Land and Other Legislation Amendment Bill 2022

Explanatory Notes

Short title

The short title of the Bill is the *Land and Other Legislation Amendment Bill 2022*

Policy objectives and the reasons for them

The policy objectives of the Land and Other Legislation Amendment Bill 2022 (the Bill) is to ensure the regulatory frameworks within the Resources portfolio remain efficient, effective, and responsive to change. The Bill provides a range of streamlining, minor and miscellaneous amendments, to legislation and regulations, that clarify policy intent and reduce complexity.

Specifically, the Bill:

- corrects minor technical errors in the *Acquisition of Land Act 1967* that were identified because of a court judgment
- corrects an outdated definition of *landholder for the land* in the *Cape York Peninsula Heritage Act 2007* to reflect who may hold Aboriginal land
- amends the *Central Queensland Coal Associates Agreement Act 1968* to enable a variation of the Central Queensland Coal Associates Agreement. This proposed variation will provide a process to allow the removal of a special coal mining lease (SCML) from the agreement, or the removal of an SCML from the agreement and transfer of removed lease.
- amends the *Land Act 1994* and Land Regulation 2020 to:
    - introduce an alternative, more efficient pathway to initiate lease conversion, giving the chief executive an opportunity to act proactively in the allocation of state land
    - streamline administrative processes for certain dealings affecting defence land
    - simplify, streamline, and clarify policy intent for certain matters about: road closures; decisions not to renew leases; right line tidal boundaries; and payment for improvements when a lease has been forfeited, surrendered, or expired
- modernises outdated requirements in the *Land Act 1994, Place Names Act 1994, Stock Route Management Act 2002* and *Vegetation Management Act 1999* to publish notices in newspapers (where a newspaper is no longer in circulation), instead allowing this to occur by suitable media channels
- amends the *Stock Route Management Act 2002* to both improve recovery of costs local governments incur managing and administering the stock route network, and overall simplify processes for stock route management. The Stock Route Management Regulation 2003 will also be amended to take into account new stock route decision-making and mapping provisions under the Act

- streamlines the process to commence survey standards and clarifies policy intent and application of the ambulatory water boundary framework in the *Survey and Mapping Infrastructure Act 2003* and the Survey and Mapping Infrastructure Regulation 2014
- improves the administrative process for listing regional ecosystems and clarifies the policy intent of certain provisions in the *Vegetation Management Act 1999*
- repeals the *Foreign Governments (Titles to Land) Act 1948,* to remove this outdated regulation as there are other legislative instruments regulating foreign ownership in Australia; and
- repeals the *Starcke Pastoral Holdings Acquisition Act 1994* and the *Yeppoon Hospital Acquisition Act 2006* as these acquisition processes have been fulfilled and these Acts are no longer required.

Achievement of policy objectives

Acquisition of Land Act amendments

The objective to correct drafting errors identified in the *Acquisition of Land Act 1967* (Acquisition of Land Act) is achieved by amending Section 7 (4B) to reference the correct subsections in section 9 of the Act. This will ensure the provision correctly outlines the appropriate timeline for when a constructing authority can apply to the Minister to take land. A past amendment of the Act resulted in a sequencing misalignment in the Act. The Bill further amends section 16 (2) which replicates the error in section 7 (4B).

Cape York Peninsula Heritage Act amendments

The updating of the existing definition of "landholder for the land" in the Schedule (Dictionary) of the *Cape York Peninsula Heritage Act 2007* (Cape York Peninsula Heritage Act) to properly reflect who may hold Aboriginal land under the *Aboriginal Land Act 1991*, will be achieved by using 'trustee' under the *Aboriginal Land Act 1991* in place of 'land trust' for Aboriginal land. This will ensure that all trustees of Aboriginal land are captured by the definition.

Central Queensland Coal Associates Agreement Act amendments

The Bill achieves its objective by making an amendment to the *Central Queensland Coal Associates Agreement Act 1968* (Central Queensland Coal Associated Agreement Act) to enable a variation to the Central Queensland Coal Associates Agreement (agreement).

The variation allows the Companies to apply to remove an SCML from the agreement. If approved, the removed lease will then be administered under the *Mineral Resources Act 1989*.

The variation will also enable the Companies to apply to remove an SCML from the agreement and transfer some or all of the interests in the removed lease. If approved, the removed lease will then be administered under the *Mineral Resources Act 1989*.

While the variation provides flexibility and certainty to the parties to the agreement that an SCML can be transferred, it also ensures a process for consideration of the legitimate commercial and operational objectives of the Companies, the interests of the State as a party to the agreement, and the public interest in relation to the regulation of coal mining in Queensland. Any transfer under these provisions will also trigger relevant assessments and requirements under the *Mineral and Energy Resources (Financial Provisioning) Act 2018* and the *Mineral and Energy Resources (Common Provisions) Act 2014*.

Land Act and Land Regulation amendments

The Bill achieves its objectives by amending the *Land Act 1994* (Land Act) and Land Regulation 2020 (Land Regulation) as follows:

- introducing an additional pathway in which a lease conversion can be initiated, so that it is not solely an applicant driven process. It enables the chief executive to undertake an assessment and make an offer to convert a lease where a conversion application has not been made.
  However, the provisions will not apply to any leases that are ineligible for conversion to freehold. For example, conversion to freehold would not be offered where a lease occurs over land that has an underlying tenure important to government and the community, such as a community purpose reserve, national park or State forest. Importantly, lands such as State forest and national park which are set aside for the purposes of reservation and management of forest resources and nature conservation respectively, cannot be changed to land for another purpose without a resolution of parliament requesting the Governor-in-Council to make a revocation.
  If the offer is accepted by the lessee, they will still need to satisfy the requirements under other legislation before conversion takes place, including addressing native title under the Commonwealth *Native Title Act 1993* and surveying the lot. Where a lessee does not accept a conversion offer, the lessee's right to possession and use of the leased land continues unchanged under the existing lease
- expanding the application of section 390A of the Land Act to apply to defence land so that certain dealings over land leased by the Commonwealth Department of Defence (DoD) at the Greenvale and Shoalwater Bay defence training sites can be undertaken by the DoD without the Minister or chief executive's approval under the Land Act. These dealings must be consistent with the terms and purposes of the lease. This amendment supports the delivery of the Australia-Singapore Military Training Initiative, reducing the possibility of delays in the development and use of the land, giving the DoD greater certainty in the management and use of the sites. The amendments mirror arrangements in place for transport-related land
- clarifying the operation and decision-making framework for proactive offers of renewal under section 157A. The amendments allow the chief executive to decide not to make an offer of a new lease before receiving a renewal application, after consideration of the matters in sections 159 and 159A. Without this change a notice of intent not to renew cannot be issued until the leaseholder submits a renewal application
- allowing the Minister for Resources to temporarily close a road when there has been a change in ownership of the land to which the road licence is attached and when no application to close the road has been submitted
- enabling a lessee to voluntarily waive the requirement for the State to pay for improvements where a lease has been forfeited, surrendered, or expired
- clarifying the definition of a *right line tidal boundary*, to include land that adjoins tidal water. The clarification is required to reflect contemporary developments, such as canal estates, that create new tidal boundaries; and
- addressing the inconsistency between what can be done under a trustee lease as opposed to a trustee permit by allowing a trustee permit to be issued for a purpose inconsistent with the purpose for which the trust land was dedicated in circumstances where a trust land management plan is in place (this is the same requirement for allowing inconsistent purposes for a trustee lease).

Place Names Act amendments

The Bill achieves its objectives by amending the *Place Names Act 1994* (Place Names Act):

- changing the requirement to publish notices about proposed place name changes so that they can be published using an appropriate and contemporary media channel in place of the prescriptive requirement to publish in the local newspaper; and
- Similar amendments addressing notification requirements in the context of newspaper closures and declining circulation are made to the Land Act, the Stock Route Management Act, and the Vegetation Management Act.

Stock Route Management Act amendments

The Bill achieves its objectives by amending the *Stock Route Management Act 2002* (Stock Route Management Act) so that:

- local government can retain permit fees and other charges collected. This is to improve cost recovery for the local government arising from managing the stock route network
- local government can charge an application fee (the amount to be prescribed when the Stock Route Management Regulation 2003 is remade) to cover some of the administrative costs arising from managing access to the network, while giving local government the flexibility to waive these fees in cases of hardship, for example during drought
- the Minister for Resources no longer needs to consider a local government's draft stock route network management plan
- local government no longer needs to establish working groups to advise on preparing draft plans
- the processes for updating and publishing the stock route network map utilises contemporary technologies and reflects local circumstances and community input
- local government stock route network management plans are extended to harmonise their review timelines with the state's stock route network management strategy so that actions in the strategy can be incorporated into local government plans; and
- local government is required to consult with state agencies where stock routes are co-located on or next to state-controlled roads, waterways, and protected areas to minimise risks to road safety, transport infrastructure, park management activities and biodiversity.

Survey and Mapping Infrastructure legislation amendments

The Bill achieves its objectives by amending the *Survey and Mapping Infrastructure Act 2003* (Survey and Mapping Infrastructure Act) and the Survey and Mapping Infrastructure Regulation 2014 by:

- removing the requirement in the Act for the Minister to give effect to the cadastral survey standards by notice made as subordinate legislation and replacing it with a provision that allows the chief executive to publish and give effect to the standards and guidelines. This streamlines the survey standard-making process to be responsive to advances in technology and user needs. Minor amendment is made to the regulation to clarify an existing provision about survey standard and survey guideline matters; and
- authorising standards to clarify application of ambulatory boundary provisions, providing uniform decision criteria for the chief executive when making an uncertain water boundary declaration, and amending the water boundary framework to clarify the order in which relevant provisions are applied for survey of a shared water boundary.

Vegetation Management legislation amendments

The Bill achieves its objectives by amending the *Vegetation Management Act 1999* (Vegetation Management Act) by:

- clarifying that development under a code is accepted development only if the development complies with the code. It also restores a note under the provision for the relevant offence provisions
- removing outdated references to penalties under the *Environmental Protection Act 1994*
- providing clarification that the Area Categories shown on a Property Map of Assessable Vegetation (PMAV) have the same effect as the Area Categories shown on the regulated vegetation management map; and
- introducing new provisions to the Act so that regional ecosystems and their conservation status, and grassland regional ecosystems that are not regulated, can be identified through a certified database, rather than schedules in the Vegetation Management Regulation. This amendment streamlines administrative processes but does not change the regulation of these regional ecosystems.

Alternative ways of achieving policy objectives

The regulatory frameworks amended by the Bill are enshrined in legislation and can only be altered by amending legislation. There are no alternative ways to achieve the identified policy objectives.

Estimated cost for government implementation

Implementation of the proposed amendments will not present additional administrative or capital costs to government. Any implementation costs will be absorbed from existing resources.

Consistency with fundamental legislative principles

The Bill has been drafted with regard to fundamental legislative principles (FLPs) as defined in section 4 of the *Legislative Standards Act 1992* and is generally consistent with these provisions.

Although consistent, some amendments may be regarded as impinging on FLPs. The following will address this perceived impingement.

Rights and liberties of individuals

Land Act 1994

Chief executive decision not to make offer of new lease before receiving renewal application

A lessee's right to appeal a decision to not renew a lease is limited to appealing a refusal made on the ground that the lease condition(s) had not been complied with. This limited right may raise concerns regarding its consistency with principles relating to the rights and liberties of individuals as the chief executive may decide to not renew a lease based on other grounds, e.g., there is a more appropriate tenure for the land.

Before the chief executive decides not to renew a lease, the chief executive must consider the matters in section 159 of the Land Act. Most of the matters in section 159 are of a policy nature or driven by other statute requirements, for example whether the public interest would be adversely affected or whether part of the lease is needed for environmental or nature conservation purposes. This means a decision based on these matters is unable to be appealed.

However, the chief executive will notify the lessee in writing of the intention not to make an offer of a new lease and provide the reasons for the decision, before deciding not to make the offer. A lessee may make a written submission in response about any matter relevant to the reasons for the chief executive's proposal, which must be considered by the chief executive before a final decision is made.

The final decision must be notified in writing and is appealable, albeit under limited circumstances. This limited appeal right is being applied in line with the same limited appeal right that exists for a decision to refuse a renewal application made by the lessee.

Proactive conversion offers

The Bill introduces a new provision that allows the chief executive to decide to make an offer to convert a lease before receiving a conversion application. For land the subject of a conversion offer, the purchase price is worked out prior to the offer being made. This may raise concerns regarding its consistency with principles relating to the rights and liberties of individuals, if the provision is applied to calculate a purchase price that is disadvantageous to the lessee. This is not the intention of the provision. Calculating the date prior to making the offer will ensure that the lessee is fully informed of the terms and conditions of their purchasing the land, prior to accepting the binding offer. While the provision provides the chief executive with the discretion, the intention is to identify the day that the offer price is established to enable the lessee to seek independent advice and comparative valuations to determine whether the purchase price is acceptable.

The possibility of the FLP breach has been mitigated by requiring the purchase price to be set on a day within 4 months of the offer being made. This statutory timeframe will be supported by departmental procedures and service level agreements that guide the process for calculating the purchase price and commercial timber valuation (if applicable). The proposed statutory timeframe is consistent with the existing timeframes for the application-driven process. Compliance with these administrative procedures will ensure the conversion purchase price is calculated in accordance with the Act and without intentional disadvantage to the lessee.

Further, the lessee can reject a proactive offer, without affecting their right to possession and use of the leased land or apply to convert the lease at a later date.

Land adjacent to tidal boundary or right line tidal boundary

This amendment is proposed to ensure greater consistency with the FLP to ensure legislation is unambiguous and drafted in a sufficiently clear and precise way. The proposed amendment will clarify the definition of a *right line tidal boundary,* to include land that adjoins tidal water. The clarification is required to reflect contemporary developments, such as canal estates, that create new tidal boundaries. Land on the same side of the boundary as the tidal water is considered unallocated State land and cannot be granted in fee simple unless the land has been

reclaimed (e.g. raised above high-water mark as a result of the carrying out of works on or in proximity to the land) under the authority of an Act.

Tidal waters are subject to public rights of safe navigation and fishing, and the government is responsible for the sound development of the State's waterways as well as coastal management. The narrowing of any waterway may impact on the safe navigation for its users, on the right to fish, and on water allocation areas for other adjoining owners.

Removing ambiguities will provide legal certainty, minimising the potential for disputes arising from differences in how the provisions are interpreted or applied; and, clarifying the related rights, interests, and obligations under the Land Act for administrators, landowners, and the public alike.

The institution of Parliament

Land Act 1994

Special provisions for defence land

The proposal to delegate decisions concerning the use and management of the relevant leased land to the Commonwealth Department of Defence (DoD) may be considered inconsistent with the FLP regarding appropriate delegation of power. The power to be delegated to the DoD is limited to land over which it has tenure and will only be for sublease arrangements, easements, and covenants on the land.

Similar provisions exist in the Land Act for other government entities, such as Transport and Main Roads, to undertake similar actions (sections 390A and 390B), which are intended to facilitate the development of the sites in accordance with the purpose and conditions of the lease.

Stock Routes Management Act 2002

The amendment to the Stock Route Management Act allowing the chief executive to declare and amend stock routes through digital electronic mapping and without gazettal may not have sufficient regard to the rights and liberties of individuals and the institution of Parliament. This potential breach is justified due to the following:

- consequential changes to the stock route map arise from changes to the cadastre, land dealings, and to correct errors; these changes are administrative and do not reflect a substantive policy change
- major amendments to the map will be accompanied by stakeholder consultation through administrative arrangements, with opportunities for the department to receive and address any objections; and
- there will be a transparent process to communicate changes in mapped stock routes and inform the public, ensuring that the stock route map remains current and available to users. As such, the chief executive is the appropriate person to delegate the stock route declaration, amendment and mapping power to.

Survey and Mapping Infrastructure Act 2003 **and Survey and Mapping Infrastructure Regulation 2014**

When survey standards and guidelines have effect

The amendment of the Survey and Mapping Infrastructure Act to remove requirements for the Minister to make a notice to give effect to survey standards may raise concerns about this FLP. Currently a notice made to commence survey standards is subordinate legislation, and standards have no effect until the notice is made. The amendment allows for standards to take effect from publication by the chief executive. However, the new mechanism allows for continued parliamentary scrutiny of survey standards by subjecting them to tabling and disallowance processes.

The power to make standards is delegated to an appropriately qualified person. Survey standards do not have broad application or place direct requirements on the public. The scope of matters dealt with by survey standards remain controlled by the Survey and Mapping Infrastructure Act and regulation. Section 6 of the Survey and Mapping Infrastructure Act is specific about topics that may be addressed by standards, and this is limited to aspects influencing the quality of boundary surveys. The Survey and Mapping Infrastructure Regulation 2014, Part 2 and Part 4 further constrain the scope of standards by listing principles that must be applied in carrying out a survey. Considering these factors, the potential FLP inconsistency in changing how standards take effect is justified.

Vegetation Management Act 1999

Certifying Regional Ecosystem Description Database

The proposal to identify the categorisation of regional ecosystems in a certified database, and not in the Vegetation Management Regulation 2012 where this currently occurs, could be seen to not have sufficient regard to the institute of Parliament. However, the identification of regional ecosystems as endangered, of concern or least concern, will continue to be determined against technical criteria that are provided by the *Vegetation Management Act 1999*. The requirement for the Minister to be satisfied that regional ecosystems are correctly classified will also be retained. Additionally, this amendment will not impact on the level of regulation of regional ecosystems as this continues to be established through the Planning Regulation 2017. This proposal allows changes to regional ecosystem descriptions and conservation status to be efficiently reflected in the vegetation management framework, so users continue to have access to up-to-date information that affects them at a lower administrative cost to government.

Consultation

Queensland Government consultation

Relevant State Government agencies have been consulted during the development of this amendment Bill and did not raise concern with the amendments being proposed.

The technical amendment to the *Cape York Peninsula Heritage Act 2007* has been endorsed by the Minister for the Environment and the Great Barrier Reef as this Minister has joint administrative responsibility for this Act.

The office of Best Practice Regulation in Queensland Treasury has advised that no regulatory impact assessment is required for the proposed amendments.

Community and stakeholder consultation

Proposed amendments to the Survey and Mapping Infrastructure Act and the Place Names Act were the subject of consultation with the Surveyors Board of Queensland and the Department of Resources' Surveying Reference Group – a technical reference group comprised of surveying and spatial professionals. These groups are supportive of the proposed amendments, particularly changes to the process for making survey standards and operational improvement to the water boundary provisions.

Extensive public and stakeholder consultation on stock route reforms has been undertaken since 2018, concluding with the release in July 2021 of a discussion paper titled Proposed amendments to the Stock Route Management Regulation 2003 and associated legislation. Consultation with key stakeholder groups, which included Local Government Association of Queensland, Queensland Law Society and AgForce Queensland, has occurred for the amendments proposed in the Bill. These groups were supportive of the proposed amendments.

Consistency with legislation of other jurisdictions

This Bill is specific to the State of Queensland and is not uniform with or complementary to legislation of the Commonwealth or another state. The amendments in the Bill do not impact on other jurisdictions or the Commonwealth and are not affected by any national legislation or work plans through the National Cabinet.

Amendments are being made to address technical errors in drafting or make administrative improvements that only arise in Queensland due to the content of the regulatory frameworks being amended.

Notes on provisions

Part 1 – Preliminary

Short title

Clause 1 states the short title of the Act on commencement is the *Land and Other Legislation Amendment Act 2022*.

Commencement

Clause 2 outlines the provisions of the *Land and Other Legislation Amendment Act 2022* (the Act) that will commence on a day to be fixed by proclamation. All other provisions will commence on assent.

Provisions to commence on a day to be fixed by proclamation relate to amendments within the *Stock Route Management Act 2002*, the *Survey and Mapping Infrastructure Act 2003* and the *Vegetation Management Act 1999*.

Part 2 – Amendment of Cape York Peninsula Heritage Act 2007

Act amended

Clause 3 provides that this part amends the *Cape York Peninsula Heritage Act 2007.*

Amendment of schedule (Dictionary)

Clause 4 updates the definition of "landholder for the Land" in Schedule (Dictionary) to reflect that Aboriginal land under the *Aboriginal Land Act 1991* is not only held by land trust trustees.

Part 3 – Amendment of Central Queensland Coal Associates Agreement Act 1968

Act amended

Clause 5 provides that this part amends the *Central Queensland Coal Associates Agreement Act 1968*.

Insertion of new s 9B

Clause 6 inserts section 9B that authorises the making of the 2022 agreement and outlines how it must be made.

Insertion of new sch 7

Clause 7 inserts a new schedule 7. Schedule 7 contains the proposed 2022 agreement between the parties to the Central Queensland Coal Associates Agreement (the agreement).

The 2022 agreement amends the agreement to provide mechanisms whereby:

- the Companies may by application seek to remove an SCML from the operation of the Act and the agreement; or
- the Companies may by application seek to remove an SCML from the operation of the Act and the agreement and transfer all or part of the interests between themselves or other corporate entities that are not a party to the agreement.

The first of these mechanisms is an Exit Application as set out in new Part IIIA, clause 2. The Exit Application can be used where the Companies wish to remove an SCML from the operation of the Act and agreement but do not wish to change the proportions in which the Companies hold interests in the SCML.

Where an Exit Application is made to remove an SCML from the operation of the Act and the agreement, the Minister must act reasonably, having regard to the legitimate commercial and operational objectives of the Companies, the interests of the State as a party to the agreement and the public interest in relation to the regulation of coal mining in Queensland.

The second mechanism is a Transfer and Exit Application under new Part IIIA, clause 3. The Transfer and Exit Application is appropriate if the Companies wish to remove an SCML from the operation of the Act and the agreement, and if one or more of the Companies that is the holder of the SCML wishes to transfer all or part of the interests in the removed lease to:

- one or more of the Companies; or
- another company; or
- a combination of one or more of the Companies and another company.

In deciding the proposed removal of the SCML for the purposes of clause 3, the Minster must act reasonably, having regard to the legitimate commercial and operational objectives of the Companies, the interests of the State as a party to the agreement and the public interest in relation to the regulation of coal mining in Queensland.

In deciding the proposed transfer component of the application, the provisions of the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) relating to approval to transfer a mining lease, or an interest in a mining lease, are taken to apply.

The variation also ensures that the financial provisioning scheme under the *Mineral and Energy Resources (Financial Provisioning) Act 2018* will be triggered by the Transfer and Exit Application. This means the Transfer and Exit Application will be taken to be a changed holder event for each relevant environmental authority for the SCML and the Scheme Manager must:

- review the risk category to which the environmental authority is allocated; and
- decide to confirm or change the risk category to which each environmental authority is allocated.

In considering the State's interests and the public interest for the purpose of a Transfer and Exit Application, the Minister may also consult with appropriate entities, including the Scheme Manager for the financial provisioning scheme.

Clause 4 provides an indicative approval process for a Transfer and Exit Application. This will allow the Companies to apply to the Minister for an indication of whether the Minister is likely to approve a Transfer and Exit Application. These provisions are based on the indicative

approval process already contained in the *Mineral and Energy Resources (Common Provisions) Act 2014*. Where Companies apply for an indicative approval of a Transfer and Exit Application, the Companies must also make an application under the *Mineral and Energy Resources (Financial Provisioning) Act 2018* for a changed holder review allocation.

If an indicative approval is given, the Company has six months from the day that the indicative approval was given to make a Transfer and Exit Application under clause 3. The Minister must approve the Transfer and Exit Application in accordance with the indicative approval unless:

- the proposed transferee is not eligible to be a resource authority holder under the MERCP Act or the Coal Mining Acts;
- the indicative approval application contained incorrect material information or omitted material information such that the Minister would not have given the indicative approval; or
- the preconditions for the indicative approval had not been complied with.

Clause 5 provides that until a decision is made on an Exit Application or a Transfer and Exit Application, the Companies may not apply for or request to enter into an agreement to replace water rights under the *Water Act 2000* in relation to the relevant SCML.

Clause 6 details the effect of an approval of an Exit Application or Transfer and Exit Application. If the Minister approves an Exit Application or a Transfer and Exit Application:

- the entire SCML subject to the application would cease to be an SCML;
- the provision of the *Central Queensland Coal Associates Act 1968* and the agreement will cease to apply to the removed lease; and
- the removed lease will be taken for all purposes to be a mining lease granted and administered under the *Mineral Resources Act 1989*.

This will mean that the water rights under the agreement cease to apply to the removed lease. The requirement for taking and using groundwater under the *Mineral Resources Act 1989* and the *Water Act 2000* will then apply to the transferred mining lease.

In addition to these changes, new clause 7B provides for the application of the financial provisioning scheme to the existing process that allows for the transfer of the benefits and obligations under the agreement to any other company or companies who then become parties to the agreement.

Being a special agreement Act, both the Queensland Government's and the Companies agreement is required before the amendments can be introduced into the Parliament. Final agreement between the Queensland Government and the Companies on the amendment has been achieved.

Part 4 – Amendment of Land Act 1994

Act amended

Clause 8 provides that this part of the Bill amends the *Land Act 1994*. Schedule 1 of the Bill also includes minor amendments to the *Land Act 1994*.

Amendment of s 8 (Definitions for pt 4)

Clause 9 amends section 8 to clarify the definition of *right line tidal boundary.* The definition includes land that adjoins land that is, whether permanently or from time to time, covered by tidal water. This clarification is required to reflect contemporary developments, such as canal estates, that create new tidal boundaries.

Amendment of s 9 (Land adjacent to tidal boundary or right line tidal boundary owned by State)

Clause 10 consequentially amends section 9 because of amendments to the definition of *right line tidal boundary* in clause 9 of the Bill. It provides that certain acts cannot divest the State of its ownership of land that is on the same side of a boundary of a right line tidal boundary as the water subject to tidal influence.

Land on the same side of the boundary as the water is considered unallocated State land and cannot be granted in fee simple. This land was always intended to remain and function as a waterway and therefore unable to be converted to freehold tenure.

There are public safety and community benefit principles that support not freeholding, including potential impacts on the structural integrity and functionality of the waterway, and may impact on other adjoining owners due to the changed profile in the waterway.

Amendment of s 60 (Trustee permits)

Clause 11 amends section 60 to enable a trustee permit to be issued for a purpose that is inconsistent with the purpose of the trust land. This can only occur if the trustee has an approved management plan for the trust land that identifies the potential impacts of the inconsistent use and states how the inconsistent use will not diminish the purpose of the trust land.

This amendment addresses the inconsistency between what can be done under a trustee lease as opposed to a trustee permit, which is a lesser, short-term interest.

Amendment of s 70 (Sale by mortgagee in possession)

Clause 12 amends section 70 to change the requirement to publish a notice in a newspaper. However, the need for public notification remains. Instead, the mortgagee is required to publish a notice in a way that the mortgagee considers is reasonably likely to come to the attention of the public generally in the locality of the land that is for sale.

The change has been made because the requirement to notify in a local newspaper is redundant given that several regional newspapers are no longer in circulation. However, where a newspaper is still circulating generally in the locality of the land, the notice may still be published in this way.

Amendment of s 98 (Closure of road)

Clause 13 amends section 98 to allow the Minister to temporarily close a road without receiving an application under section 99(3).

This will allow the Minister to temporarily close a road without receiving an application under section 99(3) and will align with the existing power in section 98(2) where the Minister can permanently close a road without receiving an application under section 99(1).

This amendment recognises prior consultation that has already been undertaken which will reduce the administrative and regulatory burden on landholders and government from having to repeat the public notice and objection requirements simply to re-issue a road licence to a new owner of the relevant adjoining land when there is no other change in circumstances.

Amendment of s 130 (Transfer of lease for significant development)

Clause 14 amends section 130 to provide that the chief executive may obtain an independent assessment of the transferee's financial and managerial capabilities, before a lease issued for a significant development is to be transferred.

This clause also includes a clearer provision for refusing a transfer if the independent assessment of the transferee's financial and managerial capabilities supports that decision. This aligns the decision on the grant of the lease to the decision on the transfer of the lease.

Omission of ch 4, pt 1, div 3 (Availability of additional areas)

Clause 15 omits sections 132 -136 because these sections are considered redundant to current practices. Applying the priority criteria for non-competitive grants (section 123 of the *Land Act 1994*) would ensure the outcomes intended through the additional area provisions can continue to be achieved when required.

Amendment of s 156 (Lessee must give improvements report and other information)

Clause 16 makes a consequential amendment to the application of section 156 so that it applies when the chief executive decides not to make an offer of a new lease before receiving a renewal application under new section 157B.

Insertion of new s 157B

157B Deciding not to make offer of new lease before receiving renewal application

Clause 17 inserts new section 157B to enable the chief executive to decide not to make an offer of a new lease before receiving a renewal application from the lessee of a term lease. The chief executive can make the decision at any time before or after 80 per cent of the existing lease term has expired, but before a lessee makes a renewal application. If a renewal application is made before the chief executive gives the lessee a notice, the chief executive must make a decision on the renewal application.

The objective of this amendment is to clarify the operation and decision-making framework for proactive offers of renewal made under section 157A of the *Land Act 1994*. Section 157A was amended by the *Natural Resources and Other Legislation (GDA2020) Amendment Act 2020* to enable the chief executive to proactively make an offer to renew a lease without first receiving a renewal application. However, provisions were not made to accommodate where

the proactive evaluation deemed that the lease should not be renewed. Without this change a notice of intent not to renew cannot be issued until the lessee submits an application.

Before making a decision under new section 157B, the chief executive must consider the matters mentioned in section 159 of the *Land Act 1994*. The lessee must be given notice that the chief executive proposes not to make an offer of a new lease, the reasons for the proposal, and that the lessee may make written submissions about any matter relevant to the reasons for the chief executive's proposal. The chief executive must consider any written submissions made.

New section 157B will reduce the administrative, regulatory and financial burden for lessees (i.e. a lessee will not have to make an application so that the decision to refuse renewal can be made) and the State around the lease renewal process. It will also provide greater time for the lessee to make arrangements to vacate the leased land and remove improvements as necessary.

Amendment of s 158 (Application for new lease)

Clause 18 makes a consequential amendment to section 158 because of the inclusion of new section 157B by clause 17 of the Bill which enables the chief executive to decide not to make an offer of a new lease before receiving a renewal application.

This clause provides that a lessee of a term lease cannot make a renewal application if the chief executive made a decision under new section 157B to not make an offer of a new lease on the ground that a new lease is not the most appropriate form of tenure for the lease land. However, a lessee may make a renewal application if the chief executive made the decision on another ground. This application may be rejected without being considered if there is no relevant change in circumstances from the decision under section 157B.

Amendment of s 159A (Provisions for decision about most appropriate form of tenure)

Clause 19 makes a consequential amendment to section 159A so that it applies when the chief executive is deciding not to make an offer of a new lease before receiving a renewal application under new section 157B (clause 17).

Amendment of s 160 (Notice of chief executive's decision)

Clause 20 makes a consequential amendment to section 160 so that it applies if the chief executive decides not to make an offer of a new lease under new section 157B (clause 17).

A lessee must be given notice of the reasons for decision. The lessee may appeal against the decision if the only reason for the decision was that the lessee had not complied with the conditions of the lease. The same appeal right exists for a decision to refuse a renewal application.

Amendment of s 165A (Chief executive's approval required for conversion)

Clause 21 makes a consequential amendment to section 165A because of the insertion of new section 165B (clause 22) which enables the chief executive to make an offer to convert a lease before receiving a conversion application.

Section 165A applies where the chief executive has made an offer to convert a lease before receiving a conversion application, and where the chief executive has made an offer to convert the lease after receiving an application.

Insertion of new s 165B

165B Deciding to make offer to convert lease before receiving conversion application

Clause 22 inserts new section 165B to enable the chief executive to decide to offer to convert a lease before receiving a conversion application.

This amendment enables the chief executive to proactively manage the leasehold land estate by providing an alternative pathway for initiating conversion. The chief executive is able to proactively seek the conversion of leases where freehold is the most appropriate tenure, or where a perpetual lease is the most appropriate tenure for certain term leases, in accordance with the objectives of the *Land Act 1994*.

Before making a decision, the executive must evaluate the lease land to assess the most appropriate tenure for the land. When conducting the evaluation, the chief executive need only take account of the matters in section 16 of the *Land Act 1994* with necessary changes. This is aimed at supporting the proactive and efficient nature of the proposal. Importantly, this does not remove the need to consider legislative requirements under other Acts, e.g. the *Forestry Act 1959*, *Nature Conservation Act 1992* or the Commonwealth *Native Title Act 1993* and will not result in leases over land such as national parks or State forests converted to freehold.

Amendment of s 166 (Application to convert lease)

Clause 23 makes a consequential amendment to section 166 so that it applies where the chief executive decides to make an offer to convert a lease to freehold or a perpetual lease before receiving a conversion application under new section 165B (clause 22).

If a lessee has rejected an earlier offer, and later decides to make a conversion application, that application may be rejected without consideration if there is no relevant change in circumstances from the rejection of the chief executive's offer.

If a lessee rejects an offer made under new section 165B, the lessee's right to possession and use of the leased land continues until the day the lease expires.

Amendment of s 167 (Provisions for deciding application)

Clause 24 makes a consequential amendment to section 167 because of the insertion of new section 165B (clause 22) which enables the chief executive to make an offer to convert a lease to freehold land or a perpetual lease before receiving a conversion application.

This amendment provides that consideration of the matters in section 167 only applies in relation to the chief executive deciding a conversion application. It does not apply when the chief executive is deciding to make an offer to convert a lease to freehold land or perpetual lease without first receiving a conversion application under new section 165B.

Only needing to take account of the matters in section 16 when deciding to make an offer to convert a lease without first receiving a conversion application under new section 165B, is necessary to support the proactive and efficient nature of the amendment. Although section 167 is more prescriptive, section 16 allows for the same considerations.

Amendment of s 168 (Notice of chief executive's decision)

Clause 25 makes a consequential amendment to section 168 so that it applies where the chief executive decides to make an offer to convert a lease before receiving a conversion application under new section 165B (clause 22).

This clause also includes an amendment to change from 'fulfilled' to 'complied with' to ensure consistency with the wording in section 167(1)(g) of the *Land Act 1994*.

Replacement of s 176Z (When payment obligations end if lease ends under part)

176Z When payment obligations end if lease ends under part

Clause 26 amends section 176Z to clarify when payment obligations end concerning an offer to convert. It provides that the obligation to pay future rent and other amounts stops the day the offer to convert the lease is accepted. This addresses an inconsistency between the Act and the Regulation.

If the lease ends other than because an offer to convert the lease to freehold land is accepted, the obligation to pay future rent and other amounts stops on the day before the day on which the lease ends.

Omission of ss 206 and 207

Clause 27 omits sections 206 and 207 because the sections are redundant and no longer applicable. If an existing lease is subject to a personal residence condition, it would no longer be applicable due to the 7-year term. If there was a personal residence condition required for a lease, it could be catered for without the need for a provision in the *Land Act 1994*.

Amendment of s 247 (Application of payment for improvements by incoming lessee or buyer)

Clause 28 amends section 247 to enable the persons identified in the provision to voluntarily waive their entitlement to payment for the improvements and development work on the land.

There have been past instances where a lessee has wanted to waive their entitlement to payment for the improvements, however, the *Land Act 1994* did not allow for this.

Amendment of s 322 (Requirements for transfers)

Clause 29 amends section 322 so that chief executive approval is not required to transfer a road licence over a temporarily closed road that is tied by covenant to a lease, where the lease is being transferred. This amendment is considered an administrative improvement.

Amendment of s 346 (Sale of mortgaged lease)

Clause 30 amends section 346 to change the requirement to publish a notice in a newspaper. However, the requirement for public notification remains. Instead, the mortgagee is required to publish a notice in a way that the mortgagee considers is reasonably likely to come to the attention of the public generally in the locality of the lease that is for sale.

The change has been made because the requirement to notify in a local newspaper is redundant given that several regional newspapers are no longer in circulation. However, where a newspaper is still circulating generally in the locality of the land, the notice may still be published in this way.

Amendment of s 360A (Chief executive may change term leases, or perpetual leases, other than State leases)

Clause 31 amends section 360A to clarify duplicate decision-making powers for certain actions. In some cases, the chief executive can only exercise certain powers after the Minister has made a decision.

It clarifies that for subsections 360A(2)(d) or (3)(c), if the unallocated State land to be added to the lease is to be granted without competition, the Minister must decide under section 121(1)(b) that the lease of the area of unallocated State land may be granted without competition, before the chief executive can approve the land be included in the lease.

Because an interest in unallocated State land can be granted either with or without competition, the Minister will not always need to have made a decision under section 121(1)(b) before the chief executive can approve the unallocated State land be included in the lease under section 360A(2)(d) and (3)(c).

This clause also omits subsection 360A(2)(e) as it duplicates section 26A of the *Land Act 1994*.

Amendment of s 362 (Easements may be created only by registration)

Clause 32 amends section 362 by providing a new definition of *full supply level* for both dams and weirs. The definition of *full supply level* only related to a dam when it should have also related to a weir.

Amendment of s 373A (Covenant by registration)

Clause 33 amends section 373A to include a definition of *tidal water land*. This section referred to *tidal water land* without defining the term, nor was there a generally applicable definition of that term in schedule 6 of the *Land Act 1994*. The definition is the same as that used in section 163(3) of the *Land Act 1994*.

Amendment of s 373AB (Compliance with s 373A)

Clause 34 fixes an incorrect cross-reference.

Amendment of s 390A (Special provision for transport related land)

Clause 35 amends section 390A to expand its application to apply to defence land. Defence land is defined as lease land under a term lease or perpetual lease to the Commonwealth for defence purposes. This includes the leases held by the Commonwealth Government over land at Greenvale and Shoalwater Bay that will be used for the Australia-Singapore Military Training Initiative. It will allow the Commonwealth Government to enter certain dealings over the land without the need to seek the Minister's or chief executive's approval to facilitate the development of the sites.

Insertion of new ch 7, pt 1D

Clause 36 inserts new chapter 7, part 1D establishing a self-contained part in the *Land Act 1994* about offers. These changes will result in the *Land Act 1994* being much clearer about provisions that relate to offers.

Part 1D Provisions about offers

403P Application of part

New section 403P provides that this part applies to offers made under the *Land Act 1994*.

403Q Definitions for part

New section 403Q defines certain definitions for this part.

403R Meaning of *offer period*

New section 403R prescribes the period for which an offer is valid, and when an offer period can be extended.

If an offer has been made, the offer is valid for the period stated in the offer, or if no period has been stated in the offer, then the offer is valid for 3 months.

An offeree may apply to extend the period for which the offer is valid, either before or after (but within 42 days after) the offer period ends.

If an offeree applies to extend the offer period before the offer period ends, the offeree may apply more than once.

If an offeree applies to extend the offer period after but within 42 days after the offer period ends (first extension), the offeree cannot apply for a further (second) extension if that extension is applied for after the extended (first) offer period ended. Alternatively, if the further (second) extension is applied for before the extended (first) offer period ends, then a further (second) extension may be granted.

403S Requirement for making conditional offers

New section 403S provides that if an offer is subject to conditions, the offer must state that the conditions must be complied with within the offer period before the offer can be accepted, and that the offer lapses if not accepted within the offer period.

403T Requirements for acceptance of offers

New section 403T provides that an offer must be accepted in writing. If an offer is subject to conditions, the conditions must be complied with within the offer period before the offer can be accepted.

403U Lapse of offer

New section 403U provides for when an offer lapses. If an offer is not accepted within the offer period, the offer lapses.

403V Change in purchase price or cash premium if offer period extended

New section 403V provides that an offer may be amended to change the purchase price or cash premium if the purchase price is not fixed by reference to a particular date and the offer period is extended. The new purchase price or cash premium must be worked out in the way the offeror was required to decide the original purchase price or cash premium under the Act.

Omission of s 437 (Changing county or parish boundaries)

Clause 37 omits section 437 because it is redundant as it is no longer used to describe land.

Insertion of new ch 9, pt 7

Clause 38 inserts transitional provisions for the *Land and Other Legislation Amendment Act 2022*.

Part 7 Transitional provisions for Land and Other Legislation Amendment Act 2022

550 Definitions for part

New section 550 defines definitions for this part.

551 Existing applications to transfer leases issued for significant development

New section 551 provides that if an application for approval to transfer a significant development lease is made, but not decided, under this Act before the commencement, then if the chief executive obtains or has obtained an assessment about the transferee's financial and managerial capabilities, the lease must not be transferred to the transferee unless the Minister is satisfied, having regard to the assessment, about the transferee's financial and managerial capabilities.

552 Registration of documents for particular existing dealings

New section 552 provides that new section 390A applies in relation to a dealing started before the commencement (whether or not the dealing or process was also completed before commencement) but had not been registered.

553 Existing offers for renewal of term leases

New section 553 provides that if a term lease is the subject of an offer under this Act for renewal made, but not fully dealt with, before the commencement then new section 434B applies in relation to the lease, allowing for a short-term extension of the lease in particular circumstances.

554 Lapse of existing offers

New section 554 provides that if an offer has been made, and not lapsed, before commencement, new chapter 7, part 1D applies in relation to the offer which clarify when an offer period can be extended.

Amendment of sch 6 (Dictionary)

Clause 39 makes consequential amendments to schedule 6 to omit and insert definitions as a result of other amendments made in the Bill.

Part 5 – Amendment of Land Regulation 2020

Regulation amended

Clause 40 provides that this part of the Bill amends the Land Regulation 2020. Schedule 1 of the Bill also contains other amendments to the Land Regulation 2020.

Amendment of s 9 (Deciding purchase price for particular purposes—Act, ss 109C, 122, 123A, 170)

Clause 41 makes a consequential amendment to section 9 so that it applies if the chief executive makes an offer to convert a lease before receiving a conversion application under new section

165B (clause 22). The purchase price included in the offer must be worked out in the way prescribed.

Amendment of s 10 (Net present value)

Clause 42 makes a consequential amendment to section 10 because of the insertion of new section 165B in the *Land Act 1994* (clause 22) which enables the chief executive to make an offer to convert a lease before receiving a conversion application.

This clause provides that if the chief executive makes an offer to convert before receiving a conversion application, the net present value of the land must be worked out as at the day stated in the offer. This day can be earlier than the day the chief executive makes the offer but no earlier than 4 months before the day the chief executive makes the offer. This allows the chief executive to work out the net present value prior to making the offer.

Amendment of s 13 (Working out unimproved value of land)

Clause 43 makes a consequential amendment to section 13 because of the insertion of new section 165B in the *Land Act 1994* (clause 22) which enables the chief executive to make an offer to convert a lease before receiving a conversion application.

This clause provides that if the chief executive makes an offer to convert without first receiving a conversion application, the unimproved value of the land is the unimproved value as at the day stated in the offer. This day can be earlier than the day the chief executive makes the offer, but no earlier than 4 months before the day the chief executive makes the offer. This allows the chief executive to work out the unimproved value prior to making the offer.

Amendment of s 15 (Value of commercial timber—other land)

Clause 44 makes a consequential amendment to section 15 because of the insertion of new section 165B in the *Land Act 1994* (clause 22) which enables the chief executive to make an offer to convert a lease before receiving a conversion application.

This clause provides that if the chief executive makes an offer to convert without first receiving a conversion application, the market value of the commercial timber must be worked out as at the day stated in the offer, if an appeal about the value of the timber has not been made. This day can be earlier than the day the chief executive makes the offer, but no earlier than 4 months before the day the chief executive makes the offer. This allows the chief executive to work out the value of the commercial timber prior to making the offer.

Amendment of s 19 (Appeal against decision on purchase price for conversion)

Clause 45 makes a consequential amendment to section 19 so that it applies if the chief executive makes an offer to convert a lease before receiving a conversion application under new section 165B (clause 22). This clause provides that a lessee may appeal against the purchase price in a conversion offer.

Replacement of s 37 (Rent for lease with particular title reference)

37 Rent for leases with particular title references

Clause 46 replaces section 37 to prescribe the rent payable for two perpetual leases granted to the Commonwealth Government for defence purposes.

Amendment of sch 9 (Dictionary)

Clause 47 amends schedule 9 to include a definition of *conversion offer*. This definition captures the chief executive making an offer to convert a lease before receiving a conversion application under new section 165B (clause 22).

Part 6 – Amendment of Land Title Act 1994

Act amended

Clause 48 provides that this part amends the *Land Title Act 1994*. Schedule 1 of the Bill also includes other amendments to the *Land Title Act 1994*.

Amendment of s 82 (Creation of easement by registration)

Clause 49 amends section 82 to include a definition of the term *full supply level* which is a term used in this section. This definition has been relocated from section 81A of the *Land Title Act 1994* and its application has been expanded to weirs. The definition previously only related to dams when it should have also applied to weirs.

Part 7 – Amendment of the Place Names Act 1994

Act amended

Clause 50 provides that this part of the Bill amends the *Place Names Act 1994.*

Amendment of s 3 (Definitions)

Clause 51 amends section 3 to provide definitions for *Queensland government website*, *regional newspaper*, and *relevant website*. The amendment is consequential to amendments made to sections 9 and 11 for giving notice about a place name proposal or decision.

Amendment of s 9 (Notice of place name proposal)

Clause 52 amends the specific reference to newspapers in section 9 to provide a general reference for publishing notice of a place name proposal. As many regional newspapers are ceasing print or becoming online only, it is necessary to allow use of other contemporary media channels to give notice of a place name proposal.

Amendment of s 11 (Decision about proposal)

Clause 53 amends the specific reference to newspapers in section 11 to provide a general reference for publishing notice of a place name decision. As many regional newspapers are ceasing print or becoming online only, it is necessary to allow use of other contemporary media channels to give notice of a decision about a place name proposal.

Part 8 – Amendment of Stock Route Management Act 2002

Act amended

Clause 54 provides that this part amends the *Stock Route Management Act 2002*.

The editor's note points the reader to other amendments in schedule 1.

Insertion of new s 97A

97A Stock route map

Clause 55 inserts new section 97A to provide the chief executive with the power to decide stock routes for the State by certifying a digital electronic form of a map showing them. The certified map must be published, in a digital electronic form, on the department's website, taking effect as the current stock route map for the State on the day it is published. This map stops having effect as the stock route map for the State when another certified map is published. The chief executive must, for each map that stops having effect as the current stock route map for the State, publish the map as a previous stock route map for the State on the department's website, with the period for which it had effect stated.

This provision contemporises the mapping of stock routes and reduces the regulatory burden. The map becomes the 'stock route map' for the State when it is certified and published as such.

Insertion of new s 97B

97B Definition for part

Clause 56 inserts a new section to define the term 'prescribed local government' for a local government to which the stock route network management plan provisions under chapter 3, part 3 of the Act apply.

Amendment of s 98 (State stock route network management strategy)

Clause 57 amends section 98(1) by removing ', as soon as practicable after the commencement of this part,' reflecting the ongoing nature of the stock route management strategies which may be amended or replaced from time to time.

Insertion of new s 100A

100A Notice of strategy taking effect

Clause 58 inserts new section 100A placing a requirement on the chief executive to notify each local government to which stock route network management plan provisions apply when a State stock route network management strategy takes effect.

The objective is to improve efficiency, ensuring that relevant local governments are aware of the strategy so that they can meet their obligations to prepare, adopt, amend or renew their stock route management plans (amended sections 105 and 113) within one year of being notified of the strategy taking effect.

Replacement of ss 102 and 103

Clause 59 omits sections 102 and 103 and inserts new provisions which streamline processes for a State stock route network management strategy, reducing regulatory burden. The provisions cover the timing for reviews, renewals and amendments as well as how a strategy may be amended.

102 Reviewing, amending and renewing strategy

New section 102 allows the chief executive to review, amend or renew a State stock route network management strategy as the chief executive considers appropriate. Regardless, the effectiveness of the strategy must be reviewed at least six months before it stops having effect.

In amending the strategy, regard must be had to the principles of stock route network management.

If the strategy is amended or renewed, each local government for which a stock route network management plan is mandated, must be notified of the amendment or renewal.

This provision will ensure that local governments are aware the strategy has been amended or renewed, and they can take the necessary steps to ensure their stock route management plans are consistent with the amended or renewed version of the strategy.

103 Chief executive must publish copy of strategy

New section 103 requires the chief executive to publish a copy of the State stock route network management strategy on the department's website on or before the day the strategy takes effect.

If the strategy is amended or renewed, the chief executive must publish the amended or renewed strategy on the website.

Amendment of s 105 (Local governments to have stock route network management plan)

Clause 60 amends section 105 to provide that within one year after being notified of a State stock route network management strategy taking effect under section 100A, a local government must adopt a stock route network management plan for its area. The plan must be consistent

with both the principles of stock route network management and the State stock route network management strategy.

This amendment reflects the reduction of local governments' regulatory burden in that a local government will no longer have to seek the Minister's approval of their draft stock route management plan while ensuring consistency of the plan with the Act.

A minor editorial change to the section heading is also made.

Replacement of ss 106 to 111

Clause 61 omits sections 106 to 111 and inserts six new provisions for local governments preparing their stock route management plans. The new provisions deal with matters to consider, consultation requirements, adoption and duration of plans.

These amendments reflect the removal of the Minister's oversight of a local government's preparation and adoption of their draft stock route management plan, and the alignment of the duration of the plans with the State stock route network management strategy.

106 Preparing draft plan—matters local government must have regard to

New section 106 lists the matters that a local government must have regard to when preparing its draft stock route management plan. The matters include the principles of stock route network management; the State stock route network strategy; and other matters pertaining to the multiple values and uses of, and interests in, stock routes—and how these affect a local government's part of the stock route network.

107 Preparing draft plan—consultation requirements for particular stock routes

New section 107 requires local governments, when preparing their draft stock route management plan, to consult with the responsible state government department where all or part of a stock route in the area is in, on, crosses or is adjacent to a protected area, State-controlled road or waterway. The local government must have regard to the relevant department's requirements and any departmental recommendations relating to the requirements.

This consultation requirement is to ensure that risks to traffic and transport infrastructure posed by stock can be appropriately managed; and the impacts of stock on park management practices, biodiversity and fish passage can be avoided, minimised and mitigated. Also, consultation will identify obligations and accountabilities under these plans.

108 Preparing draft plan—other consultation requirement

New section 108 extends the consultation requirement in section 107 by requiring a local government to consult with relevant state government departments when preparing its draft stock route network management plan if the chief executive officer of the local government considers that there is a relevant interest, that is, where a requirement under an Act may impact on the use of one or more of the stock routes for travelling stock in the local government area.

In preparing the plan, the local government must also have regard to the relevant department's requirement and any recommendations the department makes relating to the requirement.

Consultation allows potential issues to be identified and resolved, and obligations and accountabilities under the stock route network management plan to be identified.

It is also a requirement that local governments must consult with the Department which administers the Stock Route Management Act and has joint management responsibility for the stock route network.
Examples of other Acts that may impact on the use of a stock route leading to a requirement for consultation include the following statutes:

Act	**Examples of relevant matters**
Land Act 1994 ***Aboriginal Land Act 1991***	• Land dealings affecting the integrity of the stock route network (e.g., tenure, grazing, boundaries, fencing, road closures) • Land degradation/erosion rehabilitation • Pasturage rights
Biosecurity Act 2014 ***Animal Care and Protection Act 2001***	• Managing biosecurity issues, including declared pest treatment, and alignment of draft stock route management plans with the State Biosecurity Plan • Pasture assessment/management/regeneration • Animal health and welfare of travelling stock
Nature Conservation Act 1992 ***Environmental Protection Act 1994*** ***Forestry Act 1959*** ***Vegetation Management Act 1999***	• Protection and controlled use of areas with significant cultural and natural resources, including significant remnant vegetation and regional ecosystems with high conservation values • Managing natural resources (e.g., forest products and quarry material practices/ activities) • Vegetation clearing
Recreation Areas Management Act 2006 ***Queensland Heritage Act 1992*** ***Aboriginal Cultural Heritage Act 2003***	• Recreational uses on stock routes • Historical cultural heritage values and interests • Indigenous cultural heritage values and interests
Planning Act 2016 ***Regional Planning Interests Act 2014***	• State and regional interests
Fire and Emergency Services Act 1990 ***Disaster Management Act 2003***	• Controlled burning and fire safety issues • Natural disaster events affecting the stock route network

The relevance of an Act to the use and management of stock routes, and the range of issues to consult on, will differ from local government to local government.

109 Notice of draft plan and consideration of public submissions

New section 109 requires a local government, as soon as possible after preparing a draft stock route network management plan, to give public notice of the fact. The notice must be published on a relevant website, in a regional newspaper circulating generally in the local government's area, or in an electronic version of that newspaper. The notice must state where an online copy of the draft plan may be accessed and invite the public to make written submissions within 28 days of the notice being published. The local government must ensure the draft plan is published on the website for the entire submission period, consider any written submissions made, and make any amendments to the plan the local government considers appropriate in relation to the submissions.

In providing the public the opportunity to make submissions on the draft plan, the provision recognises the increasing role the internet plays in communication and the decline in the publication of hard copy newspapers.

110 Adopting plan

New section 110 provides that a local government may adopt a stock route network management plan by resolution. However, the plan may be adopted only if its preparation complied with new sections 106 to 109 and the local government is satisfied the plan is consistent with the principles of stock route network management and the State stock route network management strategy (section 105(3)).

The provision is designed to reduce the regulatory burden for local governments by removing the requirement for Ministerial consideration of a draft stock route management plan. This does not remove the requirement that local governments have to ensure their plans are consistent with the Act.

111 Duration of plan

New section 111 provides that a local government's stock route network management plan takes effect from the date stated in it. The start date must be after the day the plan is adopted but within one year after the local government is notified, under section 100A, of a State stock route network management strategy taking effect.

The stock route network management plan stops having effect on the earlier of the following—immediately before another plan for the local government area takes effect; or, one year after the local government has received notification of a new State stock route network management strategy taking effect.

Also, if a plan is renewed under section 113, the plan stops having effect immediately before the renewed plan takes effect. Subsections (1) and (3) apply to the renewed plan.

This provision aligns the duration of a stock route network management plan with that of the State stock route network management strategy but allows local governments to have an

appropriate period of time following the publishing of the strategy to prepare their plans. Under section 100 of the Act, the strategy has a maximum life of five years. The provision also ensures that the plan cannot take effect retrospectively.

Replacement of ss 113 to 115

Clause 62 replaces sections 113 to 115 with three new sections dealing with the review, amendment and renewal of a stock route network management plan (section 113); the consultation requirements (section 114); and publication and inspection requirements for the plan (section 115).

113 Reviewing, amending and renewing plan

New section 113 enables a local government to review, amend or renew its stock route network management plan as its chief executive officer considers appropriate.

Regardless, a local government must review the effectiveness of its plan at least three months before the start of each financial year.

Also, the plan must be reviewed and amended if necessary when the chief executive (Department of Resources) notifies a local government that the State stock route network management strategy has been amended.

Further, if a local government is notified that the strategy has been renewed for a period, the local government must renew, within one year of receiving the notice and if necessary, amend the plan to ensure it is consistent with the amended strategy.

The provision ensures that stock route network management plans stay current, effective and consistent with the State stock route network management strategy, recognising that the driver/s for the discretionary review, amendment or renewal of a stock route network management plan will differ from local government to local government.

114 Requirements for review, amendment or renewal of plan

New section 114 provides that a local government must comply with the requirements under sections 107 to 110 for consultation and adoption of a stock route management plan if the local government is—under section 113—reviewing its plan, other than the annual review required under section 113(2); amending its plan, (including as a result of a review under section 113(2)); or renewing its plan.

The provision recognises that an ‘effectiveness’ review of a stock route management plan under section 13(2) is sufficiently different from other types of reviews to warrant not applying sections 107 to 110 to this review. However, amendments to the plan—under section 13(1)—that follow on from the ‘effectiveness’ review will trigger the consultation and adoption requirements.

115 Local government must publish, and make available for inspection, copy of plan

New section 115 requires a local government to publish a copy of its stock route network management plan—as amended or renewed from time to time—on its website and keep an electronic copy of the plan for public inspection free of charge.

Amendment of s 116 (Application for permit)

Clause 63 replaces subsections (3) and (4) of section 116 with three new subsections.

New subsection (3) updates the notification requirements for an agistment permit application to include publication of the notice online.

New subsection (4) provides that the application may be made in writing, electronically or orally; and must be accompanied by the application fee prescribed by regulation.

New subsection (4A) allows a local government to waive payment of the application fee if satisfied the applicant is experiencing financial hardship. This fee is non-refundable and covers the cost to a local government of assessing a permit application.

The amendment also provides for renumbering of section 116(4A) and (5).

Amendment of s 122 (Application for renewal)

Clause 64 amends section 122 to replace subsection (2) with the following subsections.

New subsection (2) provides that a renewal application must be made in writing, electronically or orally before the permit expires, and must be accompanied by the renewal application fee prescribed by regulation.

New subsection (2A) enables a local government to waive this fee for financial hardship.

The application fee is non-refundable. It covers the cost to local government of assessing a renewal application.

Section 122(2A) to (4) are also renumbered.

Amendment of s 134 (Application for permit)

Clause 65 amends section 134 to replace subsection (2) as follows.

New subsection (2) provides that an application may be made in writing, electronically or orally and must be accompanied by the application fee prescribed by regulation.

New subsection 2A enables a local government to waive this fee for financial hardship.

Section 134(2A) and (3) are also renumbered.

Amendment of s 168 (Notice of seizure)

Clause 66 replaces subsection (2) with a new subsection which updates the publication requirements for a notice of seizure of stray stock to include online publishing.

This amendment recognises the increasing role the internet plays in communication and the decline in publication of hard copy newspapers.

Replacement of s 187A (Local government to pay amounts to department)

Clause 67 replaces section 187A with new sections 187A and 187B to achieve the policy objective of greater cost recovery by local governments by allowing local governments to keep all revenue received from application fees, permit fees, water facility agreements and fines for reinvestment in the stock route network.

187A Fines payable to local government

New section 187A provides that, in proceedings brought by a local government for an offence against the Act, a fine imposed by the court must be paid to the local government's operating fund unless the court orders the fine to be paid to a particular person.

187B Local government must use amounts received for particular purposes

New section 187B provides that a local government receiving revenue from stock route application fees, permit fees, water facility agreements and fines must use the amount for the administration, maintenance or improvement of the stock route network in its local government area. The administration of the stock route network in the local government's area includes deciding applications relating to stock routes under sections 116, 122 and 134.

Amendment of s 188 (Minister may ask for particular information from local government)

Clause 68 amends section 188 to align it with new sections 187A and 187B. The amendment enables the Minister, by written notice, to ask a local government to give the Minister details of revenue it has received under the Act.

The amendment takes into account that local governments will no longer have to remit revenue received from stock routes to the department.

Insertion of new ch 11, pt 4

Clause 69 inserts a new part 4 in chapter 11 which deals with transitional provisions for the *Land and Other Legislation Amendment Act 2022.*

Part 4 Transitional provisions for Land and Other Legislation Amendment Act 2022

334 Definitions for part

New section 334 defines the terms ‘continued strategy’ in relation to a State stock route management strategy; ‘first map publication day’ for the stock route map; ‘former’ in relation to a provision of the Act; and ‘new’ in relation to a provision of the *Land and Other Legislation Amendment Act 2022*.

335 Existing stock routes declared under regulation

New section 335 provides that a road or route that, immediately before commencement, was declared under a regulation to be a stock route continues as a stock route under the Act until the first publication day of the stock route map (under section 97A).

336 Existing permits and applications for permits

New section 336 provides that the first publication of the stock route map under the new section 9797A will not affect existing permits issued under chapter 3. Also, the ability of a local government to continue to issue a permit based on an application existing at the time will not be impacted, nor will the effect of this permit if issued. This ensures that any change to stock route network caused when the first map is published under section 97 is minimised.

337 Continuation of State stock route network management strategy

New section 338 provides for the continuation of the existing State stock route network management strategy (kept by the chief executive under former section 98), as the strategy required to be kept under new section 98 on commencement.

The section also provides that the chief executive does not have to comply with section 100A (Notice of strategy taking effect) in relation to the continued strategy.

338 Continuation of adopted stock route network management plans

New section 339 provides for the continuation of a local government’s stock route network management plan as the plan required to be kept by the local government under new section 105 on commencement if the following applies—

- the plan was prepared and implemented under former chapter 3, part 3 after the continued strategy took effect; and
- immediately before commencement, the plan was in force and complied with former section 107.

New section 111(2) does not apply to the continued plan. Note that section 111(2) requires the start day of a local government plan to be after the day the plan is adopted but within one year after the day the chief executive notifies the local government (under section 100A) about the State stock route network management strategy.

339 Prescribed local governments without continued stock route network management plans

New section 340 provides for local governments for which a stock route network management plan is mandated under the Act, and the prescribed local government does not have a plan that is continued under section 339.

If the local government had started preparing its plan under former chapter 3, part 3 after the continued strategy (section 338) took effect, the local government is required to continue preparing its plan under former chapter 3, part 3. The former chapter 3, part 3 continues to apply as if the amendment Act had not been enacted. If the plan is adopted under former chapter 3, part 3, the plan is taken to be the local government's stock route network management plan under new section 105. New section 111(2) does not apply in relation to the plan.

If the local government had yet to start preparing its plan, the local government must adopt a stock route network management plan under new chapter 3, part 3. The local government is taken to have been notified of the continued strategy taking effect under section 100A on the commencement.

The editor's note draws the reader's attention to the requirement under section 105(1) that a prescribed local government must adopt a stock route network management plan within one year after the notification.

340 Application fees

New section 341 provides that an application fee mentioned in sections 116(4)(b), 122(2)(b)(ii) or 134(2)(b) applies only to an application made after these fee provisions commence. This takes into account that the application fee provisions will commence by proclamation.

341 Fines imposed by court after commencement

New section 342 provides that new section 187A applies to a fine imposed by a court for an offence against the Act after the commencement, regardless of when the offence was committed or the proceeding for the offence was started.

Amendment of sch 3 (Dictionary)

Clause 70 amends Schedule 3 Dictionary to:

- repeal the definitions stock route and submission period
- define the terms 'area', 'regional newspaper', 'prescribed local government', 'relevant website', 'stock route', 'stock route map' and 'stock route network management plan'; and
- amend the definition State stock route network management strategy.

Part 9 – Amendment of the Survey and Mapping Infrastructure Act 2003

Act amended

Clause 71 provides that this part of the Bill amends the *Survey and Mapping Infrastructure Act 2003*.

Amendment of s 6 (Survey standards)

Clause 72 amends section 6 to provide for making survey standards to specify how existing survey information, held by the registrar of titles or chief executive, may be used in preparing a plan of survey to represent all or part of a tidal or non-tidal water boundary. This amendment is consequential to omission of sections 79, 85, 107 and 112 to move operational detail from the Act to survey standards. This clause also clarifies that survey standards may be used to guide application of the ambulatory boundary principles, and treatment of a right line boundary adjoining a tidal or non-tidal boundary to which the ambulatory boundary principles apply.

The amendment provides flexibility to allow for changes to adjoining right line boundary segments, reflecting the incremental change that occurs to a water boundary over time, while ensuring there is sufficient authority to provide directions for survey. As these matters are both technical and procedural, it is appropriate to include this guidance within survey standards.

Replacement of ss 9 and 10

9 Making survey standard or survey guideline and when it takes effect

Clause 73 replaces section 9 to remove a requirement for the Minister to make a notice as subordinate legislation to give effect to survey standards. The new provision allows for both survey standards and survey guidelines to take effect from publication on a government website by the chief executive. This change streamlines the process to give effect to survey standards, ensuring the framework for making standards and guidelines is responsive to modern user and surveying needs.

A survey standard is a statutory instrument but is not subordinate legislation. The amendment provides for continued parliamentary scrutiny of survey standards by introducing requirements for tabling and the disallowance process under the *Statutory Instrument Act 1992,* as if the standards were subordinate legislation.

10 Public access to survey standards and survey guidelines

This clause also replaces section 10. This is consequential to amendment of section 9 and ensures appropriate public access to survey standards and survey guidelines made by the chief executive through publication on a government website.

Amendment of s 25A (Special provision for taking of soil samples for multiple lot declarations)

Clause 74 amends section 25A to provide for collecting survey evidence relevant to the chief executive for making a declaration about the location of a tidal or non-tidal water boundary under Part 7. Existing powers to collect evidence under section 25A will be expanded and apply

to declarations made for a single lot (sections 83 and 109) as well as to multiple lot declarations (sections 93 and 120).

The amendment ensures the chief executive has access to evidence that would assist in decision making, consistently for each type of water boundary declaration. The clause continues requirements placed on a surveyor for access to the land and conditions to minimise damage to property in collecting relevant evidence.

Amendment of s 52 (Other datasets)

Clause 75 amends section 52 to change a reference from the 'department's website' to a 'government website'. A new definition for *government website* is included in the schedule. This gives additional flexibility to publish relevant spatial information datasets on the department's website, a whole-of-government website or other website prescribed by regulation. The amendment is necessary as it is common to publish relevant datasets to 'whole-of-government' websites, as an alternative to the department's website.

Amendment of s 62 (Definitions for pt 7)

Clause 76 amends the definition of *associated material* for a plan of survey under section 62 to include authoritative directions in force at the time the plan was prepared, including historical directions. Consequential to the amendment made to section 25A, this clause includes a definition of *relevant evidence*, that is linked to requesting evidence relevant to identification of the location of a tidal or non-tidal water boundary, for the purpose of making a declaration under sections 83, 93, 109 or 120. Consequential to omission of sections 79, 85, 107 and 112, this clause also omits the definition of *compiled plan of survey*, as this term is no longer used for Part 7 of the *Survey and Mapping Infrastructure Act 2003.*

Amendment of s 65 (Special provision for reserved plans of survey)

Clause 77 amends section 65 to remove the requirement for certification by the chief executive or registrar of titles for registration of a 'reserved plan of survey' under this section. The certification process represents an unnecessary administrative burden to stakeholders that is reduced by the amendment.

Insertion of new ss 65A and 65B

Clause 78 inserts new sections 65A and 65B.

65A Special provision for old plans of survey

New section 65A caters for operational requirements that allow a surveyor to presume that a natural feature was clearly adopted by an old plan of survey consistently with historical directions. Under past standards or directions, it was frequent practice for surveyors to adopt a natural feature as the water boundary. However, the specific feature may not necessarily be labelled on the old plan of survey.

The absence of such information presented on old survey plans has led to some confusion and it can be difficult for surveyors to justify where an old plan of survey clearly adopted a natural feature. The new provision allows for a rebuttable inference to be made that a natural feature

was adopted consistently with directions, if relevant survey directions applied at the time of the survey, and a natural feature exists in a location corresponding to the boundary location depicted by the old plan of survey.

65B Special provision for particular boundaries of new land

The clause inserts a new section 65B to provide for survey of the common water boundary where a new tenure (e.g., a new parcel on the water side of the boundary) is surveyed next to land that has an 'old plan of survey' to identify the water boundary, and which does not does not comply with the boundary location criteria in section 72 or 100. This allows new tenure to share an existing water boundary that is yet to be surveyed under the rules of the current framework. When the water boundary of the existing parcel is next surveyed, it would have to comply with the current boundary location criteria. Once the existing water boundary had been dealt with, future surveys of the new parcel thereafter can identify the shared water boundary consistently with the boundary location criteria rules.

Omission of s 79 (Special requirement to support the operation of sdiv 3)

Clause 79 omits section 79 and will commence by proclamation, so that a survey standard can be made as the replacement vehicle for these requirements. As the matters are both technical and procedural, it is appropriate to include such operational detail within standards. A new standard will be used to direct how existing survey information, held by the registrar of titles or chief executive, may be used to represent all or part of a tidal or non-tidal water boundary for a first or subsequent new plan of survey.

Amendment of s 83 (Third exception for the original adopted natural feature rule (tidal) provision (chief executive single lot declaration (tidal) exception))

Clause 80 is consequential to amendment of section 25A and will update section 83 to provide the chief executive must have regard to all relevant evidence when making a single lot declaration (tidal). Section 25A allows for the chief executive to be able to direct a surveyor to collect relevant evidence for making a declaration under section 83. This clause also amends section 83 to correct a grammatical error in a reference to the original adopted natural feature rule (tidal) provision.

Omission of s 85 (Special requirement to support the operation of sdiv 4)

Clause 81 omits section 85 and will commence by proclamation, so a new survey standard can be made as the replacement vehicle for these requirements. As the matters are both technical and procedural, it is appropriate to include such operational detail within standards. The new standard will be used to direct how existing survey information, held by the registrar of titles or chief executive, may be used to represent all or part of a tidal or non-tidal water boundary for a first or subsequent new plan of survey.

Amendment of s 93 (Multiple lot declaration (tidal) provision)

Clause 82 amends section 93 to provide a uniform set of decision criteria for the chief executive in making a declaration about the location of an uncertain tidal water boundary, irrespective of whether the declaration is applied to a single lot under section 83, or to multiple adjoining lots under section 93. The declared location must continue to comply with the relevant requirements

of the tidal boundary location criteria. The amendment increases consistency between the processes available to the chief executive for making a tidal water boundary declaration.

Omission of s 107 (Special requirement to support the operation of sdiv 3)

Clause 83 omits section 107 and will commence by proclamation, so that a survey standard can be made as the replacement vehicle for these requirements. As the matters are both technical and procedural, it is appropriate to include such operational detail within standards. A new standard will be used to direct how existing survey information, held by the registrar of titles or chief executive, may be used to represent all or part of a tidal or non-tidal water boundary for a first or subsequent new plan of survey.

Amendment of s 108 (Boundary location criteria rule (non-tidal) provision)

Clause 84 amends section 108 to clarify that for a new plan of survey, a non-tidal boundary must be located at the first natural feature away from the water that complies with the requirements of the non-tidal boundary (watercourse) location criteria. The logic behind both tidal and non-tidal provisions is in identifying the boundary feature that had been adopted in the past, and then interpreting the water boundary location for a first new plan of survey under Part 7. Section 108 is clarified so that the previously surveyed feature must be referenced as starting point for application of the current rules. If the previous feature did not satisfy the boundary location criteria, the first compliant feature away from the water should be used.

Amendment of s 109 (First exception for the boundary location criteria rule (non-tidal) provision (chief executive single lot declaration (non-tidal) exception))

Clause 85 is consequential to amendment of section 25A and updates section 109 to provide the chief executive must have regard to all relevant evidence when making a single lot declaration (non-tidal). Amendment of section 25A allows for the chief executive to be able to direct a surveyor to collect relevant evidence for making a declaration under section 109.

Omission of s 112 (Special requirement to support the operation of sdiv 4)

Clause 86 omits section 112 and will commence by proclamation, so that a new survey standard can be used as the replacement vehicle for these requirements. As the matters are both technical and procedural, it is appropriate to include such operational detail within standards. A new standard will be used to direct how existing survey information, held by the registrar of titles or chief executive, may be used to represent all or part of a tidal or non-tidal water boundary for a first or subsequent new plan of survey.

Amendment of s 120 (Multiple lot declaration (non-tidal) provision)

Clause 87 is a consequential to amendment of section 25A and updates section 120 to provide the chief executive must have regard to all relevant evidence in making a multiple lot declaration (non-tidal). Section 25A provides for the chief executive to be able to direct a surveyor to collect relevant evidence for making a declaration under section 120.

Amendment of pt 9, hdg (Transitional provisions and repeals)

Clause 88 clarifies that the current Part 9 of the *Survey and Mapping Infrastructure Act 2003* relates to transitional provisions provided for the 2003 Act No.71.

Insertion of new pt 10

Clause 89 inserts a new part 10 to provide transitional provisions for the Land and Other Legislation Amendment Bill 2022.

Part 10 Transitional provisions for Land and Other Legislation Amendment Act 2022

143 Existing survey standards and survey guidelines continue in effect

The clause inserts a new section 143 to provide a transitional provision to continue the effect of the survey standards and guidelines that are in force before the commencement of this Bill.

144 Public access to survey standards and survey guidelines made before commencement

This clause inserts a new section 144 to ensure continued public access to survey standards and guidelines made before the commencement of this Bill. This provides transparency as past survey standards and guidelines remain accessible to surveyors, even when no longer in effect.

Amendment of schedule (Dictionary)

Clause 90 is consequential to amendments made to sections 10 and 52 that relate to publication of survey standards, guidelines, or spatial datasets on a government website. A new definition for *government website* is included in the Schedule (Dictionary), to include both the department website and a 'whole-of-government' website as relevant places to publish. A new definition for *whole-of-government website* is inserted to mean either a website on the Queensland State Government domain, or another website prescribed by regulation.

This change is necessary as it is common to publish information on a relevant 'whole-of-government' website, as an alternative to the department's website. Amendment of the definition for *ambulatory boundary principles* is made to expand application of this definition to the whole Act following the reference added in amendment of section 6.

Part 10 – Amendment of Survey and Mapping Infrastructure Regulation 2014

Regulation Amended

Clause 91 provides that this part amends the Survey and Mapping Infrastructure Regulation 2014.

Amendment of s 18 (Procedure after reinstating existing boundaries)

Clause 92 amends section 18 to clarify that not all reinstatement surveys are registered. Identification surveys, carried out to find the position of an existing boundary, are given to the chief executive but not registered. The section is amended to reference giving an owner written notice of the intention to give (meaning submit, deposit or register) the plan with the reinstated boundary to a relevant entity and advise the relevant entity of steps taken to notify the owner.

Part 11 – Amendment of the Vegetation Management Act 1999

Act amended

Clause 93 provides that this part amends the *Vegetation Management Act 1999.*

Amendment of s 8 (What is vegetation)

Clause 94 amends section 8 pursuant to Clause 101, which provides for regional ecosystems to be identified through a certified version of the Vegetation Management Regional Ecosystem Description Database (VM REDD), rather than through the Vegetation Management Regulation.

Section 8 provides that clearing is not regulated under the Act when *(inter alia*) it is clearing of plants within certain grassland regional ecosystems.

Clause 94 amends Section 8 to provide that clearing is not regulated under the Act where it is in grassland regional ecosystems which are identified by the VM REDD as having a grassland structure.

Amendment of s 16 (Preparing declaration)

Clause 95 amends section 16 to remove the requirement for a notification to be made in the newspaper, moving the process to online advertising and publication. This is intended to reduce the quantity of print advertising and publications by government agencies, and to reduce associated advertising and publication costs to government agencies.

Amendment of s 19Q (When code compliant clearing and conduct of native forest practices are accepted development, assessable development or prohibited development for Planning Act)

Clause 96 amends section 19Q to clarify that development that is clearing vegetation under an accepted development vegetation clearing code is only categorised as accepted development under the Planning Act 2016 if it complies with all the requirements of the relevant code. It removes provisions that categorised clearing that does not comply with a code, so that the categorisation of such clearing may be determined by categorising instruments under the Planning Act 2016.

Clause 96 also amends the Note to section 19Q to clarify that to the extent the clearing does not comply with the relevant code, under the *Planning Act* 2016, the clearing may be prohibited development or assessable development (referring to chapter 5, part 2 of the *Planning Act 2016* for associated development offence provisions).

Amendment of s 20AK (What is a *property map of assessable vegetation* (or *PMAV*))

Clause 97 amends s 20AK to insert a new section 20AK(3) to clarify what a regional ecosystem number is pursuant to Clause 101, which provides for regional ecosystems to be identified through a certified version of the VM REDD.

Clause 97 provides that the regional ecosystem number that applies to a regional ecosystem is that shown in the certified VM REDD and not the Queensland Herbarium's Regional Ecosystem Description Database. Also, this definition was previously located in the Dictionary and is moved to this section to provide improved readability.

Amendment of s 20D (When PMAV may be replaced)

Clause 98 amends section 20D(3)(b) to amend the editor's note to reflect the current amendments. The editor's note identified that a change to a regional ecosystem is made by amending the Vegetation Management Regulation 2012. The amendments now provide that a change to a regional ecosystem (for example, a change to the conservation status, number or description) is done by certifying a new version of the VM REDD.

Insertion of new s 20G

Clause 99 inserts new section 20G.

20G Effect of PMAV

Clause 99 inserts new section 20G to clarify that each mapping category can be shown on the regulated vegetation management map or a PMAV. Previously the definition of mapping categories didn't include PMAVs and only referred to the regulated vegetation management map.

The *Vegetation Management Act 1999* defines mapping categories (category A area, category B area, category C area, category R area and category X area) as areas shown on the regulated vegetation management map (RVMM). The same categories are shown on a PMAV.

The clarification does not alter any existing PMAVs or the process for assessing PMAV applications.

Amendment of s 20HB (Amending vegetation management map)

Clause 100 amends section 20HB to clarify the circumstances in which the chief executive must amend the regulated vegetation management map. The amendment corrects an error of terminology, in that there is no provision under the Act for amending a PMAV. A PMAV can be made and can be replaced by making a new PMAV.

Insertion of new s 22L

Clause 101 inserts new section 22L.

22L Certifying Regional Ecosystem Description Database for this Act

New section 22L provides for regional ecosystems to be identified through a certified version of the Regional Ecosystem Description Database. The Regional Ecosystem Description Database published by Queensland Herbarium contains information on regional ecosystems' numbers, descriptions, and conservation classes. Until this amendment, the Vegetation Management Regulation has reproduced this information through Schedules 1 – 5. After amendment, the chief executive will from time to time certify a version of the Regional Ecosystem Description Database to provide this information for the purposes of the Vegetation Management Act. The certified version, termed the Vegetation Management Regional Ecosystem Description Database or VM REDD, contains information on each regional ecosystem's number, description, structure and conservation status.

This approach will produce significant savings for the Department of Resources and the Department of Environment and Science by not having to process regulation amendments to update schedule 1-5 each time the regional ecosystem mapping is updated which normally happens every 1-2 years. This also reduces the risk of errors in updating descriptions via a regulation amendment.

To achieve this, subsection 1 provides the chief executive with the power to certify a version of the Regional Ecosystem Description Database as the VM REDD, in the same way that they can certify the vegetation management maps. New subsection 3 requires the chief executive to ensure that the VM REDD is only certified if the Minister is satisfied that each regional ecosystem is assigned to the correct class.

The new subsection 4 also provides that a failure to comply with the requirement for the Minister to be satisfied (whether through a procedural error or a technical error) does not affect the validity of the certification. This ensures that the vegetation management framework can continue to operate while any error is corrected.

The new subsections 2 and 3 also identify when the certification of the VM REDD comes into effect and how it is published. It comes into effect on the date it is published on the department's website, or on a later day if the later day is stated in the certified version.

Amendment of s 22LA (Endangered regional ecosystems)

Clause 102 amends section 22LA to remove the reference to the regulation as the mechanism by which an endangered regional ecosystem is declared. The amendment now provides that VM REDD is the mechanism by which an endangered regional ecosystem is identified.

Amendment of s 22LB (Of concern regional ecosystems)

Clause 103 amends section 22LB to remove the reference to the regulation as the mechanism by which an of concern regional ecosystem is declared. The amendment now provides that VM REDD is the mechanism by which an of concern regional ecosystem is identified.

Amendment of s 22LC (Least concern regional ecosystems)

Clause 104 amends section 22LC to remove the reference to the regulation as the mechanism by which a least concern regional ecosystem is declared. The amendment now provides that VM REDD is the mechanism by which a least concern regional ecosystem is identified.

Amendment of s 61 (Ability to prosecute under other Acts)

Clause 105 amends section 61 by removing the note in section 61(b) which previously identified the maximum penalties under the *Environmental Protection Act 1994*. The section references listed in the note under section 61 have become incorrect because of amendments to the *Environmental Protection Act 1994*.

Removing the note will prevent any future misalignments when relevant information in the *Environmental Protection Act 1994* changes.

Insertion of new pt 6, div 15

Clause 106 inserts new Part 6, Division 15 to provide transitional provisions for the Land and Other Legislation Amendment Bill 2022.

Division 15 Transitional Provision for Land and Other Legislation Amendment Act 2022

149 References to Regional Ecosystem Description Database in particular instruments

New section 149 provides transitional provisions for this Act. Existing instruments under the Vegetation Management Act and under the Planning Act refer to the regional ecosystem description database maintained by the Queensland Herbarium. Following commencement of the provisions relating to certification of the VM REDD, these instruments are to be interpreted as referring to the VM REDD wherever the context permits. This is to prevent ambiguity about the way in which a regional ecosystem is identified.

Amendment of schedule (Dictionary)

Clause 107 amends definitions within the Dictionary as a consequence of inserting new section 22L.

The grassland regional ecosystem definition is being amended to refer to VM REDD rather than the regulation. This avoids the need for the regulation to identify the grassland regional ecosystem in which encroachment can occur and uses the VM REDD as the new mechanism to identify these.

For section 8(b), the certified VM REDD will now identify whether or not a regional ecosystem is a grassland regional ecosystem that is not regulated by the VMA by reference to its structure shown in the certified VM REDD.

The Regional Ecosystem Description Database note in the dictionary is amended and is moved to a stand-alone definition. The VM REDD identifies the category applying to each regional ecosystem by reference to the conservation class, structure and number of the regional ecosystem shown in the certified VM REDD. This replaces the regulation as the mechanism for declaring these categories.

A new definition is inserted for the VM REDD referred to under section 22L. This new definition provides clarity that this database is the correct database to use under the vegetation management framework and is a modified version of the Queensland Herbarium's Regional Ecosystem Description Database used for vegetation management purposes.

The encroachment definition is amended to reference the VM REDD as the database to identify the grassland regional ecosystems in which encroachment may be managed, as being those grassland regional ecosystems that have a woody grassland structure. This replaces the regulation as the mechanism for declaring these categories.

The editor's note is amended in the definition of regional ecosystem. This note was misleading because it referred to the Queensland Herbarium as publishing the map of regional ecosystems when it was actually the Department of Resources which published the regional ecosystem map showing the vegetation management status of regional ecosystems and shown on the vegetation management supporting map.

Part 12 – Other amendments

Legislation amended

Clause 108 indicates that Schedule 1 outlines amendments to legislation mentioned in that schedule. These amendments are considered minor and consequential amendments.

Part 13 – Repeal of legislation

Repeals

Clause 109 repeals three Acts: the *Foreign Governments (Titles to Land) Act 1948*, 12 Geo 6 no. 12; *Starcke Pastoral Holdings Acquisition Act 1994*, No. 4; and *Yeppoon Hospital Site Acquisition Act 2006*, No.43.

The repeal of the *Foreign Government (Title to Land) Act 1948* will remove outdated and unnecessary regulation. Foreign governments can still buy and sell or otherwise hold interests in land in Queensland in the same way as any other person. Foreign entities (be they governments, companies or individuals) must still register their ownership of land as per the requirements of the *Foreign Ownership of Land Register Act 1988* and must comply with notifications under the *Foreign Acquisitions and Takeovers Act 1975* (Cth).

The *Starcke Pastoral Holdings Acquisition Act 1994* was introduced to acquire certain environmentally significant lands in Cape York, referred to as the 'Starcke Pastoral Holdings". This land has been acquired, fulfilling the purpose of the Act. The Act is no longer required.

The *Yeppoon Hospital Site Acquisition Act 2006* was introduced to acquire land for the purposes of constructing a hospital to service the town of Yeppoon in central Queensland. The land has been acquired, fulfilling the purpose of the Act. The Act is no longer required.

Clause 109 also repeals the *Survey and Mapping Infrastructure (Survey Standards) Notice 2021* and the *Survey and Mapping Infrastructure (Survey Standards—Requirements for Mining Tenures) Notice (No.1) 2011*, which were notices made to commence the survey standards and guidelines that were in effect before the commencement of this Bill.

Schedule 1 – Other Amendments

Schedule 1 amends several enactments to:

- address outdated Act references,
- bring provisions in line with contemporary drafting practices; and
- make consequential changes to remove provisions that are no longer required.