

Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill 2016

Amendments during consideration in detail to be moved by
The Honourable the Minister for Environment and Heritage Protection and
Minister for National Parks and the Great Barrier Reef

1 Clause 2 (Commencement)

Page 6, lines 8 to 10—

omit, insert—

- (1) The following provisions commence immediately after the commencement of the *Water Reform and Other Legislation Amendment Act 2014*, section 11—
 - part 2, heading
 - sections 3 to 8
 - section 10, other than to the extent it inserts new part 26 heading and new section 749
 - part 4.

2 Clause 22 (Amendment of s 153 (Compensation))

Page 18, after line 15—

insert—

- (3) Section 153(3), as renumbered, ‘cost’—
omit, insert—
compensation
- (4) Section 153(3)(a), as renumbered, after ‘amount’—
insert—
of compensation
- (5) Section 153(4), as renumbered, ‘an amount be paid’—
omit, insert—

the payment of compensation

3 Clause 28 (Insertion of new s 423A)

Page 21, lines 5 and 6, ‘during the cooling-off period for the agreement’—

omit.

4 Clause 28 (Insertion of new s 423A)

Page 21, lines 14 to 20—

omit, insert—

(4) This section does not apply to a make good agreement for a water bore that is the subject of a decision of the Land Court under division 4, subdivision 4.

(5) In this section—

cooling-off period, for a make good agreement for a water bore, means a period of 5 business days—

(a) starting on the day the make good agreement is entered into; and

(b) ending at 5p.m. on the fifth business day.

5 Clause 31 (Insertion of new s 11A)

Page 23, line 7, after ‘authority’—

insert—

, or for an amendment of an environmental authority,

6 Clause 35 (Amendment of s 119 (Amendment of s 423 (Requirement to enter into make good agreement and reimburse bore owner)))

Page 26, line 9, before ‘Section’—

insert—

(1)

7 Clause 35 (Amendment of s 119 (Amendment of s 423 (Requirement to enter into make good agreement and reimburse bore owner)))

Page 26, after line 15—

insert—

(2) Section 423—

insert—

(4) However, the holder is not required to reimburse the bore owner for hydrogeology costs incurred for work performed other than by an appropriately qualified hydrogeologist.

(5) In this section—

appropriately qualified hydrogeologist means an individual who has the minimum experience or qualifications, stated in the guidelines made by the chief executive under section 413, for undertaking a bore assessment.

8 Clause 36 (Amendment of s 201 (Amendment of ch 9 (Transitional provisions and repeals)))

Page 27, line 8, after ‘authority’—

insert—

, or for an amendment of an environmental authority,

9 Clause 36 (Amendment of s 201 (Amendment of ch 9 (Transitional provisions and repeals)))

Page 29, after line 22—

insert—

- (5) However, section 112(1) and (3) does not apply to the application if—
 - (a) the chief executive is satisfied the impacts on underground water in relation to the mining tenure—
 - (i) were assessed in an EIS under the *Environmental Protection Act 1994* or the *State Development and Public Works Organisation Act 1971*; and
 - (ii) were subject to consideration in a Land Court hearing in which objectors led expert evidence on the impacts on underground water, and the Land Court outcome on the mining activities application did not specify any impediments, relating to taking or interfering with underground water, to the granting of the mining activities application; and
 - (b) the Land Court outcome mentioned in paragraph (a)(ii) was given before 13 September 2016.
- (6) In this section—

Land Court outcome, on an application, means—

- (a) an objections decision of the Land Court under the *Environmental Protection Act 1994* for the application; or
- (b) a recommendation on the application made by the Land Court under the Mineral Resources Act.

mining activities application means—

- (a) the application for the mining tenure; or
- (b) the application for an environmental authority in relation to the mining tenure.

10 Clause 36 (Amendment of s 201 (Amendment of ch 9 (Transitional provisions and repeals)))

Page 29, line 29 and page 30, line 2, ‘1250D(3)’—

omit, insert—

1250D(4)

11 Clause 36 (Amendment of s 201 (Amendment of ch 9 (Transitional provisions and repeals)))

Page 30, line 1, ‘section 111’—

omit, insert—

section 112

12 Clause 36 (Amendment of s 201 (Amendment of ch 9 (Transitional provisions and repeals)))

Page 30, line 23, ‘aquifers’—

omit, insert—

aquifers

13 Clause 36 (Amendment of s 201 (Amendment of ch 9 (Transitional provisions and repeals)))

Page 30, after line 33—

insert—

- (2) Before making a decision under subsection (1), the chief executive must consult with—
 - (a) the chief executive of the department in which chapter 3 is administered; and
 - (b) the chief executive of the department in which the *Environmental Protection Act 1994* is administered.

**14 Clause 36 (Amendment of s 201 (Amendment of ch 9
(Transitional provisions and repeals)))**

Page 31, line 1, '(2)'—

omit, insert—

(3)

**15 Clause 36 (Amendment of s 201 (Amendment of ch 9
(Transitional provisions and repeals)))**

Page 31, line 6, '(3)'—

omit, insert—

(4)

**16 Clause 36 (Amendment of s 201 (Amendment of ch 9
(Transitional provisions and repeals)))**

Page 31, line 17, '(4)'—

omit, insert—

(5)

**17 Clause 36 (Amendment of s 201 (Amendment of ch 9
(Transitional provisions and repeals)))**

Page 36, line 6, 'and;'—

omit, insert—

and

**18 Clause 36 (Amendment of s 201 (Amendment of ch 9
(Transitional provisions and repeals)))**

Page 36, line 12, 'This section'—

omit, insert—

Subsection (2)

**19 Clause 36 (Amendment of s 201 (Amendment of ch 9
(Transitional provisions and repeals)))**

Page 37, line 21, after ‘appeal’ —

insert—

under this Act

20 Long title

Long title, ‘**the *Mineral Resources Act 1989*,**’ —

omit.

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