meeting; and 19
- (b) within 30 days after a vacancy in the office of chairperson. 20
21
- (2) However, if only 1 member of the trust has been appointed under section 5(1)(b), the Minister must appoint that member as the chairperson. 22
23
24
- (3) If the trust does not elect a chairperson under subsection (1), the Minister may appoint a member appointed under section 5(1)(b) as the chairperson. 25
26
27
28

[s 189]

- 5G Deputy chairperson** 1
- (1) A trust must elect one of its members, other than 2
the chairperson, as its deputy chairperson— 3
- (a) at its first meeting; and 4
- (b) within 30 days after a vacancy in the office 5
of deputy chairperson. 6
- (2) If the trust does not elect a deputy chairperson 7
under subsection (1), the Minister may appoint a 8
person, other than the chairperson, as deputy 9
chairperson of the trust. 10
- (3) The deputy chairperson is to act as chairperson— 11
- (a) during a vacancy in the office of 12
chairperson; or 13
- (b) during a period when the chairperson is 14
absent from duty or, for another reason, can 15
not perform the functions of the office. 16
- 5H Term of office** 17
- (1) A person holds office as the chairperson or 18
deputy chairperson for the person's term of office 19
as a member of the trust. 20
- (2) Despite subsection (1) and section 5(3) and (4), if 21
a person completes the person's term of office as 22
the chairperson or deputy chairperson, the person 23
continues to hold the office until the person's 24
successor is appointed. 25
- (3) A person appointed to fill a vacancy in the office 26
of a member who was chairperson or deputy 27
chairperson does not become the chairperson or 28
deputy chairperson only because of the person's 29
appointment. 30
- (4) Subsection (3) does not apply to a person 31
appointed under section 5F(2) or (3) or 5G(2). 32

Division 4	Vacancies of office	1
5I	Casual vacancy	2
(1)	The office of a member of a trust becomes vacant if any of the following happens—	3 4
(a)	the member dies during the member’s term of office;	5 6
(b)	the member resigns from office;	7
(c)	for a member appointed by a local government—the local government removes the member from office;	8 9 10
(d)	for a member appointed by the Minister—the Minister removes the member from office.	11 12 13
(2)	The office of a member of a trust who is a councillor of a local government also becomes vacant if the person’s term of office as councillor ends or the office as councillor otherwise becomes vacant.	14 15 16 17 18
(3)	The office of a person who is the chairperson or deputy chairperson of a trust also becomes vacant if—	19 20 21
(a)	the person resigns from the office; or	22
(b)	the person is removed from the office under section 5L; or	23 24
(c)	the office of the person as a member of the trust becomes vacant under subsection (1) or (2).	25 26 27
5J	Resignation	28
(1)	A member of a trust may resign from office as a member by signed notice of resignation given to the chairperson of the trust.	29 30 31

[s 189]

- | | | |
|--|---|----------------------|
| (2) | The chairperson of a trust may resign from office as chairperson by signed notice of resignation given to the other members of the trust. | 1
2
3 |
| (3) | The deputy chairperson of a trust may resign from office as the deputy chairperson by signed notice of resignation given to the chairperson of the trust. | 4
5
6
7 |
| (4) | A person resigning from the office of chairperson or deputy chairperson of a trust may continue to be a member of the trust. | 8
9
10 |
| 5K Removal from office as member | | 11 |
| (1) | This section applies to a local government or the Minister for removing from office as a member of a trust a person the local government or Minister has appointed. | 12
13
14
15 |
| (2) | The local government or Minister may remove the person from the office on any of the following grounds— | 16
17
18 |
| (a) | the person is ineligible to be appointed as a member under section 5C; | 19
20 |
| (b) | the person is absent from 3 consecutive meetings of the trust without the trust's leave and without reasonable excuse; | 21
22
23 |
| (c) | the person declines to act as a member; | 24 |
| (d) | the person is convicted of an offence against this Act. | 25
26 |
| 5L Removal from office as chairperson or deputy chairperson | | 27
28 |
| (1) | This section applies to— | 29 |
| (a) | a trust, for removing from office a person who has been elected to the office of | 30
31 |

-
- chairperson or deputy chairperson of the trust; or 1
2
- (b) the Minister, for removing from office a person the Minister has appointed to the office of chairperson or deputy chairperson of a trust under section 5F(2) or (3) or 5G(2). 3
4
5
6
7
- (2) The trust or Minister may remove the person from the office if— 8
9
- (a) a ground to remove the person from office as a member of the trust exists under section 5K(2); or 10
11
12
- (b) the person declines to act as the chairperson or deputy chairperson of the trust; or 13
14
- (c) the person is prohibited under the Corporations Act from being a director of a body corporate for a reason other than a person's age. 15
16
17
18

5M Removal of all trust members 19

- (1) The Minister may remove all the members of a trust from office if— 20
21
- (a) the trust does not meet at least twice a year; or 22
23
- (b) the trust does not comply with its obligations under the *Financial Accountability Act 2009* for the preparation and submission of annual financial statements and annual reports under that Act. 24
25
26
27
28
29
- (2) To remove any doubt, it is declared that subsection (1) applies to the removal of a member of a trust even if the member was appointed by a local government. 30
31
32
33

Division 5	Procedures	1
5N	Times and places of meetings	2
(1)	Meetings of a trust are to be held at the times and places decided by the trust.	3 4
(2)	However, a trust must meet at least twice a year.	5
5O	Quorum	6
	A quorum at a meeting of a trust is 2 of its members.	7
5P	Presiding at meetings	8
(1)	The chairperson is to preside at all meetings of a trust at which the chairperson is present.	9 10
(2)	If the chairperson is absent from a meeting or the office of chairperson is vacant, the deputy chairperson is to preside.	11 12 13
(3)	If the deputy chairperson cannot preside at a meeting under subsection (2), a member chosen by the members present is to preside.	14 15 16
5Q	Conduct of meetings	17
(1)	A question at a meeting of the trust is decided by a majority of the votes of the members present.	18 19
(2)	Each member present at the meeting has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.	20 21 22 23
(3)	If a member present at a meeting fails to vote, the member is taken to have voted in the negative.	24 25

5R Other procedures	1
Subject to this division, a trust must conduct its business, including its meetings—	2 3
(a) in the way prescribed under a regulation; or	4
(b) in so far as the way is not prescribed, as it considers appropriate.	5 6

Division 6	Other matters	7
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5S Validity of trust's acts, proceedings or decisions	8 9
(1) An act, proceeding or decision of a trust is not invalidated only because of—	10 11
(a) a defect in the qualification, appointment or membership of a member of the trust; or	12 13
(b) a vacancy in the membership of the trust at the time of the act, proceeding or decision.	14 15
(2) However, subsection (1) applies only if there was a quorum at the meeting of the trust at which the act was done, proceeding was taken or, decision was made.	16 17 18 19

Part 4	Officers and employees of trusts	20 21
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Clause 190	Amendment of s 10 (Works which trust shall undertake or maintain)	22 23
	Section 10(2), from 'who' to 'modification'—	24
	<i>omit, insert—</i>	25
	who may approve the plan with or without changes	26

[s 191]

Clause 191	Insertion of new pt 9, div 2 and sch 1	1
	After section 24—	2
	<i>insert—</i>	3
	Division 2	4
	Transitional provisions for	5
	Land and Water and Other	6
	Legislation Amendment	7
	Act 2013	7
	25 Definition for div 2	8
	In this division—	9
	<i>commencement</i> means the commencement of the	10
	provision in which the word appears.	11
	<i>previous</i> , for a provision of this Act, means the	12
	provision as in force immediately before the	13
	commencement.	14
	26 Continuation of office of existing members,	15
	chairperson and deputy chairperson	16
	(1) A person who, immediately before the	17
	commencement, was a member of a trust	18
	continues to be a member of the trust under	19
	previous section 5 until—	20
	(a) the person's term of office as a member ends	21
	under previous section 5 and the person is	22
	reappointed, or the person's successor is	23
	appointed, as a member of the trust under	24
	section 5(1) or (2); or	25
	(b) the office is sooner vacated.	26
	(2) A person who, immediately before the	27
	commencement, was the chairperson of a trust	28
	continues to be the chairperson of the trust under	29
	previous section 5 until—	30

-
- (a) the person stops being a member of the trust under subsection (1)(a) or (b); or 1
2
- (b) the person's term of office as the chairperson ends under previous section 5 and a person is elected or appointed as the chairperson of the trust under section 5F; or 3
4
5
6
- (c) the office is sooner vacated. 7
- (3) A person who, immediately before the commencement, was the deputy chairperson of a trust continues to be the deputy chairperson of the trust under previous section 5 until— 8
9
10
11
- (a) the person stops being a member of the trust under subsection (1)(a) or (b); or 12
13
- (b) the office of the deputy chairperson is sooner vacated. 14
15
- (4) Subject to subsections (1) to (3)— 16
- (a) previous section 5 applies to a person continuing to hold an office; and 17
18
- (b) sections 5I(3)(b), 5K and 5L do not apply to the person. 19
20
- 27 Application of new membership requirements to existing trusts** 21
22
- (1) Section 5(1)(b) applies to a trust in existence or constituted before the commencement as if each member of the trust appointed by the Governor in Council under previous section 5 (a *relevant existing member*) had been appointed by the Minister. 23
24
25
26
27
28
- (2) However, subsection (1) applies to a relevant existing member only while the member continues to be member of the trust under previous section 5 as applied under section 26(1). 29
30
31
32

[s 192]

28	Deferral of requirement to elect or appoint chairperson or elect deputy chairperson	1 2
(1)	This section applies to a trust if, immediately before the commencement, a person held office as the chairperson or deputy chairperson of the trust.	3 4 5 6
(2)	Section 5F does not apply to the trust until—	7
(a)	the person’s term of office as chairperson ends; or	8 9
(b)	the office is sooner vacated.	10
(3)	Section 5G(1) and (2) does not apply to the trust until—	11 12
(a)	the person’s term of office as deputy chairperson ends; or	13 14
(b)	the office is sooner vacated.	15
(4)	This section applies despite sections 5F and 5G.	16

Schedule 1	Dictionary	17
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section 2	18
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Division 3	Amendments commencing by proclamation	19 20
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Clause 192	Insertion of new s 20B	21
	After section 20A—	22
	<i>insert—</i>	23

20B Fees and allowances for chairperson and members

The chairperson and other members of a trust are entitled to be paid the fees and allowances approved by the Minister.

Clause 193 Amendment of s 22 (Regulation-making power)

Section 22(2)(e), ‘chairperson, other members, and’—
omit.

Part 14 Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009

Clause 194 Act amended

This part amends the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

Note—

See also the amendment in schedule 1.

Clause 195 Amendment of s 53 (Delegation)

(1) Section 53(5)(a), from ‘30 June’ to ‘regulation’—

omit, insert—

on the relevant day

(2) Section 53(11)—

insert—

relevant day means 28 February 2014 or any other day prescribed under a regulation.

[s 196]

Clause 196	Amendment of s 99BJ (Requirement for SEQ service provider to have plan)	1 2
	Section 99BJ, ‘1 July 2013’—	3
	<i>omit, insert—</i>	4
	1 March 2014	5
Clause 197	Amendment of s 99BL (Requirement for SEQ service provider to review plan)	6 7
	Section 99BL, ‘1 July 2013’—	8
	<i>omit, insert—</i>	9
	1 March 2014	10
Part 15	Amendment of Sustainable Planning Act 2009	11 12
Clause 198	Act amended	13
	This part amends the <i>Sustainable Planning Act 2009</i> .	14
	<i>Note—</i>	15
	See also the amendments in schedule 1.	16
Clause 199	Amendment of s 755A (Definitions for pt 7A)	17
	(1) Section 755A, definition <i>development application (distributor-retailer)</i> , paragraph (a), ‘1 July 2013’—	18 19
	<i>omit, insert—</i>	20
	the end of the relevant day	21
	(2) Section 755A—	22
	<i>insert—</i>	23

	<i>relevant day</i> see the SEQ Water Act, section 53(11).	1 2
	<i>Editor's note—</i>	3
	SEQ Water Act, section 53(11), definition <i>relevant day—</i>	4 5
	<i>relevant day</i> means 28 February 2014 or any other day prescribed under a regulation.	6 7
Clause 200	Amendment of s 755G (Compliance assessment—local government as compliance assessor)	8 9
	Section 755G(2), ‘1 July 2013’—	10
	<i>omit, insert—</i>	11
	the end of the relevant day	12
Clause 201	Amendment of s 755H (Compliance assessment—nominated entity as compliance assessor)	13 14
	Section 755H(2), ‘1 July 2013’—	15
	<i>omit, insert—</i>	16
	the end of the relevant day	17
Clause 202	Amendment of s 755I (Notice about compliance permits and compliance certificates)	18 19
	Section 755I(1), ‘1 July 2013’—	20
	<i>omit, insert—</i>	21
	the end of the relevant day	22
Clause 203	Insertion of new ch 10, pt 7	23
	Chapter 10—	24
	<i>insert—</i>	25

[s 204]

Part 7	Transitional provision for Land, Water and Other Legislation Amendment Act 2013	1 2 3 4
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947 Amendment of regulation by Land, Water and Other Legislation Amendment Act 2013 does not affect powers of Governor in Council	5 6 7
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The amendment of the <i>Sustainable Planning Regulation 2009</i> by the <i>Land, Water and Other Legislation Amendment Act 2013</i> does not affect the power of the Governor in Council to further amend the regulation or to repeal it.	8 9 10 11 12
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Part 16	Amendment of Sustainable Planning Regulation 2009	13 14
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Clause 204	Regulation amended	15
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This part amends the <i>Sustainable Planning Regulation 2009</i> .	16
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<i>Note—</i>	17
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See also the amendments in schedule 1.	18
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Clause 205	Amendment of sch 7 (Referral agencies and their jurisdictions)	19 20
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Schedule 7, table 2, item 47, paragraph (c) and table 3, item 26, column 1, ‘1 July 2013’—	21 22
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<i>omit, insert—</i>	23
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1 March 2014	24
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Part 17	Amendment of Torres Strait Islander Land Act 1991	1 2
Clause 206	Act amended	3
	This part amends the <i>Torres Strait Islander Land Act 1991</i> .	4
	<i>Note—</i>	5
	See also the amendments in schedule 1.	6
Clause 207	Amendment of s 10 (DOGIT land)	7
	(1) Section 10(2), from ‘road if the land’—	8
	<i>omit, insert—</i>	9
	road.	10
	(2) Section 10(4), from ‘if the land’—	11
	<i>omit, insert—</i>	12
	if the land has, since the enactment day, become a	13
	road.	14
Clause 208	Amendment of s 11 (Torres Strait Islander reserve land)	15
	Section 11—	16
	<i>insert—</i>	17
	(3) Further, Torres Strait Islander reserve land	18
	includes land within the external boundaries of	19
	land mentioned in subsection (1)(a) if the land	20
	has, since the enactment day, ceased to be a road.	21
	(4) Torres Strait Islander reserve land does not	22
	include land within the external boundaries of	23
	land mentioned in subsection (1)(a) if the land	24
	has, since the enactment day, become a road.	25

[s 209]

Clause 209	Replacement of s 43 (Cancellation of deed of grant in trust)	1
		2
	Section 43—	3
	<i>omit, insert—</i>	4
	43 Cancellation of deed of grant in trust	5
	(1) This section applies if a deed of grant (the <i>new deed</i>) over the whole or a part of the land comprised in a deed of grant in trust takes effect under section 40.	6
		7
		8
		9
	(2) The deed of grant in trust is cancelled to the extent of the new deed.	10
		11
Clause 210	Replacement of pt 14, div 2, hdg (Minister’s power to appoint, remove or suspend members of land trusts)	12
		13
	Part 14, division 2, heading—	14
	<i>omit, insert—</i>	15
	Division 2 Appointment, removal and suspension of members of land trusts	16
		17
		18
Clause 211	Amendment of s 156 (Minister may appoint member)	19
	(1) Section 156(1)(a)—	20
	<i>omit.</i>	21
	(2) Section 156(1)(b) and (c)—	22
	<i>renumber</i> as section 156(1)(a) and (b).	23
Clause 212	Insertion of new s 156A	24
	Part 14, division 2, subdivision 1—	25
	<i>insert—</i>	26

	156A Land trust may appoint member	1
	(1) A land trust may, by resolution, appoint a person to be a member of the land trust.	2 3
	(2) A land trust must not appoint a person under subsection (1)—	4 5
	(a) without the person’s consent; or	6
	(b) if the person has been removed as a member of any land trust by the Minister under this division.	7 8 9
	(3) A person appointed as a member of a land trust under this section becomes a member on—	10 11
	(a) the day the resolution appointing the person as a member is made; or	12 13
	(b) a later day stated in the resolution.	14
	(4) A land trust must record its decision to appoint a person as a member of the land trust in the minutes of the meeting at which the person was appointed.	15 16 17 18
Clause 213	Replacement of pt 14, div 2, sdiv 2, hdg (Removal or suspension of members)	19 20
	Part 14, division 2, subdivision 2, heading—	21
	<i>omit, insert—</i>	22
	Subdivision 2 Grounds for removal or suspension of members	23 24
Clause 214	Amendment of s 157 (Grounds for removal or suspension of member)	25 26
	(1) Section 157(c), ‘fraudulent or improper way’—	27
	<i>omit, insert—</i>	28
	way that is fraudulent, improper or contrary to the best interests of the land trust	29 30

[s 215]

- (2) Section 157(d) and (e)— 1
omit. 2
- (3) Section 157— 3
insert— 4
- (2) Also, it is a ground for the Minister to remove or 5
suspend a member that, because of any 6
circumstances affecting the operation of the land 7
trust— 8
- (a) the land trust can not remove or suspend a 9
member and a majority of members of the 10
land trust have asked the Minister in writing 11
to remove or suspend the member; and 12
- (b) a ground mentioned in subsection (1)(a), (b) 13
or (c) exists in relation to the member. 14
- Example of circumstances affecting the operation of a land 15
trust*— 16
- A land trust can not form a quorum for a general 17
meeting of the land trust to remove or suspend a 18
member. 19

- Clause 215 Amendment of s 158 (Show cause notice)** 20
- Section 158(3)— 21
insert— 22
- (f) that, if the member is removed as a member 23
of the land trust, the member is also 24
removed as a member of any other land 25
trust. 26

- Clause 216 Amendment of s 161 (Removing or suspending member)** 27
- Section 161(7)— 28
omit. 29

Clause 217	Insertion of new s 161A	1
	After section 161—	2
	<i>insert—</i>	3
	161A Effect of removing member on other land trust membership	4
		5
	(1) This section applies if the Minister removes a member from a land trust under section 161(2) and the member is also a member of another land trust.	6
		7
		8
		9
	(2) The member is also removed as a member of the other land trust.	10
		11
Clause 218	Replacement of s 162 (Immediate removal or suspension of member)	12
		13
	Section 162—	14
	<i>omit, insert—</i>	15
	162 Immediate suspension of member	16
	(1) The Minister may suspend a member of a land trust immediately if the Minister believes—	17
		18
	(a) either—	19
	(i) a ground exists to remove or suspend the member; or	20
		21
	(ii) the member is a member of the executive committee of the land trust and, in performing the member's functions as a member of the committee, is likely to contravene a provision of this Act; and	22
		23
		24
		25
		26
		27
	(b) it is necessary to suspend the member immediately because there is an immediate risk to the proper operation of the land trust or proper dealing with trust property.	28
		29
		30
		31

[s 219]

(2)	However, the Minister may only immediately suspend the member under this section if the Minister also gives a show cause notice under section 161 to the member and the land trust in relation to the proposed action of removing or suspending the member.	1 2 3 4 5 6
(3)	If the Minister decides to immediately suspend the member, the Minister must, at the same time the Minister gives the show cause notice under section 161—	7 8 9 10
(a)	give the member an information notice about the decision to immediately suspend the member; and	11 12 13
(b)	give a copy of the information notice mentioned in paragraph (a) to the land trust.	14 15
(4)	The suspension—	16
(a)	operates immediately the notices mentioned in subsection (3) are given to the member; and	17 18 19
(b)	if the member is also a member of another land trust—suspends the member as a member of the other land trust; and	20 21 22
(c)	continues to operate until the earlier of the following happens—	23 24
(i)	the show cause notice is finally dealt with;	25 26
(ii)	60 days have passed since the notices were given to the member.	27 28
Clause 219	Replacement of pt 14, div 2, sdiv 3 (Other matters)	29
	Part 14, division 2, subdivision 3—	30
	<i>omit, insert—</i>	31

Subdivision 4	Removal or suspension of members by land trust	1
		2
163	Proposed removal or suspension approved by resolution and show cause notice	3
		4
(1)	A land trust may, by resolution, decide to take action under this subdivision (the <i>proposed action</i>) to remove or suspend a member of the land trust because a ground exists for the removal or suspension.	5 6 7 8 9
(2)	However, members of the land trust must be given at least 14 days notice of the general meeting of the land trust at which the resolution is intended to be proposed.	10 11 12 13
(3)	If the land trust makes a decision under subsection (1), the land trust must—	14 15
(a)	refer the matter of the proposed action to the executive committee of the land trust to decide; and	16 17 18
(b)	give the member a notice (a <i>show cause notice</i>).	19 20
(4)	The show cause notice must state all of the following—	21 22
(a)	details of the resolution mentioned in subsection (1), including the date the resolution was made;	23 24 25
(b)	the proposed action;	26
(c)	the ground for the proposed action;	27
(d)	an outline of the facts and circumstances forming the basis for the ground;	28 29
(e)	if the proposed action is suspension of the member—the proposed suspension period;	30 31

[s 219]

- (f) that the member may, within a stated period (the *show cause period*), make written representations to the land trust to show why the proposed action should not be taken. 1
2
3
4
- (5) The show cause period must end at least 1 month after the show cause notice is given. 5
6
- 163A Representations about show cause notice** 7
- (1) The member may make written representations to the land trust about the show cause notice during the show cause period. 8
9
10
- (2) A copy of any representations made by the member under subsection (1) must be given to each member of the executive committee of the land trust. 11
12
13
14
- 163B Land trust decisions about removal or suspension of member** 15
16
- (1) This section provides for how, by a resolution of the executive committee of the land trust, the land trust decides the action to be taken about a show cause notice given to a member of the land trust. 17
18
19
20
- (2) The resolution may be made only if the show cause period stated in the show cause notice has ended. 21
22
23
- (3) The executive committee must— 24
- (a) consider all representations about the show cause notice received under section 163A(1); and 25
26
27
- (b) decide— 28
- (i) whether a ground exists to remove or suspend the member; and 29
30

-
- (ii) if the executive committee decides a ground exists—whether removal or suspension of the member is warranted. 1
2
3
- (4) The land trust must take no further action about the show cause notice if the executive committee decides— 4
5
6
- (a) no ground exists to remove or suspend the member; or 7
8
- (b) a ground exists but the removal or suspension of the member is not warranted. 9
10
- (5) Subsections (6) to (8) apply if the executive committee decides a ground exists to remove or suspend the member and that the removal or suspension of the member is warranted. 11
12
13
14
- (6) The executive committee may decide to— 15
- (a) if the proposed action was to remove the member—remove or suspend the member; or 16
17
18
- (b) if the proposed action was to suspend the member—suspend the member for not longer than the proposed suspension period. 19
20
21
- (7) If a motion proposing removal or suspension is not passed by resolution, the executive committee of the land trust may decide to— 22
23
24
- (a) adjourn the matter of the proposed action; or 25
- (b) refer the matter of the proposed action to a general meeting of the land trust to decide; or 26
27
28
- (c) take no further action about the show cause notice. 29
30
- (8) A decision to remove or suspend takes effect on the day an information notice about the decision is given to the member under section 163D or a later day stated in the notice. 31
32
33
34

[s 219]

- (9) The executive committee of the land trust must record its decisions under this section—
- (a) if a decision was made at a meeting of the executive committee—in the minutes of the meeting at which the decision was made; or
- (b) otherwise—in writing.
- 163C Decisions about removal or suspension of member referred to land trust general meeting**
- (1) This section applies if the executive committee of a land trust refers, to a general meeting of the land trust, the matter of the action to be taken about a show cause notice given to a member of the land trust.
- (2) The land trust may, by resolution at a general meeting of the land trust, decide the action to be taken about the show cause notice.
- (3) For subsection (2), section 163B applies with a reference to the executive committee of the land trust taken to be a reference to the land trust.
- (4) However, if a motion proposing removal or suspension fails to pass by resolution, the land trust must take no further action about the show cause notice.
- 163D Action after decision about removal or suspension of member**
- (1) This section applies if a decision about a show cause notice given to a member of a land trust is made under section 163B or 163C.
- (2) As soon as practicable after the decision is made, the land trust must give the member notice of the following—

-
- (a) if, because of the decision, the land trust is, or is required, to take no further action about the show cause notice—notice that no further action will be taken;
 - (b) if the decision is to remove or suspend the member—an information notice for the decision;
 - (c) if the decision is to adjourn the matter of the removal or suspension of the member—notice of the decision to adjourn the matter;
 - (d) if the decision is to refer the matter of the removal or suspension of a member of the land trust to a general meeting of the land trust—notice of the decision to refer the matter and of the day and time of the general meeting of the land trust at which the matter will be considered.

163E Immediate suspension of member

- (1) A land trust may, by a resolution of the executive committee of the land trust, suspend a member of a land trust immediately if the executive committee decides—
 - (a) either—
 - (i) a ground exists to remove or suspend the member; or
 - (ii) the member is a member of the executive committee and, in performing the member’s functions as a member of the executive committee, is likely to contravene a provision of this Act; and
 - (b) it is necessary to suspend the member immediately because there is an immediate

[s 219]

- risk to the proper operation of the land trust 1
or proper dealing with trust property. 2
- (2) If the executive committee decides to 3
immediately suspend the member, it must— 4
- (a) give the member an information notice 5
about the decision; and 6
- (b) ensure a motion proposing disciplinary 7
action be taken against the member is 8
considered at a general meeting of the land 9
trust within 60 days after the information 10
notice is given to the member. 11
- (3) The suspension— 12
- (a) operates immediately the information notice 13
is given to the member; and 14
- (b) continues to operate until the earliest of the 15
following happens— 16
- (i) a motion proposing disciplinary action 17
be taken against the member fails to 18
pass by resolution at a general meeting 19
of the land trust; 20
- (ii) 60 days have passed since the 21
information notice was given to the 22
member and the member has not been 23
given, under section 163(3), a show 24
cause notice for proposed disciplinary 25
action against the member; 26
- (iii) a show cause notice for proposed 27
disciplinary action against the member, 28
given to the member under section 29
163(3), is finally dealt with; 30
- (iv) 60 days have passed since the member 31
was given, under section 163(3), a 32
show cause notice for proposed 33
disciplinary action against the member. 34
- (4) In this section— 35

<i>disciplinary action</i> , against a member of a land trust, means action to remove or suspend the member under this subdivision.	1 2 3
163F Limitation on land trust’s power about suspension of member	4 5
A land trust can not end the suspension of a person from membership of the land trust if the suspension is imposed by the Minister under this division.	6 7 8
Subdivision 5 Information about appointment, removal or resignation of members	9 10 11
163G Information about appointment, removal or resignation of members	12 13
(1) This section applies to a land trust if—	14
(a) the land trust appoints a person as a member of the land trust or removes a member from the land trust; or	15 16 17
(b) a member of the land trust resigns.	18
(2) As soon as practicable after the appointment, removal or resignation has effect, the land trust must give the chief executive notice of the appointment, removal or resignation.	19 20 21 22
Clause 220 Insertion of new s 171A	23
After section 171—	24
<i>insert—</i>	25

[s 221]

171A Resolution of executive committee without meeting	1
	2
A resolution of the executive committee of a land trust is validly made by the committee, even if it is not passed at a meeting of the committee, if—	3
	4
	5
(a) notice of the proposed resolution is given, under procedures approved by the committee, to all members of the committee entitled to vote on the resolution (the <i>voting members</i>); and	6
	7
	8
	9
	10
(b) a majority of the voting members give written agreement to the resolution.	11
	12

Clause 221 Amendment of sch 1 (Dictionary)	13
(1) Schedule 1, definitions <i>proposed action</i> , <i>show cause notice</i> and <i>show cause period</i> —	14
	15
<i>omit.</i>	16
(2) Schedule 1—	17
<i>insert</i> —	18
<i>information notice</i> , about a decision, means a notice stating all of the following—	19
	20
(a) the decision;	21
(b) the reasons for the decision;	22
(c) that the person to whom the notice is given may appeal to the Land Court against the decision within 28 days after receiving the notice;	23
	24
	25
	26
(d) how the person may appeal.	27
<i>notice</i> means written notice.	28
<i>proposed action</i> —	29

-
- (a) for a provision about action to be taken by the Minister under part 14, division 2, subdivision 3, see section 158(3)(a); or
- (b) for a provision about action to be taken by a land trust under part 14, division 2, subdivision 4, see section 163(1).
- show cause notice*—
- (a) for a notice given by the Minister, see section 158(2); or
- (b) for a notice given by a land trust, see section 163(3).
- show cause period*—
- (a) for a provision about a show cause notice given by the Minister, see section 158(3)(e); or
- (b) for a provision about a show cause notice given by a land trust, see section 163(4)(f).

Part 18 **Amendment of Vegetation Management Act 1999**

- Clause 222** **Act amended**
- This part amends the *Vegetation Management Act 1999*.
- Note*—
- See also the amendments in schedule 1.
- Clause 223** **Amendment of s 11 (Minister must make regional vegetation management codes)**
- (1) Section 11(3)—
- omit.*

[s 224]

- (2) Section 11(4) and (5)— 1
renumber as section 11(3) and (4). 2

Clause 224 Insertion of new s 20ADA 3

Part 2, division 5AA— 4

insert— 5

20ADA What is the *vegetation management watercourse map* 6
7

The *vegetation management watercourse map* is a 8
map certified by the chief executive as the vegetation 9
management watercourse map showing particular 10
watercourses for the State. 11

Note— 12

The vegetation management watercourse map consists 13
of the following documents— 14

- the document called ‘Vegetation management 15
watercourse map (1:25 000)’ 16
- the document called ‘Vegetation management 17
watercourse map (1:100 000 and 1:250 000)’ 18

Clause 225 Insertion of new pt 6, div 8 19

Part 6— 20

insert— 21

**Division 8 Transitional provision for 22
Land, Water and Other 23
Legislation Amendment 24
Act 2013** 25

109 Validation for reliance on particular maps 26

(1) This section applies if, before the 27
commencement of this section— 28

(a) the chief executive— 29

(i)	assessed, as the assessment manager or a concurrence agency, a vegetation clearing application against a regional vegetation management code; or	1 2 3 4
(ii)	assessed, as a concurrence agency, a concurrence agency application against a regional vegetation management code; and	5 6 7 8
(b)	the code referred to a document it called the 'vegetation management watercourse map'; and	9 10 11
(c)	the chief executive, in assessing the application against the code, relied on the document; and	12 13 14
(d)	when the application was assessed, the document was known by any of the following names—	15 16 17
(i)	' <i>Vegetation Management Act</i> Remnant Watercourses Version 2.1';	18 19
(ii)	' <i>Vegetation Management Act</i> Remnant Watercourses 25K Version 2.1';	20 21
(iii)	'Vegetation management watercourse map part 1';	22 23
(iv)	'Vegetation management watercourse map part 2	24 25
(2)	The chief executive's reliance on the document is taken to be, and always to have been, valid for assessing the application.	26 27 28
Clause 226	Amendment of schedule (Dictionary)	29
(1)	Schedule—	30
	<i>insert—</i>	31
	<i>vegetation management watercourse map</i> see section 20ADA.	32 33

[s 227]

- (2) Schedule, definition *vegetation management map*— 1
insert— 2
(f) *vegetation management watercourse map*. 3

Part 19 Amendment of Water Act 2000 4

Division 1 Preliminary 5

- Clause 227 Act amended** 6
This part amends the *Water Act 2000*. 7
Note— 8
See also the amendments in schedule 1. 9

Division 2 Amendments commencing on assent 10 11

- Clause 228 Amendment of s 20 (Authorised taking of, or interference with, water without water entitlement)** 12
13
(1) Section 20— 14
insert— 15
(6B) A person may interfere with water if— 16
(a) the interference is a diversion of a 17
watercourse and is associated with a 18
resource activity; and 19
(b) the impacts of the interference were 20
assessed as part of a grant of an 21
environmental authority for the resource 22
activity; and 23

	(c) the environmental authority was granted	1
	with a condition about the diversion of the	2
	watercourse.	3
(2)	Section 20(11)—	4
	<i>insert—</i>	5
	<i>resource activity</i> see the <i>Environmental</i>	6
	<i>Protection Act 1994</i> , section 107.	7
Clause 229	Replacement of ss 50 and 50A	8
	Sections 50 and 50A—	9
	<i>omit, insert—</i>	10
	50 Preparing and approving final draft water	11
	resource plan	12
	(1) In preparing the final draft water resource plan,	13
	the Minister must consider all properly made	14
	submissions about the draft plan under section	15
	49.	16
	(2) A final draft water resource plan does not have	17
	effect until it has been approved by the Governor	18
	in Council.	19
	(3) The Minister must give a copy of a final draft	20
	water resource plan to the chief executive before	21
	it is approved under subsection (2).	22
Clause 230	Insertion of new ss 52A and 52B	23
	Chapter 2, part 3, division 2, subdivision 3—	24
	<i>insert—</i>	25
	52A Effect of water resource plan	26
	(1) This section applies to a water resource plan	27
	approved by the Governor in Council under	28
	section 50(2).	29
	(2) The plan is—	30

[s 230]

- | | | |
|-----|--|----------------------|
| (a) | declared to be subordinate legislation; and | 1 |
| (b) | the water resource plan for its plan area. | 2 |
| (3) | The plan expires on 1 September first occurring after the 10th anniversary of the day of its making unless— | 3
4
5 |
| (a) | it is sooner repealed or expires; or | 6 |
| (b) | the expiration of the plan is postponed under section 52B. | 7
8 |
| (4) | The plan also expires when another water resource plan commences if the other water resource plan declares that it replaces the plan. | 9
10
11 |
| (5) | If the expiration of the plan is postponed under section 52B, the plan expires on the new expiry date stated for the plan in the notice about the postponement published under section 52B(8). | 12
13
14
15 |
| | <i>Note—</i> | 16 |
| | A water resource plan would expire at the end of the day that is the new expiry date. See the <i>Acts Interpretation Act 1954</i> , section 18. | 17
18
19 |
| (6) | The <i>Statutory Instruments Act 1992</i> , part 7 does not apply to the plan. | 20
21 |

52B Postponement of expiry of water resource plan up to 20 years 22
23

- | | | |
|-----|--|----------|
| (1) | This section applies if the Minister proposes to postpone the expiry of a water resource plan. | 24
25 |
| (2) | Before the expiry of the plan, the Minister must publish a notice stating— | 26
27 |
| (a) | the Minister's intention to postpone the expiry of the plan; and | 28
29 |
| (b) | the reasons the Minister is considering postponing the expiry of the plan; and | 30
31 |

-
- (c) the proposed new expiry date for the plan; 1
and 2
- (d) that written submissions may be made by 3
any entity about the proposal to postpone 4
the expiry of the plan; and 5
- (e) the day (the *closing day*) by which the 6
submissions must be made and the person to 7
whom, and the place where, the submissions 8
must be made. 9
- (3) The closing day can not be earlier than 20 10
business days after the day the notice is 11
published. 12
- (4) The Minister must give a copy of the notice to 13
each local government whose local government 14
area includes all or part of the plan area for the 15
plan. 16
- (5) A local government receiving a copy of the 17
notice under subsection (4) must make it 18
available for inspection by the public. 19
- (6) The Minister may, before the plan would 20
otherwise expire, decide to postpone the expiry 21
if— 22
- (a) the Minister is satisfied the expiry should be 23
postponed; and 24
- (b) the Minister reasonably believes the 25
postponement will not adversely affect 26
water entitlement holders or natural 27
ecosystems in the plan area. 28
- (7) In deciding whether to postpone the expiry, the 29
Minister must consider all of the following— 30
- (a) all properly made submissions about the 31
proposal; 32
- (b) whether the plan's outcomes are being 33
achieved; 34

[s 231]

	(c) whether the plan’s objectives, or the strategies for achieving the plan’s outcomes, continue to be appropriate for its plan area;	1 2 3
	(d) any reports about the plan prepared under subdivision 4.	4 5
	(8) If the Minister decides to postpone the expiry, the Minister must publish a notice in the gazette stating the new expiry date for the plan.	6 7 8
	(9) A notice under subsection (8) is declared to be subordinate legislation.	9 10
	(10) The Minister may postpone the expiry more than once but any postponement can not have the effect of continuing the plan in force for more than 20 years.	11 12 13 14
Clause 231	Amendment of s 62 (Content of draft water use plans)	15
	Section 62(2) from ‘the following’ to ‘schedules’—	16
	<i>omit, insert—</i>	17
	schedules	18
Clause 232	Omission of ch 2, pt 3, div 3, sdivs 4-6	19
	Chapter 2, part 3, division 3, subdivisions 4 to 6—	20
	<i>omit.</i>	21
Clause 233	Amendment of s 106 (Minor or stated amendments of resource operations plan)	22 23
	Section 106—	24
	<i>insert—</i>	25
	(d) the amendment is necessary to make the resource operations plan consistent with a water resource plan for which the resource	26 27 28

operations plan has effect and is not an 1
amendment to which section 105(3) applies. 2

Clause 234 Replacement of ss 107A and 108 3

Sections 107A and 108— 4

omit, insert— 5

**107A Authority to interfere with water under 6
resource operations licence** 7

(1) A resource operations licence authorises its 8
holder to interfere with the flow of water to the 9
extent necessary to operate the water 10
infrastructure to which the licence applies. 11

(2) A resource operations licence can be held only 12
by— 13

(a) the owner of the water infrastructure to 14
which the licence applies; or 15

(b) if the owner of the water infrastructure to 16
which the licence applies is a subsidiary 17
company, the parent company of the 18
subsidiary. 19

**107B Authority to take or interfere with water 20
under distribution operations licence** 21

(1) A distribution operations licence authorises its 22
holder to take water or interfere with the flow of 23
water to distribute water under water allocations. 24

(2) A distribution operations licence can be held only 25
by— 26

(a) the water infrastructure owner; or 27

(b) if the water infrastructure owner is a 28
subsidiary company, the parent company of 29
the subsidiary; or 30

[s 234]

- (c) an entity (the *approved nominee*) 1
nominated by the water infrastructure owner 2
and approved under section 107C to be the 3
holder of the licence. 4
- (3) Subsection (2)(c) applies whether the approved 5
nominee was nominated or approved under 6
section 107C before or after— 7
 - (a) the entity that is the water infrastructure 8
owner became the water infrastructure 9
owner; or 10
 - (b) the licence started to apply to the water 11
infrastructure. 12
- 107C Nomination and approval of entity as 13
distribution operations licence holder 14**
 - (1) This section applies if any of the following 15
entities (each a *nominator*) gives the chief 16
executive a notice in the approved form 17
nominating an entity (a *nominee*) to be the holder 18
of a distribution operations licence— 19
 - (a) the water infrastructure owner; 20
 - (b) if a water authority is, or is to be, dissolved 21
and converted under chapter 4, part 7, to 1 or 22
more entities that are alternative institutional 23
structures—the entity in whom is vested, on 24
the changeover day, the water infrastructure 25
to which the licence is to apply; 26
 - (c) if the nominee is applying for the licence 27
under section 108A and paragraph (b) does 28
not apply—the entity who is to be the owner 29
of the water infrastructure to which the 30
licence is to apply if and from when the 31
licence is granted; 32
 - (d) if an application has been made to transfer 33
the licence to the nominee under section 114 34

-
- and paragraph (b) does not apply—the
entity who is to be the owner of the water
infrastructure to which the licence is to
apply if and from when the licence is
transferred.
- (2) The chief executive may approve the nominee to
be the holder of the licence only if—
- (a) the chief executive is satisfied the
nominee—
- (i) is a suitable entity to hold the licence;
and
- (ii) can carry out the activities authorised,
or to be authorised, under the licence;
and
- (iii) can comply with the conditions, or
proposed conditions, of the licence;
and
- (b) at least 1 of the following applies—
- (i) the nominator holds the licence and has
carried out the activities authorised
under the licence in compliance with
the conditions of the licence;
- (ii) the chief executive is satisfied
paragraph (a)(i), (ii) and (iii) apply to
the nominator;
- (iii) the chief executive is satisfied that, if
the nominee were to cease to be the
licence holder, the nominator could
within a reasonable period nominate
another nominee to hold the licence.
- (3) However—
- (a) the approval of the nominee of a nominator
mentioned in subsection (1)(c) ends if the
application to grant the licence is refused;
and
- 1
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35

[s 234]

- (b) the approval of the nominee of a nominator mentioned in subsection (1)(d) ends if the application to transfer the licence lapses or is refused. 1
2
3
4
- (4) In this section— 5
changeover day, for dissolution of a water authority, means the day the water authority is dissolved under chapter 4, part 7, division 1. 6
7
8

108 Granting resource operations licences and distribution operations licences 9
10

- (1) If a resource operations plan states a process for the granting of a resource operations licence to meet future water requirements, the chief executive must follow and grant the licence in accordance with the process. 11
12
13
14
15
- (2) If a resource operations plan states a process for the granting of a distribution operations licence to meet future water distribution requirements, the chief executive must— 16
17
18
19
 - (a) follow the process; and 20
 - (b) subject to sections 107B(2)(c) and 107C, grant the licence in accordance with the process. 21
22
23
- (3) Within 30 business days after the chief executive grants the licence, the chief executive must— 24
25
 - (a) give the grantee— 26
 - (i) the licence; and 27
 - (ii) if the conditions of the licence include conditions to which the grantee did not agree in writing—an information notice about the decision to impose the conditions; and 28
29
30
31
32

[s 235]

	(b) if the grantee of a distribution operations licence is the approved nominee of the water infrastructure owner—give the water infrastructure owner notice of the granting of the licence.	1 2 3 4 5
	(4) The licence has effect on the day stated in the licence.	6 7
	(5) If the chief executive decides to refuse to approve a nominee to be the holder of a distribution operations licence under section 107C(2), the chief executive must—	8 9 10 11
	(a) give the nominee an information notice about the decision; and	12 13
	(b) give the nominator notice of the decision.	14
Clause 235	Amendment of s 108A (Applying for a distribution operations licence other than under a resource operations plan)	15 16 17
	Section 108A—	18
	<i>insert—</i>	19
	(3) If the application is made by the nominee of the water infrastructure owner, the application must also be supported by sufficient information to enable the chief executive to decide whether or not to approve the nominee under section 107C.	20 21 22 23 24
	(4) In this section—	25
	<i>person</i> includes the nominee of the water infrastructure owner.	26 27
Clause 236	Replacement of s 108B (Additional information may be required)	28 29
	Section 108B—	30
	<i>omit, insert—</i>	31

[s 237]

108B Additional information may be required	1
(1) The chief executive may require either or both of the following to give additional information about the application—	2 3 4
(a) the applicant;	5
(b) if the applicant is the nominee of the water infrastructure owner—the owner.	6 7
(2) The chief executive may require any information included in the application, or any additional information required under subsection (1), to be verified by statutory declaration.	8 9 10 11
(3) If an entity of whom a requirement is made under subsection (1) or (2) fails, without reasonable excuse, to comply with the requirement within the reasonable period stated in the requirement, the application lapses.	12 13 14 15 16

Clause 237 Amendment of s 111 (Amending a licence for consistency with a plan)	17 18
(1) Section 111(2)—	19
<i>insert—</i>	20
(d) for an amendment of a distribution operations licence held by the approved nominee of the water infrastructure owner—give the owner notice of the amendment.	21 22 23 24 25
(2) Section 111(3), ‘notice’—	26
<i>omit, insert—</i>	27
information notice	28

Clause 238 Amendment of s 111A (Amending a licence under a plan process)	29 30
Section 111A(3)—	31

-
- omit, insert—* 1
- (3) Within 30 business days after the chief executive 2
amends the licence, the chief executive must— 3
- (a) give the licence holder— 4
- (i) an amended licence in the approved 5
form; and 6
- (ii) an information notice about the 7
decision to amend the licence; and 8
- (b) for an amendment of a distribution 9
operations licence held by the approved 10
nominee of the water infrastructure 11
owner—give the owner notice of the 12
amendment. 13

**Clause 239 Amendment of s 112 (Other amendments chief executive 14
may make to licence) 15**

- (1) Section 112(1)— 16
- omit, insert—* 17
- (1) The chief executive may amend a condition of a 18
resource operations licence or a distribution 19
operations licence if the chief executive is 20
satisfied— 21
- (a) the licence was granted because of a 22
materially false or misleading representation 23
or declaration made, either orally or in 24
writing, by— 25
- (i) the licence holder; or 26
- (ii) for a distribution operations licence 27
held by the approved nominee of the 28
water infrastructure owner—the owner; 29
or 30
- (b) either or both of the following have 31
contravened this Act— 32

[s 240]

- (i) the licence holder; 1
 - (ii) for a distribution operations licence 2
held by the approved nominee of the 3
water infrastructure owner—the owner. 4
- (2) Section 112(4)— 5
omit, insert— 6
 - (4) If the chief executive is satisfied the proposed 7
amendment should be made, the chief executive 8
must— 9
 - (a) give the holder— 10
 - (i) an amended licence in the approved 11
form; and 12
 - (ii) an information notice about the 13
decision to amend the licence; and 14
 - (b) for an amendment of a condition of a 15
distribution operations licence held by the 16
approved nominee of the water 17
infrastructure owner—give the owner an 18
information notice about the decision to 19
amend the licence. 20

- Clause 240 Amendment of s 113 (Minor, stated or agreed 21
amendments of licence) 22**
- Section 113(2)— 23
omit, insert— 24
- (2) If the chief executive amends a licence under 25
subsection (1), the chief executive must, within 26
30 business days after amending the licence— 27
 - (a) give the holder an amended licence in the 28
approved form; and 29
 - (b) for an amendment of a distribution 30
operations licence held by the approved 31
nominee of the water infrastructure 32

owner—give the owner notice of the 1
amendment. 2

Clause 241 Replacement of ss 114 and 115 3

Sections 114 and 115— 4

omit, insert— 5

114 Applying for transfer of licence 6

(1) The holder of a resource operations licence or a 7
distribution operations licence may apply to the 8
chief executive to transfer all or part of the 9
licence to another entity (the *transferee*) that can 10
hold the licence. 11

(2) If a distribution operations licence is held by the 12
approved nominee of the water infrastructure 13
owner (the *current infrastructure owner*), the 14
current infrastructure owner may also apply, with 15
or without the consent of the approved nominee, 16
to transfer all or a part of the licence to the 17
transferee. 18

(3) The application must be— 19

(a) made to the chief executive in the approved 20
form; and 21

(b) supported by sufficient information to 22
enable the chief executive to decide the 23
application; and 24

(c) accompanied by— 25

(i) the fee prescribed under a regulation; 26
and 27

(ii) if the application is by the approved 28
nominee—the current infrastructure 29
owner’s written consent to the transfer. 30

[s 241]

115 Additional requirements for transfer of distribution operations licence to nominee	1 2
(1) This section applies to an application to transfer all or part of a distribution operations licence if—	3 4
(a) the transferee is the nominee of the current infrastructure owner; or	5 6
(b) the current infrastructure owner is transferring ownership of the water infrastructure to which the licence or part applies to another entity (the <i>incoming owner</i>) and the transferee for the licence or part is the nominee of the incoming owner.	7 8 9 10 11 12
(2) The application must be—	13
(a) accompanied by the written consent of—	14
(i) the current infrastructure owner, unless the owner is the applicant; and	15 16
(ii) the incoming owner; and	17
(b) supported by sufficient information to enable the chief executive to decide whether or not to approve the nominee under section 107C.	18 19 20 21
115A Additional information may be required	22
(1) The chief executive may require all or any of the following to give additional information about the application—	23 24 25
(a) the holder of the resource operations licence or a distribution operations licence;	26 27
(b) the transferee;	28
(c) for an application to transfer all or part of a distribution operations licence, if relevant—	29 30
(i) the current infrastructure owner; or	31
(ii) the incoming owner.	32

	(2)	The chief executive may require information in the application, or any additional information required under subsection (1), to be verified by statutory declaration.	1 2 3 4
	(3)	If an entity of whom a requirement is made under subsection (1) or (2) fails, without reasonable excuse, to comply with the requirement within the reasonable period stated in the requirement, the application lapses.	5 6 7 8 9
Clause 242		Replacement of s 117 (Approving application to transfer licence)	10 11
		Section 117—	12
		<i>omit, insert—</i>	13
		117 Approving application to transfer licence	14
	(1)	If the chief executive decides to approve the application, the chief executive must, within 30 business days after making the decision (the <i>notice period</i>)—	15 16 17 18
	(a)	give the applicant and transferee notice of the decision; and	19 20
	(b)	cancel the existing licence and give a new licence to the transferee.	21 22
	(2)	If the application was for the transfer of all or part of a distribution operations licence, the chief executive must also, within the notice period, give notice of the decision to—	23 24 25 26
	(a)	the current infrastructure owner, unless the owner was the applicant; and	27 28
	(b)	if the transferee is the nominee of the incoming owner—the incoming owner.	29 30
	(3)	If the application was not to transfer all of a licence, the chief executive must, within the notice period, give the holder of the part (the	31 32 33

[s 243]

	<i>remaining part</i>) of the licence that was not transferred an amended licence for the remaining part.	1 2 3
(4)	The new licence takes effect from the day the notice is given under subsection (1)(a).	4 5
Clause 243	Amendment of s 118A (Amalgamating licences)	6
(1)	Section 118A(2), ‘subsection (1) or (1A)’— <i>omit, insert—</i> subsection (1) or (2)	7 8 9
(2)	Section 118A— <i>insert—</i> (2A) If an application under subsection (2) relates to a distribution operations licence held by the approved nominee of the water infrastructure owner, the application must also be accompanied by the owner’s written consent to the amalgamation.	10 11 12 13 14 15 16 17
(2)	Section 118A(4)(a)— <i>omit, insert—</i> (a) give notice of the amalgamation to— (i) the applicant; and (ii) the holder of the other licence; and (iii) if the amalgamation relates to a distribution operations licence mentioned in subsection (4)—the water infrastructure owner; and	18 19 20 21 22 23 24 25 26
(3)	Section 118A(1A) to (5)— <i>renumber</i> as section 118A(2) to (7).	27 28

Clause 244	Amendment of s 119 (Cancelling licence)	1
	Section 119(1)(b) and (c)—	2
	<i>omit, insert—</i>	3
	(b) either of the following has been convicted of an offence against this Act—	4
	(i) the licence holder;	5
	(ii) for a distribution operations licence held by the approved nominee of the water infrastructure owner—the owner;	6
	(c) the licence was granted because of a materially false or misleading representation or declaration made, either orally or in writing, by—	7
	(i) the licence holder; or	8
	(ii) for a licence mentioned in paragraph (b)(ii)—the owner;	9
	(d) for a licence mentioned in paragraph (b)(ii)—	10
	(i) an application to transfer all or part of the licence has lapsed because the approved nominee has not complied with a requirement under section 115A; and	11
	(ii) the water infrastructure owner has requested cancellation of the licence.	12
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		25
Clause 245	Amendment of s 119A (Procedure for cancelling licence)	26
	(1) Section 119A(1)—	27
	<i>omit, insert—</i>	28
	(1) If the chief executive is satisfied a ground exists under section 119 to cancel the licence, the chief executive must—	29
		30
		31

[s 246]

- (a) give a show cause notice about the proposed cancellation to the licence holder; and 1
2
 - (b) for a distribution operations licence held by the approved nominee of the water infrastructure owner—give a copy of the notice to the water infrastructure owner. 3
4
5
6
- (2) Section 119A(2), editor’s note, ‘*Editor’s note*’— 7
omit, insert— 8
Note 9
- (3) Section 119A(3)— 10
omit, insert— 11
 - (3) If the chief executive decides to cancel the licence, the chief executive must, within 10 business days after making the decision, give an information notice about the decision to— 12
13
14
15
 - (a) the licence holder; and 16
 - (b) for a licence mentioned in subsection (1)(b)— the water infrastructure owner. 17
18

Clause 246 Amendment of s 119B (Cancelling licence no longer required) 19
20

- (1) Section 119B(2)— 21
omit, insert— 22
 - (2) If the chief executive decides to cancel a licence under subsection (1) or (2), the chief executive must, within 30 business days after making the decision, give an information notice about the decision to— 23
24
25
26
27
 - (a) the licence holder; and 28
 - (b) for a distribution operations licence held by the approved nominee of the water infrastructure owner— the owner. 29
30
31

-
- (2) Section 119B(3), ‘notice’— 1
omit, insert— 2
information notice 3
- (3) Section 119B(1A) to (3)— 4
renumber as section 119B(2) to (4). 5

Clause 247	Replacement of s 119D (Access for conducting audit reports)	6
	Section 119D—	7
	<i>omit, insert</i> —	8
	119D Access for conducting a relevant audit	9
	(1) This section applies to any of the following entities—	10
	(a) the holder of a resource operations licence;	11
	(b) the holder of a distribution operations licence;	12
	(c) if a distribution operations licence is held by the approved nominee of the water infrastructure owner—the owner.	13
	(2) The entity must give an authorised person free and uninterrupted access to the water infrastructure to which the licence applies and any records relating to the water infrastructure for conducting a relevant audit.	14
	Maximum penalty—200 penalty units.	15
	(3) In this section—	16
	<i>authorised person</i> means a person authorised by the chief executive to participate in conducting a relevant audit.	17
	<i>relevant audit</i> means an audit for preparing an audit report under section 119C.	18
		19
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[s 248]

Clause 248	Insertion of new s 121A	1
	After section 121—	2
	<i>insert—</i>	3
	121A Converting particular forfeited or surrendered interim water allocations	4
		5
	(1) The chief executive may, by gazette notice, convert a forfeited or surrendered interim water allocation managed under a resource operations licence to a water allocation.	6
		7
		8
		9
	<i>Notes—</i>	10
	1 An interim water allocation may be forfeited under section 196 or surrendered under section 197.	11
		12
	2 For a forfeited or surrendered interim water allocation managed under an interim resource operations licence see section 197A.	13
		14
		15
	(2) The notice must state—	16
	(a) the number, recorded in the department's water entitlement registration database, for the interim water allocation; and	17
		18
		19
	(b) the following information about the water allocation—	20
		21
	(i) its nominal volume;	22
	(ii) the location from which, and the purpose for which, the water may be taken under it;	23
		24
		25
	(iii) its conditions;	26
	(iv) the resource operations plan and the resource operations licence under which it is managed;	27
		28
		29
	(v) the priority group to which it belongs.	30
	(3) On the day the notice is gazetted—	31

-
- (a) the interim water allocation ceases to be an interim water allocation and becomes a water allocation with conditions—
- (i) consistent with the strategies for converted interim water allocations stated in the water resource plan for the area to which the water allocation relates and implemented through the resource operations plan for the water resource plan; and
 - (ii) to the extent the strategies do not provide—the chief executive otherwise considers necessary having regard to the plans; and
- (b) the holder of the interim water allocation becomes the holder of the water allocation; and
- (c) the registrar must record on the water allocations register details of the water allocation in accordance with the notice.
- (4) The water allocation has effect when it is recorded.
- (5) The chief executive may—
- (a) transfer the water allocation to—
 - (i) the resource operations licence holder; or
 - (ii) an entity prescribed under a regulation; or
 - (b) deal with the water allocation under section 138(6) to (9) as if it were a forfeited water allocation.

[s 249]

Clause 249	Amendment of s 122A (Chief executive may approve standard supply contracts)	1 2
(1)	Section 122A(4), after ‘granted,’— <i>insert—</i> or converted under section 121A,	3 4 5
(2)	Section 122A(4)— <i>insert—</i> (c) for an allocation converted under section 121A—the allocation is held by the chief executive.	6 7 8 9 10
Clause 250	Amendment of s 132 (Public notice of application to change water allocation)	11 12
(1)	Section 132(2)— <i>omit, insert—</i> (2) The chief executive must give the applicant a notice requiring the applicant to publish stated information in a stated period and in a stated way.	13 14 15 16 17 18
(2)	Section 132(3), (4) and (7), ‘notice’— <i>omit, insert—</i> stated information	19 20 21
(3)	Section 132(5)— <i>omit, insert—</i> (5) If the stated information has been published as required under subsection (2), the applicant must, within 10 business days after the publication of the information, give the chief executive evidence of the publication.	22 23 24 25 26 27 28

Clause 251	Amendment of s 181 (Public notice of application to amend interim resource operations licence)	1 2
(1)	Section 181(2)— <i>omit, insert—</i>	3 4
(2)	The chief executive must give the applicant a notice requiring the applicant to publish stated information in a stated period and in a stated way.	5 6 7 8
(2)	Section 181(3), (4) and (6), ‘notice’— <i>omit, insert—</i> stated information	9 10 11
(3)	Section 181(5)— <i>omit, insert—</i>	12 13
(5)	Within 10 business days after the stated information is published, the applicant must give the chief executive evidence of the publication.	14 15 16
Clause 252	Amendment of s 196 (Forfeiting an interim water allocation)	17 18
(1)	Section 196(2), from ‘to (9)’— <i>omit, insert—</i> to (5) as if the interim water allocation were a water allocation.	19 20 21 22
(2)	Section 196— <i>insert—</i>	23 24
(3)	On the day the forfeiture takes effect, the chief executive may deal with the interim water allocation under—	25 26 27
(a)	if the interim water allocation is managed under a resource operations licence—section 121A; or	28 29 30

[s 253]

	(b) if the interim water allocation is managed under an interim resource operations licence—section 197A.	1 2 3
Clause 253	Amendment of s 197 (Surrendering an interim water allocation)	4 5
	(1) Section 197(3)— <i>omit.</i>	6 7
	(2) Section 197(2A)— <i>renumber</i> as section 197(3).	8 9
	(3) Section 197— <i>insert</i> —	10 11
	(4) On the day the surrender takes effect, the chief executive may deal with the interim water allocation under—	12 13 14
	(a) if the interim water allocation is managed under a resource operations licence—section 121A; or	15 16 17
	(b) if the interim water allocation is managed under an interim resource operations licence—section 197A.	18 19 20
Clause 254	Insertion of new s 197A	21
	After section 197— <i>insert</i> —	22 23
	‘197A Dealing with forfeited or surrendered interim water allocation managed under interim resource operations licence	24 25 26
	(1) This section applies to a forfeited or surrendered interim water allocation managed under an interim resource operations licence.	27 28 29

-
- Note—* 1
- For a forfeited or surrendered interim water allocation 2
managed under a resource operations licence see section 3
121A. 4
- (2) The chief executive may, after consulting the 5
holder of the interim resource operations licence 6
in the way the chief executive considers 7
appropriate— 8
- (a) cancel the interim water allocation if the 9
chief executive is satisfied the interim water 10
allocation should be cancelled; or 11
- (b) deal with the interim water allocation under 12
section 138(6) to (9) as if— 13
- (i) the interim water allocation were a 14
water allocation; and 15
- (ii) for a surrendered interim water 16
allocation—a reference in the section 17
to a forfeited water allocation were a 18
reference to a surrendered interim 19
water allocation; and 20
- (iii) a reference in the section to a resource 21
operations licence were a reference to 22
an interim resource operations licence; 23
or 24
- (c) transfer the interim water allocation under 25
this section to one of the following (the 26
proposed transferee)— 27
- (i) the interim resource operations licence 28
holder; 29
- (ii) an entity prescribed under a regulation. 30
- (3) However, the chief executive may only transfer 31
the interim water allocation if— 32
- (a) the chief executive gives notice to the 33
proposed transferee about the transfer; and 34

[s 255]

	(b) within 20 business days after receiving the notice the proposed transferee makes an application, in the approved form, to the chief executive to transfer the interim water allocation to the proposed transferee.	1 2 3 4 5
	(4) If the chief executive cancels the interim water allocation, the chief executive must give notice of the cancellation to the interim resource operations licence holder.	6 7 8 9
	(5) If subsection (3) has been complied with, the chief executive may transfer the interim water allocation by giving the proposed transferee an interim water allocation on conditions that have the same effect as the conditions on the interim water allocation immediately before it was forfeited or surrendered.	10 11 12 13 14 15 16
Clause 255	Amendment of s 203 (Definitions for pt 6)	17
	Section 203, definition <i>priority group</i> —	18
	<i>omit.</i>	19
Clause 256	Amendment of s 206 (Applying for a water licence)	20
	(1) Section 206(5)—	21
	<i>omit.</i>	22
	(2) Section 206(6)—	23
	<i>renumber</i> as section 206(5).	24
Clause 257	Omission of s 206A (Additional requirements for application by petroleum tenure holder)	25 26
	Section 206A—	27
	<i>omit.</i>	28

Clause 258	Amendment of s 208 (Public notice of application for water licence)	1
		2
	(1) Section 208(2)—	3
	<i>omit, insert—</i>	4
	(2) The chief executive must give the applicant a notice requiring the applicant to publish stated information in a stated period and in a stated way.	5
		6
		7
		8
	(2) Section 208(4), (5) and (8), ‘notice’—	9
	<i>omit, insert—</i>	10
	stated information	11
	(3) Section 208(6)—	12
	<i>omit, insert—</i>	13
	(6) Within 10 business days after the stated information is published, the applicant must give the chief executive evidence of the publication.	14
		15
		16
Clause 259	Amendment of ch 2, pt 6, div 2, sdiv 2 (Contents and conditions of water licence)	17
		18
	Chapter 2, part 6, division 2, subdivision 2, heading, ‘Contents’—	19
	<i>omit, insert—</i>	20
	Contents, terms	21
Clause 260	Amendment of s 213 (Contents of water licence)	22
	Section 213(1)(a), ‘be granted for a stated period’—	23
	<i>omit, insert—</i>	24
	state the term of the licence	25
Clause 261	Insertion of s 213A	26
	Chapter 2, part 6, division 2, subdivision 2—	27

[s 262]

insert—

213A Term of water licence

- (1) A water licence expires at the end of 30 June 2111.
- (2) However, if a water resource plan, a resource operations plan or a wild river declaration states a day for the expiry of a water licence granted by the chief executive in accordance with a process mentioned in section 212(1), the licence expires on—
- (a) if the process was stated in a water resource plan—at the end of the day stated, in the plan, for the expiry of the licence; or
 - (b) if the process was stated in a resource operations plan—at the end of the day stated, in the plan, for the expiry of the licence; or
 - (c) if the process was stated in a wild river declaration—at the end of the day stated, in the declaration, for the expiry of the licence.
- (3) The day stated for the expiry of a water licence under subsection (2) can not be changed to an earlier day after it is first stated for the licence in a water resource plan, a resource operations plan or a wild river declaration.
- (4) This section does not prevent a water licence from being cancelled or surrendered.

Clause 262 Amendment of s 214 (Conditions of water licence)

- (1) Section 214(2)(g)—
omit.
- (2) Section 214(3)—
omit.

Clause 263	Amendment of s 223 (Other transfer of water licence)	1
(1)	Section 223(1) and (2)—	2
	<i>omit, insert—</i>	3
(1)	This section applies if, for a water licence, to take water—	4
	(a) a regulation or resource operations plan states that all or part of the water licence may be—	5
	(i) if the licence attaches to land—transferred so that the whole or the part attaches to other land, whether in or outside Queensland; or	6
	(ii) transferred to a prescribed person; or	7
	(iii) amended to change the location from which the water may be taken or the purpose for which the water may be taken; or	8
	(iv) amalgamated with another licence held or to be held by the transferee; and	9
	(b) a regulation (the <i>process regulation</i>) states the process for dealing with an application for the transfer, amendment or amalgamation.	10
(2)	Section 223(3), ‘regulation’—	11
	<i>omit, insert—</i>	12
	process regulation	13
(3)	Section 223(1) to (6), as amended—	14
	<i>renumber</i> as section 223(1) to (5).	15
Clause 264	Omission of ch 2, pt 7 (Catchment areas)	16
	Chapter 2, part 7—	17
	<i>omit.</i>	18

[s 265]

Clause 265	Amendment of s 382 (Public notice and copies of report)	1
	Section 382(1)(a), from ‘final report’ to ‘website’, second mention—	2
		3
	<i>omit, insert—</i>	4
	final report in the way required by the chief executive	5
Clause 266	Amendment of s 386 (Publishing approval and making report available)	6
		7
	Section 386(1)(a), from ‘approval’ to ‘website’, second mention—	8
	<i>omit, insert—</i>	9
	approval in the way required by the chief executive	10
Clause 267	Amendment of s 391 (Minor or agreed amendments of approved report)	11
		12
	Section 391(5)(a)—	13
	<i>omit, insert—</i>	14
	(a) publish a notice of the amendment in a stated period and in a stated way; and	15
		16
Clause 268	Amendment of s 393 (Other amendments)	17
	Section 393(6), from ‘about’ to ‘website’, second mention—	18
	<i>omit, insert—</i>	19
	about the amendment in the way required by the chief executive	20
		21
Clause 269	Amendment of s 552 (Public notice of proposal to establish a water authority)	22
		23
	Section 552(1), from ‘establishment’ to ‘area’, second mention—	24
	<i>omit, insert—</i>	25
	establishment—	26

	(a) in the gazette; and	1
	(b) in another way the chief executive considers appropriate having regard to the intended audience for the notice	2 3 4
Clause 270	Amendment of s 556 (Amending establishment regulation)	5 6
	Section 556(2)—	7
	<i>omit, insert—</i>	8
	(2) Before an establishment regulation for a water authority is amended, the chief executive must publish notice of the proposed amendment in the same way the chief executive published the notice of the establishment proposal for the water authority.	9 10 11 12 13 14
Clause 271	Amendment of s 598 (Composition of board for water authorities)	15 16
	Section 598(3)—	17
	<i>omit.</i>	18
Clause 272	Amendment of s 598A (Changing the composition of a board)	19 20
	Section 598A(2)—	21
	<i>omit, insert—</i>	22
	(2) The chief executive must publish notice of the proposed change in the same way the chief executive published the notice of the establishment proposal for the water authority.	23 24 25 26
Clause 273	Omission of s 599 (Composition of board for Gladstone Area Water Board)	27 28
	Section 599—	29

[s 274]

omit. 1

Clause 274	Amendment of s 601 (Chairperson)	2
	Section 601(1) and (2)—	3
	<i>omit, insert—</i>	4
	(1) The chairperson of a category 1 water authority's board is the director chosen as chairperson by the chief executive.	5 6 7
	(2) The chairperson of a category 2 water authority's board is the director chosen as chairperson by the directors comprising the board.	8 9 10
Clause 275	Amendment of s 609 (Removal of board)	11
	(1) Section 609(c)—	12
	<i>omit.</i>	13
	(2) Section 609(d) and (e)—	14
	<i>renumber</i> as section 609(c) and (d).	15
Clause 276	Insertion of new ch 4, pt 7, div 1, sdiv 1 hdg	16
	After chapter 4, part 7, division 1 heading—	17
	<i>insert—</i>	18
	Subdivision 1 General procedure	19
Clause 277	Amendment of s 692 (Public notice of proposed amalgamation or dissolution)	20 21
	(1) Section 692(1), from 'dissolution in' to 'area or areas'—	22
	<i>omit, insert—</i>	23
	dissolution—	24
	(a) in the gazette; and	25

	(b) in another way the chief executive considers appropriate having regard to the intended audience for the notice	1 2 3
(2)	Section 692(3)(a), ‘subsection (1)(c)’— <i>omit, insert—</i> subsection (1)(b)	4 5 6
Clause 278	Insertion of new ch 4, pt 7, div 1, sdiv 2 hdg After section 694— <i>insert—</i> Subdivision 2 Additional procedures for conversion to an alternative institutional structure	7 8 9 10 11 12 13
Clause 279	Insertion of new s 695A After section 695— <i>insert—</i> 695A Closed water supply agreement (1) This section applies for a water authority if all the registered owners of land in its authority area being supplied with water enter into a written agreement complying with subsection (2) (a <i>closed water supply agreement</i>) about supplying water to the land. (2) The agreement must state— (a) the water, land and works to which the agreement applies; and (b) the arrangements for supplying the water to each registered owner’s land; and	14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

[s 280]

	(c) the arrangements for the maintenance or replacement of the works and the sharing of the cost of the maintenance or replacement; and	1 2 3 4
	(d) the arrangements for accessing the works; and	5 6
	(e) provisions for the cancellation of the agreement with the consent of all parties.	7 8
(3)	The agreement has effect only when the water authority and its authority area are dissolved under this division.	9 10 11
(4)	While the agreement has effect, the obligations under the agreement on each party attach to the party's land and bind the party and the party's successors in title to the land.	12 13 14 15
(5)	Section 1001(1) to (3) applies to the registration of the agreement as if—	16 17
	(a) a reference in the subsections to the private water supply agreement or agreement were a reference to the closed water supply agreement; and	18 19 20 21
	(b) a reference in the subsections to the parties were a reference to the parties to the closed water supply agreement; and	22 23 24
	(c) a reference in the subsections to relevant land were a reference to the land mentioned in subsection (1).	25 26 27
Clause 280	Amendment of s 696 (Procedure before authority is dissolved to convert to alternative institutional structures)	28 29 30
	Section 696—	31
	<i>insert—</i>	32

[s 281]

	(2)	For subsection (1)(a), an alternative institutional structure consisting of all the parties to a closed water supply agreement is established if—	1 2 3
	(a)	the parties have entered the agreement; and	4
	(b)	section 1001(1) and (2), as applied under section 695A(5), has been complied with.	5 6
	(3)	To remove any doubt, it is declared, for the conversion of a water authority to an alternative institutional structure consisting of all the parties to a closed water supply agreement, that nothing in this Act or the agreement or another document prevents the State from obtaining an indemnity or payment mentioned in subsection (1)(b) from any 1 or more of the parties.	7 8 9 10 11 12 13 14
Clause 281		Amendment of s 703 (Continuing legal proceedings)	15
		Section 703—	16
		<i>insert—</i>	17
	(3)	Also, if a former water authority is converted to an alternative institutional structure consisting of all the parties to a closed water supply agreement, a legal proceeding against the authority that has not been finished before the changeover day may be continued and finished against any 1 or more of the parties.	18 19 20 21 22 23 24
	(4)	Subsection (3) applies despite section 702(1).	25
Clause 282		Omission of s 810 (Using water contrary to approved land and water management plan)	26 27
		Section 810—	28
		<i>omit.</i>	29

[s 283]

Clause 283	Amendment of s 966 (Additional criteria for assessing development applications)	1 2
(1)	Section 966(1)(d) and (2)(d)— <i>omit.</i>	3 4
(2)	Section 966(3) to (5)— <i>omit, insert—</i>	5 6
(3)	Subsection (2) does not limit section 282 or chapter 6, part 5, division 2 of the <i>Sustainable Planning Act 2009</i> .	7 8 9
Clause 284	Amendment of s 967 (Development under Sustainable Planning Act 2009 relating to taking or interfering with water)	10 11 12
(1)	Section 967(1), ‘Subsections (2) and (3) apply’— <i>omit, insert—</i>	13 14
	Subsection (2) applies’	15
(2)	Section 967(4) to (6)— <i>renumber</i> as section 967(5) to (7).	16 17
(3)	Section 967(3)— <i>omit, insert—</i>	18 19
(3)	Subsection (4) applies if—	20
(a)	a person is required to be authorised under this Act to take or interfere with water; and	21 22
(b)	a development approval is required for operational work for the taking or interfering.	23 24 25
(4)	The development approval—	26
(a)	authorises the person to carry out development under the approval only if the person is authorised under this Act to take or interfere with the water; but	27 28 29 30

	(b) does not, of itself, entitle the person to a water entitlement.	1 2
Clause 285	Amendment of s 1007 (Records to be kept in registries)	3
	(1) Section 1007(3) to (6)—	4
	<i>omit.</i>	5
	(2) Section 1007(7) and (8)—	6
	<i>renumber</i> as section 1007(3) and (4).	7
Clause 286	Amendment of s 1014 (Regulation-making power)	8
	Section 1014(2)(ca) and (cb)—	9
	<i>omit.</i>	10
Clause 287	Amendment of s 1162 (Grid customers)	11
	Section 1162(b)—	12
	<i>omit, insert—</i>	13
	(b) Tarong Energy Corporation Limited (ACN 078 848 736) (<i>Tarong Energy</i>).	14 15
	<i>Note for paragraph (b)—</i>	16
	Under the <i>Government Owned Corporations (Generator Restructure) Regulation 2011</i> , Tarong Energy was divested of the assets shown in the Tarong business unit asset schedule and the assets were transferred to Stanwell Corporation Limited (ACN 078 848 674) as the successor in law of Tarong Energy for the Tarong business unit.	17 18 19 20 21 22 23
Clause 288	Insertion of new ch 9, pt 6	24
	Chapter 9—	25
	<i>insert—</i>	26

[s 288]

Part 6	Transitional and validation provisions for Land, Water and Other Legislation Amendment Act 2013	1 2 3 4 5
1235 Term of existing water licence		6
(1)	Subject to any cancellation or surrender of an existing water licence, the licence expires under section 213A despite any period stated on the licence as being the period for which the licence is granted.	7 8 9 10 11
(2)	Also, section 213A(2) does not apply to an existing water licence granted by the chief executive in accordance with a process mentioned in section 212(1).	12 13 14 15
(3)	In this section— <i>existing water licence</i> means a water licence in force immediately before the commencement of this section.	16 17 18 19
1236 Continuation of existing water resource plans		20
(1)	To remove any doubt, it is declared that sections 52A and 52B apply to all existing water resource plans.	21 22 23
(2)	Despite section 52A(3)—	24
(a)	a delayed water resource plan continues in force but expires on 31 August 2014; and	25 26
(b)	a Queensland Murray-Darling plan continues in force but expires on 30 June 2019.	27 28 29
(3)	However, a delayed water resource plan or a Queensland Murray-Darling plan also expires	30 31

when another water resource plan commences if 1
the other water resource plan declares that it 2
replaces the plan. 3

(4) This section does not prevent a delayed water 4
resource plan or Queensland Murray-Darling 5
plan from being repealed before the expiry of the 6
plan. 7

(5) In this section— 8
delayed water resource plans means the 9
following water resource plans— 10

- *Water Resource (Barron) Plan 2002* 11
- *Water Resource (Boyne River Basin) Plan 12
2000* 13
- *Water Resource (Burnett Basin) Plan 2000* 14
- *Water Resource (Pioneer Valley) Plan 2002.* 15

existing water resources plans means a water 16
resource plan in force immediately before this 17
section commences. 18

Queensland Murray-Darling plans means the 19
following water resource plans— 20

- *Water Resource (Border Rivers) Plan 2003* 21
- *Water Resource (Condamine and Balonne) 22
Plan 2004* 23
- *Water Resource (Moonie) Plan 2003* 24
- *Water Resource (Warrego, Paroo, Bulloo 25
and Nebine) Plan 2003.* 26

1237 Land and water management plans 27

(1) If, immediately before the commencement of this 28
section, an application for the approval of, or 29
deferral of the requirement for, a land and water 30
management plan had not been decided, the 31
application lapses. 32

[s 288]

- (2) If a resource operations plan requires a land and water management plan be approved for land before water can be used on the land, the requirement is of no effect and the water may be used on the land despite the requirement in the plan.

1238 Changes affecting category 1 water authority boards

The board for the Gladstone Area Water Board continues to be comprised under repealed section 599 until the composition of the board is changed under section 598A.

1239 Validation relating to Mount Isa Water Board

- (1) This section applies for a person purportedly chosen as chairperson of the Mount Isa Water Board by the chief executive before the commencement of this section.
- (2) The person is declared to always have been validly chosen as chairperson despite previous section 601.
- (3) Anything done or omitted to be done by the person that would have been valid and lawful under this Act had the person been validly chosen is declared to always have been valid and lawful.
- (4) In this section—
previous section 601 means section 601 as in force immediately before the amendment of that section under the *Land, Water and Other Legislation Amendment Act 2013*.

-
- 1240 Removal of particular records from registries** 1
- (1) The registrar of titles may remove a record about 2
a water licence, or an interim water allocation, 3
attaching to particular land from any register the 4
registrar was required to include the record in 5
under previous section 1007. 6
- (2) The registrar of water allocations may remove a 7
record about a land and water management plan 8
being required for the use of water from any 9
register the registrar was required to include the 10
record in under previous section 1007. 11
- (3) In this section— 12
previous section 1007 means section 1007 as in 13
force immediately before the amendment of that 14
section under the *Land, Water and Other* 15
Legislation Amendment Act 2013. 16

- 1241 Amendment of subordinate legislation does 17
not affect powers of Governor in Council 18**
- The amendment of subordinate legislation by the 19
Land, Water and Other Legislation Amendment Act 20
2013 does not affect the power of the Governor in 21
Council to further amend the legislation or to repeal it. 22

- Clause 289 Amendment of sch 4 (Dictionary) 23**
- (1) Schedule 4, definitions *allocation notice*, *alternative* 24
institutional structure, *declared catchment area*, *priority* 25
group and *water monitoring bore*— 26
omit. 27
- (2) Schedule 4— 28
insert— 29
allocation notice— 30

[s 289]

(a) for removal of quarry material—means an allocation notice under chapter 2, part 9; or	1 2
(b) for chapter 4, part 7—see section 696(1)(c).	3
alternative institutional structure includes—	4
(a) a cooperative; and	5
(b) a corporation; and	6
(c) a trust; and	7
(d) an institutional structure consisting of all the parties to a closed water supply agreement.	8 9
approved nominee , for chapter 2, part 4, division 3, see section 107B(2)(c).	10 11
closed water supply agreement see section 695A(1).	12 13
current infrastructure owner , for chapter 2, part 4, division 3, subdivision 4, see section 114(2).	14 15
environmental authority see the <i>Environmental Protection Act 1994</i> , schedule 4.	16 17
incoming owner , for chapter 2, part 4, division 3, subdivision 4, see section 115(1)(b).	18 19
nominator , for chapter 2, part 4, division 3, see section 107C(1).	20 21
nominee , for chapter 2, part 4, division 3, see section 107C(1).	22 23
priority group , for water allocations managed under a resource operations licence, means the allocations that have the same water allocation security objective.	24 25 26 27
transferee , for chapter 2, part 4, division 3, subdivision 4, see section 114(1).	28 29
water infrastructure owner , for a provision about a licence or a proposed licence, means the owner	30 31

-
- of the water infrastructure to which the licence or
proposed licence applies or will apply. 1
2
- water monitoring bore*** see section 362. 3
- (3) Schedule 4, definition *community service obligations*,
paragraph (b)(i)— 4
5
omit, insert— 6
- (i) a direction by the Minister; or 7
- (4) Schedule 4, definition *establishment regulation*, ‘section
598’— 8
9
omit, insert— 10
section 548 11
- (5) Schedule 4, definition *publish*, paragraph 2, from ‘section’ to
‘means’— 12
13
omit, insert— 14
section 22, 26, 29 or 37, means 15
- (6) Schedule 4, definition *publish*, paragraph 3— 16
17
omit, insert— 17
- 3 *Publish*, for information or a notice under 18
another provision of this Act, means to publish 19
the information or notice— 20
- (a) if the provision states the information or 21
notice must be published in the way 22
required by the chief executive—in the way 23
the chief executive, having regard to the 24
intended audience for the information or 25
notice, requires; or 26
- (b) if the provision states the information or 27
notice must be published in another 28
way—in the way stated in the provision; or 29
- (c) otherwise—in the way the person authorised 30
or required to publish the information or 31
notice considers appropriate having regard 32

[s 290]

	to the intended audience for the information or notice.	1 2
(7)	Schedule 4, definition <i>water allocation</i> , after ‘take water’— <i>insert</i> —	3 4
	, and includes an authority to take water converted under section 121A	5 6
Division 3	Amendments commencing by proclamation	7 8
Clause 290	Replacement of s 20 (Authorised taking of, or interference with, water without water entitlement)	9 10
	Section 20— <i>omit, insert</i> —	11 12
	Division 1A Authorised taking of, or interference with, water without water entitlement	13 14 15
	<i>Note</i> —	16
	See, however, section 972C (Offence to take or interfere with water if development permit required).	17 18
	20 General authorisations	19
(1)	A person may do the following—	20
(a)	take water for a public purpose in an emergency situation;	21 22
(b)	take water for fighting a fire;	23
(c)	take water for undertaking routine testing of firefighting equipment;	24 25
(d)	take, or interfere with, water to construct a bore to be used for firefighting;	26 27

-
- | | | |
|-----|--|----------------------------|
| (e) | take water from a watercourse, lake or spring for camping purposes; | 1
2 |
| (f) | take water from a watercourse, lake or spring for watering travelling stock; | 3
4 |
| (g) | interfere with overland flow water. | 5 |
| (2) | A person may, subject to any relevant alteration or limitation prescribed under a moratorium notice, water resource plan or wild river declaration, do the following— | 6
7
8
9 |
| (a) | take water if doing so is necessary to carry out an activity prescribed under a regulation; | 10
11 |
| (b) | take overland flow water for any purpose; | 12 |
| (c) | take or interfere with subartesian water for any purpose. | 13
14 |
| (3) | However— | 15 |
| (a) | subsection (2) does not apply for subartesian water if a regulation under section 1046 regulates the taking of or interfering with the water; and | 16
17
18
19 |
| (b) | a person's right to take or interfere with water under the regulation is subject any relevant alteration or limitation prescribed under a moratorium notice or wild river declaration. | 20
21
22
23
24 |
| (4) | A person may interfere with water if— | 25 |
| (a) | the interference is a diversion of a watercourse and is associated with a resource activity; and | 26
27
28 |
| (b) | the impacts of the interference were assessed as part of a grant of an environmental authority for the resource activity; and | 29
30
31
32 |

[s 290]

(c) the environmental authority was granted 1
with a condition about the diversion of the 2
watercourse. 3

(5) In this section— 4
resource activity see the *Environmental* 5
Protection Act 1994, section 107. 6

20A Land owners 7

(1) An owner of land on which there is water 8
collected in a dam across a watercourse or lake 9
may take the water for stock or domestic 10
purposes. 11

(2) An owner of land adjoining a watercourse, lake 12
or spring may take water from the watercourse, 13
lake or spring for stock or domestic purposes. 14

(3) However, the water can not be taken for domestic 15
purposes if the land is— 16

(a) declared under a regulation; and 17

(b) subdivided after the regulation is made. 18

(4) An owner of land on which there is overland flow 19
water or overland flow water that has been 20
collected into a dam, may take the water for stock 21
or domestic purposes. 22

(5) An owner of land may take water from a 23
watercourse, lake or spring for stock or domestic 24
purposes if— 25

(a) for a watercourse, lake or spring located in 26
the plan area for a water resource plan—the 27
water is taken from a location, and in the 28
way, stated in the plan; or 29

(b) otherwise—the water is taken from a 30
location, and in the way, prescribed under 31
the regulation. 32

-
- (6) In this section— 1
land includes any land contiguous with the land 2
adjoining the watercourse, lake or spring if all the 3
land is owned by the same owner. 4
- 20B Aboriginal and Torres Strait Islander parties** 5
- (1) An Aboriginal party or Torres Strait Islander 6
party may, in the area of the State for which the 7
person is an Aboriginal or Torres Strait Islander 8
party, take or interfere with water for traditional 9
activities or cultural purposes. 10
- (2) In this section— 11
Aboriginal party see the *Aboriginal Cultural* 12
Heritage Act 2003, section 35. 13
cultural purpose means an activity, other than a 14
commercial activity, that supports the 15
maintenance or protection of the following— 16
- (a) Aboriginal cultural heritage within the 17
meaning of the *Aboriginal Cultural* 18
Heritage Act 2003, section 8; 19
- (b) Torres Strait Islander cultural heritage 20
within the meaning of the *Torres Strait* 21
Islander Cultural Heritage Act 2003, 22
section 8. 23
- Torres Strait Islander party* see the *Torres Strait* 24
Islander Cultural Heritage Act 2003, section 35. 25
- traditional activities*, for an Aboriginal party or 26
Torres Strait Islander party, means any of the 27
following activities the party carries out in 28
accordance with Aboriginal tradition or Island 29
custom— 30
- (a) hunting, fishing, gathering or camping; 31
- (b) performing rites or other ceremonies; 32

[s 290]

(c) visiting sites of significance. 1

20C Particular entities 2

- (1) A petroleum tenure holder may take or interfere with water to construct— 3
4
- (a) a water observation bore within the meaning of the *Petroleum Act 1923* or *Petroleum and Gas (Production and Safety) Act 2004*; or 5
6
7
- (b) a water monitoring bore. 8
- (2) A constructing authority or water service provider may take water to operate public showers or toilets. 9
10
11
- (3) A constructing authority may take water to construct or maintain infrastructure if— 12
13
- (a) the construction or maintenance is lawful; and 14
15
- (b) the taking of water for that purpose is prescribed under a regulation; and 16
17
- (c) the constructing authority complies with the following conditions— 18
19
- (i) those prescribed under a regulation; or 20
- (ii) those fixed by the chief executive, by notice given to the constructing authority, about the taking of water. 21
22
23
- (4) The conditions may do all or any of the following— 24
25
- (a) limit the volume of water the constructing authority may take in a year for a particular project; 26
27
28
- (b) limit the volume of water the constructing authority may take from a particular source at a particular location during a stated period; 29
30
31
32

	(c) require the constructing authority to give the chief executive notice of the constructing authority's intention to take water from a particular source;	1 2 3 4
	(d) require the constructing authority to take the water only through a meter of a type approved by the chief executive;	5 6 7
	(e) require the constructing authority to give a written report to the chief executive about stated matters for the water taken;	8 9 10
	<i>Examples of matters about which a report may be required—</i>	11 12
	• the locations from which water was taken	13
	• the source from which the water was taken	14
	• the volume of water taken from a source	15
	• the day on which the water was taken	16
	(f) require the constructing authority to obtain written approval from the operator of a water supply scheme before taking water managed under an interim resource operations licence, resource operations licence or distribution operations licence.	17 18 19 20 21 22
Clause 291	Amendment of s 26 (Moratorium notices)	23
	(1) Section 26(8)(d)— <i>omit.</i>	24 25
	(2) Section 26(8)(e)— <i>renumber</i> as section 26(8)(d).	26 27
Clause 292	Amendment of s 46 (Content of draft water resource plans)	28 29
	(1) Section 46(2)(c) to (l)— <i>renumber</i> as section 42(2)(d) to (m).	30 31

[s 293]

- (2) Section 46(2)— 1
insert— 2
(c) details of locations where, and the way in 3
which, taking water from a watercourse, 4
lake or spring for stock or domestic 5
purposes is intended to be regulated; 6

- Clause 293 Amendment of s 266 (Applying for permit to destroy 7
vegetation, excavate or place fill in a watercourse, lake or 8
spring) 9**
- (1) Section 266, heading, ‘destroy vegetation, excavate’— 10
omit, insert— 11
excavate 12
- (2) Section 266(1)— 13
omit, insert— 14
(1) A person may apply to the chief executive for a 15
permit to do either or both of the following 16
activities— 17
(a) excavate in a watercourse, lake or spring; 18
(b) place fill in a watercourse, lake or spring. 19
- (3) Section 266(4)(b)(i)— 20
omit. 21
- (4) Section 266(4)(b)(ii) and (iii)— 22
renumber as section 266(4)(b)(i) and (ii). 23

- Clause 294 Amendment of s 268 (Criteria for deciding application for 24
a permit to destroy vegetation, excavate or place fill in a 25
watercourse, lake or spring) 26**
- (1) Section 268, heading, from ‘for a permit’— 27
omit. 28
- (2) Section 268(b) and (c)— 29

<i>omit, insert—</i>	1
(b) the quantity and type of material to be excavated or placed;	2 3
(3) Section 268(e)—	4
<i>omit, insert—</i>	5
(e) the quantity and type of vegetation that would be destroyed as a necessary and unavoidable part of the proposed excavation or placing of fill (<i>affected vegetation</i>);	6 7 8 9
(ea) the position in the watercourse, lake or spring of the proposed excavation or placing of fill and any affected vegetation;	10 11 12
(4) Section 268(a) to (ea), as amended—	13
<i>renumber</i> as section 268(a) to (e).	14

Clause 295	Amendment of s 311 (Production of licence to authorised officer)	15 16
	Section 311(5)—	17
	<i>omit, insert—</i>	18
	(5) Subsection (3) does not apply to the individual who is—	19 20
	(a) carrying out an activity under the <i>Mineral Resources Act 1989</i> if the activity would not result in a water bore being left as a functional bore for the supply of water at the end of the activity; or	21 22 23 24 25
	(b) carrying out an activity under the <i>Petroleum Act 1923</i> or the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	26 27 28

Clause 296	Amendment of s 313 (Records of water bores drilled)	29
	Section 313(3), from ‘30 business’ to ‘the water bore’—	30

[s 297]

omit, insert— 1
60 business days after the day the drilling of the water 2
bore starts 3

- Clause 297 Amendment of s 746 (Power to enter land to monitor compliance)** 4
5
(1) Section 746(2), ‘other resources’— 6
omit, insert— 7
quarry material 8
(2) Section 746(2)(a), ‘resource’— 9
omit, insert— 10
quarry material 11

- Clause 298 Amendment of s 748 (Power to enter land to search for unauthorised activities)** 12
13
Section 748(1)(c), ‘other resources’— 14
omit, insert— 15
quarry material 16

- Clause 299 Amendment of s 814 (Destroying vegetation, excavating or placing fill without permit)** 17
18
(1) Section 814, heading, ‘Destroying vegetation, excavating’— 19
omit, insert— 20
Excavating 21
(2) Section 814(1)— 22
omit, insert— 23
(1) A person must not do either of the following 24
activities unless the person has a permit under 25
section 269 to carry out the activity— 26
(a) excavate in a watercourse, lake or spring; 27

(b)	place fill in a watercourse, lake or spring.	1
	Maximum penalty—1665 penalty units.	2
(3)	Section 814(2)—	3
	<i>omit, insert</i> —	4
(2)	Subsection (1) does not apply to the excavation or placing of fill—	5 6
(a)	that is permitted or required, or happens as a necessary and unavoidable part of some other activity that is permitted or required under—	7 8 9 10
(i)	a licence, permit or other authority under another section of this Act; or	11 12
(ii)	a development permit for prescribed assessable development; or	13 14
(b)	that is permitted or required under the <i>River Improvement Trust Act 1940</i> ; or	15 16
(c)	that happens as a necessary and unavoidable part of extracting quarry material or forest products under the <i>Forestry Act 1959</i> ; or	17 18 19
(d)	that happens as a necessary and unavoidable part of the construction of works that are self-assessable development and involve the taking or interfering with water in a watercourse, lake or spring; or	20 21 22 23 24
(e)	that is required or happens as a necessary and unavoidable part of some other activity that is required because of an emergency endangering either of the following, and for which notice is given to the chief executive as soon as practicable after starting to carry out the activity—	25 26 27 28 29 30 31
(i)	the life or health of a person;	32
(ii)	the water quality or physical integrity of a watercourse, lake or spring; or	33 34

[s 300]

	(f) in a watercourse, lake or spring prescribed under a regulation; or	1 2
	(g) in a watercourse, lake or spring in an area prescribed under a regulation; or	3 4
	(h) happening within the quantity limits prescribed under a regulation; or	5 6
	(i) permitted under a regulation.	7
(4)	Section 814(5), definition <i>prescribed assessable development</i> , paragraphs (a) and (b), ‘prescribed under the <i>Sustainable Planning Act 2009</i> , section 232(1)’—	8 9 10
	<i>omit.</i>	11
Clause 300	Amendment of s 816 (Unauthorised water bore activities)	12
(1)	Section 816(2)(b), ‘the <i>Petroleum Act 1923</i> or’—	13
	<i>omit.</i>	14
(2)	Section 816(2)—	15
	<i>insert—</i>	16
	(d) carrying out an activity under the <i>Petroleum Act 1923</i> or the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	17 18 19
Clause 301	Replacement of ch 8, pt 2	20
	Chapter 8, part 2—	21
	<i>omit, insert—</i>	22

Part 2	Relationship with Planning Act	1 2
Division 1	Development applications	3
Subdivision 1	Additional provisions for making development applications	4 5 6
966	Applications for the removal of quarry material	7
	A development application for the removal of quarry material from land leased under the <i>Land Act 1994</i> must be supported by—	8 9 10
	(a) the written consent of the lessee of the land to arrangements about the route the applicant may use across the lessee’s land for the removal of the quarry material; or	11 12 13 14
	(b) if the lessee and the applicant can not agree on arrangements—the arrangements decided by a Magistrates Court.	15 16 17
967	Applications for levees	18
	(1) This section applies—	19
	(a) for a development application for the construction of a new levee or the modification of an existing levee; and	20 21 22
	(b) for the purpose of minimising the adverse impacts levees could have on overland flow water, the catchment, landholders, communities and land planning and emergency procedures.	23 24 25 26 27

[s 301]

- (2) A regulation may make a provision about how the application may, or must, be made or assessed by an assessing authority. 1
2
3
- (3) For example, the regulation may— 4
 - (a) prescribe matters the applicant may, or must, take into account in making the application; or 5
6
7
 - (b) state a code against which the application may, or must, be assessed by an assessing authority. 8
9
10

Subdivision 2 Additional assessment criteria 11
12

968 Chief executive as assessing authority or advice agency 13
14

- (1) This section applies if the chief executive is an assessing authority or advice agency for a development application for— 15
16
17
 - (a) operational work for the taking of or interfering with water; or 18
19
 - (b) the removal of quarry material; or 20
 - (c) operational work in a drainage and embankment area prescribed under section 1014(2)(h) or a wild river floodplain management area or wild river special floodplain management area. 21
22
23
24
25
- (2) The chief executive must, in exercising jurisdiction for the application, assess the application against the purposes of this Act to the extent they relate to the following— 26
27
28
29
 - (a) for development mentioned in subsection (1)(a)—the taking of or interfering with water; 30
31
32

-
- (b) for development mentioned in subsection 1
 - (1)(b)—quarry material; 2
 - (c) for development mentioned in subsection 3
 - (1)(c)—the protection of watercourses and 4
 - water in watercourses. 5

969 New or existing levee 6

- (1) This section applies if the chief executive is an 7
- assessing authority or advice agency for a 8
- development application for— 9
- (a) the proposed construction of a new levee; or 10
- (b) the proposed modification of an existing 11
- levee. 12
- (2) The chief executive must, in exercising 13
- jurisdiction for the application, assess the 14
- application against the purposes of the Act to the 15
- extent they relate to any of the following— 16
- (a) the impacts of the proposed construction or 17
- modification on the catchment in which the 18
- levee would be, or is, situated; 19
- (b) the benefits of the proposed construction or 20
- modification for— 21
- (i) the individual or entity applying to 22
- construct or modify the levee; or 23
- (ii) any nearby community; 24
- (c) the possible adverse impacts of the proposed 25
- construction or modification on landholders 26
- in the catchment, including the risk of levee 27
- failure; 28
- (d) the implications of the proposed 29
- construction or modification for land 30
- planning and emergency management 31
- procedures; 32

[s 301]

(e) whether any structural, land planning or emergency management measures could be taken to mitigate the possible adverse impacts of the proposed construction or modification.	1 2 3 4 5
970 Other assessment criteria and decision stage unaffected by subdivision	6 7
This subdivision does not limit section 282 or chapter 6, part 5, division 2 of the Planning Act.	8 9
Subdivision 3 Additional provisions for wild river areas	10 11
971 Interfering with overland flow water in particular areas	12 13
(1) This section applies to a development application—	14 15
(a) for operational work that is assessable development and is or involves interfering with overland flow water; and	16 17 18
(b) that does not involve prohibited development; and	19 20
(c) to the extent the application relates to operational work in a wild river floodplain management area or wild river special floodplain management area—	21 22 23 24
(i) for specified works in the area; or	25
(ii) stated in the wild river declaration for the area to be assessable development; and	26 27 28
(d) despite the Planning Act, chapter 6, part 3, division 4 and sections 313, 314 and 326.	29 30

-
- (2) For the application, all assessing authority decisions must comply with the applicable code mentioned in the wild river declaration for the area. 1
2
3
4

972 Operational work 5

- (1) This section applies to a development application, other than one to which section 971 applies— 6
7
8
- (a) for operational work in a wild river area that is assessable development and is or allows taking or interfering with water; and 9
10
11
- (b) that does not involve prohibited development; and 12
13
- (c) despite the Planning Act, chapter 6, part 3, division 4 and sections 313, 314 and 326. 14
15
- (2) For the application, all assessing authority decisions must comply with the applicable code mentioned in the wild river declaration for the area. 16
17
18
19

972A Removal of quarry material 20

- (1) This section applies to a development application for development in a wild river area— 21
22
- (a) that is assessable development; and 23
- (b) that is or involves the removal of quarry material for which an allocation notice is required under chapter 2, part 9. 24
25
26
- (2) For the application, all assessing authority decisions must comply with the applicable code mentioned in the wild river declaration for the area. 27
28
29
30

[s 301]

Subdivision 4	Miscellaneous	1
972B	When an applicant may appeal to Land Court	2
(1)	This section applies if—	3
(a)	a person makes a development application for operational work; and	4 5
(b)	the work is related to an activity authorised under the <i>Mineral Resources Act 1989</i> if—	6 7
(i)	the operations allow the taking or interfering with water; or	8 9
(ii)	the operational work—	10
(A)	is the construction of a referable dam; or	11 12
(B)	will increase the storage capacity of a referable dam by more than 10%; and	13 14 15
(c)	the applicant has applied under the <i>Mineral Resources Act 1989</i> for a mining tenement or other authorisation to carry out the work.	16 17 18
(2)	Despite the Planning Act, chapter 7, if the applicant appeals against a decision about the application, the appeal may be to the Land Court.	19 20 21
Division 2	Development permits and development approvals	22 23
972C	Offence to take or interfere with water if development permit required	24 25
(1)	This section applies if—	26
(a)	a person is authorised or required to be authorised under this Act to take or interfere with water; and	27 28 29

-
- (b) under the Planning Act, a development permit is required for works associated with the taking or interfering. 1
2
3
- (2) The person must not take or interfere with the water, unless the person has obtained the development permit. 4
5
6
- Maximum penalty—1665 penalty units. 7
- 972D Additional rights for permits for operational work** 8
9
- (1) A development permit, to the extent it relates to operational work for taking or interfering with water, or the removal of quarry material, from a watercourse or lake, is taken to include a right to use and occupy the part of the watercourse or lake— 10
11
12
13
14
15
- (a) that forms all or part of the boundary of the land to which the development permit attaches; and 16
17
18
- (b) on which the works are situated. 19
- (2) An owner of land carrying out operational work that involves taking water from a watercourse, lake or spring under section 20A(2) and is self-assessable development, is taken to have a right to use and occupy the part of the watercourse or lake— 20
21
22
23
24
25
- (a) that forms all or part of the boundary of the owner's land; and 26
27
- (b) on which the works are situated. 28
- (3) Operational work that allows taking or interfering with water in a watercourse, lake or spring, other than under a relevant provision, and is self-assessable development, is taken to include a right to use and occupy the part of the 29
30
31
32
33

[s 301]

watercourse or lake on which the operations are situated.	1 2
(4) In this section—	3
<i>relevant provision</i> means any of the following—	4
(a) section 20(1)(a) to (f);	5
(b) section 20A(1), (2) or (5);	6
(c) section 20B(1);	7
(d) section 20C(1) or (2).	8
972E Restriction on development approval for operational work	9 10
(1) This section applies if—	11
(a) a person is required to be authorised under this Act to take or interfere with water; and	12 13
(b) a development approval is required for operational work for the taking or interfering.	14 15 16
(2) The development approval—	17
(a) authorises the person to carry out development under the approval only if the person is authorised under this Act to take or interfere with the water; but	18 19 20 21
(b) does not, of itself, entitle the person to a water entitlement.	22 23
972F Allocation of quarry material is subject to approval under Planning Act	24 25
(1) An allocation notice authorises the allocation holder, during the period for which the allocation notice is in force, to access quarry material.	26 27 28
(2) However, the holder must not remove any quarry material under the allocation notice until the	29 30

holder has obtained a development permit for the removal.	1 2
Division 3	
Directions by chief executive	3 4
Subdivision 1	
Direction powers	5
972G Relationship with Planning Act	6
This subdivision applies despite the Planning Act.	7
972H Modification or removal of works	8
(1) This section applies to works—	9
(a) that are used, or could be used, for taking or interfering with water; and	10 11
(b) that, if the works were to be constructed, are either—	12 13
(i) works for which a development application would be required; or	14 15
(ii) works that would be self-assessable development.	16 17
(2) The chief executive may give all or any of the following persons a show cause notice as to why the person should not be required to modify or remove the works—	18 19 20 21
(a) the holder of a water entitlement under which the works are used for taking or interfering with water;	22 23 24
(b) a person who has held a water entitlement under which the works were used for taking or interfering with water;	25 26 27

[s 301]

- (c) the owner of the land on which the works are situated. 1
2
- (3) If, after considering any properly made submissions, the chief executive is still satisfied the works should be modified or removed, the chief executive may give the person a notice directing the person to modify or remove the works. 3
4
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972I Removal of quarry material 9

- (1) The chief executive may give the holder of an allocation notice a show cause notice as to why the holder should not be required to change the way quarry material is removed. 10
11
12
13
- (2) If, after considering any properly made submissions, the chief executive is still satisfied the change should be made, the chief executive may give the holder a notice directing the holder to make the change. 14
15
16
17
18

972J Modification or removal of levees 19

- (1) This section applies to a levee— 20
 - (a) that is used, or could be used, for taking or interfering with water; and 21
22
 - (b) that, if the levee were to be constructed or modified, is either— 23
24
 - (i) a levee for which a development application would be required; or 25
26
 - (ii) a levee that would be self-assessable development. 27
28
- (2) The chief executive may give the owner of the land on which the levee is situated a show cause notice as to why the owner should not be required to modify or remove the levee. 29
30
31
32

-
- (3) If, after considering any properly made submissions, the chief executive is still satisfied the levee should be modified or removed, the chief executive may give the owner a notice directing the owner to modify or remove the levee.

Subdivision 2 Effect of directions

972K Application of sdiv 2

This subdivision applies if a direction is given under subdivision 1.

972L Direction is a compliance notice

For this Act, the direction is taken to be a compliance notice.

972M When direction takes effect

The direction takes effect on the later of the following—

- (a) at the end of the period to appeal against the direction as a compliance notice;
- (b) if an appeal is made, when the appeal is decided if the decision is to confirm the giving of the direction.

972N Effect on development permit

- (1) Any development permit to which directions relate is changed to include the direction.
- (2) If the direction is inconsistent with any other provision of the development permit, the

[s 302]

	direction prevails to the extent of the inconsistency.	1 2	
	9720 Offence to fail to comply with direction	3	
	A person to whom the direction is given must comply with the direction, unless the person has a reasonable excuse.	4 5 6	
	Maximum penalty—1665 penalty units.	7	
Clause 302	Amendment of s 1014 (Regulation-making power)	8	
	(1) Section 1014(2)—	9	
	<i>insert—</i>	10	
	(n) provide for the control and management of the construction of new levees and the modification of existing levees to minimise the adverse impacts levees have on overland flow water, the catchment, landholders, communities and land planning and emergency procedures.	11 12 13 14 15 16 17	
Clause 303	Insertion of new ch 9, pt 6, div 1, hdg	18	
	Before section 1235—	19	
	<i>insert—</i>	20	
	Division 1	Miscellaneous transitional and validation provisions	21 22
Clause 304	Insertion of new s 1242	23	
	Chapter 9, part 6—	24	
	<i>insert—</i>	25	

1242 References to section 20 of this Act

- (1) A reference in another Act or a document to section 20 as in force immediately before the replacement of that section under the amending Act (the *replaced section*) may, if the context permits, be taken as a reference to any provision of this Act, chapter 2, part 2, division 1A all or part of which corresponds, or substantially corresponds, to the replaced section.
- (2) To remove any doubt, it is declared that for the *Acts Interpretation Act 1954*, section 14H, the Act, chapter 2, part 2, division 1A as inserted under the amending Act, part 19 is a remake of section 20 as in force immediately before the commencement of section 290 of the amending Act.
- (3) In this section—
amending Act means the *Land, Water and Other Legislation Act 2013*.

Clause 305 Insertion of new ch 9, pt 6, divs 2 and 3 20
After section 1242— 21
insert— 22

Division 2 Transitional provisions 23
about the destruction of 24
vegetation in a 25
watercourse, lake or 26
spring 27

1243 Definitions for div 2 28
In this division— 29
commencement means the commencement of the 30
provision in which the word appears. 31

[s 305]

destruction activity means the destruction of 1
vegetation in a watercourse, lake or spring, other 2
than as a necessary and unavoidable part of 3
excavation or placing of fill authorised under a 4
permit issued under section 269(1). 5

destruction permit see section 1245(1). 6

1244 Existing applications 7

- (1) This section applies if, immediately before the 8
commencement— 9
 - (a) an application for a permit has been made 10
under section 266; and 11
 - (b) the permit has not been issued under section 12
269. 13
- (2) The application lapses to the extent it relates to a 14
destruction activity. 15

1245 Existing permits 16

- (1) This section applies for a permit granted under 17
section 269(1) for a destruction activity (a 18
destruction permit) if— 19
 - (a) the destruction permit is in force 20
immediately before the commencement; and 21
 - (b) the activity relates to an area of vegetation 22
less than 0.5ha within a watercourse, lake or 23
spring; and 24
 - (c) there is no development approval for the 25
activity. 26
- (2) From the commencement— 27
 - (a) the activity is taken, until the expiry of the 28
destruction permit, to be assessable 29
development for which a development 30

approval, in the form of a development permit, has been granted; and	1 2
(b) the area of vegetation is taken to be the land to which the development approval is attached; and	3 4 5
(c) the destruction permit has effect, until its expiry, as if it were the development permit for the destruction activity; and	6 7 8
(d) any condition of the destruction permit takes effect as if it were a condition of the development permit.	9 10 11
1246 Destruction of vegetation carried out under guidelines	12 13
(1) This section applies if, immediately before the commencement—	14 15
(a) a person is carrying out destruction of vegetation in a watercourse, lake or spring under one of the following documents approved by the chief executive (the <i>activity guidelines</i>)—	16 17 18 19 20
(i) the document called ‘Guideline—Activities in a watercourse, lake or spring carried out by an entity’;	21 22 23 24
(ii) the document called ‘Guideline—Activities in a watercourse, lake or spring associated with a resource activity or mining operations’;	25 26 27 28 29
(iii) the document called ‘Guideline—Activities in a watercourse, lake or spring carried out by a landowner’;	30 31 32 33

[s 305]

- (iv) the document called
‘Guideline—Activities in a
watercourse or lake undertaken by a
holder of an interim resource
operations licence, resource operations
licence or distribution operations
licence’; and
 - (b) there is no development approval for the
destruction; and
 - (c) the destruction is not a destruction activity
for which—
 - (i) a permit has been issued to the person
under section 269(1); or
 - (ii) the person has applied, under section
266, for a permit that has not been
issued under section 269(1).
- (2) From the commencement—
 - (a) the destruction is taken to be assessable
development for which a development
approval has been granted; and
 - (b) the area of vegetation is taken to be the land
to which the development approval is
attached; and
 - (c) the development approval has effect as if it
were a development approval for the
destruction; and
 - (d) any requirement of the activity guidelines
takes effect as if it were a development
condition of the development approval.

Division 3	Transitional provisions for existing levees	1 2
1247 Existing levees		3
(1)	Chapter 8, part 2, division 3, and a regulation made under section 1014(2)(n) do not apply to an existing levee.	4 5 6
(2)	In this section— <i>existing levee</i> means a levee—	7 8
(a)	that—	9
(i)	was under construction when section 967 commenced; and	10 11
(ii)	has not been modified since the construction of the levee was completed or otherwise came to an end; or	12 13 14 15
(b)	that was existing on the commencement and has not been modified since.	16 17
1248 References to particular provisions of this Act		18 19
(1)	A reference in another Act or a document to a particular provision of the Act, chapter 8, part 2 as in force immediately before the commencement of section 301 of the amending Act (the <i>replaced provision</i>) may, if the context permits, be taken as a reference to any provision of this Act, chapter 8, part 2 all or part of which corresponds, or substantially corresponds, to the replaced provision.	20 21 22 23 24 25 26 27 28
	<i>Example—</i>	29
	A reference in another Act to section 966A omitted and remade under the amending Act, part 19 is taken to be a reference to section 972 (Operational work) of this Act.	30 31 32

[s 306]

- (2) To remove any doubt, it is declared that for the *Acts Interpretation Act 1954*, section 14H, the Act, chapter 8, part 2 as omitted and remade under the amending Act, part 19 is a remake of the Act, chapter 8, part 2 as in force immediately before the commencement of section 301 of the amending Act.
- (3) In this section—
amending Act means the *Land, Water and Other Legislation Act 2013*.

Clause 306 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definition *referral agency*—
omit.
- (2) Schedule 4—
insert—
advice agency see the Planning Act, section 250.
assessable development means assessable development prescribed under the Planning Act, section 232(1).
assessing authority, for a development application, means any relevant assessment manager or concurrence agency under the Planning Act.
irrigation infrastructure means water infrastructure or other infrastructure constructed, erected or installed for the supply of water or the storage and distribution of water for the irrigation of crops or pastures.
Examples of irrigation infrastructure—
a supply channel, head ditch or tailwater drain
levee—

-
- 1 A *levee* is an artificial embankment or 1
structure which prevents or reduces the flow 2
of overland flow water onto or from land. 3
- 2 A *levee* includes levee-related infrastructure. 4
- 3 However, the following are not levees— 5
- (a) prescribed farming activities; 6
 - (b) fill that is— 7
 - (i) deposited at a place for gardens or 8
landscaping, including, for 9
example, landscaping for the 10
purposes of visual amenity or 11
acoustic screening; and 12
 - (ii) less than the volume of material 13
prescribed under a regulation; 14
 - (c) infrastructure used to safeguard life 15
and property from the threat of coastal 16
hazards; 17
 - (d) a structure regulated under another Act 18
including, for example, the 19
following— 20
 - (i) a levee constructed as emergency 21
work under the Planning Act, 22
section 584 or 585; 23
 - (ii) a structure constructed under an 24
approved plan under the *Soil* 25
Conservation Act 1986; 26
 - (iii) a structure whose design takes 27
into account the impacts of 28
flooding or flood mitigation but 29
which is not primarily designed 30
for flood mitigation; 31
- Example—* 32
- a public road within the meaning of 33
the *Transport Infrastructure Act 1994* 34
-

[s 306]

- (iv) a structure constructed within the bed, or across a bank, of a watercourse, including, for example, a weir or barrage, the construction of which was carried out under this Act and for which a development permit under the Planning Act was given;
- (v) an embankment or other structure constructed for long-term storage of water under the Water Supply Act;
- Examples—*
a ring tank or dam
- (e) irrigation infrastructure that is not levee-related infrastructure.
- levee-related infrastructure***, for a levee, means infrastructure, including irrigation infrastructure, that is—
- (a) connected with the construction or modification of the levee; or
- (b) used in the operation of the levee to prevent or reduce the flow of overland water onto or from land.
- Examples of infrastructure for paragraph (b)—*
a channel, drain, outfall or pipe
- Planning Act*** means the *Sustainable Planning Act 2009*.
- prescribed farming activities*** means—
- (a) cultivating soil; or
- Examples—*
clearing, replanting and broadacre ploughing
- (b) disturbing soil to establish non-indigenous grasses, legumes or forage cultivars; or

-
- (c) using land for horticulture or viticulture; or 1
- (d) laser levelling or contouring soil. 2
- self-assessable development*** means 3
self-assessable development prescribed under the 4
Planning Act, section 232(1). 5
- (3) Schedule 4, definition *dam*, paragraph 3— 6
insert— 7
- (d) a levee. 8
- (4) Schedule 4, definition *fill*, after ‘part 8’— 9
insert— 10
and definition *levee*, paragraph 3 11
- (5) Schedule 4, definitions *applicable code*, *assessment manager*, 12
concurrence agency, *development*, *development approval*, 13
development permit, *operational work*, *premises*, paragraph 14
(a), *prohibited development* and *urban area*, ‘*Sustainable* 15
Planning Act 2009’— 16
omit, insert— 17
Planning Act 18
- (6) Schedule 4, definition *Sustainable Planning Act 2009* 19
offence— 20
omit, insert— 21
- Planning Act offence*** means an offence against 22
the Planning Act, section 574, 578(1), 579, 23
580(1), 581, 582 or 594(1) to the extent the 24
section relates to the taking of, or interfering 25
with, water. 26

[s 307]

Part 20 **Amendment of Water Supply (Safety and Reliability) Act 2008** 1
2

Clause 307 Act amended 3

This part amends the *Water Supply (Safety and Reliability) Act 2008*. 4
5

Note— 6

See also the amendments in schedule 1. 7

Clause 308 Amendment of s 12 (Register of service providers) 8

(1) Section 12(3), ‘person’— 9

omit, insert— 10

entity 11

(2) Section 12(3)(c) and (d)— 12

omit, insert— 13

(c) details of the infrastructure operated by the 14
service provider to supply the relevant water 15
or sewerage service; 16

(d) if the service provider appoints another 17
entity (*an operating agent*) to operate the 18
infrastructure for the service provider—the 19
operating agent’s name and contact details; 20

Clause 309 Amendment of s 13 (Requirement for responsible entity to give information) 21
22

Section 13, definition *responsible entity—* 23

insert— 24

(d) if a service provider is the prescribed related 25
entity of the relevant infrastructure 26
owner—the owner. 27

Clause 310	Amendment of s 20 (Who must apply for registration as a service provider)	1
		2
(1)	Section 20(1), ‘persons’—	3
	<i>omit, insert—</i>	4
	entities	5
(2)	Section 20(1)(c)—	6
	<i>omit, insert—</i>	7
	(c) 1, but not both, of the following—	8
	(i) an entity (the <i>relevant infrastructure owner</i>) who is the owner of 1 or more	9
	elements of infrastructure (the <i>relevant infrastructure</i>) for supplying a water	10
	or sewerage service for which a charge	11
	is intended to be made;	12
	(ii) an entity (the <i>prescribed related entity</i>)	13
	that is prescribed under a regulation as	14
	a related entity of the relevant	15
	infrastructure owner.	16
(3)	Section 20(2)—	17
	<i>renumber</i> as section 20(3).	18
(4)	Section 20—	19
	<i>insert—</i>	20
	(2) For subsection (1)(c)(ii), the prescribed related	21
	entity must be nominated by the relevant	22
	infrastructure owner to operate the relevant	23
	infrastructure to supply the service, whether	24
	before or after the relevant infrastructure owner	25
	becomes the owner of the relevant infrastructure.	26
		27
		28
Clause 311	Replacement of ss 21 and 22	29
	Sections 21 and 22—	30
	<i>omit, insert—</i>	31

[s 311]

21	Applying for registration as a service provider	1
(1)	An application for registration as a service provider must be—	2 3
(a)	made to the regulator in the approved form; and	4 5
(b)	supported by sufficient information to enable the regulator to decide the application; and	6 7 8
(c)	accompanied by—	9
(i)	the fee prescribed under a regulation; and	10 11
(ii)	if the applicant is the prescribed related entity of the relevant infrastructure owner—the owner’s written consent to the registration of the prescribed related entity.	12 13 14 15 16
(2)	The regulator may require either or both of the following to give additional information about the application—	17 18 19
(a)	the applicant;	20
(b)	if the applicant is the prescribed related entity of the relevant infrastructure owner—the owner.	21 22 23
(3)	The regulator may require the information included in the application, or the additional information required under subsection (2), to be verified by statutory declaration.	24 25 26 27
22	Registration as a service provider	28
(1)	This section applies if the regulator is satisfied—	29
(a)	the applicant has complied with section 21(1); and	30 31

-
- (b) an entity of whom a requirement is made under section 21(2) or (3) has complied with the requirement; and
- (c) for an applicant who is the prescribed related entity of the relevant infrastructure owner—
- (i) the applicant can exercise the powers of a service provider under this Act for supplying the water or sewerage service to which the application relates; and
 - (ii) without limiting subparagraph (i), the contractual arrangements between the applicant and the relevant infrastructure owner adequately provide for the applicant to operate the infrastructure to supply the water or sewerage service; and
 - (iii) if the applicant were to stop supplying, or cease to be the service provider for, the water or sewerage service, the relevant infrastructure owner could within a reasonable period nominate another entity to operate the infrastructure to supply the water or sewerage service.
- (2) The regulator must—
- (a) register the applicant in the service provider register as the service provider for the water or sewerage service to which the application relates; and
 - (b) give notice of the registration to—
 - (i) the applicant; and
 - (ii) if the applicant is the prescribed related entity of the relevant infrastructure owner—the owner.
-

[s 312]

	(3)	The registration takes effect the day the regulator registers the applicant under subsection (2)(a).	1 2
		Subdivision 2 Changing registration details	3 4
Clause 312		Amendment of s 23 (Applying to amend service provider's details of registration)	5 6
	(1)	Section 23, heading, 'amend'— <i>omit, insert—</i> change	7 8 9
	(2)	Section 23(2)— <i>omit, insert—</i> (2) The application must be— (a) made to the regulator in the approved form; and (b) if the service provider is the prescribed related entity of the relevant infrastructure owner—accompanied by the owner's written consent to the changes.	10 11 12 13 14 15 16 17 18
	(3)	Section 23(3)(b), 'amendments'— <i>omit, insert—</i> changes	19 20 21
	(4)	Section 23(3)— <i>insert—</i> (c) if the service provider is the prescribed related entity of the relevant infrastructure owner—give the owner notice of the changed details.	22 23 24 25 26 27

Clause 313	Replacement of ss 24 and 25	1
	Sections 24 and 25—	2
	<i>omit, insert—</i>	3
	Subdivision 3 Transferring registration	4
	24 Definitions for sdiv 3	5
	In this subdivision—	6
	<i>current infrastructure owner</i> see section 25(1).	7
	<i>incoming related entity</i> , of the current or new infrastructure owner, means the entity that the current or new infrastructure owner proposes to nominate, under section 20(2), to operate the infrastructure to supply the relevant service when the registration for the service is transferred under this subdivision.	8 9 10 11 12 13 14
	<i>new infrastructure owner</i> see section 25(2)(a).	15
	<i>new service provider</i> see section 25B(2)(c).	16
	<i>outgoing related entity</i> , of the current infrastructure owner, means the prescribed related entity of the current infrastructure owner who is the service provider for the relevant service until the registration for the service is transferred under this subdivision.	17 18 19 20 21 22
	<i>relevant service</i> see section 25(1).	23
	25 Application of sdiv 3	24
	(1) This subdivision applies if the owner (the <i>current infrastructure owner</i>) of infrastructure for a registered service (the <i>relevant service</i>) intends to transfer the registration as service provider for the relevant service to the incoming related entity of the current infrastructure owner.	25 26 27 28 29 30

[s 313]

- (2) This subdivision also applies if the current infrastructure owner intends to transfer—
- (a) the ownership of the infrastructure for the relevant service to another entity (the *new infrastructure owner*); and
 - (b) the registration as service provider for the relevant service to 1 of the following—
 - (i) the new infrastructure owner;
 - (ii) the incoming related entity of the new infrastructure owner.
- (3) Subsections (1) and (2)(b) apply whether the current infrastructure owner or the outgoing related entity of the current infrastructure owner is the service provider for the relevant service.

25A Notice of transfer

- (1) The current infrastructure owner must give the regulator notice (the *transfer notice*) of the proposed transfer.
- (2) The transfer notice must be—
- (a) in the approved form; and
 - (b) accompanied by the fee prescribed under a regulation.
- (3) The regulator may require the following to give additional information about the transfer notice—
- (a) the current infrastructure owner;
 - (b) any of the following, if relevant to the proposed transfer—
 - (i) the outgoing related entity of the current infrastructure owner;
 - (ii) the incoming related entity of the current infrastructure owner;

-
- (iii) the new infrastructure owner; 1
 - (iv) the incoming related entity of the new 2
infrastructure owner. 3
 - (4) The regulator may require the information 4
included in the transfer notice, or the additional 5
information required under subsection (3), to be 6
verified by statutory declaration. 7

**25B Registering new service provider for 8
transferred service 9**

- (1) This section applies if the regulator is satisfied— 10
 - (a) the current infrastructure owner has 11
complied with section 25A(1) and (2); and 12
 - (b) an entity of whom a requirement is made 13
under section 25A(3) or (4) has complied 14
with the requirement; and 15
 - (c) for a proposed service provider who is the 16
incoming related entity of the current or new 17
infrastructure owner— 18
 - (i) the entity has been nominated under 19
section 20(2) and prescribed under 20
section 20(1)(c)(ii) as the prescribed 21
related entity of the current or new 22
infrastructure owner; and 23
 - (ii) the entity can exercise the powers of a 24
service provider under this Act for 25
supplying the relevant service; and 26
 - (iii) without limiting subparagraph (ii), the 27
contractual arrangements between the 28
entity and the current or new 29
infrastructure owner adequately 30
provide for the entity to operate the 31
infrastructure to supply the relevant 32
service; and 33

[s 313]

- (iv) if the entity were to stop supplying, or
cease to be the service provider for, the
relevant service, the current or new
infrastructure owner could within a
reasonable period nominate another
entity to operate the infrastructure to
supply the relevant service. 1
2
3
4
5
6
7
- (2) The regulator must— 8
 - (a) cancel the service provider’s registration for 9
the relevant service; and 10
 - (b) give notice of the cancellation to— 11
 - (i) the current infrastructure owner; and 12
 - (ii) if the service provider was the outgoing 13
related entity of the current 14
infrastructure owner—the outgoing 15
related entity; and 16
 - (c) register the following (the *new service 17
provider*) in the service provider register as 18
the service provider for the relevant 19
service— 20
 - (i) for a transfer of registration under 21
section 25(1)—the incoming related 22
entity of the current infrastructure 23
owner; 24
 - (ii) for a transfer of registration under 25
section 25(2)(b)(ii) for which the 26
regulator is satisfied of the matters 27
mentioned in subsection (1)(c)—the 28
incoming related entity of the new 29
infrastructure owner; 30
 - (iii) for a transfer of registration under 31
section 25(2) to which subparagraph 32
(ii) does not apply—the new 33
infrastructure owner; and 34
 - (d) give notice of the registration to— 35

-
- (i) the new service provider; and 1
 - (ii) if the new service provider is the 2
incoming related entity of the current 3
infrastructure owner—the current 4
infrastructure owner; and 5
 - (iii) if the new service provider is the 6
incoming related entity of the new 7
infrastructure owner—the new 8
infrastructure owner. 9
- (3) The registration— 10
- (a) must not be on a day earlier than the day the 11
regulator received the transfer notice under 12
section 25A; but 13
 - (b) may be on a later day, if agreed in writing 14
between— 15
 - (i) the current infrastructure owner; and— 16
 - (ii) either— 17
 - (A) for a transfer of registration under 18
section 25(1)—the new service 19
provider; or 20
 - (B) for a transfer of registration under 21
section 25(2)—the new 22
infrastructure owner. 23

**25C Compliance notice taken to have been given 24
to new service provider 25**

- (1) This section applies if— 26
 - (a) the regulator has given a service provider 27
(the *original service provider*) a compliance 28
notice; and 29
 - (b) the original service provider’s registration as 30
service provider is transferred under this 31
subdivision; and 32

[s 314]

	(c) the original service provider has not complied with the compliance notice before the new service provider is registered under section 25B(2)(c).	1 2 3 4
	(2) Subject to subsection (3), the new service provider is taken to have been the original service provider given the compliance notice.	5 6 7
	(3) For subsection (2)—	8
	(a) the compliance notice is taken to have been given to the original service provider on the day the new service provider is registered; and	9 10 11 12
	(b) a period to remedy a contravention or comply with a requirement, however provided for in the compliance notice, is taken to be the equivalent period starting on the day the new service provider is registered.	13 14 15 16 17 18
	<i>Example—</i>	19
	A compliance notice states a day, that is 30 business days after the notice is issued, by which a contravention is required to be remedied. The period for remedying the contravention is taken to be 30 business days after the new service provider is registered.	20 21 22 23 24 25
	Subdivision 4 Cancellling registration other than for transfer	26 27
Clause 314	Amendment of s 26 (Notice of intention to stop operating as a service provider)	28 29
	(1) Section 26(2), from ‘The service provider’ to ‘the notice.’— <i>omit, insert—</i>	30 31

-
- The service provider must, unless the service provider
has a reasonable excuse, give at least 60 business days
notice of the possible stoppage to—
- (a) the regulator; and
 - (b) if the service provider is the prescribed
related entity of the relevant infrastructure
owner—the owner.
- (2) Section 26(4)—
omit, insert—
- (4) The regulator may require either or both of the
following to give additional information about
the notice—
 - (a) the service provider;
 - (b) if the service provider is the prescribed
related entity of the relevant infrastructure
owner—the owner.
 - (4A) The regulator may require any information
included in the notice, or any additional
information required under subsection (4), to be
verified by statutory declaration.
- (3) Section 26(5), ‘If the service provider fails’—
omit, insert—
- If a requirement is made of the service provider under
subsection (4) or (5) and the service provider fails
- (4) Section 26(7)—
omit, insert—
- (7) If the service provider stops supplying the
service, the service provider must, within 5
business days after stopping supply, give notice
of the stoppage to—
 - (a) the regulator; and

[s 315]

	(b) if the service provider is the prescribed related entity of the relevant infrastructure owner—the owner.	1 2 3
(5)	Section 26(4A) to (8)— <i>renumber</i> as section 26(5) to (9).	4 5
Clause 315	Replacement of s 27 (Cancellation of registration)	6
	Section 27—	7
	<i>omit, insert—</i>	8
	27 Cancellation of registration if service provider stops supplying service	9 10
	If the regulator receives a notice under section 26(8), the regulator must—	11 12
	(a) cancel the service provider’s registration as a service provider for the infrastructure and services to which the notice relates; and	13 14 15
	(b) give notice of the cancellation to—	16
	(i) the service provider; and	17
	(ii) if the service provider was the prescribed related entity of the relevant infrastructure owner—the owner.	18 19 20
Clause 316	Amendment of s 28 (Applying for cancellation of registration as service provider)	21 22
(1)	Section 28— <i>insert—</i>	23 24
	(2A) If the service provider is the prescribed related entity of the relevant infrastructure owner, the service provider must give the owner notice of the application.	25 26 27 28
(2)	Section 28(4)— <i>omit, insert—</i>	29 30

	(4)	If the regulator is satisfied the applicant has complied with subsections (2) and (3) and any requirement under subsection (4), the regulator must—	1 2 3 4
	(a)	cancel the service provider’s registration as a service provider for the infrastructure and services to which the application relates; and	5 6 7 8
	(b)	give notice of the cancellation to—	9
	(i)	the service provider; and	10
	(ii)	if the service provider was the prescribed related entity of the relevant infrastructure owner—the owner.	11 12 13
	(3)	Section 28(2A) to (4)—	14
		<i>renumber</i> as section 28(3) to (5).	15
Clause 317		Insertion of new ch 2, pt 3, div 1, sdiv 5, hdg	16
		After section 28—	17
		<i>insert</i> —	18
		Subdivision 5 Other matters	19
Clause 318		Amendment of s 30 (Reviewing and changing service provider registration details)	20 21
	(1)	Section 30(3)—	22
		<i>insert</i> —	23
	(c)	if the service provider is the prescribed related entity of the relevant infrastructure owner—give the owner notice of the changed details.	24 25 26 27
	(2)	Section 30—	28
		<i>relocate</i> to chapter 2, part 3, division 1, subdivision 2, as inserted by this Act, and <i>renumber</i> as section 23A.	29 30

[s 319]

Clause 319	Insertion of new ss 30 and 30A	1
	After section 29—	2
	<i>insert—</i>	3
	30 Operation of infrastructure by prescribed related entity	4
		5
	(1) This section applies to a service provider that is the prescribed related entity of the relevant infrastructure owner for a registered service of the service provider.	6 7 8 9
	(2) To remove any doubt, it is declared that the service provider can operate the infrastructure for the service under this chapter as if it were the owner.	10 11 12 13
	(3) Subsection (2) applies despite a contract, covenant or claim of right under a law of a State.	14 15
	30A Ownership and operation of service provider's infrastructure that is part of land	16 17
	(1) This section applies to—	18
	(a) the ownership of a service provider's infrastructure; or	19 20
	(b) a service provider's operation of the service provider's infrastructure under this chapter.	21 22
	(2) Neither the ownership nor the operation of the service provider's infrastructure is affected only because—	23 24 25
	(a) the infrastructure is, or becomes, part of land; or	26 27
	(b) the land of which the infrastructure is a part is sold or otherwise disposed of.	28 29
	(3) The infrastructure can not be—	30
	(a) levied or seized in execution; or	31

	(b) sold in exercise of a power of sale or otherwise disposed of by a process under a law of a State taken against the holder or the owner of the land.	1 2 3 4
	(4) This section applies despite—	5
	(a) an Act or law of a State; or	6
	(b) a contract, covenant or claim of right under a law of a State.	7 8
Clause 320	Amendment of s 31 (Definition for div 2)	9
	Section 31, definition <i>place</i> , ‘part of a place’—	10
	<i>omit, insert—</i>	11
	building or structure	12
Clause 321	Amendment of s 49 (Liability of service providers for negligence)	13 14
	(1) Section 49, heading—	15
	<i>omit, insert—</i>	16
	49 Liability of service providers and others for particular events or circumstances	17 18
	(2) Section 49(1), ‘A service provider’—	19
	<i>omit, insert—</i>	20
	A service provider, entity operating a service provider’s infrastructure, relevant infrastructure owner	21 22
	(3) Section 49(1) and (3), ‘relevant water infrastructure’—	23
	<i>omit, insert—</i>	24
	special infrastructure	25
	(4) Section 49(1) and (2), ‘affected party’—	26
	<i>omit, insert—</i>	27
	indemnified party	28

[s 322]

Clause 322	Amendment of s 71 (Preparing strategic asset management plan)	1
		2
	Section 71—	3
	<i>insert—</i>	4
	(4) If the service provider is the prescribed related entity of the relevant infrastructure owner, the plan must also be accompanied by the owner’s written agreement to the plan.	5
		6
		7
		8
Clause 323	Amendment of s 74 (Approving strategic asset management plan)	9
		10
	Section 74(1)—	11
	<i>insert—</i>	12
	(c) for a service provider who is the prescribed related entity of the relevant infrastructure owner—the plan was not accompanied by the owner’s written agreement.	13
		14
		15
		16
Clause 324	Amendment of s 75 (Refusing to approve strategic asset management plan)	17
		18
	(1) Section 75(1), ‘engineer’, first mention—	19
	<i>omit, insert—</i>	20
	engineer or was not accompanied by the written agreement of the relevant infrastructure owner under section 71(4)	21
		22
		23
	(2) Section 75(1)(b)(i), after ‘engineer’—	24
	<i>insert—</i>	25
	or accompanied by the written agreement of the relevant infrastructure owner, as relevant	26
		27

Clause 325	Amendment of s 76 (Changing strategic asset management plan)	1
		2
	Section 76(1)—	3
	<i>omit, insert—</i>	4
	(1) The service provider may change the strategic asset management plan, after it is approved, with the written agreement of—	5
		6
		7
	(a) the regulator; and	8
	(b) for a service provider who is the prescribed related entity of the relevant infrastructure owner—the owner.	9
		10
		11
Clause 326	Amendment of s 80 (Preparing system leakage management plan)	12
		13
	Section 80—	14
	<i>insert—</i>	15
	(4) If the water service provider is the prescribed related entity of the relevant infrastructure owner, the plan must also be accompanied by the owner’s written agreement to the plan.	16
		17
		18
		19
Clause 327	Amendment of s 87 (Approving system leakage management plan)	20
		21
	Section 87(1)—	22
	<i>insert—</i>	23
	(c) for a water service provider who is the prescribed related entity of the relevant infrastructure owner—the plan was accompanied by the owner’s written agreement.	24
		25
		26
		27
		28

[s 328]

Clause 328	Amendment of s 88 (Refusing to approve system leakage management plan)	1 2
(1)	Section 88(1), ‘engineer’, first mention— <i>omit, insert—</i>	3 4
	engineer or was accompanied by the written agreement of the relevant infrastructure owner under section 80(4)	5 6 7
(2)	Section 88(1)(b)(i), after ‘engineer’— <i>insert—</i>	8 9
	or accompanied by the written agreement of the relevant infrastructure owner, as relevant	10 11
Clause 329	Replacement of s 89 (Regulator may seek further information)	12 13
	Section 89— <i>omit, insert—</i>	14 15
	89 Additional information may be required	16
(1)	If the regulator is not satisfied about a matter mentioned in section 87(1) for a plan received, the regulator may, by notice, require either or both of the following (the <i>recipient</i>) to give additional information about the matter—	17 18 19 20 21
	(a) the water service provider;	22
	(b) if the water service provider is the prescribed related entity of the relevant infrastructure owner—the owner.	23 24 25
(2)	If the recipient does not comply with the requirement within the reasonable period stated in the notice, the regulator must—	26 27 28
	(a) refuse to approve the plan; and	29
	(b) give the water service provider an information notice under section 88(3) stating that the plan is inadequate on the	30 31 32

	basis that the information has not been given.	1 2
Clause 330	Amendment of s 90 (Changing system leakage management plan)	3 4
	Section 90(1)—	5
	<i>omit, insert—</i>	6
	(1) A water service provider may change a system leakage management plan, after it is approved, with the written agreement of—	7 8 9
	(a) the regulator; and	10
	(b) if the water service provider is the prescribed related entity of the relevant infrastructure owner—the owner.	11 12 13
Clause 331	Amendment of s 95 (Preparing drinking water quality management plan)	14 15
	Section 95(3)—	16
	<i>omit, insert—</i>	17
	(3) The drinking water quality management plan must—	18 19
	(a) be prepared in accordance with the guidelines, if any, made by the regulator about preparing the plan; and	20 21 22
	(b) state the registered services to which the plan applies; and	23 24
	(c) include details of the infrastructure for providing the services; and	25 26
	(d) identify the hazards and hazardous events the drinking water service provider considers may affect the quality of water to which the services relate; and	27 28 29 30

[s 332]

	(e)	include an assessment of the risks posed by the hazards and hazardous events; and	1 2
	(f)	demonstrate how the drinking water service provider intends to manage the risks posed by the hazards and hazardous events; and	3 4 5
	(g)	include details of the operational and verification monitoring programs under the plan, including the parameters to be used for indicating compliance with the plan and the water quality criteria for drinking water; and	6 7 8 9 10
	(h)	for a plan prepared by the prescribed related entity of the relevant infrastructure owner—be accompanied by the owner’s written agreement to the plan.	11 12 13 14
Clause 332		Amendment of s 96 (Additional information may be required)	15 16
	(1)	Section 96(1)—	17
		<i>omit, insert—</i>	18
	(1)	The regulator may, by notice, require either or both of the following (the <i>recipient</i>) to give additional information about the drinking water quality management plan—	19 20 21 22
	(a)	the drinking water service provider;	23
	(b)	if the drinking water service provider is the prescribed related entity of the relevant infrastructure owner—the owner.	24 25 26
		<i>Example of additional information—</i>	27
		information about arrangements relating to the supply of water to or from the provider’s drinking water service	28 29
	(2)	Section 96(2), ‘If the drinking water service provider’—	30
		<i>omit, insert—</i>	31
		If the recipient	32

Clause 333	Amendment of s 100 (Amendment of drinking water quality management plan—application)	1
		2
	Section 100(3), after ‘application’—	3
	<i>insert—</i>	4
	and the proposed amended drinking water quality management plan	5
		6
Clause 334	Amendment of s 101 (Amendment of drinking water quality management plan—requirement of regulator)	7
		8
	Section 101—	9
	<i>insert—</i>	10
	(8) If the drinking water service provider is the prescribed related entity of the relevant infrastructure owner, the regulator must give the relevant infrastructure owner a copy of all the notices.	11
		12
		13
		14
		15
Clause 335	Amendment of s 107 (Changing plans following review)	16
	(1) Section 107(3) and editor’s note—	17
	<i>omit, insert—</i>	18
	(3) Sections 71(4), 72, 74 and 75 apply to the modified strategic asset management plan.	19
		20
	(2) Section 107(5) and editor’s note—	21
	<i>omit, insert—</i>	22
	(5) Sections 80(4), 81, 87 and 88 apply to a plan given to the regulator under subsection (4).	23
		24
	(3) Section 107(9), after ‘plan’, first mention—	25
	<i>insert—</i>	26
	and the amended plan	27

[s 336]

Clause 336	Amendment of s 112 (Access for conducting audit reports)	1
		2
	Section 112—	3
	<i>insert—</i>	4
	(3) If the service provider is the prescribed related entity of the relevant infrastructure owner, subsection (1) also applies to the owner as if the reference in the subsection to a service provider were a reference to the owner.	5
		6
		7
		8
		9
Clause 337	Amendment of s 115 (Preparing customer service standards)	10
		11
	Section 115(b)—	12
	<i>omit, insert—</i>	13
	(b) give a copy of the standard to all of the following (each an <i>interested entity</i>)—	14
		15
	(i) the regulator;	16
	(ii) each customer of the service provider who does not have a service contract;	17
		18
	(iii) if the service provider is the prescribed related entity of the relevant infrastructure owner—the owner.	19
		20
		21
Clause 338	Amendment of s 119 (Revising customer service standard)	22
		23
	Section 119(b)—	24
	<i>omit, insert—</i>	25
	(b) give a copy of the revised standard to each interested entity.	26
		27

Clause 339	Amendment of s 120 (Reviewing customer service standard)	1
		2
	Section 120(2)—	3
	<i>omit, insert—</i>	4
	(2) If, because of the review, the service provider changes the standard, the service provider must give a copy of the changed standard to each interested entity.	5
		6
		7
		8
Clause 340	Amendment of s 123 (Preparing drought management plans)	9
		10
	(1) Section 123(4) and (5)—	11
	<i>renumber</i> as section 123(5) and (6).	12
	(2) Section 123—	13
	<i>insert—</i>	14
	(4) If the water service provider is the prescribed related entity of the relevant infrastructure owner, the drought management plan must include, or be accompanied by, the owner's written agreement to the plan.	15
		16
		17
		18
		19
Clause 341	Amendment of s 129 (Changing a drought management plan)	20
		21
	(1) Section 129(2)—	22
	<i>renumber</i> as section 129(3).	23
	(2) Section 129—	24
	<i>insert—</i>	25
	(2) If the water service provider is the prescribed related entity of the relevant infrastructure owner, the drought management plan, as changed, must include, or be accompanied by, the owner's written agreement to the changed plan.	26
		27
		28
		29
		30

[s 342]

Clause 342	Amendment of s 142 (Contents of annual report)	1
	Section 142—	2
	<i>insert—</i>	3
	(5) An annual report prepared under section 141(1)	4
	by a service provider who is the prescribed	5
	related entity of the relevant infrastructure owner	6
	must include, or be accompanied by, the owner’s	7
	written agreement to the report.	8
Clause 343	Amendment of s 190 (Supplying unauthorised services)	9
	(1) Section 190, ‘A person’—	10
	<i>omit, insert—</i>	11
	An entity	12
	(2) Section 190, ‘the person’—	13
	<i>omit, insert—</i>	14
	the entity	15
Clause 344	Amendment of s 201 (Preparing particular plans)	16
	Section 201(5)(i), from ‘a reticulation system’ to	17
	‘machines—include’—	18
	<i>omit, insert—</i>	19
	a dual reticulation system—include	20
Clause 345	Amendment of s 250 (Application for exemption)	21
	Section 250(2)(b), from ‘a reticulation system’—	22
	<i>omit, insert—</i>	23
	a dual reticulation system.	24
Clause 346	Amendment of s 274 (Public reporting requirement)	25
	Section 274(1)(c), from ‘a reticulation system’—	26

omit, insert— 1
a dual reticulation system. 2

Clause 347 Amendment of s 301 (Making declaration) 3

Section 301(2)(c), from ‘a reticulation system’— 4

omit, insert— 5

a dual reticulation system; or 6

Clause 348 Amendment of s 530 (Governor in Council may appoint administrator to operate infrastructure) 7
8

Section 530(1)(b), ‘is likely to stop supplying’— 9

omit, insert— 10

has stopped, or is likely to stop, supplying 11

Clause 349 Amendment of s 633 (Application of particular provisions—other schemes) 12
13

(1) Section 633(1)— 14

insert— 15

(d) under which recycled water is supplied— 16

(i) for the first time on or after 1 July 17
2009; and 18

(ii) to premises by way of a dual 19
reticulation system; or 20

(e) under which recycled water is supplied— 21

(i) for the first time on or after 1 July 22
2009; and 23

(ii) for use in irrigating minimally 24
processed food crops. 25

(2) Section 633— 26

insert— 27

[s 350]

	(4)	In this section—	1
		<i>minimally processed food crops</i> means crops,	2
		stated to be minimally processed food crops,	3
		relating to using recycled water to irrigate the	4
		crops, in a regulation under the Public Health Act	5
		about standards for the quality of recycled water.	6
Clause 350		Insertion of new ch 10, pt 6	7
		Chapter 10—	8
		<i>insert</i> —	9
	Part 6	Transitional provisions	10
		for Land, Water and	11
		Other Legislation	12
		Amendment Act 2013	13
	Division 1	Transitional provisions	14
		relating to incoming and	15
		outgoing service providers	16
	652 Definitions for div 1		17
		In this division—	18
		<i>changeover day</i> means the day the outgoing	19
		service provider is dissolved under the Water	20
		Act, chapter 4, part 7, division 1.	21
		<i>incoming service provider</i> see section 653(1)(d).	22
		<i>outgoing service provider</i> see section 653(1)(a).	23
	653 Application of div 1		24
	(1)	This division applies if—	25
	(a)	a water authority (the <i>outgoing service</i>	26
		<i>provider</i>) is a service provider for a water	27
		service; and	28

-
- (b) the outgoing service provider is dissolved and converted, under the Water Act, chapter 4, part 7, division 1, to 2 or more entities (the *new entities*) that are alternative institutional structures; and
- (c) 1 of the new entities becomes the relevant infrastructure owner of 1 or more elements of infrastructure for supplying the water service for which a charge is intended to be made; and
- (d) another of the new entities (the *incoming service provider*)—
- (i) becomes the prescribed related entity of the relevant infrastructure owner for operating the infrastructure to supply the water service; and
- (ii) is registered as the service provider for the water service.
- (2) However, this division applies only if the changeover day is no later than 1 year after the commencement of this section.
- (3) In this section—
- alternative institutional structure* see the Water Act, schedule 4.

654 Continuation of strategic asset management plan

- (1) This section applies if, immediately before the changeover day, the outgoing service provider has a strategic asset management plan for the water service.
- (2) From the changeover day—

[s 350]

- (a) the plan becomes the incoming service provider's strategic asset management plan; and
- (b) the notice of the approval of the plan given to the outgoing service provider under section 74(1) is taken to apply to the incoming service provider.

655 Continuation of exemption from system leakage management plan

- (1) This section applies if, immediately before the changeover day, the outgoing service provider has an exemption from preparing a system leakage management plan for the water service under chapter 2, part 4, division 2, subdivision 3.
- (2) From the changeover day, the exemption becomes an exemption of the same type and duration for the incoming service provider.
- (3) Subsection (2) is subject to section 86.

656 Continuation of exemption from drought management plan

- (1) This section applies if, immediately before the changeover day, the outgoing service provider has an exemption from preparing a drought management plan for the water service under section 126.
- (2) From the changeover day, the exemption becomes an exemption of the same type for the incoming service provider.
- (3) Subsection (2) is subject to section 127.

657 Preparing relevant annual report	1
(1) This section applies to a relevant annual report for—	2 3
(a) the financial year ending on 30 June 2013, if—	4 5
(i) the changeover day happens before 18 December 2013; and	6 7
(ii) the outgoing service provider has not given a copy of the report to the regulator; and	8 9 10
(b) the financial year ending on 30 June 2014, if the changeover day happens in that financial year.	11 12 13
(2) A reference in section 142(1) or (4) (each a <i>relevant provision</i>) to the service provider is taken to include a reference to the outgoing service provider.	14 15 16 17
(3) A reference in a relevant provision to the financial year for the services for which the service provider is registered is taken to include a reference only to that part of the financial year for which the outgoing service provider was registered for the services.	18 19 20 21 22 23
(4) In this section— <i>relevant annual report</i> means—	24 25
(a) the annual report required under section 141(1)(a) for the strategic asset management plan continued under section 654(2); or	26 27 28
(b) the annual report required under section 141(1)(c).	29 30
658 References to outgoing service provider	31
A reference to the outgoing service provider in a plan, exemption or other document may, if the context	32 33

	(a) is used only to provide recycled water for outdoor use or for use in flushing toilets or in washing machines; and	1 2 3
	(b) that is not a dual reticulation system.	4
Clause 351	Amendment of sch 3 (Dictionary)	5
(1)	Schedule 3, definitions <i>transferee</i> and <i>transferor</i> — <i>omit.</i>	6 7
(2)	Schedule 3— <i>insert</i> —	8 9
	<i>current infrastructure owner</i> , for chapter 2, part 3, division 1, subdivision 3, see section 25(1).	10 11
	<i>dual reticulation system</i> means a network of pipes enabling drinking water and recycled water to be supplied to premises from separate pipes, but only if used to provide recycled water for—	12 13 14 15
	(a) flushing toilets; or	16
	(b) connection to a cold water laundry tap for a washing machine at a residential premises; or	17 18 19
	(c) irrigating lawns or gardens of a residential premises; or	20 21
	(d) washing down external parts of a residential premises, including, for example, a driveway.	22 23 24
	<i>incoming related entity</i> , for chapter 2, part 3, division 1, subdivision 3, see section 24.	25 26
	<i>interested entity</i> , for a customer service standard, see section 115(b).	27 28
	<i>new infrastructure owner</i> , for chapter 2, part 3, division 1, subdivision 3, see section 25(2)(a).	29 30

[s 351]

<i>new service provider</i> , for chapter 2, part 3, division 1, subdivision 3, see section 25B(2)(c).	1 2
<i>operating agent</i> , for a service provider, see section 12(3)(d).	3 4
outgoing related entity , for chapter 2, part 3, division 1, subdivision 3, see section 24.	5 6
prescribed related entity , of a relevant infrastructure owner, see section 20(1)(c)(ii).	7 8
<i>relevant infrastructure owner</i> see section 20(1)(c)(i).	9 10
<i>relevant service</i> , for chapter 2, part 3, division 1, subdivision 3, see section 25(1).	11 12
<i>service provider's infrastructure</i> means the infrastructure operated by or for the service provider to supply a registered service, whether or not the infrastructure is owned by the service provider.	13 14 15 16 17
(3) Schedule 3, definition <i>sewerage service provider</i> , 'a person'— <i>omit, insert</i> — an entity	18 19 20
(4) Schedule 3, definition <i>water service provider</i> , 'a person'— <i>omit, insert</i> — an entity	21 22 23
(5) Schedule 3, definition <i>works</i> , paragraph (a), after 'Act'— <i>insert</i> — or the Water Act	24 25 26

Part 21	Minor and consequential amendments	1
		2
Clause 352	Legislation amended	3
	(1) Schedule 1 amends the legislation it mentions.	4
	(2) To remove any doubt, it is declared that an amendment of a water resource plan in schedule 1, part 2 has effect despite any requirement of the <i>Water Act 2000</i> , chapter 2, part 3, division 2.	5 6 7 8

Schedule 1	Minor and consequential amendments	1 2
	section 352	3
Part 1	Amendments commencing on assent	4 5
	Aboriginal Land Act 1991	6
1	Amendment of various sections	7
	Each of the following provisions is amended by omitting ‘written notice’ and inserting ‘notice’—	8 9
	• section 17(1)(a)	10
	• section 18(1)(b)	11
	• section 19	12
	• section 20	13
	• section 45A	14
	• section 52	15
	• section 79	16
	• section 85(1)(b)	17
	• section 96(1)	18
	• section 115	19
	• section 118(3)	20
	• section 143	21
	• section 149(1)(a)	22
	• section 150(2)	23
	• section 152(1)	24

•	section 154(2)	1
•	section 157(1)(a)	2
•	section 159	3
•	section 162(7)	4
•	section 168(1)	5
•	section 172(1)	6
•	section 182(2)	7
•	section 190(2)	8
•	section 199(3)	9
•	section 230(1)(b)	10
•	section 250(1)	11
•	section 255(5)(b)	12
•	section 260(1)	13
•	section 262(2)	14
•	section 264(2)	15
•	section 278(1)	16
•	section 300(3).	17
2	Section 62(6), ‘(a)’—	18
	<i>omit, insert—</i>	19
	(b)	20
3	Section 147, definition <i>lessor</i>, paragraph (b), ‘sublease under’—	21
	<i>omit, insert—</i>	22
	lease under	23
		24

Schedule 1

4	Section 147, definition <i>residential lease</i>, paragraph (a), '120'—	1
	<i>omit, insert—</i>	2
	119	3
		4
5	Section 147, definition <i>residential lease</i>, paragraph (b), '135'—	5
	<i>omit, insert—</i>	6
	133	7
		8
6	Section 162(2)(b), 'lessee'—	9
	<i>omit, insert—</i>	10
	lessor	11
7	Part 12, heading, 'Provision'—	12
	<i>omit, insert—</i>	13
	Provisions	14
8	Section 202, heading, after 'Act'	15
	<i>insert—</i>	16
	1989	17
9	Section 243, heading, after 'Act'	18
	<i>insert—</i>	19
	2008	20
10	Part 20, division 2, heading—	21
	<i>omit, insert—</i>	22

	Division 2	Appointment, removal and suspension of members of land trusts	1 2 3
11	After section 251— <i>insert—</i>		4 5
	Subdivision 3	Removal or suspension of members by Minister	6 7
12	Section 296(1)(b) and (2), ‘131’— <i>omit, insert—</i> 282		8 9 10
13	Section 296(3), editor’s note— <i>omit.</i>		11 12
14	Section 301, ‘39’— <i>omit, insert—</i> 50		13 14 15
15	Section 301, editor’s note— <i>omit.</i>		16 17
16	Section 302, editor’s note— <i>omit.</i>		18 19
17	Section 305(2), definition <i>renumbered Act</i>, before ‘section 306’— <i>insert—</i> former		20 21 22 23

	Acquisition of Land Act 1967	1
1	Part 2—	2
	<i>insert—</i>	3
	Division 1 General	4
2	Section 5, ‘the schedule’—	5
	<i>omit, insert—</i>	6
	schedule 1	7
3	After section 6—	8
	<i>insert—</i>	9
	Division 2 Taking other than by agreement	10 11
4	Section 7(4B), ‘9(2)’	12
	<i>omit, insert—</i>	13
	9(3)	14
5	Section 7(4B), ‘9(3)’	15
	<i>omit, insert—</i>	16
	9(4)	17
6	Section 16(2), ‘9(2)’	18
	<i>omit, insert—</i>	19
	9(3)	20
7	Section 16(2), ‘9(3)’	21
	<i>omit, insert—</i>	22

	9(4)	1
8	Section 22(2), ‘The Minister for that purpose’—	2
	<i>omit, insert—</i>	3
	For the purposes of subsection (1), the relevant Minister, other than the State Development Minister,	4 5
9	Section 41(1), ‘section 15’—	6
	<i>omit, insert—</i>	7
	part 2, division 3	8
10	Section 41(2)—	9
	<i>insert—</i>	10
	<i>Minister</i> includes a relevant Minister, other than the State Development Minister.	11 12
 Foreign Ownership of Land Register Act 1988		13
1	Section 27(2)(a), after ‘units;’—	14
	<i>insert—</i>	15
	or	16
 Geothermal Energy Act 2010		17
1	Section 405(1)(b), examples, second dot point, ‘an agreement under the ALA, section 15’—	18 19
	<i>omit, insert—</i>	20

	a resumption agreement under the ALA	1
	Greenhouse Gas Storage Act 2009	2
1	Section 442(1)(b), examples, second dot point, ‘an agreement under the ALA, section 15’—	3 4
	<i>omit, insert—</i>	5
	a resumption agreement under the ALA	6
	Land Act 1994	7
1	Amendment for references to ‘written notice’	8
	All provisions of the <i>Land Act 1994</i> are amended by omitting ‘written notice’ and inserting ‘notice’	9 10
2	Amendment for references to ‘Written notice’	11
	The following provisions are amended by omitting ‘Written notice’ and inserting ‘Notice’—	12 13
	• section 23A(5)	14
	• section 26(3)	15
	• section 155E(2)	16
	• section 160, heading	17
	• section 168, heading.	18
3	Amendment for editor’s notes	19
	The editor’s note to each of the following provisions is amended by omitting ‘Editor’s note’ and inserting ‘Note’—	20 21

• section 21	1
• section 22(2)	2
• section 24(1)	3
• section 26(1)	4
• section 26B	5
• section 29(1)	6
• section 35(1)(a)	7
• section 42(1)	8
• section 52A(2)	9
• section 58(1)(b)	10
• section 67(3)	11
• section 70(1)	12
• section 76(1)(b)	13
• section 127A	14
• section 148	15
• section 157(2)	16
• section 162(4)	17
• section 172(3)	18
• section 192(4)	19
• section 197(1)	20
• section 215(2)	21
• section 218(5)	22
• section 221(1)	23
• section 231(1)	24
• section 234(a)	25
• section 240D(1)	26
• section 240F	27
• section 242(2)	28

Schedule 1

	• section 297(2)	1
	• section 306(2)	2
	• section 370(3)	3
	• section 373	4
	• section 373Q(2)	5
	• section 462(1)	6
	• section 466(1)	7
	• section 469(1)	8
	• section 477	9
	• section 481(a).	10
4	Section 8, definition <i>ambulatory boundary principles</i>—	11
	<i>omit.</i>	12
5	Section 21, note, as amended, ‘and the Petroleum Act 1923, section 10’—	13
	<i>omit, insert—</i>	14
	<i>, the Petroleum Act 1923, section 10 and the Petroleum and Gas (Production and Safety) Act 2004, section 27</i>	15
		16
		17
6	Section 23(3) and (4)—	18
	<i>omit.</i>	19
7	Section 31(3), ‘31C’—	20
	<i>omit, insert—</i>	21
	31C(1)	22
8	Section 31A(2), ‘31C(a)’—	23
	<i>omit, insert—</i>	24
	31D(1)	25

9	Section 31B(4), '31C(b)'—	1
	<i>omit, insert—</i>	2
	31D(1)	3
10	Sections 34A and 34B—	4
	<i>omit.</i>	5
11	Section 34J and 34K—	6
	<i>omit.</i>	7
12	Sections 38B and 38C—	8
	<i>omit.</i>	9
13	Sections 55B and 55C—	10
	<i>omit.</i>	11
14	Section 100(5), definition <i>relevant applicant</i>—	12
	<i>omit.</i>	13
15	Sections 108B and 108C—	14
	<i>omit.</i>	15
16	Section 130A(2), 'in writing'—	16
	<i>omit.</i>	17
17	Section 159A(1), '159(1)(m)'—	18
	<i>omit, insert—</i>	19
	159(1)(k)	20

Schedule 1

18	Sections 177B and 177C—	1
	<i>omit.</i>	2
19	Section 213(5), definition <i>conditions</i>, ‘mandatory condition’—	3
	<i>omit, insert—</i>	4
	mandatory conditions	5
20	Section 221(4)—	7
	<i>renumber</i> as section 221(2).	8
21	Section 231(1), ‘(1)’—	9
	<i>omit.</i>	10
22	Section 240G(2), ‘an overdue rate’—	11
	<i>omit, insert—</i>	12
	overdue rates and charges	13
23	Section 240G(4), definition <i>overdue rate</i>, ‘rate’—	14
	<i>omit, insert—</i>	15
	<i>rates and charges</i>	16
24	Section 249(7)—	17
	<i>omit.</i>	18
25	Section 327D—	19
	<i>omit.</i>	20
26	Section 348(d), ‘244’—	21
	<i>omit, insert—</i>	22

	240F	1
27	Section 348(d), editor's note— <i>omit.</i>	2 3
28	Section 360E— <i>omit.</i>	4 5
29	Section 373L(b), 'division 6'— <i>omit, insert—</i> chapter 4, part 3, division 5	6 7 8
30	Section 406(1A)(b) and (c)— <i>renumber</i> as section 406(1A)(a) and (b).	9 10
31	Section 406(1A) to (4)— <i>renumber</i> as section 406(2) to (5).	11 12
32	Section 420H(1), example, after 'Example'— <i>insert—</i> of	13 14 15
33	Section 448(2)(k), '6'— <i>omit, insert—</i> 5	16 17 18
34	Sections 481C and 481D— <i>omit.</i>	19 20

Schedule 1

35	Section 487(2), after ‘subject to’—	1
	<i>insert—</i>	2
	the following sections	3
36	Schedule 1A, seventh dot point—	4
	<i>omit.</i>	5
	Land Title Act 1994	6
1	Amendment of various sections	7
	The editor’s note to each of the following provisions is amended by	8
	omitting ‘Editor’s note’ and inserting ‘Note’—	9
	• section 115B(6)	10
	• section 115C(1)(a)	11
	• section 115E(1)(d)	12
	• section 115I(2)	13
	• section 140(2)	14
	• section 149(3).	15
2	Section 11(1)(b), ‘lawyer’—	16
	<i>omit, insert—</i>	17
	legal practitioner	18
3	Section 18(1)(c)—	19
	<i>omit.</i>	20
4	Section 18(1)(d)—	21
	<i>renumber</i> as section 18(1)(c).	22

5	Section 22(1)(e), ‘lawyer’—	1
	<i>omit, insert—</i>	2
	legal practitioner	3
6	Section 48C(2), example, ‘for subsection (2)’—	4
	<i>omit, insert—</i>	5
	<i>of projections as structural elements of a building</i>	6
7	Section 89(1), ‘(2)’—	7
	<i>omit, insert—</i>	8
	(3)	9
8	Section 115H(2)(a), ‘54’—	10
	<i>omit, insert—</i>	11
	53A	12
9	Section 161(3A), ‘lawyer’—	13
	<i>omit, insert—</i>	14
	legal practitioner	15
10	Section 189(1)(b) and (1A), ‘lawyer acting or purporting to act as lawyer’—	16
	<i>omit, insert—</i>	17
	legal practitioner acting or purporting to act	18
11	Section 189(2), definition <i>indemnified lawyer</i>, ‘lawyer’—	20
	<i>omit, insert—</i>	21
	legal practitioner	22

Land Valuation Act 2010	1
1 Section 10(2), note—	2
<i>omit, insert—</i>	3
<i>Editor's note—</i>	4
The Queensland planning provisions are available on the	5
website of the department administering the Planning	6
Act < http://www.dsdip.qld.gov.au >.	7
2 Section 25(2)(b), 'on to'—	8
<i>omit, insert—</i>	9
to or on	10
3 Section 117, after paragraph (b)—	11
<i>insert—</i>	12
<i>Note—</i>	13
See also chapter 5 (Internal and external reviews).	14
4 Section 247(5), after 'is taken'—	15
<i>insert—</i>	16
to	17
5 Section 262—	18
<i>omit.</i>	19
6 Section 297(1), after 'the repealed'—	20
<i>insert—</i>	21
Valuation	22

7	Schedule, definition <i>valuation appeal requirements</i>, '(4)'—	1 2
	<i>omit, insert—</i>	3
	(5)	4
 Mineral Resources Act 1989		5
1	Section 789(1)(b), examples, second dot point, 'an agreement under the ALA, section 15'—	6 7
	<i>omit, insert—</i>	8
	a resumption agreement under the ALA	9
 Petroleum Act 1923		10
1	Section 191(1)(b), examples, second dot point, 'an agreement under the ALA, section 15'—	11 12
	<i>omit, insert—</i>	13
	a resumption agreement under the ALA	14
 Petroleum and Gas (Production and Safety) Act 2004		15
1	Section 458(1)(d), ', section 9 to the'—	16
	<i>omit, insert—</i>	17
	to the relevant	18

Schedule 1

2	Section 958(1)(b), examples, second dot point, ‘an agreement under the ALA, section 15’—	1 2
	<i>omit, insert—</i>	3
	a resumption agreement under the ALA	4
3	Schedule 2—	5
	<i>insert—</i>	6
	<i>water monitoring activity</i> see section 187(2).	7
 Queensland Reconstruction Authority Act 2011		8
1	Section 99(2)(d), ‘, section 9 to the’—	9
	<i>omit, insert—</i>	10
	to the relevant	11
 River Improvement Trust Act 1940		12
1	Before section 1—	13
	<i>insert—</i>	14
	Part 1	
	Preliminary	15
2	After section 2—	16
	<i>insert—</i>	17
	Part 2	
	Constitution of river improvement areas and trusts	18 19 20

3	After section 6A—		1
	<i>insert—</i>		2
	Part 5	Legal capacity and powers of trusts	3
			4
4	After section 11A—		5
	<i>insert—</i>		6
	Part 6	Financial matters	7
	Division 1	Trusts' responsibilities	8
5	After section 13—		9
	<i>insert—</i>		10
	Division 2	Funding	11
6	After section 14B—		12
	<i>insert—</i>		13
	Part 7	State powers to undertake or maintain works	14
			15
			16
7	After section 18—		17
	<i>insert—</i>		18
	Part 8	General	19
8	After section 23—		20
	<i>insert—</i>		21

Part 9	Transitional provisions	1
Division 1	Transitional provision for Act No. 78 of 1997	2 3
	South-East Queensland Water (Distribution and Retail Restructuring) Act 2009	4 5
1	Schedule, definition <i>agreement to take</i>, ‘an agreement to take the land made under’—	6 7
	<i>omit, insert—</i>	8
	a resumption agreement in relation to the land within the meaning of	9 10
	Survey and Mapping Infrastructure Act 2003	11
1	Section 99(2)—	12
	<i>insert—</i>	13
	<i>Note—</i>	14
	Under the <i>Land Act 1994</i> , section 290JA(2)(c) and the <i>Land Title Act 1994</i> , section 51(2)(b), a registered plan of subdivision is taken to be source material for land for this section in particular circumstances.	15 16 17 18

Sustainable Planning Act 2009		1
1	Section 227(1)(a), ‘section 15’—	2
	<i>omit, insert—</i>	3
	part 2, division 3	4
2	Section 227(4), editor’s note, from ‘, 15’—	5
	<i>omit, insert—</i>	6
	and 41 (Disposal of land) and part 2, division 3 (Taking by agreement)	7
		8
Torres Strait Islander Land Act 1991		9
1	Amendment of various provisions	10
	Each of the following provisions is amended by omitting ‘written notice’ and inserting ‘notice’—	11
		12
	• section 14(1)(a)	13
	• section 15(1)(b)	14
	• section 16	15
	• section 17	16
	• section 41A(2)	17
	• section 47	18
	• section 52(1)(b)	19
	• section 63(1)	20
	• section 81	21
	• section 108	22
	• section 114(1)(a)	23
	• section 115(2)	24

Schedule 1

•	section 117(1)	1
•	section 119(2)	2
•	section 122(1)(a)	3
•	section 124	4
•	section 127(7)	5
•	section 133(1)	6
•	section 138(2)	7
•	section 146(2)	8
•	section 148(3)	9
•	section 156(1)	10
•	section 161(5)(b)	11
•	section 166(1)	12
•	section 168(2)	13
•	section 170(2)	14
•	section 183(1)	15
•	section 191(1)	16
•	section 202(3).	17
2	Section 142(8), definition <i>relevant provisions</i>, before ‘part 8’—	18
	<i>insert—</i>	19
	section 66 and	20
		21
3	After section 157—	22
	<i>insert—</i>	23
	Subdivision 3 Removal or suspension of members by Minister	24
		25

Transport Planning and Coordination Act 1994		1
1	Section 28A, definition <i>agreement</i>, ‘an agreement’—	2
	<i>omit, insert—</i>	3
	a resumption agreement	4
2	Section 28A, definition <i>taking of land</i>—	5
	<i>omit, insert—</i>	6
	<i>taking of land</i> means the taking of land under a gazette resumption notice under the Acquisition Act.	7 8 9
3	Section 28B(2)(b)—	10
	<i>omit, insert—</i>	11
	(b) for the application of the Acquisition Act, part 2, whether the person assuming the role of relevant Minister was or is the Minister mentioned in the Acquisition Act, section 2, definition <i>relevant Minister</i> , paragraph (b) or another Minister.	12 13 14 15 16 17
Water Act 2000		18
1	Section 22(7), ‘take water’	19
	<i>omit, insert</i>	20
	take, or interfere with, water	21
2	Section 23(5), ‘take water’—	22
	<i>omit, insert—</i>	23
	take, or interfere with, water	24

Schedule 1

3	Section 25(1)(a), ‘or interfered with’—	1
	<i>omit.</i>	2
4	Section 30(b), ‘(4) or (5)’—	3
	<i>omit, insert—</i>	4
	(4), (5) or (6B)	5
5	Section 47(l), ‘Environmental Protection (Water) Policy 1997’—	6
	<i>omit, insert—</i>	7
	<i>Environmental Protection (Water) Policy 2009</i>	9
6	Section 116, ‘from the applicant about the application’—	10
	<i>omit, insert—</i>	11
	about the application under section 115A	12
7	Section 184(3A), second paragraph (b)—	13
	<i>renumber as section 184(3A)(c).</i>	14
8	Sections 199(4), 199A(4) and 199B(4), from ‘must’—	15
	<i>omit, insert—</i>	16
	may deal with the allocation under section 197(4).	17
9	Section 304(2), ‘sections 209 to 303’—	18
	<i>omit, insert—</i>	19
	division 1	20
10	Chapter 4, part 6, heading, ‘and Treasurer’—	21
	<i>omit.</i>	22

11	After section 696—	1
	<i>insert—</i>	2
	Subdivision 3 Other matters	3
12	Section 882(4)(c), before ‘party’—	4
	<i>insert—</i>	5
	a	6
13	Section 992A(5), definition <i>special agreement Act</i>	7
	‘614(2)’—	8
	<i>omit, insert—</i>	9
	584	10
14	Section 1009(1)(h)—	11
	<i>omit.</i>	12
Water Regulation 2002		13
1	Part 2, division 1A—	14
	<i>omit.</i>	15
2	Part 2, division 4—	16
	<i>omit.</i>	17
3	Section 60A—	18
	<i>omit.</i>	19

Schedule 1

4	Schedule 5—	1
	<i>omit.</i>	2
5	Schedule 16, items 1 and 2—	3
	<i>omit.</i>	4
	Water Supply (Safety and Reliability) Act 2008	5
1	After chapter 2, part 3, division 1 heading—	6
	<i>insert—</i>	7
	Subdivision 1 Application for registration	8
2	Section 38, ‘officer’—	9
	<i>omit, insert—</i>	10
	person	11
3	Section 38(3), ‘officer’s’—	12
	<i>omit, insert—</i>	13
	person’s	14
4	Section 340(b), ‘weir that’—	15
	<i>omit, insert—</i>	16
	a weir that	17
5	Section 434(4), ‘a document mentioned in subsection (3)(b)’—	18
	<i>omit, insert—</i>	19
	the document mentioned in subsection (3)	20
		21

Part 2	Amendments commencing by proclamation	1 2
	Petroleum Act 1923	3
1	Part 6D, heading, from ‘water supply’— <i>omit, insert—</i> water observations bores and water supply bores	4 5 6
2	Section 75WH, note 1, ‘section 20’— <i>omit, insert—</i> chapter 2, part 2, division 1A	7 8 9
	Petroleum and Gas (Production and Safety) Act 2004	10
1	Section 189, note, from ‘sections 20’— <i>omit, insert—</i> chapter 2, part 2, division 1A and section 808.	11 12 13
2	Section 197, note, from ‘sections 20’— <i>omit, insert—</i> chapter 2, part 2, division 1A and section 808.	14 15 16
3	Chapter 2, part 10, heading, from ‘water supply’— <i>omit, insert—</i> water observation bores and water supply bores	17 18 19

	Sustainable Planning Regulation 2009	1
1	Schedule 3, part 1, table 4, item 3, column 2, ‘section 20(2), (3) or (5)’	2 3
	<i>omit, insert—</i>	4
	section 20(1)(a) to (f) or 20A(2)	5
2	Schedule 3, part 2, table 4, item 1, ‘section 20(3)’	6
	<i>omit, insert—</i>	7
	section 20A(2)	8
3	Schedule 3, part 2, table 4, item 1, ‘section 20(2), (3) or (5)’	9
	<i>omit, insert—</i>	10
	section 20(1)(a) to (f) or 20A(2)	11
	 Vegetation Management Act 1999	 12
1	Sections 20AB(b), 70AA(2) and 70AB(2), editor’s note, and schedule, definition <i>regional ecosystem number</i>, note, ‘<www.derm.qld.gov.au>’—	13 14 15
	<i>omit, insert—</i>	16
	<www.dnrm.qld.gov.au>	17
2	Schedule, definition <i>Land Act notice</i>, ‘<i>Vegetation Management and Other Legislation Act 2004</i>’—	18 19
	<i>omit, insert—</i>	20
	<i>Vegetation Management and Other Legislation Amendment Act 2004</i>	21 22

3	Schedule, definition <i>vegetation clearing application</i>, paragraph (a), ‘that Act’—	1 2
	<i>omit, insert—</i>	3
	the Planning Act	4
Water Act 2000		5
1	Section 30(b)—	6
	<i>omit, insert—</i>	7
	(b) the taking of water under section 20(1)(a) to (f), 20(4), 20A, 20B or 20C(1) or (2).’	8 9
2	Section 46(2), 1014(2)(i), ‘under the <i>Sustainable Planning Act 2009</i>’—	10 11
	<i>omit.</i>	12
3	Section 151(5), definition <i>Land Title Act 1994</i>, ‘<i>Regulation 1994</i>’—	13 14
	<i>omit, insert—</i>	15
	<i>Regulation 2005.</i>	16
4	Sections 259, 363(b), 740(1)(b)(ii), 746(4) and 1014(2)(h), ‘<i>Sustainable Planning Act 2009</i>’—	17 18
	<i>omit, insert—</i>	19
	Planning Act	20
5	Chapter 2, part 8, division 1, heading, ‘destroying vegetation, excavating’—	21 22
	<i>omit, insert—</i>	23
	excavating	24

Schedule 1

6	Section 269, heading, from ‘for permit’—	1
	<i>omit.</i>	2
7	Chapter 2, part 8, division 2, heading, ‘destroy vegetation, excavate’—	3
	<i>omit, insert—</i>	4
	excavate	5
		6
8	Sections 752(1)(a)(ii), 757A, 757G(1)(b) and 757I(1)(b)(ii), ‘Sustainable Planning Act 2009 offence’—	7
	<i>omit, insert—</i>	8
	Planning Act offence	9
		10
9	Section 817(1), before ‘who is’—	11
	<i>insert—</i>	12
	or (d)	13
10	Section 966(2)(b), ‘other resources’—	14
	<i>omit, insert—</i>	15
	‘quarry material’.	16
11	Section 967(6), ‘20(3)’—	17
	<i>omit, insert—</i>	18
	20A(2)	19
12	Section 967(7), ‘spring, other than under 20(2), (3) or (5),’—	20
	<i>omit, insert—</i>	21
	spring	22
		23

13	Section 967—	1
	<i>insert—</i>	2
	(8) However, subsection (6) does not apply to operational work that allows taking or interfering with water in a watercourse, lake or spring under section 20(1)(a) to (f), 20A(1), (2) or (5), 20B(1) or 20C(1) or (2).	3 4 5 6 7
14	Section 1014(2)(j), ‘prescribed under the <i>Sustainable Planning Act 2009</i>, section 232(1)’—	8 9
	<i>omit.</i>	10
	Water Resource (Baffle Creek Basin) Plan 2010	11
1	Section 50, ‘20(6)’—	12
	<i>omit, insert—</i>	13
	20(2)	14
	Water Resource (Barron) Plan 2002	15
1	Section 50, ‘20(6)’—	16
	<i>omit, insert—</i>	17
	20(2)	18

	Water Resource (Border Rivers) Plan 2003	1
1	Section 32, ‘20(6)’—	2
	<i>omit, insert—</i>	3
	20(2)	4
2	Section 42—	5
	<i>omit.</i>	6
3	Section 50(c)—	7
	<i>omit.</i>	8
	Water Resource (Burdekin Basin) Plan 2007	9
1	Section 79, ‘20(6)’—	10
	<i>omit, insert—</i>	11
	20(2)	12
	Water Resource (Calliope River Basin) Plan 2006	13
1	Section 13, ‘20(6)’—	14
	<i>omit, insert—</i>	15
	20(2)	16

Water Resource (Condamine and Balonne) Plan 2004		1
1	Section 44, ‘20(6)’—	2
	<i>omit, insert—</i>	3
	20(2)	4
2	Section 51—	5
	<i>omit.</i>	6
3	Section 59(d)—	7
	<i>omit.</i>	8
 Water Resource (Cooper Creek) Plan 2011		 9
1	Section 36, ‘20(6)’—	10
	<i>omit, insert—</i>	11
	20(2)	12
 Water Resource (Fitzroy Basin) Plan 2011		 13
1	Sections 110 and 116, ‘20(6)’—	14
	<i>omit, insert—</i>	15
	20(2)	16

	Water Resource (Georgina and Diamantina) Plan 2004	1
1	Section 10, '20(6)'—	2
	<i>omit, insert—</i>	3
	20(2)	4
	Water Resource (Great Artesian Basin) Plan 2006	5
1	Section 11, '20(6)'—	6
	<i>omit, insert—</i>	7
	20(2)	8
	Water Resource (Gulf) Plan 2007	9
1	Sections 78 and 84, '20(6)'—	10
	<i>omit, insert—</i>	11
	20(2)	12
	Water Resource (Mary Basin) Plan 2006	13
1	Section 70, '20(6)'—	14
	<i>omit, insert—</i>	15
	20(2)	16

Water Resource (Mitchell) Plan 2007		1
1	Sections 54 and 60, ‘20(6)’—	2
	<i>omit, insert—</i>	3
	20(2)	4
Water Resource (Moonie) Plan 2003		5
1	Section 32, ‘20(6)’—	6
	<i>omit, insert—</i>	7
	20(2)	8
2	Section 42	9
	<i>omit.</i>	10
3	Section 50(c)—	11
	<i>omit.</i>	12
Water Resource (Moreton) Plan 2007		13
1	Sections 63, 66, 76, 82, 85, ‘20(6)’—	14
	<i>omit, insert—</i>	15
	20(2)	16

	Water Resource (Pioneer Valley) Plan 2002	1
1	Section 49B, '20(6)'—	2
	<i>omit, insert—</i>	3
	20(2)	4
	Water Resource (Whitsunday) Plan 2010	5
1	Sections 67 and 72, '20(6)'—	6
	<i>omit, insert—</i>	7
	20(2)	8
	Water Resource (Warrego, Paroo, Bulloo and Nebine) Plan 2003	9
		10
1	Section 32, '20(6)'—	11
	<i>omit, insert—</i>	12
	20(2)	13
2	Section 42—	14
	<i>omit.</i>	15

Water Regulation 2002	1
1 Section 52AAA, ‘20(8)(a)’—	2
<i>omit, insert—</i>	3
20C(3)(b)	4
2 Section 52AAB, ‘20(9)(a)’—	5
<i>omit, insert—</i>	6
20C(3)(c)(i)	7

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