

# Natural Resources and Other Legislation Amendment Bill 2010

## Amendments agreed to during Consideration

### 1 **Clause 2 (Commencement)**

Page 24, line 21, after ‘sections’—

*insert—*

‘118.’.

### 2 **Clause 14 (Amendment of s 61 (Interpretation and application of division))**

Page 28, line 24, ‘a the’—

*omit, insert—*

‘a’.

### 3 **Clause 16 (Amendment of s 68 (Powers of occupier of entry etc.))**

Page 29, lines 23 and 24—

*omit, insert—*

‘the occupier of land, is also a prescribed person, the references to a prescribed person in subsections (2) and (3) do not include the’.

### 4 **Clause 20 (Insertion of new ss 18A–18C)**

Page 32, line 18, ‘within’—

*omit, insert—*

‘for’.

**5 Clause 29 (Amendment of s 35 (Granting of permit for land within State forest))**

Page 39, lines 10 to 13—

*omit, insert—*

- ‘(2A) If a plantation licensee, plantation sublicensee, plantation manager or plantation officer (the *decision maker*) exercising power delegated to the decision maker under section 96B makes a decision under subsection (1) or (2), the decision maker’.

**6 Clause 30 (Amendment of s 37 (Particular authorities over State forest, timber reserve or forest entitlement area))**

Page 39, lines 22 to 25—

*omit, insert—*

- ‘(5) Subsections (2B) and (3) do not limit—
- (a) the matters for which compensation is payable; or
  - (b) the amount of compensation payable; or
  - (c) the persons to whom compensation is payable;
- under the Mining Acts and the GHG Storage Act.’.

**7 Clause 34 (Amendment of s 55 (Licences to get forest products etc.))**

Page 41, line 8, ‘permit’—

*omit, insert—*

‘licence’.

**8 Clause 35 (Amendment of s 56 (Permits etc.))**

Page 41, lines 14 to 22—

*omit, insert—*

- ‘(4) Subsection (5) applies if a plantation licensee, plantation sublicensee, plantation manager or plantation officer (the

*decision maker*) exercising power delegated to the decision maker under section 96B makes a decision under this section.

- ‘(5) The decision maker must advise the applicant for the permit, licence, lease, or other authority, or agreement or contract (each an *authorisation*) or the extension of the authorisation that the applicant may apply for a review of the decision under section 83A within 28 days if the applicant is dissatisfied with the decision.
- ‘(6) In this section, a reference to an authority, agreement or’.

**9 Clause 36 (Amendment of s 57 (Power of entry under licence or permit))**

Page 41, lines 25 to 31—

*omit.*

**10 Clause 37 (Amendment of s 58 (Power to cancel, suspend, permit, licence etc.))**

Page 42, line 5, ‘(7)’—

*omit, insert—*

‘(9)’.

**11 Clause 45 (Insertion of new pts 6D and 6E), proposed section 61QI**

Page 48, after line 30—

*insert—*

- ‘(4) If the Minister decides to refuse to approve the transfer, the plantation licensee must be given a written notice of the decision and the reasons for it.’.

**12 Clause 45 (Insertion of new pts 6D and 6E), proposed section 61QJ**

- (1) Page 49, line 2, ‘interest in’—

*omit, insert—*

‘rights and obligations under’.

(2) Page 49, after line 12—

*insert—*

‘(3) If the chief executive decides to refuse to approve the transfer of a related agreement, the plantation licensee must be given a written notice of the decision and the reasons for it.’.

**13 Clause 45 (Insertion of new pts 6D and 6E), proposed section 61QL**

Page 50, line 6, after ‘or’—

*insert—*

‘to meet the plantation licensee’s’.

**14 Clause 45 (Insertion of new pts 6D and 6E), proposed section 61QR**

Page 55, after line 8—

*insert—*

‘(4) If the Minister decides to refuse to approve the transfer, the plantation sublicensee must be given a written notice of the decision and the reasons for it.’.

**15 Clause 45 (Insertion of new pts 6D and 6E), proposed section 61QS**

(1) Page 55, line 10, ‘interest in’—

*omit, insert—*

‘rights and obligations under’.

(2) Page 55, after line 20—

*insert—*

‘(3) If the chief executive decides to refuse to approve the transfer of a related agreement, the plantation sublicensee must be given a written notice of the decision and the reasons for it.’.

**16 Clause 45 (Insertion of new pts 6D and 6E), proposed section 61QU**

Page 56, lines 7 to 14—

*omit.*

**17 Clause 45 (Insertion of new pts 6D and 6E), proposed section 61QV**

(1) Page 56, lines 21 to 24—

*omit, insert—*

‘(2) A plantation licensee or plantation sublicensee that grants a mortgage over its rights in a plantation licence or plantation sublicense with the Minister’s approval may also grant a mortgage over its rights in a related agreement to the mortgagee—’.

(2) Page 56, after line 26—

*insert—*

‘(3) If the Minister decides to refuse to approve the grant of a mortgage over the rights of a plantation licensee or plantation sublicensee under a plantation licence or plantation sublicense, the plantation licensee or plantation sublicensee must be given a written notice of the decision and the reasons for it.

‘(4) If the chief executive decides to refuse to approve the grant of a mortgage over the rights of a plantation licensee or plantation sublicensee in a related agreement, the plantation licensee or plantation sublicensee must be given a written notice of the decision and the reasons for it.’.

**18 Clause 45 (Insertion of new pts 6D and 6E), proposed section 61RB**

Page 61, lines 1 to 4—

*omit, insert—*

‘*affected area* means—

- (a) if the application relates to the surrender of a plantation licence—the licence area for the plantation licence; or
- (b) if the application relates to the surrender of part of a plantation licence—the part of the licence area for the plantation licence that will be removed from the licence area if the application is approved.’.

**19 Clause 45 (Insertion of new pts 6D and 6E), proposed section 61RC**

Page 61, lines 31 and 32 and page 62, lines 1 and 2—

*omit, insert—*

‘*affected area*, in relation to an application for division, means the part of the licence area for the plantation licence that will be removed from the licence area if the application is approved.’.

**20 Clause 45 (Insertion of new pts 6D and 6E), proposed section 61RD**

Page 62, line 14, ‘each’—

*omit, insert—*

‘any’.

**21 Clause 45 (Insertion of new pts 6D and 6E), proposed section 61RH**

Page 64, line 24, ‘61RF’—

*omit, insert—*

‘61RI’.

**22 Clause 45 (Insertion of new pts 6D and 6E), proposed section 61RI**

Page 65, lines 30 and 31—

*omit, insert—*

‘(c) the surrender of the plantation licence or part of the plantation licence under section 61RB.’.

**23 Clause 45 (Insertion of new pts 6D and 6E), proposed section 61RO**

- (1) Page 68, line 17, ‘The grant of a’—  
*omit, insert—*  
‘A’.
- (2) Page 69, line 6, ‘against dealings with’—  
*omit, insert—*  
‘in relation to’.

**24 Clause 45 (Insertion of new pts 6D and 6E), proposed section 61RW**

- (1) Page 73, lines 16 to 22—  
*omit, insert—*
- ‘(c) for a document relating to a transaction for which the Minister’s approval or consent is needed—the Minister has given the approval or consent; and
- (d) for a document relating to a plantation licence the subject of a registered mortgage—the mortgagee under the registered mortgage has given consent to the transaction to which the document relates; and
- (e) for a document relating to a plantation sublicense the subject of a registered mortgage—
- (i) the mortgagee under the registered mortgage has given consent to the transaction to which the document relates; and
- (ii) if the plantation licence is also the subject of a registered mortgage—the mortgagee under that registered mortgage has given consent to the transaction to which the document relates.’.
- (2) Page 73, line 26, after ‘(d)’—

*insert—*

‘or (e)’.

**25 Clause 45 (Insertion of new pts 6D and 6E), proposed section 61SM**

Page 81, line 14—

*omit, insert—*

‘(3) A registered mortgage may be transferred only by registering a transfer of the registered mortgage.

‘(4) A mortgage may be transferred by the mortgagee only with’.

**26 Clause 45 (Insertion of new pts 6D and 6E), proposed section 61SR**

(1) Page 83, lines 6 to 8—

*omit, insert—*

‘(2) A registered mortgagee transferring a plantation licence or plantation sublicence with the Minister’s approval obtained under subsection (1) may also transfer a related agreement—’.

(2) Page 83, line 13, ‘(1)’—

*omit, insert—*

‘(2)’.

**27 Clause 45 (Insertion of new pts 6D and 6E), proposed section 61SV**

(1) Page 84, line 22, ‘The’—

*omit, insert—*

‘(1) The’.

(2) Page 84, after line 24—

*insert—*

‘(2) In this section—



*office copy* of an enforcement warrant under the *State Penalties Enforcement Act 1999* means a copy of the enforcement warrant issued by the registrar under that Act.’.

**28 Clause 45 (Insertion of new pts 6D and 6E), proposed section 61SW**

Page 85, line 8, before ‘the extended time’—

*insert—*

‘for an enforcement warrant under the *Supreme Court of Queensland Act 1991*, section 93A—’.

**29 Clause 45 (Insertion of new pts 6D and 6E), proposed section 61TG**

Page 90, line 10, ‘(c) or (d)’—

*omit, insert—*

‘(b) or (c)’.

**30 Clause 57 (Amendment of s 73 (Unlawfully using State forests etc.))**

Page 107, lines 8 to 18—

*omit, insert—*

- ‘(3) If a plantation licensee, plantation sublicensee, plantation manager or plantation officer (the *decision maker*) exercising power delegated to the decision maker under section 96B makes a decision under this section, the decision maker must advise the applicant for the permit that the applicant may apply for a review of the decision under section 83A within 28 days if the applicant is dissatisfied with the decision.’.’.

**31 After clause 57**

Page 107, line 19, ‘ ‘57A Amendment’—

*omit, insert—*

**‘Clause 57A Amendment’.**

**32 After clause 59**

Page 108, line 19, ‘ ‘59A Amendment’—

*omit, insert—*

**‘Clause 59A Amendment’.**

**33 Clause 62 (Amendment of s 84 (Matters may be completed by different officers))**

Page 110, line 5, ‘subsection (1)’—

*omit, insert—*

‘subsections (1) and (3)’.

**34 Clause 64 (Insertion of new s 88A)**

Page 111, lines 3 to 5—

*omit, insert—*

‘(1) This section applies if a fee or amount—

(a) may be retained or recovered by a plantation licensee or plantation sublicensee under this Act, including under section 96B(6); and’.

**35 After clause 64**

Page 111, after line 11—

*insert—*

**‘Clause 64A Amendment of s 89 (Recovery of moneys due)**

‘(1) Section 89(1), after ‘loss or damage’—

*insert—*

‘(including under section 88(2C))’.

‘(2) Section 89—

*insert—*

‘(1A) All moneys owing to a plantation licensee or plantation sublicensee in relation to any loss or damage (including under section 88(2C)) to natural resource product or quarry material the property of the plantation licensee or plantation sublicensee may be recovered by the plantation licensee or plantation sublicensee in any court of competent jurisdiction by action as for a debt.’.

‘(3) Section 89(2), ‘any such moneys’—

*omit, insert—*

‘moneys due or owing under subsection (1) or (1A)’.

‘(4) Section 89(2), after ‘under this Act’—

*insert—*

‘in relation to the conduct constituting the contravention’.’.

**36 Clause 65 (Amendment of s 91 (Power to waive proceedings))**

Page 111, line 16, after ‘licence area’—

*insert—*

‘that is got, ringbarked, destroyed, damaged, used, marked or in any way interfered with by the plantation licensee or any plantation sublicensee for the licence area or any employee, agent, contractor, customer or invitee of the plantation licensee or plantation sublicensee’.

**37 Clause 69 (Insertion of new ss 96B–96E), proposed section 96B**

(1) Page 112, line 15, ‘its’—

*omit, insert—*

‘a’.

- (2) Page 112, lines 24 to 28—

*omit, insert—*

‘A plantation licensee or plantation sublicensee may not exercise power under section 56 to grant sales permits for the sale of natural resource product from its licence area but it can contract with other persons to sell natural resource product on its licence area under section 61QD.’.

- (3) Page 113, line 20, after ‘licensee’s’—

*insert—*

‘or plantation sublicensee’s’.

- (4) Page 113, line 23, after ‘behaviour’—

*insert—*

‘or general use of the area’.

- (5) Page 113, lines 26 and 27—

*omit, insert—*

- prohibiting or limiting use of an unformed road to protect it from traffic damage after heavy rain’.

- (6) Page 113, lines 28 to 33 and page 114, lines 1 to 5—

*omit, insert—*

- ‘(5) Subsection (6) applies if, in relation to a function of the chief executive delegated under this section to a plantation licensee or plantation sublicensee (each a *delegate*) or an appointed person and performed by a delegate or an appointed person, the State is entitled to receive a fee prescribed under a regulation or another amount under this Act in connection with the performance of the function (each a *relevant amount*).

- ‘(6) A relevant amount—

- (a) may be recovered by the delegate who performed the function or appointed the appointed person who performed the function; and
- (b) if received or recovered by the delegate who performed the function or appointed the appointed person who

performed the function, may be retained by the delegate;  
and

(c) does not form part of the consolidated fund.’.

(7) Page 114, lines 15 to 19—

*omit, insert—*

‘(b) for a plantation sublicensee—the licence area for the plantation sublicensee’s plantation sublicense; or

(c) for a plantation manager—the licence area or part of the licence area for which the plantation manager is appointed; or

(d) for a plantation officer—the licence area for which the plantation officer is appointed.’.

**38 Clause 69 (Insertion of new ss 96B–96E), proposed section 96E**

(1) Page 115, line 17, ‘licensee or plantation manager’—

*omit, insert—*

‘operator’.

(2) Page 115, lines 23 and 24, ‘licensee or plantation manager’—

*omit, insert—*

‘operator’.

**39 Clause 72 (Insertion of new pt 10, div 2), proposed section 118**

(1) Page 116, line 10, ‘subdiv 1’—

*omit, insert—*

‘div 2’.

(2) Page 116, line 23—

*omit, insert—*

‘*commencement* means—

- (a) for section 121—the day on which the section commences; or
- (b) otherwise—the day on which section 119 commences.’.
- (3) Page 116, line 27, before ‘section’—  
*insert—*  
‘repealed’.

**40 Clause 72 (Insertion of new pt 10, div 2), proposed section 119**

- (1) Page 117, line 23, ‘is, or becomes,’—  
*omit, insert—*  
‘becomes’.
- (2) Page 117, line 25, after ‘61QG’—  
*insert—*  
‘or 61QQ’.
- (3) Page 117, line 29, after ‘part’—  
*insert—*  
‘by the chief executive under section 17’.

**41 Clause 72 (Insertion of new pt 10, div 2), proposed section 120**

- Page 118, line 9, before ‘section’—  
*insert—*  
‘repealed’.

**42 Clause 72 (Insertion of new pt 10, div 2), proposed section 122**

- Page 119, line 5, before ‘section’—  
*insert—*  
‘repealed’.

**43 Clause 72 (Insertion of new pt 10, div 2), proposed section 123**

Page 119, line 12, before ‘section’—

*insert—*

‘repealed’.

**44 Clause 72 (Insertion of new pt 10, div 2), proposed section 124**

Page 119, line 28, before ‘section’—

*insert—*

‘repealed’.

**45 Clause 72 (Insertion of new pt 10, div 2), proposed section 125**

Page 120, line 4, before ‘section’—

*insert—*

‘repealed’.

**46 Clause 72 (Insertion of new pt 10, div 2), proposed section 126**

Page 120, line 12, before ‘section’—

*insert—*

‘repealed’.

**47 Clause 72 (Insertion of new pt 10, div 2), proposed section 128**

Page 121, lines 18 and 19, ‘as provided under subsection (3)’—

*omit, insert—*

‘if subsection (2) does not apply’.

**48 Clause 72 (Insertion of new pt 10, div 2), proposed section 129**

Page 122, lines 28 to 31 and page 123, lines 1 and 2—

*omit, insert—*

- ‘(1) This section applies to a permit under section 73(2) granted by an administering entity, including by acting under repealed section 61M, that is in force immediately before the commencement.
- ‘(2) After the commencement, the permit—
  - (a) continues in force; and
  - (b) is taken to have been granted by the chief executive.’.

**49 Clause 74 (Amendment of sch 3 (Dictionary))**

- (1) Page 124, line 12, ‘61 RC’—

*omit, insert—*

‘61RC.’.

- (2) Page 125, line 26, ‘61QO(1)’—

*omit, insert—*

‘61QO(2)’.

**50 Clause 83 (Replacement of sch 4 (State forest parks))**

- (1) Page 128, after line 15—

*insert—*

‘SFP 4 on plan FSM161’.

- (2) Page 128, lines 23 and 24—

*omit, insert—*

‘SFP 23 on plan FSM160’.



**51 Clause 84 (Insertion of new sch 4A)**

(1) Page 131, line 22—

*omit, insert—*

‘Lots A, B and C on PLP0200’.

(2) Page 131, line 28—

*omit, insert—*

‘Lots A and B on PLP0466’.

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