



Queensland

State Development and Public Works Organisation and Other Legislation Amendment Bill 2015



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2015

A Bill

for

An Act to amend the Land Court Act 2000, the Mineral and Energy Resources (Common Provisions) Act 2014 and the State Development and Public Works Organisation Act 1971 for particular purposes

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *State Development and Public Works Organisation and Other Legislation Amendment Act 2015*. 4
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6

Clause 2 Commencement 7

Section 10, to the extent it inserts section 97, commences on a day to be fixed by proclamation. 8
9

Part 2 Amendment of State Development and Public Works Organisation Act 1971 10
11
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Clause 3 Act amended 13

This part amends the *State Development and Public Works Organisation Act 1971*. 14
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Clause 4 Amendment of s 47B (Application of sdiv 1) 16

(1) Section 47B, heading, ‘sdiv 1’— 17
omit, insert— 18

div 6 19

(2) Section 47B, ‘subdivision’— 20
omit, insert— 21

	division	1
Clause 5	Omission of s 47D (Restriction on giving of objection notice under the Environmental Protection Act, s 182)	2
	Section 47D—	3
	<i>omit.</i>	4
		5
Part 3	Amendment of Land Court Act 2000	6
		7
Clause 6	Act amended	8
	This part amends the <i>Land Court Act 2000</i> .	9
Clause 7	Amendment of s 21 (Rules of Land Court)	10
(1)	Section 21(1)(b), after ‘Court’—	11
	<i>insert</i> —	12
	, including for a function or power conferred on the court under this Act or another Act	13
		14
(2)	Section 21—	15
	<i>insert</i> —	16
(2A)	Also, without limiting subsection (1), the rules may provide for the procedures when the court, a member or a judicial registrar is exercising or performing an administrative function, including—	17
		18
		19
		20
		21
(a)	rules providing for costs in relation to the exercise or performance of an administrative function; and	22
		23
		24

	(b) rules providing for disclosure by persons in relation to the exercise or performance of an administrative function.	1 2 3
	(3) Section 21(2A) to (5)— <i>renumber</i> as section 21(3) to (6).	4 5
Clause 8	Omission of pt 2, div 6C, hdg (Additional power of Land Court when exercising particular jurisdiction) Part 2, division 6C, heading— <i>omit.</i>	6 7 8 9
Clause 9	Amendment of s 35 (Privileges, protection and immunity) (1) Section 35(1), after ‘Land Court’— <i>insert</i> — , or exercising another judicial power, (2) Section 35(1A), ‘the Act’— <i>omit, insert</i> — this Act (3) Section 35(2), ‘were’— <i>omit, insert</i> — or the exercise of judicial power by the court, member or judicial registrar were a proceeding (4) Section 35(2)(a) and (b), after ‘in the proceeding’— <i>insert</i> — or before the court, member or registrar (5) Section 35— <i>insert</i> — (3) If an administrative function is conferred on the Land Court, a member or judicial registrar, each of the following persons has the same privileges,	10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

	protection and immunity the person would have	1
	if the exercise or performance of the	2
	administrative function were a proceeding in the	3
	Supreme Court—	4
	(a) the member or judicial registrar;	5
	(b) a lawyer or agent appearing before the court,	6
	member or registrar;	7
	(c) a witness attending before the court,	8
	member or registrar.	9
Clause 10	Insertion of new pt 6, div 5	10
	Part 6—	11
	<i>insert—</i>	12
	Division 5	13
	Transitional provisions for	14
	State Development and	15
	Public Works Organisation	16
	and Other Legislation	17
	Amendment Act 2015	17
	96 Privileges, protection and immunity for powers	18
	and functions before commencement	19
	Section 35 as amended by the <i>State Development and</i>	20
	<i>Public Works Organisation and Other Legislation</i>	21
	<i>Amendment Act 2015</i> applies to the exercise or	22
	performance of a judicial power or administrative	23
	function by the Land Court, a member or a judicial	24
	registrar before the commencement as if the power or	25
	function were exercised or performed after the	26
	commencement.	27
	97 Transitional regulation-making power	28
	(1) A regulation (a <i>transitional regulation</i>) may	29
	provide that the provisions of this Act, with	30

necessary modifications provided in the regulation, apply to the Land Court in the exercise of a function or power conferred on the court under—	1 2 3 4
(a) section 32F; or	5
(b) the <i>Aboriginal Cultural Heritage Act 2003</i> , part 6, division 5 and part 7, division 6; or	6 7
(c) the <i>Environmental Protection Act 1994</i> , chapter 5, part 5, division 3, subdivision 3; or	8 9 10
(d) the following provisions of the <i>Mineral Resources Act 1989</i> —	11 12
(i) sections 72 and 75 to 78;	13
(ii) sections 85 and 85A;	14
(iii) sections 265, 268 and 269;	15
(iv) sections 279, 279A and 281;	16
(v) section 318BC; or	17
(e) the <i>Petroleum and Gas (Production and Safety) Act 2004</i> , sections 320 and 363I; or	18 19
(f) the <i>Torres Strait Islander Cultural Heritage Act 2003</i> , part 6, division 5 and part 7, division 6.	20 21 22
(2) A transitional regulation may have retrospective operation to a day not earlier than the day of the commencement.	23 24 25
(3) A transitional regulation must declare it is a transitional regulation.	26 27
(4) This section and any transitional regulation expire 1 year after the day of the commencement.	28 29

Clause 11	Amendment of sch 2 (Dictionary)	30
	Schedule 2—	31

insert—

administrative function means an administrative function or power conferred under an Act.

Examples of an administrative function or power—

- 1 the Land Court's power to make an objections decision under the *Environmental Protection Act 1994*
- 2 the Land Court's power to make a recommendation in respect of an application for the grant of a mining lease under the *Mineral Resources Act 1989*, section 269

Part 4

Amendment of Mineral and Energy Resources (Common Provisions) Act 2014

Clause 12	Act amended	This part amends the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> .	15 16 17
Clause 13	Amendment of s 271 (Amendment of s 182 (Submitter may give objection notice))	Section 271(2), inserted section 182(2), note— <i>omit.</i> <i>Editor's note—</i> Legislation ultimately amended— • <i>Environmental Protection Act 1994</i>	18 19 20 21 22 23 24