

Strategic Cropping Land Bill 2011

Explanatory Notes for amendments to be moved during consideration in detail by the Honourable Rachel Nolan MP

Title of the Bill

Strategic Cropping Land Bill 2011

Objectives of the amendments

The proposed amendments to the Bill are minor in nature but are required to provide clarity for certain provisions. In all cases the proposed amendments provide a benefit to stakeholders and do not create additional impositions or obligations.

The Bill proposed the establishment of a standard conditions code for resource developments. The power to make the code was provided in clause 81, while the framework for the application and use of the code was omitted due to a drafting oversight. The amendments provide this framework in addition to correcting a number of clerical errors and points of clarification.

Achievement of policy objectives

The objectives are achieved by way of amendments to the Bill.

Alternative ways of achieving policy objectives

There is no way of achieving the policy objectives other than to amend the Bill.

The clerical errors can be corrected in accordance with the *Reprints Act 1992*, during the first reprint once the Bill is enacted.

Estimated cost for government implementation

There is no cost associated with these amendments.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

Consultation

The amendments to the Bill were identified as a result of the Parliamentary Committee process. The Bill was referred to the Environment, Agriculture, Resources and Energy Committee on 25 October 2011.

The Committee invited public submissions on the Bill, which closed on 4 November 2011 and held a public hearing with 15 stakeholder representatives on 10 November 2011. Fifty-five public submissions were received.

During the Committee process, the Department of Environment and Resource Management also met with key stakeholders to discuss specific issues raised in their submissions. A number of clarifying amendments were suggested as a result of this process.

A number of other amendments were also identified as necessary in order to provide clarification of a number of provisions of the Bill. The framework for the application of the standard conditions code under clause 81 of the Bill, was consulted on during drafting, but omitted in error from the final Bill tabled on 25 October. Several amendments of a clerical nature were also identified by the Office of the Queensland Parliamentary Counsel.

The Department of Local Government and Planning was consulted in relation to the *Sustainable Planning Act 2009* and Sustainable Planning Regulation 2009 amendments. The Department of the Premier and Cabinet and the Office of the Queensland Parliamentary Counsel have no issues with the amendments.

Notes on provisions

Amendment 1

Amendment 1 amends clause 6 to correct a clerical error with the numbering of the provision.

Amendment 2

Amendment 2 amends clause 41 to clarify who is an eligible person for submitting an application to identify strategic cropping land.

Amendment 3

Amendment 3 amends clause 55 to correct a clerical error cross-referencing a relevant provision of the Bill.

Amendment 4

Amendment 4 inserts a new provision enabling the regulation to make a concurrence agency fee for development assessment applications that fall within the strategic cropping land jurisdiction.

Amendment 5

Amendment 5 inserts a new Part 5 to Chapter 3, to provide a framework for the application and use of any standard conditions code established under clause 81.

Resource development proponents that propose to operate under the standard conditions code must apply to the chief executive for a compliance certificate before the required environmental authority can be issued under the *Environmental Protection Act 1994*. The applicant must meet the requirements under the proposed clause 112D when applying for a compliance certificate. This is to satisfy the chief executive that the resource activities will in fact comply with the code.

The conditions identified in the code will be taken as conditions on either the environmental authority or the resource authority as identified by the code.

Amendment 6

Amendment 6 amends clause 143 to correct a typographical drafting error.

Amendment 7

Amendment 7 amends clause 192 to correct a typographical drafting error.

Amendment 8

Amendment 8 amends clause 249 to correct a clerical error in the provision.

Amendment 9

Amendment 9 amends clause 281 to clarify the transitional arrangements for expansion projects of existing mining leases.

The amendment clarification will ensure that expansion projects under a joint venture or partnership agreement, which was in existence on 23 August 2010, are eligible for the transitional arrangements. This requirement is particularly necessary where the mining lease and mineral development licence or exploration permit were held by different companies in the partnership or joint venture, as at 23 August 2010. That same joint venture or partnership—or joint venture or partnership arrangements—must continue to be in existence as at 23 August 2012.

The amended provision also recognise subsidiaries of a parent company which held the mining lease, mineral development licence or exploration permit on 23 August 2010, but came into existence after that date. These provisions will account for circumstances where the parent company that held the applicable mining tenure undergoes a corporate restructure and a subsidiary obtains the mining tenure as a result.

Amendment 10

Amendment 10 amends clause 291 to clarify that only feedlotting industries are exempt from the strategic cropping land jurisdiction for Integrated Development Assessment System applications relating to intensive animal industries under a local government planning scheme.

Amendment 11

Amendment 11 amends clause 292 to correct a clerical drafting error. The amendment clarifies that footprint for the concurrence agency jurisdiction relates to an area rather than a ratio measure.

Amendment 12

Amendment 12 amends clause 292 to insert a definition for permanent impact into the Sustainable Planning Regulation 2009. The amendment is required for the purpose of the amendments in clause 290 of the Bill which insert strategic cropping land referral agency jurisdictions into Schedule 7 of that Regulation.

Amendment 13

Amendment 13 amends Schedule 1 to correct a typographical drafting error.

Amendment 14

Amendment 14 amends Schedule 2 to correct a clerical error with the numbering of the provision.

Amendment 15

Amendment 15 amends Schedule 2 to correct a clerical error cross-referencing a relevant provision of the Bill.

Amendment 16

Amendment 16 amends Schedule 2 to clarify who is defined to be an “owner” of land for land that is the subject of a resource authority.

Amendment 17

Amendment 17 inserts a definition into Schedule 2 for “SCL compliance certificate” for the purposes of the standard conditions code amendments.

Amendment 18

Amendment 18 amends Schedule 2 to remove the definition of “tenure” which is not referenced or required under the Bill.