

Queensland



**STATE DEVELOPMENT AND
OTHER LEGISLATION
AMENDMENT BILL 2000**

Queensland



STATE DEVELOPMENT AND OTHER LEGISLATION AMENDMENT BILL 2000

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	6
2	Commencement	6
PART 2—AMENDMENT OF ELECTRICITY ACT 1994		
3	Act amended in pt 2	6
4	Insertion of new ch 5, pt 2, div 3	7
	<i>Division 3—Limitation on restrictions and rationing</i>	
	129A Limitation for Stanwell Magnesium Plant	7
	129B Expiry of div 3	7
PART 3—AMENDMENT OF ENVIRONMENTAL PROTECTION ACT 1994		
5	Act amended in pt 3 and schedule	8
6	Amendment of s 34 (When EIS process applies)	8
7	Amendment of s 34AW (When process is completed)	8
8	Amendment of s 34FD (Assessment level decision)	9
9	Amendment of s 34FF (Decision about EIS requirement)	9
10	Amendment of s 34FG (Ministerial decision about assessment level)	9
11	Amendment of s 34GS (EMOS—content requirements)	10
12	Amendment of s 34GU (EMOS assessment report may be prepared)	10
13	Amendment of s 34GV (Requirements for EMOS assessment report)	10
14	Amendment of s 34GY (Conditions—standard applications)	11
15	Amendment of s 34GZ (Conditions—non-standard applications)	11
16	Amendment of s 34HF (Right to make objection)	11

*State Development and Other Legislation
Amendment*

17	Amendment of s 34HL (Nature of objections decision)	12
18	Replacement of s 34HN (Advice from MRA Minister about objections decision)	12
	34HN Advice from MRA and State Development Ministers about objections decision	13
19	Amendment of s 34HO (EPA Minister's decision on application)	13
20	Amendment of s 34KQ (Conditions that may be made)	13
21	Insertion of new s 34KRA	14
	34KRA Paramountcy of native title issues decision conditions	14
22	Amendment of sch 4 (Dictionary)	14
	PART 4—AMENDMENT OF INTEGRATED PLANNING ACT 1997	
23	Act amended in pt 4	15
24	Amendment of s 2.6.8 (Minister may proceed straight to designation in certain circumstances)	15
	PART 5—AMENDMENT OF MINERAL RESOURCES ACT 1989	
25	Act amended in pt 5	16
26	Amendment of s 276 (Conditions of mining lease)	16
	PART 6—AMENDMENT OF STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION ACT 1971	
27	Act amended in pt 6 and schedule	16
28	Amendment of s 5 (Definitions)	16
29	Amendment of s 29 (Definitions for pt 4)	17
30	Amendment of s 29B (Declaration of significant project)	18
31	Amendment of s 29K (Coordinator-General evaluates EIS, submissions, other material and prepares report)	18
32	Insertion of new pt 4, div 4, sdiv 1, hdg	19
33	Amendment of s 29L (Application of div 4)	19
34	Amendment of s 29M (Applications for material change of use or requiring impact assessment)	19
35	Amendment of s 29O (Application of Coordinator-General's report to IDAS)	20

*State Development and Other Legislation
Amendment*

36	Insertion of new s 29PA and new pt 4, div 4, sdiv 2	21
	29PA Assessing authority for conditions of development approval	21
	<i>Subdivision 2—Community infrastructure</i>	
	29Q Application of Coordinator-General’s report to designation	21
37	Replacement of pt 4, div 5 (Relationship with Mineral Resources Act 1989)	22
	<i>Division 5—Relationship with Mineral Resources Act</i>	
	29R Application of div 5	22
	29S Application of Coordinator-General’s report to proposed mining lease	22
	29T Coordinator-General’s conditions override other conditions	23
	29U Paramountcy of native title issues decision conditions	23
	<i>Division 5A—Relationship with Environmental Protection Act</i>	
	29V Application of div 5A	23
	29W Application of Coordinator-General’s report to environmental authority (mining lease)	24
38	Amendment of s 29W (Application of div 6)	24
39	Amendment of s 29Y (Application of Coordinator-General’s report to other approval process)	24
40	Amendment of s 29ZA (Coordinator-General’s report must be taken into consideration)	25
41	Amendment of s 68 (Delegation of authority of Coordinator-General)	25
42	Insertion of new s 77B	25
	77B Project board is a statutory body	25
43	Amendment of s 78 (Power of Coordinator-General to take land)	25
44	Amendment of s 84 (Power of Coordinator-General to negotiate transfer of works undertaken by the Coordinator-General)	26
45	Replacement of ss 95–101A	26
	95 The Coordinator-General is a statutory body	26
46	Replacement of s 119 (Publication of orders in council)	26
	119 Publication of document or information by Coordinator-General . .	26
47	Amendment of s 121 (Regulations)	27
48	Amendment of s 123 (Studies being prepared are taken to be EISs for this part)	27

*State Development and Other Legislation
Amendment*

SCHEDULE	29
MINOR AMENDMENTS	

2000

A BILL

FOR

***An act to amend the State Development and Public Works Organisation
Act 1971, and for other purposes***

*State Development and Other Legislation
Amendment*

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause **1.** This Act may be cited as the *State Development and Other Legislation Amendment Act 2000*.

4

5

Commencement

6

Clause **2.(1)** Sections 27 and 36, to the extent the sections insert section 29PA,¹ are taken to have commenced on 16 June 1999.

7

8

(2) The remaining provisions commence on a day to be fixed by proclamation.

9

10

(3) The *Acts Interpretation Act 1954*, section 15DA(1) and (2),² apply to the remaining provisions as if the reference in the section 15DA(2) to ‘1 year’ were a reference to ‘2 years’.

11

12

13

(4) The *Acts Interpretation Act 1954* sections 15DA(3) and (4) do not apply to the remaining provisions.

14

15

PART 2—AMENDMENT OF ELECTRICITY ACT 1994

16

Act amended in pt 2

17

Clause **3.** This part amends the *Electricity Act 1994*.

18

¹ Section 29PA (Assessing authority for conditions of development approval)

² *Acts Interpretation Act 1954*, section 15DA (Automatic commencement of postponed law)

*State Development and Other Legislation
Amendment*

Insertion of new ch 5, pt 2, div 3

Clause **4.** Chapter 5, part 2—
 insert—

‘Division 3—Limitation on restrictions and rationing

‘Limitation for Stanwell Magnesium Plant

‘**129A.(1)** This section applies if, apart from this section, an electricity restriction regulation or emergency rationing order applies to the supply of electricity to, or the use of electricity at, the Stanwell Magnesium Plant.

‘**(2)** The regulation or rationing order applies only to the supply of electricity to, or the use of electricity at, the plant that is more than the demand prescribed under a regulation.

‘**(3)** The prescribed demand—

(a) must be at least 50 MW; but

(b) must not be more than 100 MW.

‘**(4)** Subsection (2) applies despite any other provision of this part.

‘**(5)** In this section—

“Stanwell Magnesium Plant” means the magnesium production plant that Australian Magnesium Operations Pty Ltd (ABN 38 058 918 175) has built, or proposes to build, adjacent to the electricity generating facility at Stanwell called the ‘Stanwell Power Station’.

‘Expiry of div 3

‘**129B.** This division expires on 31 December 2033.’.

*State Development and Other Legislation
Amendment*

**PART 3—AMENDMENT OF ENVIRONMENTAL
PROTECTION ACT 1994**

Act amended in pt 3 and schedule

- Clause **5.(1)** This part amends the *Environmental Protection Act 1994*.
 (2) The schedule also includes amendments of the *Environmental Protection Act 1994*.

Amendment of s 34 (When EIS process applies)

- Clause **6.** Section 34(1), after ‘project’, first mention—
 insert—
 ‘, other than a significant project,’.

Amendment of s 34AW (When process is completed)

- Clause **7.(1)** Section 34AW—
 insert—
 ‘**(1A)** The process is taken to have been completed for a significant project if the Coordinator-General’s report for the project has been given to the project’s proponent.’.
 (2) Section 34AW(2), words before paragraph (a)—
 omit, insert—
 ‘**(2)** The process is taken to have been completed for another project if—’.
 (3) Section 34AW(2)(a), after ‘, however called,’—
 insert—
 ‘for the project’.

*State Development and Other Legislation
Amendment*

Amendment of s 34FD (Assessment level decision)

- Clause **8.** Section 34FD(3)(a) and (b)—
- omit, insert—*
- ‘(a) it is for a mining project and the authority decides any proposed mining activity that forms part of the project is not a standard mining activity; or
- (b) it is for an environmental authority (mining lease) and a relevant mining lease is, or is included in, a significant project.’.

Amendment of s 34FF (Decision about EIS requirement)

- Clause **9.** Section 34FF—
- insert—*
- ‘**(1A)** However, an EIS must not be required under subsection (1) for the application if—
- (a) it is for an environmental authority (mining lease); and
- (b) a relevant mining lease is, or is included in, a significant project.³’.

Amendment of s 34FG (Ministerial decision about assessment level)

- Clause **10.** Section 34FG(1)—
- omit, insert—*
- ‘**34FG(1)** This section does not apply for an application if—
- (a) it is for an environmental authority (mining lease); and
- (b) a relevant mining lease is, or is included in, a significant project.
- ‘**(1A)** If the application is not an application mentioned in subsection (1), this section applies despite any decision by the administering authority under this division, other than under 34FD(3)(b).’.

³ For EISs for significant projects, see the State Development Act, section 29D (Application of divs 3–6) and part 4, division 3 (EIS process).

*State Development and Other Legislation
Amendment*

Amendment of s 34GS (EMOS—content requirements)

Clause	11. Section 34GS(1)—	2
	<i>insert—</i>	3
	‘(ca)if a relevant mining lease is, or is included in, a significant project—state whether an EIS under the State Development Act, part 4, has been prepared for the project; and’.	4
		5
		6

Amendment of s 34GU (EMOS assessment report may be prepared)

Clause	12. Section 34GU, before subsection (1)—	8
	<i>insert—</i>	9
	‘ (1A) This section does not apply for the application if—	10
	(a) a relevant mining lease is, or is included in, a significant project; and	11
		12
	(b) an EMOS is included in the EIS for the project prepared under the State Development Act, part 4; and	13
		14
	(c) the Coordinator-General’s report for the project states the EMOS complies, or substantially complies, with the content requirements under section 34GS.’.	15
		16
		17

Amendment of s 34GV (Requirements for EMOS assessment report)

Clause	13. Section 34GV(b)—	19
	<i>insert—</i>	20
	‘(iia)if a relevant mining lease is, or is included in, a significant project—	21
		22
	(A) the EIS prepared under the State Development Act, part 4, for the project; and	23
		24
	(B) the Coordinator-General’s report for the project; and’.	25

*State Development and Other Legislation
Amendment*

Amendment of s 34GY (Conditions—standard applications)

Clause	14.(1) Section 34GY(2)(a) and (b)—	2
	<i>omit, insert—</i>	3
	‘(a) either—	4
	(i) include the relevant standard environmental conditions; or	5
	(ii) identify the conditions by reference to their gazettal or to a	6
	code of environmental compliance in which they are	7
	contained; and	8
	(b) if a relevant mining lease is, or is included in, a significant	9
	project—include any conditions for the draft stated in the	10
	Coordinator-General’s report for the project (“ Coordinator-	11
	General’s conditions ”).’.	12
	(2) Section 34GY(6)—	13
	<i>insert—</i>	14
	‘(c) the condition is not inconsistent with a Coordinator-General’s	15
	condition.’.	16

Amendment of s 34GZ (Conditions—non-standard applications)

Clause	15. Section 34GZ—	18
	<i>insert—</i>	19
	‘ (2A) However, if a relevant mining lease is, or is included in, a	20
	significant project—	21
	(a) the administering authority must include in the draft any	22
	conditions for the draft stated in the Coordinator-General’s report	23
	for the project (“ Coordinator-General’s conditions ”); and	24
	(b) any other condition included in the draft must not be inconsistent	25
	with a Coordinator-General’s condition.’.	26

Amendment of s 34HF (Right to make objection)

Clause	16.(1) Section 34HF—	28
--------	-----------------------------	----

*State Development and Other Legislation
Amendment*

insert—

‘(2A) Also, a Coordinator-General’s condition included in the draft under section 34GY or 34GZ can not be objected to by anyone.⁴’.

(2) Section 34HF—

insert—

‘(4) To remove any doubt, it is declared that the reference to the application in subsection (1) does not include a reference to any other application document.’.

Amendment of s 34HL (Nature of objections decision)

Clause 17. Section 34HL—

insert—

‘(1A) However, if a relevant mining lease is, or is included in, a significant project and, under section 34GY or 34GZ,⁵ Coordinator-General’s conditions were included in the draft, any stated conditions under subsection (1)(b)—

(a) must include the Coordinator-General’s conditions; and

(b) must not be inconsistent with a Coordinator-General’s condition.’.

Replacement of s 34HN (Advice from MRA Minister about objections decision)

Clause 18. Section 34HN—

omit, insert—

⁴ Sections 34GY(2)(b) (Conditions—standard applications) and 34GZ (Conditions—non-standard applications)

⁵ Sections 34GY(2)(b) (Conditions—standard applications) and 34GZ (Conditions—non-standard applications)

*State Development and Other Legislation
Amendment*

‘Advice from MRA and State Development Ministers about objections decision

‘34HN.(1) After the objections decision for the application has been made, the EPA Minister must seek advice about the decision from—

- (a) the MRA Minister; and
- (b) if a relevant mining lease is, or is included in, a significant project—the Minister for the time being administering the State Development Act (the **“State Development Minister”**).

‘(2) The advice may be sought at the time and in the way the EPA Minister considers appropriate.

‘(3) The MRA Minister or State Development Minister may give the advice sought only within the later of the following periods to end—

- (a) 10 business days after the EPA Minister seeks the advice;
- (b) if the MRA Minister and the EPA Minister have, within the 10 business days, agreed to a longer period—the longer period.

‘(4) In giving the advice sought, the MRA Minister or State Development Minister may seek advice from any entity.’.

Amendment of s 34HO (EPA Minister’s decision on application)

Clause **19.** Section 34HO(3)(b)—

omit, insert—

- ‘(b)** any Coordinator-General’s conditions included in the draft environmental authority under section 34GY or 34GZ.⁶’.

Amendment of s 34KQ (Conditions that may be made)

Clause **20.** Section 34KQ(1)(f)—

omit, insert—

⁶ Sections 34GY (Conditions—standard applications) and 34GZ (Conditions—non-standard applications)

*State Development and Other Legislation
Amendment*

‘(f) stating, under the State Development Act, section 29W,⁷ conditions for a draft environmental authority for an environmental authority (mining lease).’.

Insertion of new s 34KRA

Clause 21. Chapter 2C, part 13, division 3, after section 34KR—
insert—

‘Paramountcy of native title issues decision conditions

‘34KRA.(1) Subsection (2) applies if there is any inconsistency between—

(a) a native title issues condition; and

(b) a condition of an environmental authority (mining activities) or a draft environmental authority for an environmental authority (mining activities).

‘(2) The native title issues condition prevails to the extent of the inconsistency.

‘(3) In this section—

“native title issues condition” means a condition imposed or made under, or as part of, the native title issues decision under the Mineral Resources Act.’.

Amendment of sch 4 (Dictionary)

Clause 22. Schedule 4—
insert—

‘ “Coordinator-General’s report”, for a significant project, means the Coordinator-General’s report under the State Development Act,

⁷ The State Development Act, section 29W (Application of Coordinator-General’s report to environmental authority (mining lease))

*State Development and Other Legislation
Amendment*

section 29K,⁸ evaluating the EIS for the project.

“significant project” means a project declared under the State Development Act, section 29B, to be a significant project.’.

PART 4—AMENDMENT OF INTEGRATED PLANNING ACT 1997

Act amended in pt 4

Clause 23. This part amends the *Integrated Planning Act 1997*.

Amendment of s 2.6.8 (Minister may proceed straight to designation in certain circumstances)

Clause 24.(1) Section 2.6.8(a), before subparagraph (i)—
insert—

‘(ia) the Coordinator-General has, under the *State Development and Public Works Organisation Act 1971*, section 29A,⁹ carried out a coordination in relation to the community infrastructure; or’.

(2) Section 2.6.8(a)(ia) to (ii)—
renumber as section 2.6.8(a)(i) to (iv).

⁸ The State Development Act, section 29K (Coordinator-General evaluates EIS, submissions, other material and prepares report)

⁹ *State Development and Public Works Organisation Act 1971*, section 29A (Supervision of environment)

*State Development and Other Legislation
Amendment*

**PART 5—AMENDMENT OF MINERAL RESOURCES
ACT 1989**

Act amended in pt 5

Clause 25. This part amends the *Mineral Resources Act 1989*.

Amendment of s 276 (Conditions of mining lease)

Clause 26. Section 276(5)—
omit.

**PART 6—AMENDMENT OF STATE DEVELOPMENT
AND PUBLIC WORKS ORGANISATION ACT 1971**

Act amended in pt 6 and schedule

Clause 27.(1) This part amends the *State Development and Public Works Organisation Act 1971*.

(2) The schedule also includes amendments of the *State Development and Public Works Organisation Act 1971*.

Amendment of s 5 (Definitions)

Clause 28.(1) Section 5, definition “**local body**”—
omit.

(2) Section 5—
insert—

‘ “**approval**”, for part 4, see section 29.

“**assessment manager**”, for part 4, see section 29.

“**Coordinator-General’s report**”, for part 4, see section 29.

*State Development and Other Legislation
Amendment*

“development approval” , for part 4, see section 29.	1
“EIS” , for part 4, see section 29.	2
“environmental authority (mining lease)” , for part 4, see section 29.	3
“Environmental Protection Act” , for part 4, see section 29.	4
“EPA Minister” , for part 4, see section 29.	5
“IDAS” , for part 4, see section 29.	6
“Integrated Planning Act” means the <i>Integrated Planning Act 1997</i> .	7
“local body” means—	8
(a) a government owned corporation; or	9
(b) a statutory body as defined under the <i>Statutory Bodies Financial Arrangements Act 1982</i> ; or	10 11
(c) another body established under an Act.	12
“Mineral Resources Act” , for part 4, see section 29.	13
“MRA Minister” , for part 4, see section 29.	14
“properly made submission” , for part 4, see section 29.	15
“proponent” , for part 4, see section 29.	16
“significant project” , for part 4, see section 29.	17
“submission period” , for part 4, see section 29.’.	18

Amendment of s 29 (Definitions for pt 4)	19
---	----

Clause	29. Section 29—	20
	<i>insert—</i>	21
	‘ “approval” includes authority, lease, licence, permit or other approval.	22
	“Coordinator-General’s report” , for an EIS, means the report the Coordinator-General must prepare under section 29K(3).	23 24
	“environmental authority (mining lease)” means an environmental authority (mining lease) under the Environmental Protection Act.	25 26
	“Environmental Protection Act” means the <i>Environmental Protection</i>	27

*State Development and Other Legislation
Amendment*

Act 1994.

“EPA Minister” means the Minister for the time being administering the Environmental Protection Act.

“Mineral Resources Act” means the *Mineral Resources Act 1989*.

“MRA Minister” means the Minister for the time being administering the Mineral Resources Act.’.

Amendment of s 29B (Declaration of significant project)

Clause 30. Section 29B(4)—

omit, insert—

‘(4) If the project involves a proposed environmental authority (mining lease), the Coordinator-General must give a copy of the gazette notice to the EPA and MRA Ministers.’.

Amendment of s 29K (Coordinator-General evaluates EIS, submissions, other material and prepares report)

Clause 31. Section 29K(4)—

omit, insert—

‘(4) In evaluating the EIS, the Coordinator-General may—

(a) evaluate the environmental effects of the project and any other related matters; and

(b) state conditions under section 29O, 29S or 29W; and

(c) make recommendations under section 29Q or 29Y.¹⁰

‘(5) After completing the report, the Coordinator-General must—

¹⁰ Sections 29O (Application of Coordinator-General’s report to IDAS), 29Q (Application of Coordinator-General’s report to designation), 29S (Application of Coordinator-General’s report to proposed mining lease), 29W (Application of Coordinator-General’s report to environmental authority (mining lease)) and 29Y (Application of Coordinator-General’s report to other approval process)

*State Development and Other Legislation
Amendment*

- (a) give a copy of it to the proponent; and 1
- (b) publicly notify the report.’. 2

Insertion of new pt 4, div 4, sdiv 1, hdg 3

- Clause 32. Part 4, division 4— 4
- insert—* 5
- ‘Subdivision 1—Development approvals’.** 6

Amendment of s 29L (Application of div 4) 7

- Clause 33.(1) Section 29L, heading, ‘div 4’— 8
- omit, insert—* 9
- ‘sdiv 1’.** 10
- (2) Section 29L, ‘division’— 11
- omit, insert—* 12
- ‘subdivision’.** 13

Amendment of s 29M (Applications for material change of use or requiring impact assessment) 14
15

- Clause 34. Section 29M(1)(d)— 16
- omit, insert—* 17
- ‘(d) despite paragraph (b), until the development approval applied for 18
has effect— 19
- (i) the Coordinator-General’s report is taken to be a concurrence 20
agency’s response for the application under IDAS; and 21
 - (ii) the Coordinator-General may exercise any power of the 22
entity that, other than for paragraph (b), would have been the 23
concurrence agency for the application.’. 24

*State Development and Other Legislation
Amendment*

Amendment of s 29O (Application of Coordinator-General's report to IDAS)

		1
		2
Clause	35.(1) Section 29O(1)(a) and (b), 'any development approval'—	3
	<i>omit, insert—</i>	4
	'the development approval'.	5
	(2) Section 29O(1)(c), 'any approval'—	6
	<i>omit, insert—</i>	7
	'the approval'.	8
	(3) Section 29O(2)(b), 'a development approval'—	9
	<i>omit, insert—</i>	10
	'the development approval'.	11
	(4) Section 29O—	12
	<i>insert—</i>	13
	' (2A) To remove any doubt, it is declared that subsection (1)(a) does not	14
	limit the assessment manager's power under the Integrated Planning Act	15
	to—	16
	(a) assess the development application; and	17
	(b) impose conditions not inconsistent with conditions that must be	18
	attached under subsection (1)(a).'	19
	(5) Section 29O—	20
	<i>insert—</i>	21
	' (5) If the Coordinator-General's report provides for a condition that	22
	must be attached to any development approval—	23
	(a) the report may state the entity that is to have jurisdiction for the	24
	condition after the development approval has taken effect under	25
	the Integrated Planning Act, section 3.5.19; and	26
	(b) the condition is taken to be a concurrence agency condition under	27
	the Integrated Planning Act.'	28

*State Development and Other Legislation
Amendment*

Insertion of new s 29PA and new pt 4, div 4, sdiv 2

Clause	36. In part 4, division 4, after section 29P—	2
	<i>insert—</i>	3
	‘Assessing authority for conditions of development approval	4
	‘29PA.(1) This section applies if—	5
	(a) the development approval application is approved subject to a condition; and	6
		7
	(b) the development approval has taken effect under the Integrated Planning Act, section 3.5.19.	8
		9
	‘(2) An entity is taken to be an assessing authority for the condition for applying the Integrated Planning Act, chapter 4, ¹¹ if—	10
		11
	(a) the report states the entity is to have jurisdiction for the condition; or	12
		13
	(b) if paragraph (a) does not apply, other than for section 29M—	14
	(i) the entity would have been the referral agency for the application; and	15
		16
	(ii) the condition would have been a matter within the entity’s jurisdiction.	17
		18
	‘(3) This section applies despite section 29M(1)(b).	19

‘Subdivision 2—Community infrastructure 20

‘Application of Coordinator-General’s report to designation 21

‘29Q.(1) This section applies if the project involves land for which a designation as community infrastructure under the Integrated Planning Act, section 2.6.8 may be made.	22
	23
	24

‘(2) The Coordinator-General’s report may recommend requirements for	25
---	----

¹¹ The Integrated Planning Act 1997, chapter 4 (Appeals, offences and enforcement)

*State Development and Other Legislation
Amendment*

inclusion in the designation under the Integrated Planning Act,
section 2.6.4(a).¹²

‘(3) In making the designation, the designator may have regard to the
recommendation.’.

**Replacement of pt 4, div 5 (Relationship with Mineral Resources Act
1989)**

Clause 37. Part 4, division 5—

omit, insert—

‘Division 5—Relationship with Mineral Resources Act

‘Application of div 5

‘29R. This division applies if the project involves a proposed mining
lease under the Mineral Resources Act.

**‘Application of Coordinator-General’s report to proposed mining
lease**

‘29S.(1) The Coordinator-General’s report may state conditions
 (“Coordinator-General’s conditions”) for the proposed mining lease.

‘(2) If Coordinator-General’s conditions are included in the report—

(a) the report must state reasons for their inclusion; and

(b) the Coordinator-General must give the MRA Minister a copy of
the report; and

(c) the conditions of the proposed mining lease are, subject to
section 29U, taken to include the Coordinator-General’s
conditions.

¹² The Integrated Planning Act, sections 2.6.4 (What designations may include) and
2.6.8 (Minister may proceed straight to designation in certain circumstances)

*State Development and Other Legislation
Amendment*

‘Coordinator-General’s conditions override other conditions

‘29T.(1) This section applies if—

- (a) the proposed mining lease is granted; and
- (b) the conditions of the mining lease include a Coordinator-General’s condition; and
- (c) there is any inconsistency between the Coordinator-General’s condition and another condition of the mining lease.

‘(2) Subject to section 29U, the Coordinator-General’s condition prevails to the extent of the inconsistency.

‘(3) In this section—

“Coordinator-General’s condition” means—

- (a) a Coordinator-General’s condition that, under section 29S, is taken to have been included in the proposed mining lease; or
- (b) a condition that is substantially the same as a condition mentioned in paragraph (a).

‘Paramountcy of native title issues decision conditions

‘29U.(1) If there is any inconsistency between a Coordinator-General’s condition under section 29S or 29T and a native title issues condition, the native title issues condition prevails to the extent of the inconsistency.

‘(2) In this section—

“native title issues condition” means a condition imposed or made under, or as part of, the native title issues decision under the Mineral Resources Act.

‘Division 5A—Relationship with Environmental Protection Act, ch 2C

‘Application of div 5A

‘29V. This division applies if the project involves a proposed environmental authority (mining lease).

*State Development and Other Legislation
Amendment*

‘Application of Coordinator-General’s report to environmental authority (mining lease)

‘**29W.(1)** The Coordinator-General’s report may state conditions for any draft environmental authority under the Environmental Protection Act for the proposed environmental authority (mining lease).

‘**(2)** If conditions under subsection (1) are included in the report—

- (a) the report must state reasons for their inclusion; and
- (b) the Coordinator-General must give the EPA Minister a copy of the report.’.

Amendment of s 29W (Application of div 6)

- Clause **38.(1)** Section 29W, ‘*Mineral Resources Act 1989*’—
omit, insert—
‘Environmental Protection Act, chapter 2C,¹³’.
(2) Section 29W—
renumber as section 29WA.

Amendment of s 29Y (Application of Coordinator-General’s report to other approval process)

- Clause **39.** Section 29Y(1)—
omit, insert—
‘**29Y.(1)** The Coordinator-General’s report may recommend to the person who may give an approval required for the project that—
(a) the approval be refused; or
(b) stated conditions be imposed on the approval.’.

¹³ The Environmental Protection Act, chapter 2C (Environmental authorities for mining activities)

*State Development and Other Legislation
Amendment*

Amendment of s 29ZA (Coordinator-General's report must be taken into consideration)

- | | | |
|--------|--|---|
| Clause | 40. Section 29ZA, from 'required'— | 3 |
| | <i>omit, insert—</i> | 4 |
| | 'who may give an approval required for the project.' | 5 |

Amendment of s 68 (Delegation of authority of Coordinator-General)

- | | | |
|--------|--|----|
| Clause | 41.(1) Section 68(2)(b), after 'local body'— | 7 |
| | <i>insert—</i> | 8 |
| | 'or the chief executive of a department'. | 9 |
| | (2) Section 68(3), after 'local body'— | 10 |
| | <i>insert—</i> | 11 |
| | 'or chief executive'. | 12 |

Insertion of new s 77B

- | | | |
|--------|---|----|
| Clause | 42. In part 6, division 4, after section 77A— | 14 |
| | <i>insert—</i> | 15 |
| | 'Project board is a statutory body | 16 |
| | '77B.(1) A project board is a statutory body for the <i>Statutory Bodies Financial Arrangements Act 1982</i> . | 17 |
| | | 18 |
| | '(2) The <i>Statutory Bodies Financial Arrangements Act 1982</i> , part 2B sets out the way in which a project board's powers under this Act are affected by the <i>Statutory Bodies Financial Arrangements Act 1982</i> .' | 19 |
| | | 20 |
| | | 21 |

Amendment of s 78 (Power of Coordinator-General to take land)

- | | | |
|--------|--|----|
| Clause | 43. Section 78(1), 'an estate in fee simple in'— | 23 |
| | <i>omit.</i> | 24 |

*State Development and Other Legislation
Amendment*

Amendment of s 84 (Power of Coordinator-General to negotiate transfer of works undertaken by the Coordinator-General)

Clause	44. Section 84(1)—	3
	<i>insert—</i>	4
	‘(c) with any entity established under an Act;’.	5

Replacement of ss 95–101A

Clause	45. Sections 95 to 101A—	7
	<i>omit, insert—</i>	8
	‘The Coordinator-General is a statutory body	9
	‘ 95.(1) The Coordinator-General is a statutory body for the <i>Statutory Bodies Financial Arrangements Act 1982</i> .	10
		11
	‘ (2) The <i>Statutory Bodies Financial Arrangements Act 1982</i> , part 2B sets out the way in which the Coordinator-General’s powers under this Act are affected by the <i>Statutory Bodies Financial Arrangements Act 1982</i> .’.	12
		13
		14

Replacement of s 119 (Publication of orders in council)

Clause	46. Section 119—	16
	<i>omit, insert—</i>	17
	‘Publication of document or information by Coordinator-General	18
	‘ 119.(1) This section applies if a provision of this Act requires the Coordinator-General to publicly notify a document or information.	19
		20
	‘ (2) The notification must be made by placing a link to a record or register of the document or information on—	21
		22
	(a) the department’s web site on the internet; or	23
	(b) another web site the Coordinator-General considers appropriate.	24
	‘ (3) However, the document or information may also be publicly notified in any other way decided by the Coordinator-General.’.	25
		26

*State Development and Other Legislation
Amendment*

Amendment of s 121 (Regulations)

Clause	47.(1) Section 121(1)(e), after ‘or under this Act,’—	2
	<i>insert—</i>	3
	‘authorised works or’.	4
	(2) Section 121(1)(f), after ‘use by the public of’—	5
	<i>insert—</i>	6
	‘authorised works or of’.	7
	(3) Section 121(1)(i), ‘\$50’—	8
	<i>omit, insert—</i>	9
	‘20 penalty units’.	10
	(4) Section 121(1)—	11
	<i>insert—</i>	12
	‘(fa) environmental impact assessments, reports, statements or studies;	13
	(fb) requirements for environmental impact statements or the process	14
	under part 4, division 3, to allow—	15
	(i) the process to be accredited under the <i>Environment</i>	16
	<i>Protection and Biodiversity Conservation Act 1999</i> (Cwlth);	17
	or	18
	(ii) the making of a bilateral agreement under that Act to which	19
	the State is proposed as a party; or	20
	(iii) the State to meet its obligations under a bilateral agreement	21
	under that Act to which the State is a party;’.	22

Amendment of s 123 (Studies being prepared are taken to be EISs for this part)

Clause	48. Section 123(1)(a)(ii)—	25
	<i>omit, insert—</i>	26
	‘(ii) mining; or	27

*State Development and Other Legislation
Amendment*

- (iii) land that the Minister proposes to designate under the
Integrated Planning Act 1997, section 2.6.8, as community
infrastructure; and’.

1
2
3

SCHEDULE	1
MINOR AMENDMENTS	2
sections 5 and 27	3
ENVIRONMENTAL PROTECTION ACT 1994	4
1. Section 34BE(1)(a), ‘of this part’—	5
<i>omit, insert—</i>	6
‘under the EIS process’.	7
2. Section 34BE(1)(b), ‘under this part’—	8
<i>omit.</i>	9
3. Section 34BE(2)(a), ‘process under this part’	10
<i>omit, insert—</i>	11
‘EIS process’.	12
4. Section 34BG(1), ‘process under part 1’—	13
<i>omit, insert—</i>	14
‘EIS process’.	15
5. Section 34BH(2)(b) ‘process under part 1 of this chapter’—	16
<i>omit, insert—</i>	17
‘EIS process’.	18

SCHEDULE (continued)

6. Section 34BH(2)(c) ‘part 1’—	1
<i>omit, insert—</i>	2
‘the EIS process’.	3
 7. Section 34CV(3), ‘licence holder’—	4
<i>omit, insert—</i>	5
‘approval holder’.	6
 8. Section 34DA, ‘activity’, first mention—	7
<i>omit, insert—</i>	8
‘environmentally relevant activity to which the licence relates’.	9
 9. Section 34DA(b)(ii), ‘licensed activity’—	10
<i>omit, insert—</i>	11
‘activity’.	12
 10. Section 34DD, ‘activity’, first mention—	13
<i>omit, insert—</i>	14
‘environmentally relevant activity to which the licence relates’.	15
 11. Section 34DD(d)(ii), ‘licensed activity’—	16
<i>omit, insert—</i>	17
‘activity’.	18

SCHEDULE (continued)

12. Section 34ER(g), ‘or include’—	1
<i>omit, insert—</i>	2
‘or is included in’.	3
 13. Section 34FE(2), ‘standard authority’—	 4
<i>omit, insert—</i>	5
‘standard environmental authority (mining activities)’.	6
 14. Section 34FE(3), ‘non-standard authority’—	 7
<i>omit, insert—</i>	8
‘non-standard environmental authority (mining activities)’.	9
 15. Section 34GS(2)(c), after ‘strategies’, second mention—	 10
<i>insert—</i>	11
‘for the following’.	12
 16. Section 34HG(1)(c), ‘name of and an address for’—	 13
<i>omit, insert—</i>	14
‘name and address of’.	15
 17. Section 200(1)(a)(ii), ‘environmental authority’—	 16
<i>omit, insert—</i>	17
‘authority’.	18

SCHEDULE (continued)

18. Schedule 1, heading, ‘sections 200 and 203’—	1
<i>omit, insert—</i>	2
‘sections 200, 203 and 203A’.	3
19. Schedule 4, definition “owner”, ‘Commonwealth Native Title Act’—	4
<i>omit, insert—</i>	5
‘Native Title Act 1993 (Cwlth)’.	6
20. Schedule 4, definition “refusal period”, paragraphs (a) and (b), ‘for’—	8
<i>omit.</i>	9
	10
21. Schedule 4, definition “replacement environmental authority”, ‘same or replaces’—	11
<i>omit, insert—</i>	12
‘same as, or replaces,’.	13
	14
 STATE DEVELOPMENT AND PUBLIC WORKS	 15
ORGANISATION ACT 1971	16
 1. Section 4—	 17
<i>omit.</i>	18

SCHEDULE (continued)

- | | |
|---|-----------------|
| 2. Section 10(1), after ‘his or her office’— | 1 |
| <i>insert—</i> | 2 |
| ‘in the following circumstances’. | 3 |
|
3. Sections 13(1) and 15(2), ‘order in council’— |
4 |
| <i>omit, insert—</i> | 5 |
| ‘regulation’. | 6 |
|
4. Sections 16(2)(a) and (b), 28(g)(i) and (ii), 45(1)(a), 51(1)(a) and (b),
54(1)(a), 68(2)(a), 77(4)(a) and (b), 87(2)(a) and (b), 90(4)(b)(i) and (ii),
91(1)(a), 105(1)(a) and 109(1)(a) and (b), ‘;’— |
7
8
9 |
| <i>omit, insert—</i> | 10 |
| ‘; and’. | 11 |
|
5. Section 17, from ‘, by order’ to ‘Minister,’— |
12 |
| <i>omit.</i> | 13 |
|
6. Section 24(2), ‘make an order in council’— |
14 |
| <i>omit, insert—</i> | 15 |
| ‘publish a notice in the gazette’. | 16 |
|
7. Section 24(2A), ‘order in council in the gazette’— |
17 |
| <i>omit, insert—</i> | 18 |
| ‘notice’. | 19 |

SCHEDULE (continued)

8. Section 25(2), from ‘by the Governor’—	1
<i>omit, insert—</i>	2
‘under a regulation.’	3
 9. Sections 29, 29M, 29N, 29W, 55C(2) and 123(4)(a), ‘<i>Integrated Planning Act 1997</i>’—	 4
<i>omit, insert—</i>	5
‘Integrated Planning Act’.	6
 10. Part 4, division 4, heading, ‘1997’—	 8
<i>omit.</i>	9
 11. Section 29O(2A) to (5)—	 10
<i>renumber</i> as section 29O(3) to (6).	11
 12. Section 32(2), from ‘The’ to ‘council,’—	 12
<i>omit, insert—</i>	13
‘A regulation may’.	14
 13. Section 32(2), ‘or may refuse to so declare’—	 15
<i>omit.</i>	16
 14. Section 32(3), from ‘The’ to ‘whereupon’—	 17
<i>omit, insert—</i>	18
‘If the declaration is revoked,’.	19

SCHEDULE (continued)

15. Section 36(1), ‘in consultation with the appropriate officers of Treasury’—	1
<i>omit.</i>	2
	3
16. Section 46(1), ‘order in council’—	4
<i>omit, insert—</i>	5
‘gazette notice’.	6
17. Section 48(1), from ‘The’ to ‘Minister,’—	7
<i>omit, insert—</i>	8
‘A regulation may’.	9
18. Sections 48(1)(a) and (2)(a), 53(1)(a), 59(a), 87(1), 88(a), 89(1)(a) and (c), 90(3)(a), 106(1)(a), 108(a) and 112(2)(b), ‘;’—	10
<i>omit, insert—</i>	11
‘; or’.	12
	13
19. Section 48(1)(b), from ‘any order’—	14
<i>omit, insert—</i>	15
‘the declaration.’.	16
20. Section 48(2)(a), from ‘any order’ to ‘revoked’—	17
<i>omit, insert—</i>	18
‘the declaration is revoked,’.	19

SCHEDULE (continued)

21. Section 57(1)—	1
<i>omit, insert—</i>	2
‘57.(1) A regulation may direct the local body or local bodies concerned	3
to undertake the works recommended.’.	4
 22. Section 57(2), from ‘, the Governor’ to ‘subsequent order’—	5
<i>omit, insert—</i>	6
‘, the regulation may’.	7
 23. Section 57(2)(a), ‘directed by the Governor in Council’—	8
<i>omit, insert—</i>	9
‘stated in the regulation’.	10
 24. Section 57(2)(b), ‘local body specified by the Governor in Council’—	11
<i>omit, insert—</i>	12
‘stated local body’.	14
 25. Section 57(2)(b), from ‘such shares’—	15
<i>omit, insert—</i>	16
‘the shares stated in the regulation.’.	17
 26. Sections 58, 59(a), 60 and 61(1), ‘an order’—	18
<i>omit, insert—</i>	19
‘a regulation’.	20

SCHEDULE (continued)

27. Section 59, heading, ‘Orders’—	1
<i>omit, insert—</i>	2
‘Direction’.	3
28. Section 59, ‘to whom is directed an order’—	4
<i>omit, insert—</i>	5
‘mentioned in a regulation’.	6
29. Sections 59, 59(b) and 60 ‘the order’—	7
<i>omit, insert—</i>	8
‘the regulation’.	9
30. Section 61(3), ‘the Governor in Council may, by order in council,’—	10
<i>omit, insert—</i>	11
‘a regulation may’.	12
31. Section 62, ‘this Act’—	14
<i>omit, insert—</i>	15
‘the <i>Statutory Bodies Financial Arrangements Act 1982</i> ’.	16
32. Sections 62 and 63(1), ‘an order in council’—	17
<i>omit, insert—</i>	18
‘a regulation’.	19

SCHEDULE (continued)

33. Section 66, from ‘the Governor in Council,’ to ‘council,’—	1
<i>omit, insert—</i>	2
‘a regulation may’.	3
34. Sections 67(2), ‘Land Act 1962 be deemed to be public’—	4
<i>omit, insert—</i>	5
‘Land Act 1994 be taken to be community’.	6
35. Section 72, after ‘as a member’—	7
<i>insert—</i>	8
‘in the following circumstances’.	9
36. Section 77(1), ‘order in council’—	10
<i>omit, insert—</i>	11
‘regulation’.	12
37. Section 77(3), ‘order in council.’—	13
<i>omit, insert—</i>	14
‘the regulation.’.	15
38. Section 77(4), from ‘An’ to ‘board—’—	16
<i>omit, insert—</i>	17
‘The regulation—’.	18
39. Section 77(4)(a)—	19
<i>omit.</i>	20

SCHEDULE (continued)

- | | |
|--|----|
| 40. Section 77(4)(c), ‘thereby or by another order in council’— | 1 |
| <i>omit, insert—</i> | 2 |
| ‘by the regulation’. | 3 |
| 41. Section 77(4)(b) and (c)— | 4 |
| <i>renumber</i> as section 77(4)(a) and (b). | 5 |
| 42. Section 77(5), from ‘An’ to ‘shall’— | 6 |
| <i>omit, insert—</i> | 7 |
| ‘The regulation must’. | 8 |
| 43. Section 77(5)(a)— | 9 |
| <i>omit.</i> | 10 |
| 44. Section 77(5)(b) and (d), ‘order in council’— | 11 |
| <i>omit, insert—</i> | 12 |
| ‘regulation’. | 13 |
| 45. Section 77(5)(b) to (d)— | 14 |
| <i>renumber</i> as section 77(5)(a) to (c). | 15 |
| 46. Section 78(1)(d), ‘schedule 2’— | 16 |
| <i>omit, insert—</i> | 17 |
| ‘the schedule’. | 18 |

SCHEDULE (continued)

47. Section 78(5), definition “infrastructure facility”, paragraph (g), after “a”—	1
<i>insert—</i>	2
<i>‘dam,’</i>	3
48. Section 79(2), from ‘The’ to ‘Minister,’—	4
<i>omit, insert—</i>	5
<i>‘A regulation may’.</i>	6
49. Section 81, ‘Land Act 1962, in the name of Her Majesty,’—	7
<i>omit, insert—</i>	8
<i>‘Land Act 1994’.</i>	9
50. Section 82, ‘order in council’—	10
<i>omit, insert—</i>	11
<i>‘gazette notice’.</i>	12
51. Sections 84(2), ‘an order in council’—	13
<i>omit, insert—</i>	14
<i>‘regulation’.</i>	15
52. Sections 84(5), 105(1A), ‘Land Act 1962’—	16
<i>omit, insert—</i>	17
<i>‘Land Act 1994’.</i>	18
	19

SCHEDULE (continued)

53. Section 85—	1
<i>omit.</i>	2
54. Sections 86(2) and 91(1), from ‘The’ to ‘council,’—	3
<i>omit, insert—</i>	4
‘A regulation may’.	5
55. Section 86(2), ‘the order in council’—	6
<i>omit, insert—</i>	7
‘the regulation’.	8
56. Section 91(1), from ‘may,’ to ‘council—’—	9
<i>omit, insert—</i>	10
‘may—’.	11
57. Section 91(1)(a) and (b) and (1A), ‘order in council’—	12
<i>omit, insert—</i>	13
‘regulation’.	14
58. Section 91(1B), ‘Governor in Council’—	15
<i>omit, insert—</i>	16
‘regulation’.	17
59. Section 92(1), from ‘the Governor’ to ‘require’—	18
<i>omit, insert—</i>	19
‘a regulation may direct’.	20

SCHEDULE (continued)

60. Section 92(1), ‘the order’—	1
<i>omit, insert—</i>	2
‘the regulation’.	3
 61. Section 92(2), ‘Governor in Council may’—	 4
<i>omit, insert—</i>	5
‘regulation may’.	6
 62. Section 92(2), from ‘in such’ to ‘just’—	 7
<i>omit.</i>	8
 63. Section 92(3)(b)—	 9
<i>omit, insert—</i>	10
‘(b) under the <i>Statutory Bodies Financial Arrangements Act 1982</i> ,	11
sections 24 to 28, as if a reference in the sections to—	12
(i) the recovery amounts were a reference to moneys to be paid	13
and unpaid under this section; and	14
(ii) a statutory body were a reference to a local body.’.	15
 64. Section 105(1), from ‘made the Governor’ to ‘council close’—	 16
<i>omit, insert—</i>	17
‘made, a regulation may close’.	18
 65. Section 105(1), ‘in the Governor in Council’s opinion’—	 19
<i>omit.</i>	20

SCHEDULE (continued)

66. Section 105(1)(b), ‘Governor in Council in the order in council’—	1
<i>omit, insert—</i>	2
‘regulation’.	3
67. Section 105(1)(b), ‘Governor in Council directs’—	4
<i>omit, insert—</i>	5
‘regulation directs’.	6
68. Section 105(1A), ‘an order in council’—	7
<i>omit, insert—</i>	8
‘a regulation’.	9
69. Section 105(2), after ‘may’—	10
<i>insert—</i>	11
‘do 1 or more of the following’.	12
70. Section 116—	13
<i>omit.</i>	14
71. Section 121, heading—	15
<i>omit, insert—</i>	16
‘Regulation-making power’.	17
72. Section 121(1), after ‘respect to’—	18
<i>insert—</i>	19
‘the following’.	20

*State Development and Other Legislation
Amendment*

SCHEDULE (continued)

73. Section 121(1)(fa) to (k)—	1
<i>renumber</i> as section 121(1)(g) to (l).	2
74. Schedule—	3
<i>omit.</i>	4