

Land and Other Legislation Amendment Bill 2016

Amendments during consideration in detail to be moved by
The Honourable the Minister for State Development and Minister for
Natural Resources and Mines

1 After clause 2

Page 6, after line 11—

insert—

Part 1A Amendment of Coal Mining Safety and Health Act 1999

2A Act amended

This part amends the *Coal Mining Safety and
Health Act 1999*.

2B Replacement of pt 20, hdg (Transitional provisions and repeals)

Part 20, heading—

omit, insert—

Part 20 Repeal, transitional and validation provisions

2C Insertion of new pt 20, div 5

Part 20—

insert—

Division 5 Validation provision for Land and Other Legislation Amendment Act 2016

305 Validation of particular appointments

- (1) This section applies if, before the commencement, an officer or employee of the public service was purportedly appointed to any of the following offices (each a *relevant office*)—
 - (a) an inspector or inspection officer under section 125(1);
 - (b) for an inspector—the chief inspector of coal mines under section 125(2);
 - (c) an authorised officer under section 129A.
- (2) The person is declared to always have been validly appointed to the relevant office.
- (3) Anything done or omitted to be done by the person that would have been valid and lawful under this Act had the person been validly appointed to the relevant office is taken to be, and always to have been, valid and lawful.
- (4) Without limiting subsection (3), it is declared that evidence obtained by the person in the purported exercise of a power under this Act is taken to be, and always to have been, lawfully obtained.

Part 1B Amendment of Explosives Act 1999

2D Act amended

This part amends the *Explosives Act 1999*.

2E Amendment of pt 10, hdg (Transitional provisions)

Part 10, heading, after ‘Transitional’—

insert—

and validation

2F Insertion of new pt 10, div 5

Part 10—

insert—

Division 5

**Validation provision for
Land and Other
Legislation
Amendment Act 2016**

147 Validation of particular appointments

- (1) This section applies if, before the commencement, a person was purportedly appointed or designated to any of the following offices (each a ***relevant office***)—
 - (a) an inspector under section 78(1);
 - (b) for an inspector—the chief inspector under section 78(2).
- (2) The person is declared to always have been validly appointed to the relevant office.
- (3) Anything done or omitted to be done by the person that would have been valid and lawful under this Act had the person been validly appointed to the relevant office is taken to be, and always to have been, valid and lawful.
- (4) Without limiting subsection (3), it is declared that evidence obtained by the person in the purported exercise of a power

under this Act is taken to be, and always to have been, lawfully obtained.

2 Clause 11 (Amendment of s 164C (Making extension application or giving expiry advice))

Page 11, lines 27 to 29—

omit, insert—

- (1) Section 164C(5), from ‘made’—

omit, insert—

made once during each term of the lease.

3 Clause 24 (Amendment of s 50 (Vacation of office by trustee))

Page 19, lines 10 to 28—

omit, insert—

- (1) Section 50(1)(a), ‘resigns by signed notice of resignation given to the Minister,’—

omit.

- (2) Section 50(1)(b)—

renumber as section 50(1)(c).

- (3) Section 50(1)—

insert—

- (b) the trustee resigns by signed notice of resignation given to the Minister and the trustee’s resignation takes effect; or

- (4) Section 50(2) and (3)—

renumber as section 50(3) and (4).

- (5) Section 50—

insert—

- (2) For subsection (1)(b), a trustee’s resignation takes effect on the earlier of the following

days—

- (a) the day agreed by the Minister and the trustee;
- (b) the day stated by the Minister in a notice given to the trustee;
- (c) the day that is 1 year after the day the trustee's notice of resignation was given to the Minister.

4 Clause 27 (Insertion of new ch 6, pt 3, div 3)

Page 23, lines 17 and 18—

omit, insert—

- (5) If the designated officer gives a notice to remedy under subsection (2), the designated officer must also give a copy of the notice to each person (each an ***underlying interest holder***) who—
 - (a) holds a registered interest in the land over which the registered document creates an interest; and
 - (b) is not a person bound by the prescribed term.
- (6) A person who is given the notice to remedy, other than an underlying interest holder, may appeal against the decision to give the notice.

5 Clause 27 (Insertion of new ch 6, pt 3, div 3)

Page 23, line 20, after 'notice to remedy'—

insert—

, other than an underlying interest holder,

6 Clause 27 (Insertion of new ch 6, pt 3, div 3)

Page 23, lines 25 to 31 and page 24, line 1—

omit, insert—

- (1) If the Minister is satisfied a person has not complied with a notice to remedy given in relation to a prescribed term of a registered document, the Minister may give notice (a ***notice of intention to cancel***) of the Minister's intention to cancel the registration of the document.
- (2) If the Minister gives a notice of intention to cancel under subsection (1), the Minister must give the notice to each person who is—
 - (a) bound by the prescribed term; or
 - (b) an underlying interest holder.

7 Clause 27 (Insertion of new ch 6, pt 3, div 3)

Page 24, lines 11 and 12—

omit, insert—

submissions to the Minister about—

- (i) the Minister's intention to cancel the registration of the document; and
- (ii) why the registration should not be cancelled; and
- (iii) any improvements on the land held by a person with an interest in land created by the registration and, if the registration is cancelled, whether or not the improvements should be removed.

8 Clause 27 (Insertion of new ch 6, pt 3, div 3)

Page 25, after line 18—

insert—

- (3A) In deciding whether to approve the removal of the improvements, the Minister must consider all submissions made under section 321G(3)(c)

about the improvements and their removal.

9 Clause 27 (Insertion of new ch 6, pt 3, div 3)

Page 26, line 2, after ‘effect’—

insert—

and is payable by the State

10 Clause 30 (Amendment of sch 6 (Dictionary))

Page 28, after line 11—

insert—

underlying interest holder, for chapter 6, part 3, division 3, see section 321E(5).

11 After clause 41

Page 37, after line 23—

insert—

**Part 3A Amendment of Mineral
Resources Act 1989**

41A Act amended

This part amends the *Mineral Resources Act 1989*.

41B Insertion of new ch 12, pt 4B

Chapter 12—

insert—

**Part 4B Grant of mining
lease application
70460**

334ZJH Definitions for part

In this part—

ML 70434 entity means the entity that is the applicant for mining lease application 70434.

ML 70460 entity means the entity that is the applicant for mining lease application 70460.

334ZJI Grant of mining lease application 70460

- (1) This section applies to mining lease application 70460 for a mining lease for transportation through land under section 316.
- (2) On the commencement, the mining lease applied for is, by operation of this section, granted to the ML 70460 entity.
- (3) The mining lease granted under subsection (2)—
 - (a) expires on 31 December 2032; and
 - (b) can not be renewed.
- (4) This Act, other than sections 286 to 287, applies in relation to the mining lease as if it had been granted by the Minister under section 271A on the day of the commencement.

334ZJJ Effect of grant on other applications

- (1) The ML 70434 entity need not comply with section 248 for the following applications, to the extent the applications relate to land within the area of the mining lease granted under section 334ZJI(2)—
 - (a) mining lease application 70434;

- (b) another application for a mining lease;
 - (c) an application under section 275 for surface area to be included in a mining lease.
- (2) Subsection (1) applies only while the mining lease granted under section 334ZJI(2) is in force.

334ZJK No compensation payable by State, ML 70434 entity or ML 70460 entity

- (1) No compensation is payable by the State, the ML 70434 entity or the ML 70460 entity to any person for or in connection with the enactment or operation of this part, or anything done to give effect to this part, other than as required under sections 279 and 280.
- (2) This section applies despite any other Act or law.

41C Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

ML 70434 entity, for chapter 12, part 4B, see section 334ZJH.

ML 70460 entity, for chapter 12, part 4B, see section 334ZJH.

12 Before part 4

Page 38, before line 1—

insert—

Part 3B Amendment of Mining and Quarrying Safety and Health Act 1999

41D Act amended

This part amends the *Mining and Quarrying Safety and Health Act 1999*.

41E Amendment of pt 20, hdg (Other transitional provisions)

Part 20, heading, after ‘transitional’—

insert—

and validation

41F Insertion of new pt 20, div 4

Part 20—

insert—

Division 4 Validation provision for Land and Other Legislation Amendment Act 2016

281 Validation of particular appointments

(1) This section applies if, before the commencement, an officer or employee of the public service was purportedly appointed to any of the following offices (each a *relevant office*)—

(a) an inspector or inspection officer under section 122(1);

- (b) for an inspector—the chief inspector of mines under section 122(2);
 - (c) an authorised officer under section 126A.
- (2) The person is declared to always have been validly appointed to the relevant office.
 - (3) Anything done or omitted to be done by the person that would have been valid and lawful under this Act had the person been validly appointed to the relevant office is taken to be, and always to have been, valid and lawful.
 - (4) Without limiting subsection (3), it is declared that evidence obtained by the person in the purported exercise of a power under this Act is taken to be, and always to have been, lawfully obtained.

Part 3C Amendment of Petroleum and Gas (Production and Safety) Act 2004

41G Act amended

This part amends the *Petroleum and Gas (Production and Safety) Act 2004*.

41H Amendment of ch 15, hdg (Repeal and transitional provisions)

Chapter 15, heading, ‘and transitional’—
omit, insert—
, transitional and validation

41I Insertion of new ch 15, pt 20

Chapter 15—

insert—

Part 20

**Validation provision
for Land and Other
Legislation
Amendment Act
2016**

992 Validation of particular appointments

- (1) This section applies if, before the commencement, a public service officer was purportedly appointed to any of the following offices (each a ***relevant office***)—
 - (a) the chief inspector, petroleum and gas under section 735(1)(a);
 - (b) the deputy chief inspector, petroleum and gas under section 735(1)(b);
 - (c) an inspector, petroleum and gas under section 735(1)(c);
 - (d) an authorised officer under section 735(1)(d).
- (2) The person is declared to always have been validly appointed to the relevant office.
- (3) Anything done or omitted to be done by the person that would have been valid and lawful under this Act had the person been validly appointed to the relevant office is taken to be, and always to have been, valid and lawful.
- (4) Without limiting subsection (3), it is declared that evidence obtained by the person in the purported exercise of a power

under this Act is taken to be, and always to have been, lawfully obtained.

13 Long title

Long title, from '*Land Act 1994*' to '*Land Title Act 1994*' —
omit, insert—

Coal Mining Safety and Health Act 1999, the Explosives Act 1999, the Land Act 1994, the Land Title Act 1994, the Mineral Resources Act 1989, the Mining and Quarrying Safety and Health Act 1999, the Petroleum and Gas (Production and Safety) Act 2004

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