

Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Bill 2018

Amendments during consideration in detail to be moved by
The Honourable the Minister for Environment and the Great Barrier Reef,
Minister for Science and Minister for the Arts

1 Clause 12 (Insertion of new pt 4, div 3B)

Page 13, line 5—

omit, insert—

- (3) Also, the Minister may enter into a conservation agreement for a proposed special wildlife reserve in the Cape York Peninsula Region only if—
 - (a) native title for the area has been extinguished; or
 - (b) for an area for which native title has not been extinguished—
 - (i) there is an indigenous land use agreement for the area; and
 - (ii) the dedication of a special wildlife reserve over the area is allowed under the indigenous land use agreement; and
 - (iii) the conservation agreement is consistent with the indigenous land use agreement.
- (4) In this section—

2 Clause 12 (Insertion of new pt 4, div 3B)

Page 13, line 18—

omit, insert—

- (c) contain details of the management program for the special wildlife reserve; and
- (d) contain terms prohibiting the following—

3 After clause 28

Page 28, after line 7—

insert—

28A Amendment of s 132A (Committees for protected areas in Cape York Peninsula Region)

Section 132A(5)—

omit.

4 Clause 36 (Amendment of schedule (Dictionary))

Page 32, after line 7—

insert—

Cape York Peninsula Region means the Cape York Peninsula Region under the *Cape York Peninsula Heritage Act 2007*.

5 Clause 47 (Amendment of s 19 (Environmentally relevant activity may be prescribed))

Page 37, lines 27 to 29 and page 38, lines 1 to 12—

omit, insert—

(1) Section 19(1)(a) and (b)—

omit, insert—

(a) that—

- (i) a contaminant will or may be released into the environment when the activity is carried out; and
- (ii) the release of the contaminant will or may cause environmental harm; or

- (b) the activity will or may otherwise adversely affect an environmental value of the marine environment.

(2) Section 19—

insert—

- (1A) Without limiting subsection (1), a regulation under that subsection may prescribe an activity carried out in a relevant Great Barrier Reef Marine Park area as an environmentally relevant activity.

6 Clause 47 (Amendment of s 19 (Environmentally relevant activity may be prescribed))

Page 38, after line 18—

insert—

relevant Great Barrier Reef Marine Park area
means an area—

- (a) partly within the State and partly outside the State, but within the Great Barrier Reef Marine Park; or
- (b) of which—
 - (i) part is within the State but not within the Great Barrier Reef Marine Park; and
 - (ii) part is outside the State but within the Great Barrier Reef Marine Park.

7 After clause 60

Page 42, after line 4—

insert—

60A Amendment of ch 15, hdg (Transitional provisions)

Chapter 15, heading, after ‘Transitional’—

insert—

, declaratory and validating

60B Insertion of new ch 15, pt 16

Chapter 15—

insert—

Part 16 Declaratory and validating provisions relating to regulations

865 Declaration about *Mineral Resources Regulation 2003*

- (1) The repealed *Mineral Resources Regulation 2003*, as in force from time to time before its repeal, is taken to have had effect for the declaration period as if it were amended as provided in this section.
- (2) Schedule 4, part 2, section 2, after ‘royalty rate for bauxite’—

insert—

sold, disposed of or used in a return period by the holder of the mining lease for the bauxite

- (3) Schedule 4, part 2, section 2(a), from ‘if it is sold’ to ‘for the bauxite’—

omit, insert—

if the bauxite is mined for consumption outside the State

- (4) Schedule 4, part 2, section 2(b), from ‘if it is sold’ to ‘for the bauxite’—

omit, insert—

if the bauxite is mined for consumption
within the State

- (5) Schedule 4, part 2, section 2(b)(i), from ‘for
a holder’ to ‘outside the State’—

omit, insert—

for a holder who has also sold, disposed
of or used bauxite in the return period
that is mined for consumption outside
the State

- (6) In this section—

declaration period means the period from
the commencement of the *Mines and Energy
Legislation Amendment Regulation (No. 2)
2008* until the commencement of the
Mineral Resources Regulation 2013.

866 Declaration about *Mineral Resources Regulation 2013*

- (1) The *Mineral Resources Regulation 2013* is
taken to have had effect for the declaration
period as if it were amended as provided in
this section.

- (2) Schedule 3, section 4, after ‘royalty rate for
bauxite’—

insert—

sold, disposed of or used in a return
period by the holder

- (3) Schedule 3, section 4(a), from ‘if it is sold’ to
‘for the bauxite’—

omit, insert—

if the bauxite is mined for consumption
outside the State

- (4) Schedule 3, section 4(b), from ‘if it is sold’
to ‘for the bauxite’—

omit, insert—

if the bauxite is mined for consumption
within the State

- (5) Schedule 3, section 4(b)(i), from ‘for a holder’ to ‘outside the State’—

omit, insert—

for a holder who has also sold, disposed
of or used bauxite in the return period
that is mined for consumption outside
the State

- (6) In this section—

declaration period means the period from
the commencement of the *Mineral
Resources Regulation 2013* until the
commencement of the *Nature Conservation
(Special Wildlife Reserves) and Other
Legislation Amendment Act 2019*, part 10A.

867 Application of ss 865 and 866 for all purposes and validation of relevant acts

- (1) Sections 865 and 866 apply for all purposes,
including for the purpose of any of the
following that has been done, or is done,
under this Act—
- (a) making an assessment;
 - (b) lodging a royalty return;
 - (c) paying a royalty-related amount;
 - (d) making a requirement to make a
payment, keep a record, give a royalty
estimate or do anything else relating to
a royalty.
- (2) A person’s liability to pay a royalty-related
amount and all other rights and liabilities are
declared to be, and to have been since the
commencement of the *Mines and Energy*

Legislation Amendment Regulation (No. 2) 2008, for all purposes the same as if the regulations mentioned in sections 865 and 866 had been amended as provided in those sections.

868 Application to all legal proceedings

This part applies for the purpose of any legal proceeding, including a proceeding started before the commencement of this part.

8 After clause 61

Page 42, after line 8—

insert—

Part 10A Amendment of Mineral Resources Regulation 2013

61A Regulation amended

This part amends the *Mineral Resources Regulation 2013*.

61B Amendment of sch 3 (Royalty payable for minerals)

- (1) Schedule 3, section 4, after ‘royalty rate for bauxite’—

insert—

sold, disposed of or used in a return period by the holder

- (2) Schedule 3, section 4(a), from ‘if’ to ‘for the bauxite’—

omit, insert—

if the bauxite is mined for consumption
outside the State

- (3) Schedule 3, section 4(b), from ‘if’ to ‘for the
bauxite’—

omit, insert—

if the bauxite is mined for consumption
within the State

- (4) Schedule 3, section 4(b)(i), from ‘for a holder’ to
‘outside the State’—

omit, insert—

for a holder who has also sold, disposed of or
used bauxite in the return period that is
mined for consumption outside the State

9 Long title

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

insert—

the *Mineral Resources Regulation 2013*,

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