



Queensland

# **Stock Route Network Management Bill 2011**





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# Stock Route Network Management Bill 2011

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# 2011

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## A Bill

for

**An Act about the management of the stock route network and associated land and to make consequential amendments of the *Aboriginal Land Act 1991*, the *Cape York Peninsula Heritage Act 2007*, the *Fisheries Act 1994*, the *Forestry Act 1959*, the *Land Act 1994*, the *Land Protection (Pest and Stock Route Management) Act 2002*, the *Stock Act 1915*, the *Transport Infrastructure Act 1994*, the *Transport Infrastructure (State-controlled Roads) Regulation 2006*, the *Vegetation Management Act 1999*, the *Water Act 2000* and the *Water Supply (Safety and Reliability) Act 2008***

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Chapter 1 Preliminary** 2

**Part 1 Introduction** 3

**1 Short title** 4

This Act may be cited as the *Stock Route Network Management Act 2011*. 5  
6

**2 Commencement** 7

(1) Subject to subsection (2), this Act commences on a day to be 8  
fixed by proclamation. 9

(2) Chapter 13, part 1 commences immediately after all of the 10  
other provisions of chapter 13 and all of schedule 3 have 11  
commenced. 12

**Part 2 Purpose and application of Act** 13

**3 Purpose of Act and its achievement** 14

(1) The main purpose of this Act is to regulate the management 15  
and use of the stock route network and public (stock access) 16  
land. 17

(2) The main purpose is to be achieved principally by doing the 18  
following for the stock route network and public (stock 19  
access) land— 20

(a) recognising the importance of their different uses; 21

[s 4]

	(b) establishing principles and responsibilities for their management;	1 2
	(c) providing for strategic planning for their management;	3
	(d) providing for maintaining stock facilities supplied on or for them;	4 5
	(e) providing for local governments to manage the parts of them in their local government areas.	6 7
<b>4</b>	<b>Act binds all persons</b>	8
	This Act binds all persons, including the State, and, so far as the legislative power of the Parliament permits, the Commonwealth and the other States.	9 10 11
<b>5</b>	<b>Relationship with particular Acts</b>	12
	This Act does not affect the application of—	13
	(a) the <i>Animal Care and Protection Act 2001</i> ; or	14
	(b) the <i>Nature Conservation Act 1992</i> ; or	15
	(c) the <i>Vegetation Management Act 1999</i> .	16
<b>Part 3</b>	<b>Interpretation</b>	17
<b>Division 1</b>	<b>Dictionary</b>	18
<b>6</b>	<b>Dictionary</b>	19
	The dictionary in schedule 4 defines particular words used in this Act.	20 21

[s 7]

<b>Division 2</b>	<b>Key definitions and concepts</b>	1
<b>7</b>	<b>What is a <i>stock route</i></b>	2
	(1) A <i>stock route</i> is—	3
	(a) a road or route declared to be a stock route under subsection (2); or	4 5
	(b) another road or route ordinarily used for travelling stock (an <i>unmapped stock route</i> ).	6 7
	(2) Each road or route shown as a stock route on the stock route network map (a <i>mapped stock route</i> ) is declared to be a stock route.	8 9 10
<b>8</b>	<b>What is the <i>stock route network</i></b>	11
	The <i>stock route network</i> is the network of stock routes and reserves for travelling stock in the State.	12 13
<b>9</b>	<b>What is the <i>stock route network map</i></b>	14
	The <i>stock route network map</i> is the map titled ‘Stock route network of Queensland’, prepared and held by the chief executive in digital electronic form, as amended from time to time under section 420.	15 16 17 18
	<i>Note—</i>	19
	For access to the map, see section 421.	20
<b>10</b>	<b>What is a <i>reserve for travelling stock</i></b>	21
	A <i>reserve for travelling stock</i> is a reserve under the Land Act that—	22 23
	(a) is dedicated for travelling stock requirements or watering-places; or	24 25
	(b) can otherwise be lawfully used by travelling stock.	26

<b>11</b>	<b>What is <i>public (stock access) land</i></b>	<b>1</b>
	<i>Public (stock access) land</i> is—	2
	(a) generally, the following—	3
	(i) a road or other land, other than a stock route or reserve for travelling stock, under the control of a local government;	4
		5
		6
	(ii) a State-controlled road, other than a stock route; and	7
		8
	(b) other than under chapter 5 or 6, unallocated State land adjoining—	9
		10
	(i) a stock route; or	11
	(ii) a reserve for travelling stock; or	12
	(iii) a road or land to which paragraph (a)(i) or (ii) applies.	13
		14
<b>12</b>	<b>What is a local government's <i>management area</i></b>	<b>15</b>
	A local government's <i>management area</i> is the part of the stock route network and public (stock access) land in its local government area.	16
		17
		18
<b>13</b>	<b>References to <i>local government</i></b>	<b>19</b>
	If a provision of this Act about a management area or another area or land refers to a local government without identifying any particular local government, the reference is to the local government in whose local government area the area or land is situated.	20
		21
		22
		23
		24
<b>14</b>	<b>What are the <i>principles of stock route network management</i></b>	<b>25</b>
		26
	The <i>principles of stock route network management</i> are as follows—	27
		28

[s 14]

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- (a) the importance of the following uses (the *relevant uses*) of the stock route network and public (stock access) land must be recognised—
  - (i) its principal use as a transport corridor for driving stock;
  - (ii) its secondary uses for grazing stock and harvesting pasture;
  - (iii) the uses (the *alternative uses*) of the stock route network that support the following—
    - (A) maintenance of the biodiversity, cultural heritage, infrastructure and natural resources within or near the network;
    - (B) recreation, tourism and other locally significant uses of the network;
- (b) the stock route network and public (stock access) land must be managed sustainably to—
  - (i) support the relevant uses; and
  - (ii) ensure the network remains viable into the future, including supporting its adaptation to climate change;
- (c) the stock route network and public (stock access) land must be managed efficiently and consistently at local, regional and State levels;
- (d) the stock route network and public (stock access) land must be managed consistently with the public interest in the network, including, for example, the public interest relating to land protection, cultural heritage, planning, recreation and infrastructure in, and affecting, the network;
- (e) the connectivity of the stock route network must be maintained;

- (f) a person who benefits from using the stock route network or public (stock access) land must pay a reasonable amount for its use. 1  
2  
3

## Chapter 2 State management functions 4 5

### Part 1 State management plan 6

#### 15 Chief executive to prepare management plan 7

The chief executive must prepare a State management plan for managing the stock route network. 8  
9

#### 16 Content of management plan 10

The State management plan must provide for the following— 11

- (a) providing guidance for recognising the importance of, and coordinating, the relevant uses of the stock route network and public (stock access) land; 12  
13  
14

- (b) giving strategic direction to local governments for sustainably managing their management areas; 15  
16

*Example—* 17

providing guidance to local governments for monitoring, and developing strategies to rehabilitate or improve, the condition of land and pasture in their management areas including strategies for managing excessive growth of pasture by controlled burning, grazing or harvesting 18  
19  
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- (c) providing guidance to local governments for managing their management areas having regard to relevant requirements under other Acts; 23  
24  
25

[s 16]

<i>Examples—</i>	1
• carrying out burning-off, landscaping or planting on State-controlled roads under the <i>Transport Infrastructure Act 1994</i>	2 3 4
• managing remnant vegetation on the stock route network or public (stock access) land under the <i>Vegetation Management Act 1999</i>	5 6 7
• managing declared pests under a pest management plan under the <i>Land Protection (Pest Management) Act 2002</i>	8 9
(d) providing guidance to local governments about relevant matters for reviewing the classification of stock routes in their local government areas under part 2;	10 11 12
(e) supporting local governments in managing special management areas in their local government areas;	13 14
<i>Example—</i>	15
providing guidance to local governments for identifying special management areas and giving strategic direction for managing the areas	16 17 18
(f) avoiding negative impacts of stock on the stock route network;	19 20
(g) maintaining and improving stock facilities and water points on the stock route network to ensure the viability of the network for stock using the network;	21 22 23
(h) consulting with persons likely to be affected by the management of the stock route network;	24 25
<i>Example—</i>	26
providing guidance about increasing community awareness of the stock route network and educating and informing persons using the network of the relevant requirements for using the network	27 28 29 30
(i) providing a framework for effective and consistent management by local governments of their management areas.	31 32 33

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<b>17</b>	<b>Preparing management plan</b>	1
	In preparing the State management plan, the chief executive must have regard to the principles of stock route network management.	2 3 4
<b>18</b>	<b>Duration of management plan</b>	5
	The State management plan has effect until the first of the following to happen—	6 7
	(a) the management plan is renewed;	8
	(b) the end of the period, of no more than 10 years, stated in it.	9 10
<b>19</b>	<b>Implementing management plan</b>	11
	The chief executive must, as far as practicable, implement the State management plan.	12 13
<b>20</b>	<b>Management plan to be available for inspection</b>	14
	(1) The chief executive must keep a copy of the State management plan available for inspection, free of charge, by members of the public at—	15 16 17
	(a) the department's head office; and	18
	(b) other places the chief executive considers appropriate, including, for example, on the department's website.	19 20
	(2) The plan may be made available in written or electronic form.	21
<b>21</b>	<b>Reviewing management plan</b>	22
	The chief executive must review the State management plan within each 2-year period during which it is in force.	23 24

[s 22]

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<b>22</b>	<b>Renewing management plan</b>	1
	The chief executive must renew the plan before it ends under section 18(b).	2 3
<b>Part 2</b>	<b>Classification of stock routes</b>	4
<b>Division 1</b>	<b>Preliminary</b>	5
<b>23</b>	<b>Definitions for pt 2</b>	6
	In this part—	7
	<i>qualifying period</i> see section 24.	8
	<i>stock route</i> has the meaning affected by section 25.	9
	<i>usage factors</i> see section 29.	10
<b>24</b>	<b>Meaning of <i>qualifying period</i></b>	11
	(1) The <i>qualifying period</i> , for classifying a stock route, is each of 4 years in the 10 years preceding the classification, during which the number of stock that travelled on it was equal to or more than the number of stock that travelled on it in each of the other 6 years.	12 13 14 15 16
	(2) The 4 years need not be consecutive.	17
	<i>Example—</i>	18
	The total number of stock that travelled on a particular stock route for each year in the last 10 years is 5000 in year 1, 4000 in year 3, 3000 in year 5, 2000 in year 7 and 1000 in each of the other years. The qualifying period is each of years 1, 3, 5 and 7.	19 20 21 22

<b>25</b>	<b>Reference to a <i>stock route</i></b>	1
	A reference in this part to a stock route, if it is shown on the stock route network map, is a reference to the stock route, or a part of the stock route, between 2 points shown on the map.	2 3 4
<b>Division 2</b>	<b>Initial classification</b>	5
<b>26</b>	<b>Chief executive to classify mapped stock routes</b>	6
	The chief executive must ensure—	7
	(a) each mapped stock route is classified under this part as—	8 9
	(i) a primary A stock route; or	10
	(ii) a primary B stock route; or	11
	(iii) a secondary stock route; and	12
	(b) the classification is shown on the stock route network map.	13 14
<b>27</b>	<b>How to classify stock routes shown on stock route network map</b>	15 16
	(1) This section applies to a mapped stock route.	17
	(2) The stock route must be classified as a primary A stock route if the chief executive considers more than the upper threshold usage number of stock are likely to travel on it in a relevant year.	18 19 20 21
	(3) The stock route must be classified as a primary B stock route if the chief executive considers more than the lower threshold usage number of stock but no more than the upper threshold usage number of stock are likely to travel on it in a relevant year.	22 23 24 25 26
	(4) Otherwise the stock route must be classified as a secondary stock route.	27 28

[s 28]

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<i>Note—</i>	1
See, however, section 439.	2
(5) In this section—	3
<i>relevant year</i> , for classifying a stock route, means a year in which the chief executive considers the stock route is not likely to be unduly affected by a deterioration in the quality or quantity of pasture, including, for example, because of drought.	4 5 6 7 8
<b>28 Initial default classification of unmapped stock route</b>	9
(1) An unmapped stock route is taken to be classified as a secondary stock route.	10 11
(2) The initial classification is subject to review and change under this part.	12 13
<i>Note—</i>	14
If the initial classification is to be changed, the stock route must be shown on the stock route network map. See section 45(1)(c)(i).	15 16
<b>Division 3 Matters relevant to classification</b>	17
<b>Subdivision 1 Usage factors</b>	18
<b>29 Usage factors for classification</b>	19
The factors ( <i>usage factors</i> ) for classifying a stock route as a primary A, primary B or secondary stock route are—	20 21
(a) the extent to which the stock route is used by, and is suitable for, travelling stock, as shown by the following—	22 23 24
(i) the number of stock for which travel permits for the stock route were issued in each year of the qualifying period;	25 26 27

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- |       |  |                            |
|-------|--|----------------------------|
| (ii)  | the number of stock for which applications for travel permits for the stock route were made in each year of the qualifying period and refused because of inadequacy of quality or quantity of pasture; and | 1<br>2<br>3<br>4<br>5      |
| (b)   | subject to paragraph (a), the extent to which the stock route is used for, and is suitable for, grazing stock, as shown by the following—  | 6<br>7<br>8                |
| (i)   | the number of stock for which grazing permits for the stock route were issued in each year of the qualifying period;   | 9<br>10<br>11              |
| (ii)  | the number of grazing authorities issued for the stock route in each year of the qualifying period;  | 12<br>13                   |
| (iii) | the number of stock for which applications for grazing permits for the stock route were made in each year of the qualifying period and refused because of inadequacy of quality or quantity of pasture;    | 14<br>15<br>16<br>17<br>18 |
| (iv)  | the number of applications for grazing authorities for the stock route made in each year of the qualifying period and refused because of inadequacy of quality or quantity of pasture; and                 | 19<br>20<br>21<br>22       |
| (c)   | any relevant information about the quality and quantity of pasture available on the stock route in the qualifying period.  | 23<br>24<br>25             |
|       | <i>Examples—</i>   | 26                         |
|       | • returns or reports of local governments about pasture conditions in their management areas   | 27<br>28                   |
|       | • data about pasture conditions gathered or prepared by or for the department  | 29<br>30                   |

[s 30]

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<b>Subdivision 2</b>	<b>Threshold usage numbers of stock</b>	1
<b>30</b>	<b>Meaning of <i>cattle unit</i></b>	2
(1)	For this subdivision, a <i>cattle unit</i> is a unit of measurement under which 1 cattle unit is equivalent to—	3 4
(a)	1 head of large stock; or	5
(b)	5 head of other stock.	6
(2)	In this section—	7
	<i>large stock</i> means alpacas, asses, buffalo, camels, cattle, donkeys, horses, llamas, mules or vicunas.	8 9
<b>31</b>	<b>Working out the <i>upper threshold usage number</i> of stock</b>	10
(1)	The <i>upper threshold usage number</i> of stock is a number of cattle units that—	11 12
(a)	the chief executive decides reasonably approximates to the highest number of travelling stock that a stock route could sustain in a year, beyond which it would be necessary to prevent grazing by other stock to ensure enough pasture on the stock route for travelling stock; and	13 14 15 16 17 18
(b)	is prescribed under a regulation.	19
(2)	In deciding the approximation, the chief executive must have regard to the usage factors for all primary stock routes.	20 21
<b>32</b>	<b>Working out the <i>lower threshold usage number</i> of stock</b>	22
(1)	The <i>lower threshold usage number</i> of stock is a number of cattle units that—	23 24
(a)	the chief executive decides reasonably approximates to the highest number of travelling stock that a stock route could sustain in a year, beyond which it would be necessary to limit grazing by other stock to ensure	25 26 27 28

	enough pasture on the stock route for travelling stock; and	1 2
	(b) is prescribed under a regulation.	3
(2)	In deciding the approximation, the chief executive must have regard to the usage factors for all primary B stock routes and secondary stock routes shown on the stock route network map.	4 5 6 7
<b>Division 4</b>	<b>Reviewing classification</b>	8
<b>33</b>	<b>Application of div 4</b>	9
	This division applies only if there is an upper threshold usage number and a lower threshold usage number.	10 11
<b>34</b>	<b>Significant change review ground</b>	12
(1)	The classification of a stock route may be reviewed on the ground that the classification is no longer appropriate because there has been a significant change in the number of stock travelling on the stock route, other than a change that—	13 14 15 16
(a)	relates to a deterioration in the quality or quantity of pasture on the stock route; or	17 18
(b)	is likely to be only temporary.	19
	<i>Examples—</i>	20
1	There has been a consistent increase in the number of stock travelling on a primary B stock route and because of this it is considered more than the upper threshold usage number of stock are likely to travel on the stock route each year for the next several years.	21 22 23 24 25
2	There has been a consistent reduction in the number of stock travelling on a primary B stock route in a period. The reduction is not considered to be related to a deterioration in pasture conditions, in part, because there has also been an increase in the number of stock for which grazing permits have been granted in the period. It is considered that, because of the reduction in the number of	26 27 28 29 30 31

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	travelling stock, fewer than the lower threshold usage number of stock are likely to travel on the stock route each year for the next several years.	1 2 3
(2)	Subsection (1) is the <i>significant change review ground</i> .	4
<b>35</b>	<b>Review of mapped stock routes by local government</b>	5
(1)	A local government must review each mapped stock route shown in its local government area—	6 7
(a)	at least once in each 5 years; and	8
(b)	if the local government has a local management plan, within 6 months before the plan is renewed.	9 10
(2)	The local government must also review the classification of a stock route if, at any time—	11 12
(a)	it considers the significant change review ground exists; or	13 14
(b)	a person gives it a submission (a <i>usage submission</i> ) to change the classification on the significant change review ground that addresses the usage factors for the stock route; or	15 16 17 18
(c)	the chief executive asks the local government to review the classification.	19 20
(3)	For a review under this section, the local government must consider—	21 22
(a)	the usage factors for the stock route; and	23
(b)	any relevant usage submission.	24
<b>36</b>	<b>Proposal by local government to change classification after review</b>	25 26
(1)	After reviewing the classification of a stock route under section 35, the local government must decide whether or not it is appropriate to propose changing the classification.	27 28 29

(2)	If a person has given the local government a usage submission, the local government must give the person a notice stating—	1 2 3
(a)	the decision; and	4
(b)	if the local government considers it is not appropriate to propose changing the classification—the reasons for the decision.	5 6 7
<b>37</b>	<b>Review by chief executive</b>	8
(1)	The chief executive may review the classification of a stock route if the chief executive considers the significant change review ground exists.	9 10 11
(2)	In reviewing the classification, the chief executive must consider the usage factors for the stock route.	12 13
<b>Division 5</b>	<b>Reviewing threshold usage numbers</b>	14 15
<b>38</b>	<b>Review by local government</b>	16
(1)	This section applies if a local government considers there has been, or is likely to be, a significant change in—	17 18
(a)	the demand for travel permits for stock routes in different regions of the State; or	19 20
(b)	the quality or quantity of pasture available on stock routes in different regions of the State.	21 22
(2)	The local government may—	23
(a)	review the upper threshold usage number or lower threshold usage number; and	24 25
(b)	after performing the review, decide whether or not it is appropriate to propose changing that number.	26 27

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- (3) In reviewing the upper threshold usage number, the local government must consider the usage factors for all primary stock routes. 1  
2  
3
  - (4) In reviewing the lower threshold usage number, the local government must consider the usage factors for all primary B and secondary stock routes shown on the stock route network map. 4  
5  
6  
7
- 39 Review by chief executive** 8
- (1) The chief executive may review the upper threshold usage number or lower threshold usage number for stock if the chief executive considers there has been, or is likely to be, a significant change mentioned in section 38. 9  
10  
11  
12
  - (2) In reviewing the upper threshold usage number, the chief executive must consider the usage factors for all primary stock routes. 13  
14  
15
- Example—* 16
- The chief executive considers that over a period of at least 4 years applications for travel permits for primary stock routes in different regions of the State have been refused for an unusually high number of stock because of an anticipated lack of pasture. The chief executive considers it may be appropriate to reduce the upper threshold usage number to reduce the level of grazing on the stock routes and ensure adequate pasture to meet the anticipated demands of travelling stock. 17  
18  
19  
20  
21  
22  
23
- (3) In reviewing the lower threshold usage number, the chief executive must consider the usage factors for all primary B stock routes and secondary stock routes shown on the stock route network map. 24  
25  
26  
27
- Example—* 28
- The chief executive considers that over a period of at least 4 years an unusually high number of primary B and secondary stock routes in different regions of the State have had excess pasture. The chief executive considers it may be appropriate to increase the lower threshold usage number to allow for more grazing and reduce the excess pasture that is anticipated will not be required for travelling stock. 29  
30  
31  
32  
33  
34

<b>Division 6</b>	<b>Changing classification and threshold usage numbers</b>	1 2
<b>40</b>	<b>Local government submission proposing classification change</b>	3 4
(1)	This section applies if, under this part, a local government decides it is appropriate to propose changing the classification of a stock route.	5 6 7
(2)	The local government must make a submission to the chief executive proposing the change.	8 9
(3)	The submission must address the usage factors for the stock route.	10 11
<b>41</b>	<b>Local government submission proposing change of threshold usage number</b>	12 13
(1)	This section applies if a local government reviews a threshold usage number under section 38 and decides it is appropriate to propose changing the threshold usage number.	14 15 16
(2)	The local government must make a submission to the chief executive proposing the change.	17 18
(3)	The submission must address—	19
(a)	for a proposed change of the upper threshold usage number—the usage factors for all primary stock routes; and	20 21 22
(b)	for a proposed change of the lower threshold usage number—the usage factors for all primary B stock routes and secondary stock routes shown on the stock route network map.	23 24 25 26
<b>42</b>	<b>Public notice inviting submissions</b>	27
(1)	This section applies if the chief executive—	28

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- (a) reviews the classification of a stock route under section 37 and decides it may be appropriate to change the classification of the stock route; or
  - (b) reviews a threshold usage number for stock under section 39 and decides it may be appropriate to change the threshold usage number; or
  - (c) receives a submission from a local government to change the classification of a stock route or a threshold usage number under section 40(2) or 41(2).
- Note—*
- See also section 440(5).
- (2) The chief executive must publish a notice of the proposed change—
    - (a) on the department’s website; and
    - (b) if the proposed change relates to the classification of stock route—in a newspaper circulating generally in the local government area where the stock route is situated.
  - (3) The notice must state—
    - (a) for a proposed change of classification of a stock route (a ***classification change***)—
      - (i) details sufficient to identify the stock route; and
      - (ii) the proposed new classification; and
      - (iii) the reasons for the proposed change; and
      - (iv) that submissions about the proposed change may be made to the chief executive within at least 1 month after the notice is published (the ***submission period***); and
      - (v) that the submissions must address the usage factors for the stock route; and
    - (b) for a proposed change of a threshold usage number (a ***threshold change***)—
      - (i) the proposed new threshold usage number; and

- 
- (ii) the reasons for the proposed change; and 1
  - (iii) that submissions about the proposed change may 2  
be made to the chief executive within the 3  
submission period; and 4
  - (iv) for a proposed change of the upper threshold usage 5  
number, that the submissions must address the 6  
usage factors for all primary stock routes; and 7
  - (v) for a proposed change of the lower threshold usage 8  
number, that the submissions must address the 9  
usage factors for all primary B stock routes and 10  
secondary stock routes shown on the stock route 11  
network map; and 12
  - (vi) for a proposed change of the upper or lower 13  
threshold usage number, details of the location of, 14  
and access to, information about the quality and 15  
quantity of pasture that the chief executive 16  
considers relevant for considering the proposed 17  
change; and 18
  - Example—* 19  
referencing stated documents published on the 20  
department's website 21
  - (c) how the submissions can be made. 22

#### **43 Deciding proposed change** 23

- (1) At the end of the submission period the chief executive must 24  
decide— 25
  - (a) for a proposed classification change— 26
    - (i) to confirm the current classification; or 27
    - (ii) to approve a new classification; or 28
  - (b) for a proposed threshold change— 29
    - (i) to confirm the current threshold usage number; or 30

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	(ii) to approve the proposed new threshold usage number; or	1 2
	(iii) to make a new decision under section 31(1)(a) or 32(1)(a).	3 4
(2)	In making the decision, the chief executive—	5
(a)	must consider the following—	6
(i)	if a local government has made a submission under section 40(2) or 41(2)—the submission;	7 8
(ii)	any submissions received in response to the notice under section 42(2);	9 10
(iii)	for a proposed classification change, the usage factors for the stock route;	11 12
(iv)	for a proposed change of the upper threshold number, the usage factors for all primary stock routes;	13 14 15
(v)	for a proposed change of the lower threshold usage number, the usage factors for all primary B stock routes and secondary stock routes shown on the stock route network map; and	16 17 18 19
(b)	may ask an advisory panel to make recommendations about the proposed change and consider the advisory panel's recommendations.	20 21 22
<b>44</b>	<b>Changing classification if primary stock route is no longer suitable</b>	23 24
(1)	This section applies if the chief executive considers—	25
(a)	that a primary stock route is not, or is not likely to be, suitable for the number of travelling stock expected to use the stock route; and	26 27 28
(b)	there is a nearby secondary stock route that would be suitable for the travelling stock.	29 30

*Example—*

The quality or quantity of water available on a primary stock route has deteriorated so that the stock route is no longer suitable for the number of travelling stock that would otherwise have been expected to use the stock route.

- (2) The chief executive may change the classification of the secondary stock route to a primary B stock route.
- (3) This section applies despite section 27.

#### **45 Notifying classification change**

- (1) As soon as possible after making a decision under section 43(1) or 44(2), the chief executive must—
  - (a) if a local government has made a submission under section 40(2) or 41(2)—give the local government a notice of the decision; and
  - (b) publish a notice summarising the reasons for the decision—
    - (i) on the department’s website; and
    - (ii) for a classification change—in a newspaper circulating generally in the local government area where the stock route is situated; and
  - (c) if the classification change is because of a decision under section 43(1)(a)(ii) or a decision under 43(1)(b)(ii) or (iii) as it affects the classification under section 27, amend the stock route network map to show—
    - (i) the stock route, if it is not already shown on the map; and
    - (ii) the classification of the stock route as changed.
- (2) A threshold change takes effect when the threshold usage number as changed is prescribed under a regulation.
- (3) A classification change takes effect when the classification as changed is shown on the stock route network map.

[s 46]

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<b>Part 3</b>	<b>Closed and conditional use area declarations</b>	1 2
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<b>Division 1</b>	<b>Preliminary</b>	3
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<b>46</b>	<b>Definitions for pt 3</b>	4
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In this part— 5

*closed and conditional use areas register* see section 51. 6

*closed area declaration* see section 48(1). 7

*conditional use area declaration* see section 50(1). 8

*declared usage conditions* see section 50(1). 9

*relevant event* means any of the following— 10

(a) drought conditions; 11

(b) shortage of water, including, for example, because of  
damage to a water facility; 12  
13

(c) fire; 14

(d) flood; 15

(e) severe weather conditions, including, for example, a  
cyclone; 16  
17

(f) introduction or spread of a pest; 18

(g) damage to land or land degradation; 19

(h) driving or grazing stock; 20

(i) carrying out road works; 21

(j) constructing, augmenting, altering or maintaining public  
utility plant. 22  
23

*review day*, for a closed area declaration or conditional use  
area declaration, means a day that is— 24  
25

(a) no later than 3 months after the declaration is made; or 26

- |     |  |        |
|-----|--|--------|
| (b) | if the declaration has been reviewed under section 58, no later than 3 months after the last review. | 1<br>2 |
|-----|--|--------|

<b>Division 2</b>	<b>Making closed area declarations</b>	<b>3</b>
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<b>47</b>	<b>Application of div 2</b>	<b>4</b>
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	This division applies if the chief executive is satisfied—	5
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- |      |   |                  |
|------|---|------------------|
| (a)  | a relevant event has happened on, or affected, or is likely to affect, a part of the stock route network or public (stock access) land (the <i>relevant area</i> ) or the use of the relevant area; and | 6<br>7<br>8<br>9 |
| (b)  | the relevant event has caused, or is likely to cause—   | 10               |
| (i)  | the quality or quantity of pasture or water in the relevant area to decline to a level that is not capable of sustaining stock; or  | 11<br>12<br>13   |
| (ii) | a loss of biodiversity or cultural heritage in or relating to the relevant area; and  | 14<br>15         |
| (c)  | it is necessary to prohibit driving and grazing of stock and harvesting of pasture to conserve or improve—  | 16<br>17         |
| (i)  | the quality or quantity of the pasture or water; or   | 18               |
| (ii) | the biodiversity or cultural heritage.  | 19               |

<b>48</b>	<b>Chief executive may declare relevant area closed</b>	<b>20</b>
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- |     |   |                            |
|-----|---|----------------------------|
| (1) | The chief executive may declare (a <i>closed area declaration</i> ) the relevant area is closed.  | 21<br>22                   |
| (2) | However, before making the declaration, the chief executive must consult with any local government whose local government area includes the relevant area or part of the relevant area, other than a local government that has requested the declaration. | 23<br>24<br>25<br>26<br>27 |

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<b>Division 3</b>	<b>Making conditional use area declarations</b>	1 2
<b>49</b>	<b>Application of div 3</b>	3
(1)	This division applies if the chief executive is satisfied—	4
(a)	a relevant event has happened on, or affected, or is likely to affect, a part of the stock route network or public (stock access) land (also the <i>relevant area</i> ) or the use of the relevant area; and	5 6 7 8
(b)	the relevant event has caused, or is likely to cause—	9
(i)	the quality or quantity of pasture or water in the relevant area to decline to a level that is not capable of sustaining the number of stock that, other than for the declaration, might be expected to use the area; or	10 11 12 13 14
(ii)	a loss of biodiversity or cultural heritage in or relating to the relevant area; and	15 16
(c)	it is necessary to impose conditions on driving or grazing stock or harvesting pasture to conserve or improve—	17 18 19
(i)	the quality or quantity of the pasture or water; or	20
(ii)	the biodiversity or cultural heritage.	21
(2)	This division also applies if the chief executive is satisfied the relevant area is being, or is expected to be, used for a lawful purpose that is inconsistent with the use of the area for travelling stock.	22 23 24 25
	<i>Example—</i>	26
	The relevant area is to be lawfully used as a construction work campsite.	27

<b>50</b>	<b>Chief executive may declare relevant area subject to conditional use</b>	1 2
(1)	The chief executive may declare (a <i>conditional use area declaration</i> ) that the relevant area may be used for driving or grazing stock or harvesting pasture only subject to stated conditions (the <i>declared usage conditions</i> ).	3 4 5 6
	<i>Example of a declared usage condition—</i>	7
	if the relevant area is to be lawfully used as a construction work campsite, that stock not travel through the campsite while it is being used for the construction work	8 9 10
(2)	The declared usage conditions may only be about the following—	11 12
(a)	prohibiting use of the relevant area for—	13
(i)	driving stock under a slow travel permit; or	14
(ii)	grazing stock under a grazing permit or grazing authority; or	15 16
(iii)	harvesting pasture;	17
(b)	the number of stock allowed to be driven or grazed in the relevant area;	18 19
(c)	the quantity of pasture or water that must remain in the relevant area;	20 21
(d)	the period in which stock are allowed to be driven or grazed in the relevant area.	22 23
(3)	However, before making the declaration, the chief executive must consult with any local government whose local government area includes the relevant area or part of the relevant area, other than a local government that has requested the declaration.	24 25 26 27 28

[s 51]

<b>Division 4</b>	<b>Publication and effect of declarations</b>	1 2
<b>51</b>	<b>Register of closed areas and conditional use areas</b>	3
	The chief executive must keep a register (the <i>closed and conditional use areas register</i> ) of each relevant area for which a closed area declaration or conditional use area declaration has been made.	4 5 6 7
<b>52</b>	<b>Required matter for register</b>	8
	The closed and conditional use areas register must state for each relevant area—	9 10
	(a) a description by map or otherwise of the boundaries of the area; and	11 12
	(b) if the boundaries of the area are described by reference to a map—where the map is available for inspection, including, for example, the availability of the map on the department’s website; and	13 14 15 16
	(c) whether a closed area declaration or conditional use area declaration has been made for the area; and	17 18
	(d) if a conditional use area declaration has been made for the area—the declared usage conditions for driving or grazing stock or harvesting pasture in the area; and	19 20 21
	(e) either—	22
	(i) the day the closed area declaration or conditional use area declaration is published in the register; or	23 24
	(ii) if the declaration commences on a later day—the day on which it commences; and	25 26
	(f) either—	27
	(i) the day the closed area declaration or conditional use area declaration ends; or	28 29
	(ii) the review day.	30

<b>53</b>	<b>Access to register</b>	1
	The chief executive must ensure the closed and conditional use areas register is available to—	2
		3
	(a) the public, including, for example, by keeping it on the department's website; and	4
		5
	(b) any local government whose local government area includes a relevant area or part of a relevant area subject to a declaration on the register.	6
		7
		8
<b>54</b>	<b>When closed and conditional use area declarations take effect</b>	9
		10
	A closed area declaration or conditional use area declaration takes effect from—	11
		12
	(a) the day it is recorded in the closed and conditional use areas register; or	13
		14
	(b) if it states that it commences on a later day—the later day.	15
		16
<b>55</b>	<b>Effect of closed area declaration</b>	17
	Subject to section 57, if a closed area declaration is in force for a relevant area—	18
		19
	(a) stock must not be driven or grazed in the area; and	20
	(b) pasture must not be harvested in the area; and	21
	(c) a travel permit, grazing permit, grazing authority or harvest permit can not be issued for the area.	22
		23
	<i>Note—</i>	24
	Under sections 290(2) and 291(1), it is also an offence to contravene a closed area declaration.	25
		26

[s 56]

<b>56</b>	<b>Effect of conditional use area declaration</b>	1
(1)	Subject to section 57, if a conditional use area declaration is in force for a relevant area—	2 3
(a)	stock may be driven or grazed and pasture may be harvested in the area only under the declared usage conditions in the declaration; and	4 5 6
(b)	a travel permit, grazing permit, grazing authority or harvest permit can be issued for the area only if—	7 8
(i)	issuing the permit or authority would not contravene a declared usage condition; and	9 10
(ii)	no activity allowed under the permit or authority would contravene a declared usage condition.	11 12
(2)	Also, if a travel permit, grazing permit, grazing authority or harvest permit is issued for the area, the declared usage conditions apply to the use of the relevant area as conditions of the permit or authority.	13 14 15 16
	<i>Note—</i>	17
	Under sections 290(2) and 291(1), it is also an offence to contravene a conditional use area declaration.	18 19
<b>57</b>	<b>Existing permits and authorities not affected by declarations</b>	20 21
	A closed area declaration or conditional use area declaration does not affect any of the following permits or authorities that have been issued before the declaration takes effect—	22 23 24
(a)	a travel permit or unfit stock permit, subject to sections 170(1)(a)(i) and (b), (2) and (3), 172(1)(d) and 173;	25 26
(b)	a grazing permit or grazing authority, subject to sections 231(a)(i) and (b), 232, 242(e) and 243;	27 28
(c)	a harvesting permit, subject to sections 286(1)(a)(i) and (b), (2) and (3), 288(c) and 289.	29 30

<b>Division 5</b>	<b>Reviewing and ending declarations</b>	1
<b>58</b>	<b>Requirement to review</b>	2
	If a closed area declaration or conditional use area declaration states a review day, the chief executive must review the declaration by that day.	3 4 5
<b>59</b>	<b>Consultation</b>	6
	In reviewing the declaration, the chief executive must consult any local government whose local government area includes the relevant area or part of the relevant area subject to the declaration.	7 8 9 10
<b>60</b>	<b>Decision on review</b>	11
(1)	As soon as practicable after the reviewing the declaration, the chief executive must decide to do 1 of the following—	12 13
(a)	if the chief executive considers the declaration is still required under section 48 or 50—continue it;	14 15
(b)	if the chief executive considers the declaration is still required under section 48 or 50 but will no longer be required after a later day—end it on that day;	16 17 18
(c)	if the chief executive considers the declaration is no longer required under section 48 or 50—end it.	19 20
(2)	If the chief executive decides to continue the declaration under subsection (1)(a), the chief executive must ensure the declaration register states the next review day for the declaration.	21 22 23 24
(3)	If the chief executive decides to end the declaration under subsection (1)(b), the chief executive must ensure the declaration register states the day the declaration ends.	25 26 27

[s 61]

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<b>61</b>	<b>End of declarations</b>	1
(1)	A closed area declaration or conditional use area declaration ends—	2 3
(a)	on the day stated for the declaration in the closed and conditional use areas register; or	4 5
(b)	if the chief executive decides to end the declaration under section 60(1)(c).	6 7
(2)	If a closed area or conditional use area declaration ends under subsection (1)(b), the chief executive must ensure the closed and conditional use areas register states—	8 9 10
(a)	the declaration has ended; and	11
(b)	the day it ended.	12

<b>Chapter 3</b>	<b>Local government management functions</b>	13 14
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<b>Part 1</b>	<b>General provision about local government functions</b>	15 16
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<b>62</b>	<b>Functions and powers</b>	17
(1)	The functions of a local government for this Act are—	18
(a)	to manage its management area in accordance with—	19
(i)	this Act, generally; and	20
(ii)	the principles of stock route network management; and	21 22
(b)	to control the driving and grazing of stock and harvesting of pasture in its management area.	23 24

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| (2) A local government has the powers necessary or convenient to perform the local government's functions under this Act.  | 1<br>2           |
| <i>Note—</i>   | 3                |
| <i>The Local Government Act 2009</i> , section 257 provides for delegating a local government's powers under other Acts.   | 4<br>5           |
| (3) To remove any doubt, it is declared that to the extent the functions of a local government under this Act relate to a State-controlled road, the functions and the powers necessary or convenient to perform the functions are not limited by— | 6<br>7<br>8<br>9 |
| (a) the <i>Local Government Act 2009</i> , section 60; or  | 10               |
| (b) the <i>Transport Infrastructure Act 1994</i> , section 28.   | 11               |
| <i>Editor's note—</i>  | 12               |
| • <i>Local Government Act 2009</i> , chapter 3, part 3, division 1 (Roads), sections 59 (What this division is about) and 60 (Control of roads)  | 13<br>14         |
| • <i>Transport Infrastructure Act 1994</i> , section 28 (Chief executive to have power of a local government for State-controlled roads)   | 15<br>16         |

## Part 2 Local management plans 17

### Division 1 General provisions 18

#### 63 When local government must or may have plan 19

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|---|----------------------|
| (1) Each of the following local governments must prepare a management plan (a <i>local management plan</i> ) for managing the part of the stock route network in its local government area— | 20<br>21<br>22<br>23 |
| (a) a local government mentioned in schedule 1;   | 24                   |
| (b) a local government prescribed under a regulation.   | 25                   |
| (2) Any other local government may also prepare a local management plan.  | 26<br>27             |

[s 64]

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<b>64</b>	<b>Requirements</b>	1
	A local management plan must be consistent with—	2
	(a) the principles of stock route network management; and	3
	(b) the State management plan.	4
<b>65</b>	<b>Required content</b>	5
	(1) A local management plan must—	6
	(a) include a map of the part of the stock route network in the local government area; and	7 8
	(b) identify any areas in the relevant part of the stock route network that can be made available for slow travel or grazing; and	9 10 11
	(c) include strategies for the following—	12
	(i) managing the relevant part of the network consistently with the recognition of the importance of the relevant uses of the stock route network;	13 14 15
	(ii) ensuring a continuous network is available for travelling stock in the relevant part of the network, including, for example, strategies for maintaining and improving stock facilities and water facilities;	16 17 18 19
	(iii) managing levels of pasture to provide sufficient feed for travelling stock in the relevant part of the network, including strategies for the following—	20 21 22
	(A) managing pasture during drought;	23
	(B) managing excessive growth of pasture by controlled burning or grazing or harvesting;	24 25
	<i>Example of a strategy—</i>	26
	preventing stock from being driven or grazed in an area for a period	27 28
	(iv) maintaining or improving the natural condition of the relevant part of the network;	29 30

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<i>Examples—</i>	1
• strategies for pest control or eradication	2
• strategies for control of land erosion, rehabilitating degraded land and regenerating native vegetation or pasture	5
(v) managing the number of stock using the relevant part of the network having regard to the capacity of different parts of the local government area;	8
(vi) managing any special management areas in the relevant part of the network;	10
(vii) educating people about the stock route network generally;	12
(viii) managing risk associated with the use of the relevant part of the network.	14
(2) The strategy for managing risk must state the following—	15
(a) the area to which it applies;	16
(b) its objectives;	17
(c) the actions that are necessary to achieve the objectives;	18
(d) the persons, whether by reference to named persons or the persons' roles, responsible for taking each action;	20
(e) when each action must be taken;	21
(f) the criteria for monitoring the effectiveness of each action in achieving the relevant objective.	23
<b>66      Duration of plan</b>	24
A local management plan has effect until—	25
(a) the plan is renewed; or	26
(b) the end of the period, of no more than 10 years, stated in it.	28

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[s 67]

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<b>67</b>	<b>Implementing plan</b>	1
	A local government must, as far as practicable, implement its local management plan.	2 3
<b>68</b>	<b>Access to plan</b>	4
	(1) A local government must keep a copy of its local management plan available for inspection, free of charge, by members of the public at its public office.	5 6 7
	(2) The plan may be made available in written or electronic form.	8
<b>Division 2</b>	<b>Making of plans</b>	9
<b>69</b>	<b>Application of div 2</b>	10
	This division applies to a local government that must or that wishes to prepare a local government plan.	11 12
<b>70</b>	<b>Working group</b>	13
	(1) The local government must establish a working group to advise it about preparing the plan.	14 15
	(2) The local government must—	16
	(a) nominate 1 or more individuals as members of the working group; and	17 18
	(b) invite each of the following to nominate an individual as a member of the working group—	19 20
	(i) the department;	21
	(ii) the department in which the <i>Stock Act 1915</i> is administered;	22 23
	(iii) the department in which the <i>Nature Conservation Act 1992</i> is administered;	24 25

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- (iv) the department responsible for managing State-controlled roads; 1
    - (v) the department in which the *Land Protection (Pest Management) Act 2002* is administered; 2
    - (vi) an entity with an interest in Aboriginal cultural heritage; 3
    - (vii) an entity with an interest in nature conservation. 4
  - (3) The working group consists of— 5
    - (a) the members nominated under subsection (2)(a); and 6
    - (b) the members nominated by the entities mentioned in subsection (2)(b) in response to the invitation. 7
- 71 Draft plan** 8
- In preparing a draft of the plan, the local government must have regard to— 9
- (a) the State management plan; and 10
  - (b) the principles of stock route network management. 11
- 72 Notice of draft and consideration of public submissions** 12
- (1) The local government must give public notice when a draft of the plan has been prepared. 13
  - (2) The notice must— 14
    - (a) be published in a newspaper circulating generally in the local government's area; and 15
    - (b) state the draft is available to be inspected, free of charge, at the local government's public office; and 16
    - (c) invite the public to inspect the draft and make submissions about it to the local government within 1 month after the notice is published (the *submission period*); and 17
    - (d) state that any submission must be written. 18
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(3)	The local government must—	1
(a)	make the draft available for public inspection in written form, free of charge, in the submission period; and	2 3
(b)	consider any submissions properly made to it; and	4
(c)	make changes to the draft it considers appropriate.	5
<b>73</b>	<b>Minister to consider draft plan</b>	6
(1)	The local government must, after complying with section 72, give a draft of its plan and copies of the submissions under that section to the Minister—	7 8 9
(a)	within 2 months after the submission period ends; and	10
(b)	at least 3 months before the local government’s existing local management plan, if any, ends.	11 12
(2)	The Minister must consider whether the plan—	13
(a)	complies with division 1; and	14
(b)	adequately provides for the management of the relevant part of the stock route network.	15 16
(3)	If the Minister is not satisfied of the matters mentioned in subsection (2), the Minister must advise the local government about how the draft may be amended.	17 18 19
(4)	The draft so amended must be given to the Minister for further consideration under subsection (3).	20 21
<b>74</b>	<b>Making plan</b>	22
	If the Minister is satisfied of the matters mentioned in section 73(2), the Minister must advise the local government that it may, by resolution, make the draft as the plan.	23 24 25

<b>Division 3</b>	<b>Amending and reviewing plan</b>	1
<b>75</b>	<b>Amendments</b>	2
(1)	A local government must amend its local management plan if—	3
(a)	the State management plan is amended and the local management plan is no longer consistent with the State management plan; or	4
(b)	a special management condition applying in its local government area takes effect and it considers amending the management plan is required because of the condition.	5
(2)	A local government may also amend its management plan as its chief executive officer considers appropriate.	6
(3)	Sections 71, 73 and 74 apply to an amended local management plan as if the references in the sections to the draft plan were references to the amended plan.	7
(4)	In this section—	8
	<i>amend</i> includes re-make.	9
<b>76</b>	<b>Reviews</b>	10
(1)	A local government must review its local management plan—	11
(a)	at least 3 months before the start of each second financial year during which the plan is in force; and	12
(b)	if the State management plan is amended—within 1 year after the amendment; and	13
(c)	within 1 year after the State management plan is renewed.	14
(2)	However, the local government need not review the plan under subsection (1) within 3 months of the last review of the plan.	15



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- special management conditions*, for a special management area, means the conditions for the use of the area to maintain its biodiversity and cultural heritage decided by—
- (a) a local government under section 80(2)(b) or a direction of the Minister under section 81(2); or
  - (b) the Minister under section 81(3); or
  - (c) a person mentioned in section 82(2) under that provision.

- 79 What is a *special management area***
- Each of the following areas in the part of the stock route network in a local government area is a *special management area*—
- (a) an area declared by the local government as a special management area under section 80(2)(a) or a direction of the Minister under section 81(2);
  - (b) an area declared by the Minister as a special management area under section 81(5)(a);
  - (c) a nature refuge;
  - (d) an area or place to which an entry in the Queensland heritage register relates.

## **Division 2                      Declaring the areas and deciding the conditions**

- 80 Local government may declare areas and decide conditions**
- (1) This section applies if a local government considers an area in the relevant part of the stock route network requires special management to maintain its biodiversity or cultural heritage.

[s 81]

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*Examples—*

- a local government becoming aware of the presence of threatened or near threatened wildlife in the relevant part of the network
  - a local government identifying an area of significance to local Aborigines in the relevant part of the network that is mentioned on its local government heritage register
- (2) The local government may—
- (a) declare the area as a special management area; and
  - (b) if it makes the declaration—decide the special management conditions for the area.

**81 Minister may direct declaration and decide conditions**

- (1) This section applies if—
- (a) the Minister considers an area in the part of the stock route network in a local government area requires special management to maintain its biodiversity or cultural heritage; and
  - (b) any of the following apply to the local government—
    - (i) it has not declared the area as a special management area;
    - (ii) it has not decided the special management conditions for the area;
    - (iii) it has decided special management conditions for the area that the Minister considers are not adequate to maintain the area’s biodiversity or cultural heritage; and
  - (c) the Minister considers the local government has unreasonably delayed in—
    - (i) declaring the area as a special management area; or
    - (ii) deciding special management conditions or adequate special management conditions for the area.

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- (2) If subsection (1)(b)(i) applies, the Minister must direct the local government to declare the area as a special management area under section 80(2)(a) and decide special management conditions for the area under section 80(2)(b).

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  - (3) If subsection (1)(b)(ii) or (iii) applies, the Minister must, after consulting with the local government, decide the special management conditions for the area.

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  - (4) If the Minister decides a special management condition for the area under subsection (3) that is inconsistent with a special management condition decided by the local government for the area under section 80(2)(b), the condition decided by the Minister prevails to the extent of the inconsistency.

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  - (5) Without limiting section 399 or 400, if the local government does not comply with a direction under subsection (2), the Minister may—

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14  
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  - (a) declare the area as a special management area; and

16
  - (b) arrange for the special management conditions relating to the area to be published in the department’s website.

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**82      Deciding conditions for nature refuges and Queensland heritage-registered areas** 19  
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- (1) This section applies to the following special management areas—

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22
- (a) a nature refuge;

23
- (b) an area or place to which an entry in the Queensland heritage register relates.

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- (2) The following persons must, after consulting with the local government for the special management area, decide the special management conditions for the area—

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28
- (a) for a nature refuge—the Minister administering the *Nature Conservation Act 1992*;

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30
- (b) for an area or place to which an entry in the Queensland heritage register relates—the chief executive of the

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	department in which the <i>Queensland Heritage Act 1992</i>	1
	is administered.	2
<b>Division 3</b>	<b>The register of special management areas</b>	3
		4
<b>83</b>	<b>Definition for div 3</b>	5
	In this division—	6
	<i>publicly available part</i> , of the register, means the part of the	7
	register containing the following—	8
	(a) the information mentioned in section 86(2)(a), as	9
	subject to section 85(3);	10
	(b) the information mentioned in section 86(2)(b), as	11
	subject to section 85(4);	12
	(c) the information mentioned in section 86(2)(c) to (e).	13
<b>84</b>	<b>Duty to keep register</b>	14
	(1) The local government must keep a register of each special	15
	management area in its local government area.	16
	(2) The register may be kept in written or electronic form.	17
<b>85</b>	<b>Access to the register</b>	18
	(1) A local government must keep the register open for	19
	inspection, free of charge, by members of the public at the	20
	local government’s public office.	21
	(2) Subsections (3) and (4) apply for a special management area	22
	only if the local government declared it.	23
	(3) If the local government considers describing the area in the	24
	publicly available part of the register under section 86 may	25
	pose a risk of adversely affecting the area, the area may be	26
	described in that part in a way that minimises the risk.	27

*Example—*

A local government declares a site of special cultural significance to local Aborigines as a special management area. To avoid disclosing the precise location of the site, the area is described generically in the publicly available part of the register.

- (4) If the local government considers stating significant aspects of the area's biodiversity or cultural heritage in the publicly available part of the register under section 86 may pose a risk of adversely affecting the aspects, the aspects may be stated in that part in a way that minimises the risk.

*Example—*

A local government declares a site of special cultural significance to local Aborigines as a special management area. To avoid disclosing the precise nature of the use of the site, the relevant aspects of the area's cultural heritage are stated generically in the publicly available part of the register.

## **86 Registration and related obligations for declared areas**

- (1) This section applies if a local government declares a special management area.
- (2) The register must state the following information—
- (a) a description by map or otherwise of the boundaries of the special management area;
  - (b) the significant aspects of the area's biodiversity or cultural heritage for which the declaration has been made;
  - (c) the strategies for managing the area to maintain its biodiversity and cultural heritage;
  - (d) the special management conditions for the area;
  - (e) the day the information mentioned in paragraphs (a) to (d) was recorded in the register.
- (3) Also, the local government must—
- (a) as far as practicable, implement the stated management strategies mentioned in subsection (2)(c); and

[s 87]

	(b) if it has a management plan, include the publicly available part of the register in the management plan.	1 2
	(4) Without limiting section 399 or 400, if the local government does not comply with this section, the Minister may arrange for a matter mentioned in subsection (2) to be published on the department's website.	3 4 5 6
<b>87</b>	<b>Registration of nature refuges and Queensland heritage registered areas</b>	7 8
	(1) This section applies to the following special management areas—	9 10
	(a) a nature refuge;	11
	(b) an area or place to which an entry in the Queensland heritage register relates.	12 13
	(2) The register must state—	14
	(a) the location of the area; and	15
	(b) the special management conditions for the area.	16
	(3) For subsection (2)(a), the register may state the location of—	17
	(a) a nature refuge, by referring to the declaration of the nature refuge in a regulation under the <i>Nature Conservation Act 1992</i> ; or	18 19 20
	(b) an area or place to which an entry in the Queensland heritage register relates, by referring to the entry.	21 22
	(4) If the local government does comply with subsection (2), the person who approved the special management conditions under section 82(2) may arrange for a matter mentioned in subsection (2) to be published in another document that is publicly available.	23 24 25 26 27
	<i>Example—</i>	28
	on a department's website	29
	(5) Subsection (4) does not limit section 399 or 400.	30

<b>Division 4</b>	<b>Other provisions for special management conditions</b>	1 2
<b>88</b>	<b>When condition takes effect</b>	3
	A special management condition takes effect from—	4
	(a) the day it is recorded in the register; or	5
	(b) if it is published on the department's website under section 81(5)(b)—the day it is published; or	6 7
	(c) if it is published in a publicly available document under section 87(4)—the day it is published.	8 9
<b>89</b>	<b>Effect of condition</b>	10
	(1) If a special management condition is in force for a special management area—	11 12
	(a) stock may be driven or grazed and pasture may be harvested in the area only under the condition; and	13 14
	(b) a travel permit, grazing permit, grazing authority or harvest permit can be issued for the area only if—	15 16
	(i) issuing the permit or authority would not contravene the condition; and	17 18
	(ii) no activity allowed under the permit or authority would contravene the condition.	19 20
	(2) Also, if a travel permit, grazing permit, grazing authority or harvesting permit is issued for a permit area or authority area that includes a special management area, each special management condition for the special management area applies as a condition of the permit or authority.	21 22 23 24 25
	<i>Note—</i>	26
	Under section 290(3) it is also an offence to allow stock to be driven or grazed in contravention of a special management condition and, under section 291(1), it is an offence to harvest pasture in contravention of a special management condition.	27 28 29 30

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(3)	Despite subsections (1) and (2), a special management area condition does not affect any of the following permits or authorities that have been issued before the condition took effect—	1 2 3 4
(a)	a travel permit or unfit stock permit, subject to sections 170(1)(a)(i) and (b), (2) and (3), 172(1)(d) and 173;	5 6
(b)	a grazing permit or grazing authority subject to sections 231(a)(ii), 232, 242(e) and 243;	7 8
(c)	a harvesting permit subject to sections 286(1)(a)(i) and (b), (2) and (3), 288(c) and 289.	9 10
 <b>Part 4                      Fencing</b>		 11
 <b>Division 1                Preliminary</b>		 12
<b>90</b>	<b>Application of pt 4</b>	13
(1)	This part applies to erecting or maintaining a fence on the boundary of a part of the stock route network, or public (stock access) land and adjoining land.	14 15 16
(2)	However, this part does not apply to adjoining land that is—	17
(a)	unallocated State land; or	18
(b)	a reserve under the Land Act for which there is no trustee; or	19 20
(c)	a national park, national park (Aboriginal land), national park (recovery), national park (scientific), national park (Torres Strait Islander land) or resources reserve under the <i>Nature Conservation Act 1992</i> ; or	21 22 23 24
(d)	a conservation park under the <i>Nature Conservation Act 1992</i> , that, under that Act, is not placed under the management of trustees; or	25 26 27

- |     |  |        |
|-----|--|--------|
| (e) | a State forest or timber reserve under the <i>Forestry Act 1959</i> ; or | 1<br>2 |
| (f) | a State-controlled road.   | 3      |

<b>Division 2</b>	<b>Erecting stock-proof fences</b>	4
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<b>91</b>	<b>Fencing notice</b>	5
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|-----|---|----------------|
| (1) | This section applies if a local government considers—   | 6              |
| (a) | a part of the stock route network in its local government area (the <i>at-risk area</i> ) needs to be protected or improved; and  | 7<br>8<br>9    |
| (b) | to protect or improve the at-risk area, it is necessary to erect a stock-proof fence on the boundary or part of the boundary of the at-risk area and the adjoining land.                        | 10<br>11<br>12 |
| (2) | The local government may give the owner of the adjoining land a notice (a <i>fencing notice</i> ) requiring the owner to erect a stock-proof fence on the boundary or the part of the boundary. | 13<br>14<br>15 |
| (3) | The fencing notice must—  | 16             |
| (a) | describe the area to be fenced; and   | 17             |
| (b) | state the reasonable period in which the landowner must erect the fence; and  | 18<br>19       |
| (c) | be accompanied by or include an information notice about the local government's decision to give the notice.  | 20<br>21       |

<b>92</b>	<b>Offence to contravene fencing notice</b>	22
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A landowner to whom a fencing notice has been given must comply with the notice unless the landowner has a reasonable excuse.	23 24 25
Maximum penalty—400 penalty units.	26

[s 93]

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<b>Division 3</b>	<b>Maintaining stock-proof fences</b>	1
<b>93</b>	<b>Obligation of owner of adjoining land to maintain boundary fence</b>	2 3
(1)	This section applies to the owner of adjoining land if there is a fence (a <i>boundary fence</i> ) on or adjacent to the boundary or part of the boundary of the adjoining land and a part of the stock route network.	4 5 6 7
(2)	The owner must maintain the fence in a stock-proof condition unless the owner has a reasonable excuse.	8 9
	Maximum penalty—400 penalty units.	10
	<i>Note—</i>	11
	See also sections 329 (Entry to remedy noncompliance with fencing obligations) and 379 (Amounts payable by owner of adjoining land).	12 13
<b>Part 5</b>	<b>Mustering stock</b>	14
<b>94</b>	<b>Application of pt 5</b>	15
	This part applies if an authorised person reasonably believes it is necessary to muster stock on land in a local government’s management area—	16 17 18
(a)	because of a risk to public safety; or	19
(b)	to monitor compliance with—	20
	(i) a travel permit; or	21
	(ii) a grazing permit or grazing authority; or	22
	(iii) section 152.	23

<b>95</b>	<b>Mustering notice</b>	1
(1)	The local government may give the person in charge of the stock a notice (a <b><i>mustering notice</i></b> ) requiring the person to muster the stock on the land.	2 3 4
(2)	The notice must—	5
(a)	be in the approved form; and	6
(b)	state—	7
(i)	the purpose for which the notice has been issued; and	8 9
(ii)	the reasonable period in which the person in charge must muster the stock; and	10 11
(iii)	where the stock must be mustered; and	12
(c)	unless the notice is given under section 94(a), be accompanied by or include an information notice about the decision to give the notice.	13 14 15
(3)	If the person in charge of the stock is not the owner of the stock, the local government may also give a copy of the mustering notice to the owner of the stock.	16 17 18
(4)	In this section—	19
	<b><i>reasonable period</i></b> means a period of—	20
(a)	at least 24 hours; or	21
(b)	an appropriate shorter period if the mustering notice is given under section 94(a).	22 23
<b>96</b>	<b>Offence to contravene mustering notice</b>	24
	A person to whom a mustering notice has been given must comply with the notice unless the person has a reasonable excuse.	25 26 27
	Maximum penalty—100 penalty units.	28

[s 97]

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<i>Note—</i>		1
See also sections 330 (Entry to remedy noncompliance with mustering obligations) and 381 (Amounts payable by owner of stock).		2 3
<b>Part 6</b>	<b>Pasture management</b>	4
<b>Division 1</b>	<b>Local government’s role</b>	5
<b>97</b>	<b>Obligation to manage and conserve pasture</b>	6
(1)	A local government must manage and conserve pasture in its management area to ensure, as far as practicable, an adequate supply of pasture for travelling stock.	7 8 9
(2)	If a local government does not have, and is not required to have, a local management plan, the local government must manage and conserve the pasture in its management area consistently with the State management plan.	10 11 12 13
<b>Division 2</b>	<b>Reducing stock numbers</b>	14
<b>98</b>	<b>Application of div 2</b>	15
	This division applies if—	16
(a)	part of a local government’s management area (the <i>affected area</i> ) adjoins freehold or leasehold land (the <i>adjoining land</i> ); and	17 18 19
(b)	the boundary of the affected area and adjoining land is not fully enclosed; and	20 21
(c)	the adjoining land is enclosed; and	22
(d)	stock on the adjoining land can move into the affected area; and	23 24

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- (e) an authorised person reasonably believes that, because of the number of stock that has moved, or can move, from the adjoining land to the affected area, an adequate supply of pasture is not, or is not likely to be, available for the number of stock that are travelling, or are expected to travel, on the stock route network or public (stock access) land.

- 99 Power to give notice to reduce stock numbers**
- (1) An authorised person may, by notice (a *stock reduction notice*) to the owner of the adjoining land, require the owner to reduce the number of stock on the adjoining land.
  - (2) The notice must—
    - (a) state the reasonable number to which the stock are to be reduced and the reasonable period in which the reduction must be made; and
    - (b) be accompanied by or include an information notice for the decision to give the notice.

- 100 Offence to contravene stock reduction notice**
- (1) A landowner to whom a stock reduction notice has been given must comply with the notice unless the landowner has a reasonable excuse.  
Maximum penalty—400 penalty units.
  - (2) This section does not limit the local government's powers under section 91.

**Division 3 Pasture burning and harvesting restrictions**

- 101 Restrictions**
- (1) This section applies to a local government for—

[s 101]

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|-------|---|----------------|
| (a)   | burning pasture on land in the part of the stock route network in its local government area; or   | 1<br>2         |
| (b)   | harvesting pasture on land in its management area.  | 3              |
| (2)   | The local government may burn or harvest the pasture only if—   | 4<br>5         |
| (a)   | the land is not subject to—   | 6              |
| (i)   | a lease or permit under the Land Act; or  | 7              |
| (ii)  | a permit or grazing authority issued under this Act; and  | 8<br>9         |
| (b)   | the proposed burning or harvesting of the pasture is not likely to—   | 10<br>11       |
| (i)   | cause, or significantly increase the extent of, land degradation; or  | 12<br>13       |
| (ii)  | present an unreasonable risk to the safety of road users; or  | 14<br>15       |
| (iii) | contravene a conditional use declaration; or  | 16             |
| (iv)  | adversely affect a special management area; or  | 17             |
| (v)   | cause undue loss or damage to biodiversity or cultural heritage; and  | 18<br>19       |
| (c)   | the pasture is likely to regenerate within 1 year after the burning or harvesting to a level that it is adequate for travelling stock; and        | 20<br>21<br>22 |
| (d)   | if the land is a State-controlled road, the burning or harvesting is approved, with or without conditions, by the road transport chief executive. | 23<br>24<br>25 |
| (3)   | However, a condition of an approval mentioned in subsection (2)(d) may only be about road-related matters.  | 26<br>27       |
| (4)   | Also, the local government may harvest the pasture only if the chief executive—   | 28<br>29       |
| (a)   | has assessed the risk of fire affecting the land; and   | 30             |
| (b)   | having regard to the risk—  | 31             |
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|-----|---|---|
|     | (i) considers the land should be used for harvesting in preference to driving or grazing stock; and | 1 |
|     |   | 2 |
|     | (ii) has approved the use of the land for harvesting.   | 3 |
| (5) | This section is subject to the <i>Fire and Rescue Service Act 1990</i> .                            | 4 |
|     |   | 5 |

<b>Part 7</b>	<b>Stock facilities and water facility agreements</b>	6
		7

<b>Division 1</b>	<b>Supplying and maintaining stock facilities</b>	8
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|------------|---|----|
| <b>102</b> | <b>Supply of particular stock facilities on primary stock routes</b>  | 10 |
|            |   | 11 |
| (1)        | The Minister may give a local government a notice requiring it to supply a stock facility on a primary stock route or primary reserve in its local government area.       | 12 |
|            |   | 13 |
|            |   | 14 |
| (2)        | A local government given a notice under subsection (1) must supply the stock facility on the stock route or primary reserve.  | 15 |
|            |   | 16 |
| <b>103</b> | <b>Maintenance of stock facilities on or for stock route network</b>  | 17 |
|            |   | 18 |
| (1)        | A local government must ensure the following is maintained (the <i>maintenance obligation</i> ) in good working order—  | 19 |
|            |   | 20 |
| (a)        | each stock facility on a primary stock route or primary reserve in its local government area;   | 21 |
|            |   | 22 |
| (b)        | each stock facility supplied by the State or the local government for the benefit of persons using a primary stock route or primary reserve in its local government area. | 23 |
|            |   | 24 |
|            |   | 25 |
|            |   | 26 |

[s 104]

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(2)	A local government may ensure the following is maintained (the <i><b>maintenance power</b></i> ) in good working order—	1 2
(a)	each stock facility on a secondary stock route or secondary reserve in its local government area;	3 4
(b)	each stock facility supplied by the State or the local government for the benefit of persons using a secondary stock route or secondary reserve in its local government area.	5 6 7 8
(3)	For complying with the maintenance obligation or exercising the maintenance power, a local government may take any of the following actions or a combination of the actions—	9 10 11
(a)	engage another person to carry out the maintenance;	12
(b)	enter into a water facility agreement under which another person must maintain the facility and monitor and enforce maintenance of the facility under a water facility agreement;	13 14 15 16
(c)	impose a condition on a grazing permit or grazing authority requiring the permit or authority holder to maintain a water facility and monitor and enforce maintenance of the facility under the permit or authority.	17 18 19 20
(4)	To remove any doubt, it is declared that a local government taking action under subsection (3) does not, of itself, mean the maintenance obligation is complied with.	21 22 23
<b>Division 2</b>	<b>Water facility agreements</b>	24
<b>104</b>	<b>Application of div 2</b>	25
	This division applies to—	26
(a)	a water facility (a <i><b>public water facility</b></i> ) supplied by the State or a local government—	27 28
(i)	on the stock route network; or	29

- (ii) on other land for the benefit of persons using the stock route network; or
- (b) a water facility (a *private water facility*) that—
  - (i) is owned by a person other than the State or a local government; and
  - (ii) is on private land; and
  - (iii) can be used by persons using the stock route network.

## 105 Entering water facility agreement

- (1) Each of the following persons may enter into an agreement (a *water facility agreement*) about a matter mentioned in subsection (2)—
  - (a) the chief executive;
  - (b) a local government;
  - (c) any 1 or more of the following—
    - (i) a person who owns private land from which water is, or is to be, supplied to the stock route network;
    - (ii) a person who owns private land to which water is, or is to be, supplied from the stock route network;
    - (iii) a grazing authority holder.
- (2) The matters are as follows—
  - (a) supplying water from a public water facility under the local government's control—
    - (i) to the private land; or
    - (ii) for the use of the grazing authority holder under the grazing authority;
  - (b) supplying water from a private water facility owned by the landowner to the stock route network;

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(c)	using a private water facility owned by the landowner to water stock using the stock route network;	1 2
(d)	constructing a public water facility on the private land;	3
(e)	maintaining a water facility mentioned in paragraphs (a) to (d).	4 5
<b>106</b>	<b>Contents of agreement</b>	<b>6</b>
(1)	A water facility agreement must—	7
(a)	be in the approved form; and	8
(b)	state the following—	9
(i)	who owns or controls the water facility to which the agreement relates and, if relevant, any component part of the facility;	10 11 12
(ii)	who is responsible for maintenance of the facility or component part;	13 14
(iii)	the requirements for supplying water from the facility;	15 16
(iv)	the maintenance required for the facility;	17
(v)	any fee payable or other consideration for supplying water from or maintaining the facility;	18 19
(vi)	the term of the agreement; and	20
(c)	provide for—	21
(i)	access to the owner's land, if relevant, for supplying water to stock or constructing, maintaining or inspecting the water facility; and	22 23 24
(ii)	termination by a party to the agreement giving the other parties a stated period of notice of termination.	25 26 27
(2)	The term of the water facility agreement can not be more than—	28 29

[s 107]

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|  | (a) for an agreement to which a grazing authority holder is a party—the authority period; or | 1 |
|  |  | 2 |
|  | (b) otherwise—30 years.  | 3 |

<b>107</b>	<b>End of agreement</b>	4
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|  | Without limiting the provision in a water facility agreement for terminating the agreement, a water facility agreement ends—   | 5  |
|  |  | 6  |
|  |  | 7  |
|  | (a) at the end of the term of the agreement; or  | 8  |
|  | (b) if any of the following happens—   | 9  |
|  | (i) the agreement is validly terminated by a party;  | 10 |
|  | (ii) for an agreement about supplying water from a private water facility—the land on which the facility is situated is sold;  | 11 |
|  |  | 12 |
|  |  | 13 |
|  | (iii) for an agreement about supplying water to privately owned land—the land is sold;   | 14 |
|  |  | 15 |
|  | (iv) for an agreement about supplying water from or to a stock route or reserve for travelling stock adjoining a stock route—the classification of the stock route is changed. | 16 |
|  |  | 17 |
|  |  | 18 |
|  |  | 19 |

<b>108</b>	<b>Register of agreements</b>	20
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|  | (1) A local government must keep a register of water facility agreements entered into by it. | 21 |
|  |  | 22 |
|  | (2) The register must state the following particulars for each agreement—                    | 23 |
|  |  | 24 |
|  | (a) the landowner's name and address;  | 25 |
|  | (b) whether the landowner is supplying or receiving water under the agreement;               | 26 |
|  |  | 27 |
|  | (c) a description and the location of the water facility to which the agreement relates;     | 28 |
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[s 109]

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- (d) a description of the land to and from which the water is supplied under the agreement; 1  
2
- (e) who is responsible for the control and maintenance of the water facility under the agreement; 3  
4
- (f) the amount of any minimum guaranteed water supply under the agreement; 5  
6
- (g) any fee payable under the agreement; 7
- (h) other information prescribed under a regulation. 8
- (3) A person may— 9
  - (a) on payment of the fee prescribed under a regulation, inspect the register at the local government's public office when the office is open to the public; and 10  
11  
12
  - (b) on payment of the fee that is reasonable but not more than the actual cost, take extracts from, or obtain a copy of details in, the register. 13  
14  
15

**109 Registration of particular agreements** 16

- (1) This section applies to a water facility agreement to construct a water facility on private land if all or part of the construction is paid by the State. 17  
18  
19
- (2) As soon as practicable after the agreement is entered, the chief executive must give the land registrar notice of the agreement. 20  
21
- (3) The land registrar must keep records showing that the land stated in the notice is the subject of a water facility agreement. 22  
23
- (4) The land registrar must keep the records in a way that allows a search of the register kept by the registrar under any Act relating to title to the land to show the existence of the agreement. 24  
25  
26  
27
- (5) As soon as practicable after the agreement is terminated, the chief executive must give the land registrar notice of the termination. 28  
29  
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- (6) As soon as practicable after receiving a notice under subsection (5), the land registrar must remove the particulars of the agreement from the registrar's records.

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3
  - (7) While the agreement is in force, the landowner's obligations under the agreement attach to the land and bind the owner and the owner's successors in title to the land.

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6
  - (8) In this section—

*land registrar* means—

    - (a) for freehold land—the registrar of titles; and
    - (b) for land registered in the land registry under the Land Act—the chief executive of the department in which that Act is administered.

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<b>Division 3</b>	<b>Removal of particular stock facilities</b>	13 14
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<b>110</b>	<b>Removal of stock facilities from secondary stock routes</b>	15
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- (1) This section applies to a stock facility that—

  - (a) is on a secondary stock route or a secondary reserve in a local government area; or
  - (b) has been supplied for the benefit of persons using a secondary stock route or a secondary reserve in a local government area.

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- (2) The chief executive may give the local government a written approval to do 1 or more of the following—

  - (a) relocate the stock facility to a primary stock route or primary reserve in its local government area;
  - (b) remove the stock facility and use parts of the facility to maintain other stock facilities in its local government area;
  - (c) sell the stock facility or parts of the facility.

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[s 111]

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(3)	The local government may relocate, remove or sell the stock facility or parts only under the approval.	1 2
(4)	Also, if the local government sells the stock facility or parts, it must—	3 4
(a)	ensure they are removed from the stock route network; and	5 6
(b)	consult with persons whom the local government considers are likely to be adversely affected by the sale or the removal; and	7 8 9
(c)	ensure the proceeds of the sale, after deducting reasonable costs of the sale, are paid to the chief executive.	10 11 12
<b>Part 8</b>	<b>Removing stock from management areas</b>	13 14
<b>Division 1</b>	<b>Identifying owner of stray or abandoned stock</b>	15 16
<b>111</b>	<b>Enquiries to identify stock owner</b>	17
(1)	This section applies if—	18
(a)	stock are on land in a local government’s management area; and	19 20
(b)	an authorised person reasonably believes the stock have strayed onto or been abandoned on the land.	21 22
(2)	The local government must make reasonable enquiries to identify the owner of the stock.	23 24
(3)	This section is subject to section 118.	25

<b>Division 2</b>	<b>Removal of stock not authorised to be in management area</b>	1 2
<b>112</b>	<b>Notice to owner to remove stock</b>	3
(1)	This section applies if—	4
(a)	stock are on land in a local government’s management area; and	5 6
(b)	either—	7
(i)	an authorised person reasonably believes the stock have strayed onto or been abandoned on the land; or	8 9 10
(ii)	the stock are not authorised to be on the land under section 119 or a travel permit, grazing permit or grazing authority; and	11 12 13
	<i>Example—</i>	14
	a person in charge of the stock allowing the stock to graze in the management area without obtaining a grazing permit or grazing authority	15 16 17
(c)	the owner of the stock is known to the local government.	18
(2)	However, this section does not apply if the stock were authorised to be on the land under a travel permit, grazing permit or grazing authority immediately before the permit or authority was cancelled.	19 20 21 22
	<i>Note—</i>	23
	For requirements to remove stock when a travel permit, grazing permit or grazing authority is cancelled, see section 173 or 243.	24 25
(3)	The local government may give the owner of the stock a notice (a <b>removal notice</b> ) stating—	26 27
(a)	the owner must remove the stock from the land within a stated period (the <b>removal period</b> ) of at least 3 days after the notice is given; and	28 29 30

[s 113]

- (b) if the stock are not removed from the land in the removal period, an authorised person may seize the stock. 1  
2
- (4) The removal notice may also state— 3
  - (a) the owner must muster the stock before the stock are removed; and 4  
5
  - (b) having regard to the removal period, the reasonable period in which the stock must be mustered for removal; 6  
7  
8
  - (c) where the stock must be mustered for removal. 9

### **Division 3                      Seizure of stock not authorised to be in management area** 10 11

#### **113      Authorised person may seize stock** 12

- (1) This section applies if— 13
  - (a) a local government has made enquiries about stock under section 111 and the owner of the stock is still not known to the local government; or 14  
15  
16
  - (b) a removal notice has been given to the owner of stock and the stock have not been removed from the land in the removal period. 17  
18  
19
- (2) This section also applies if— 20
  - (a) stock were on land in a local government's management area under a travel permit, grazing permit or grazing authority; and 21  
22  
23
  - (b) the holder of the permit or authority has been given a cancellation notice under section 173 or 243; and 24  
25
  - (c) the stock have not been removed from the land in the period stated in the cancellation notice. 26  
27
- (3) An authorised person may seize the stock. 28

<b>114</b>	<b>Seizure notice</b>	1
(1)	If stock are seized under section 113, the authorised person must give notice of the seizure (the <i>seizure notice</i> )—	2
		3
(a)	to the owner of the stock, if the owner is known to the local government; or	4
		5
(b)	otherwise, cause the seizure notice to be published in a newspaper circulating generally in the area in which the stock were seized.	6
		7
		8
(2)	The seizure notice must state that the stock—	9
(a)	must be claimed within 3 days after the notice is given (the <i>redemption period</i> ); and	10
		11
(b)	may be sold or disposed of, if not claimed within the redemption period.	12
		13
<b>115</b>	<b>Releasing seized stock</b>	14
(1)	This section applies if, in the redemption period, a person (the <i>claimant</i> ) claims stock that have been seized.	15
		16
(2)	The authorised person must release the stock to the claimant if—	17
		18
(a)	the authorised person is satisfied the claimant is the owner, or entitled to possession, of the stock; and	19
		20
(b)	the claimant pays the reasonable costs for the following, if required by the local government—	21
		22
(i)	giving the removal notice, if relevant;	23
(ii)	seizing, removing and holding the stock;	24
(iii)	giving the seizure notice.	25
<b>116</b>	<b>Dealing with seized stock</b>	26
(1)	This section applies if—	27
(a)	the owner or person entitled to possession of stock does not claim them in the redemption period; or	28
		29

[s 117]

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(b) the costs under section 115(2)(b) are not paid.	1
(2) If the authorised person reasonably believes the stock have a market value of at least the threshold amount, the authorised person must sell the stock by public auction or tender.	2 3 4
(3) If the authorised person reasonably believes the stock have a market value of less than the threshold amount, the authorised person may dispose of the stock in a way the person considers appropriate.	5 6 7 8
(4) Compensation is not payable for a sale or disposal under this section.	9 10
(5) In this section—	11
<i>threshold amount</i> means—	12
(a) \$1000 for each head of stock; or	13
(b) a higher amount prescribed under a regulation.	14
<b>117 Application of proceeds of sale</b>	15
If stock are sold under section 116, the proceeds of the sale must be applied in the following order—	16 17
(a) in payment of the reasonable expenses incurred in the sale;	18 19
(b) in payment of the reasonable costs of—	20
(i) giving the removal notice, if relevant; and	21
(ii) seizing, removing and holding the stock; and	22
(iii) giving the seizure notice;	23
(c) in payment of any balance to the owner of the stock.	24

<b>Division 4</b>	<b>Destruction of stock</b>	1
<b>118</b>	<b>Destroying strayed or abandoned stock</b>	2
(1)	This section applies if an authorised person reasonably believes—	3
(a)	stock have strayed into land in a local government's management area or have been abandoned on the land; and	5
(b)	it is not practicable to arrange for the owner of the stock to remove them; and	8
	<i>Examples—</i>	10
1	The owner of the stock is not known to the local government.	11
2	The owner of the stock can not be urgently located or contacted.	13
(c)	it is not practicable to seize the stock under division 3; and	15
(d)	it is necessary to destroy the stock in the interests of public safety.	17
	<i>Example for paragraphs (c) and (d)—</i>	19
	The stock are unmanageable and pose a risk to the safety of members of the public.	20
(2)	The authorised person may destroy the stock in the way the authorised person considers appropriate.	22
(3)	Compensation is not payable for stock destroyed under this section.	24

<b>Chapter 4</b>	<b>Driving stock</b>	1
<b>Part 1</b>	<b>Stock movements not requiring permit</b>	2 3
<b>119</b>	<b>Stock movements not requiring a travel permit</b>	4
(1)	A person may drive stock in a local government's management area without a travel permit if the person—	5 6
(a)	gives the local government written or oral notice about driving the stock before the stock are driven; and	7 8
(b)	drives the stock—	9
(i)	for not more than 1 day; and	10
(ii)	in daylight hours; and	11
(iii)	for animal husbandry or property management; and	12 13
(iv)	between parcels of land having common ownership or worked as a single unit; and	14 15
(c)	displays appropriate signage to warn members of the public about the presence of the stock while the stock are travelling.	16 17 18
(2)	This section does not apply to driving stock on a State-controlled road.	19 20
	<i>Note—</i>	21
	Under the <i>Transport Infrastructure Act 1994</i> , schedule 6, ancillary works and encroachments includes moving stock other than under a travel permit or unfit stock (travel) permit. Chapter 6, part 5, division 2, subdivision 1 of that Act relevantly provides for ancillary works and encroachments on State-controlled roads.	22 23 24 25 26

<b>Part 2</b>	<b>Permits for driving stock</b>	1
<b>120</b>	<b>Types of permits</b>	2
	The types of permits for driving stock that can be issued under this Act are as follows—	3
	(a) standard travel permits;	5
	(b) slow travel permits;	6
	(c) unfit stock (travel) permits under part 4.	7
<b>121</b>	<b>What does a permit authorise</b>	8
	A permit for driving stock authorises the holder of the permit to do the following under the conditions of the permit—	9
	(a) drive stock on a designated route on the stock route network or public (stock access) land;	11
	(b) use stock facilities that are on the route or have been provided for the use of travelling stock on the route.	13
<b>Part 3</b>	<b>Travel permits</b>	15
<b>Division 1</b>	<b>Preliminary</b>	16
<b>122</b>	<b>Definitions for pt 3</b>	17
	In this part—	18
	<i>consecutive permit application</i> see section 123(4).	19
	<i>consecutive travel permit</i> see section 123(2)(b).	20

[s 123]

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<i>first consecutive permit</i> , for a multi-area movement, means the consecutive travel permit for the management area where the permitted stock are to start the multi-area movement.	1 2 3
<i>multi-area movement</i> see section 123(2)(b).	4
<i>participating local government</i> see section 125.	5
<i>permitted stock</i> see section 141(1)(c).	6
<i>proposed period</i> —	7
(a) for an application for a standard travel permit—see section 124(d); or	8 9
(b) for an application for a slow travel permit—see section 127(d).	10 11
<i>proposed route</i> —	12
(a) for a standard travel permit—see section 124(c); or	13
(b) for a slow travel permit—see section 127(c).	14
<i>responding local government</i> —	15
(a) for a standard travel permit—see section 123(3) or (4); or	16 17
(b) for a slow travel permit—see section 126(1).	18
<i>single area permit</i> see section 123(2)(a).	19
<i>single area permit application</i> see section 123(3).	20
 <b>Division 2</b>	
<b>Application for standard travel permit</b>	21 22
 <b>123 Who may apply and permit types</b>	23
(1) A person who owns stock or is authorised by the owner of stock may apply for a standard travel permit to drive the stock on land in a local government’s management area.	24 25 26
(2) The applicant may apply for—	27

[s 124]

- (a) a standard travel permit to drive the stock in 1 management area (a *single area permit*); or 2
  - (b) 2 or more standard travel permits (each a *consecutive travel permit*) to drive the stock in 2 or more adjacent management areas in consecutive periods (a *multi-area movement*). 3 4 5 6
- (3) An application (a *single area permit application*) for a single area permit must be made to the local government (the *responding local government*) for the management area to which the application relates. 7 8 9 10
- (4) Applications to local governments for consecutive travel permits for a multi-area movement may be made as a single application (a *consecutive permit application*) to the local government (also the *responding local government*) for the management area where the stock are to start the multi-area movement. 11 12 13 14 15 16

## 124 Requirements for application 17

- An application for a standard travel permit must— 18
- (a) be in the approved form; and 19
  - (b) state the number and description of the stock to travel under the permit; and 20 21
  - (c) show the route (the *proposed route*) on which the stock are to travel under the permit; and 22 23
  - (d) state the period (the *proposed period*) in which the stock are to travel under the permit; and 24 25
  - (e) if it is a single area permit application—be made at least 5 business days, but no more than 3 months, before the proposed period; and 26 27 28
  - (f) if it is a consecutive permit application—be made at least 10 business days, but no more than 3 months, before the proposed period for the first consecutive permit; and 29 30 31 32

[s 125]

- (g) be accompanied by the fee prescribed under a regulation. 1  
2

## 125 Responding local government's obligation 3

The responding local government for a consecutive permit 4  
application must give a copy of the application to each local 5  
government (a *participating local government*) for the other 6  
management areas to which the application relates. 7

## Division 3 Application for slow travel permit 8

### 126 Who may apply 9

- (1) A person who owns stock or is authorised by the owner of 10  
stock may apply to a local government (the *responding local* 11  
*government*) for a slow travel permit to drive the stock on the 12  
land in the local government's management area. 13
- (2) However, an application for a slow travel permit may be made 14  
for travel in only 1 local government area. 15

### 127 Requirements for application 16

- An application for a slow travel permit must— 17
- (a) be in the approved form; and 18
- (b) state the number and description of the stock to travel 19  
under the permit; and 20
- (c) show the route (the *proposed route*) on which the stock 21  
are to travel under the permit; and 22
- (d) state the period (the *proposed period*) in which the stock 23  
are to travel under the permit; and 24
- (e) be made at least 5 business days before the proposed 25  
period; and 26

- (f) be accompanied by the fee prescribed under a regulation. 1  
2

## **Division 4                      Amending applications                      3**

### **128      Applicant may amend application                      4**

- (1) The applicant may amend an application for a travel permit 5  
if— 6
- (a) the applicant gives the responding local government 7  
        notice of the amendment— 8
- (i) in the approved form; and 9
- (ii) within 3 business days after the application was 10  
            made; and 11
- (b) the amendment relates only to— 12
- (i) deferring the start of travel under the permit by no 13  
            more than 7 days; or 14
- (ii) increasing the number of stock for which the 15  
            permit is sought by no more than 20 head; or 16
- (iii) increasing the permit period by no more than 3 17  
            days; or 18
- (iv) a change in the proposed route that results in the 19  
            proposed route being no more than 30km longer 20  
            within a management area than the route originally 21  
            proposed. 22
- (2) If the application is a consecutive permit application the 23  
    responding local government must give a copy of the notice 24  
    to— 25
- (a) for an amendment to which subsection (1)(b)(i) to (iii) 26  
        applies—each participating local government for the 27  
        application; or 28

[s 129]

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- (b) for an amendment to which subsection (1)(b)(iv) 1  
applies—the participating local government for the 2  
management area to which the amendment relates. 3

**Division 5                      Dealing with applications                      4**

**Subdivision 1                      Preliminary                      5**

**129                      Application of div 5                      6**

- (1) Generally, this division applies to— 7
  - (a) the responding local government for dealing with a 8  
single area permit application or an application for a 9  
slow travel permit; and 10
  - (b) the responding local government and each participating 11  
local government for dealing with a consecutive permit 12  
application for its management area. 13
- (2) However, provisions of this division also apply to a 14  
responding local government for a consecutive permit 15  
application for giving the applicant notices received from 16  
participating local governments for the application. 17

**Subdivision 2                      Additional information                      18**

**130                      Additional information for application                      19**

- (1) The local government may, by notice, ask the applicant to 20  
give the local government further reasonable information or 21  
documents about the application in the following period (the 22  
*information period*)— 23
  - (a) the period of at least 2 business days stated in the notice; 24
  - (b) any longer period agreed between the local government 25  
and the applicant. 26

[s 131]

- (2) The local government may refuse the application if the applicant does not give the local government the information or documents in the information period, without reasonable excuse.

## Subdivision 3      Deciding applications 5

### 131      Deciding application 6

- (1) The local government must consider the application and decide to—
  - (a) grant it; or
  - (b) grant it and impose conditions on the permit, as well as the mandatory conditions; or
  - (c) refuse it.
- (2) The conditions may include the following—
  - (a) a condition requiring the applicant to drive the stock on a route (the *alternative route*) other than the proposed route;
  - (b) a condition about the number of persons required to supervise the stock travelling under the permit;
  - (c) a condition allowing a person other than the applicant to use a part of the permit route for an alternative use, if the condition—
    - (i) is necessary to allow the use; and
    - (ii) does not unduly interfere with the travel of the stock under the permit.

*Example—*

A part of the permit route under a standard travel permit is required for road works. A condition may be imposed that the permit holder must notify and arrange with the person in charge of the road works for the safe travel of the stock in the vicinity of the road works.

[s 132]

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(3)	However, the local government may impose a condition under subsection (2)(a), only if the local government—	1 2
(a)	would otherwise have refused to grant the application under this subdivision for the proposed route; and	3 4
(b)	is satisfied of the matters under this subdivision relating to the alternative route.	5 6
<b>132</b>	<b>Criteria for deciding all applications</b>	7
(1)	The local government may grant the application only if satisfied of each the following—	8 9
(a)	if an application (the <i>other application</i> ) for a standard travel permit has already been made for the proposed route or part of the route in the proposed period—the other application has been decided;	10 11 12 13
(b)	that in the month immediately before the proposed period is due to start, neither the applicant nor an associate of the applicant has been granted a travel permit to drive any of the stock to which the application relates on a substantial part of the proposed route;	14 15 16 17 18
(c)	issuing the permit would not contravene a declared usage condition or a special management condition;	19 20
(d)	the stock travelling on the proposed route is not likely to—	21 22
(i)	introduce a declared pest to, or spread a declared pest within, the local government's management area; or	23 24 25
(ii)	cause, or significantly increase the extent of, land degradation; or	26 27
(iii)	present an unreasonable risk to the safety of road users; or	28 29
(iv)	adversely affect a special management area;	30
(e)	none of the stock are unfit stock or affected by a notifiable disease;	31 32

	(f) there is likely to be enough pasture and water available to sustain the stock in the proposed period;	1 2
	(g) the applicant has or can obtain adequate public risk insurance for the activities to which the application relates for the proposed period;	3 4 5
	(h) another matter prescribed under a regulation.	6
(2)	For subsection (1)(f), the local government must have regard to the permits that have been issued for driving or grazing stock on the proposed route before the proposed period starts.	7 8 9
(3)	Also, if the proposed route includes a State-controlled road, the local government may grant the application only if the use of the road for travelling stock is approved, with or without conditions, by the road transport chief executive.	10 11 12 13
(4)	However, a condition of an approval mentioned in subsection (3) may only be about road-related matters.	14 15
<b>133</b>	<b>Restriction on granting application for standard travel permit</b>	16 17
	If the application is for a standard travel permit, the local government may grant it only if satisfied, having regard to the condition of the stock, their rate of travel will be at least 10km a day.	18 19 20 21
<b>134</b>	<b>Restrictions on granting application for slow travel permit</b>	22 23
	If the application is for a slow travel permit, the local government may grant it only if satisfied—	24 25
	(a) having regard to the condition of the stock, their rate of travel will be at least 5km but less than 10km a day; and	26 27
	(b) the proposed travel is not likely to reduce the level of the pasture on the proposed route below a level reasonably likely to be required for travelling stock under a standard travel permit after the proposed period ends.	28 29 30 31

[s 135]

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<b>Subdivision 4</b>	<b>Granting applications</b>	1
<b>135</b>	<b>Issuing standard travel permit</b>	2
(1)	This section applies if—	3
(a)	the responding local government for a single area permit application decides to grant the application; or	4 5
(b)	the responding local government and each participating local government decide to grant a consecutive permit application for its management area.	6 7 8
(2)	Each local government must issue a standard travel permit in the approved form for its management area.	9 10
(3)	If a participating local government issues a consecutive travel permit, it must give the permit to the responding local government.	11 12 13
(4)	If a participating local government decides to impose conditions on a consecutive travel permit under section 131(1)(b), it must also give the responding local government a notice stating—	14 15 16 17
(a)	the conditions; and	18
(b)	the reasons for the decision.	19
(5)	The responding local government must give the applicant—	20
(a)	the standard travel permit for its management area; and	21
(b)	for a consecutive permit application—the consecutive travel permit issued by each participating local government; and	22 23 24
(c)	if the responding local government decides to impose a condition on the permit—a review notice about the decision; and	25 26 27
(d)	if a participating local government has decided to impose a condition on a consecutive travel permit—a review notice about the participating local government’s decision.	28 29 30 31

[s 136]

- 
- (6) The responding local government must also give the chief executive—
1  
2
  - (a) a copy of the permit; and
3
  - (b) for a consecutive permit application—a copy of the consecutive travel permit issued by each participating local government.
4  
5  
6

### **136 Issuing slow travel permit** 7

- (1) This section applies if the responding local government for an application for a slow travel permit decides to grant the application.
8  
9  
10
- (2) The local government must—
11
- (a) issue a slow travel permit in the approved form; and
12
- (b) give the applicant—
13
- (i) the slow travel permit; and
14
- (ii) if the local government decides to impose a condition on the permit—a review notice about the decision; and
15  
16  
17
- (c) give the chief executive a copy of the permit.
18

## **Subdivision 5 Refusing or failing to decide applications** 19 20

### **137 Refusal of responding local government to grant application** 21 22

- (1) This section applies if a responding local government refuses to grant—
23  
24
- (a) a single area permit application; or
25
- (b) an application for a slow travel permit; or
26

[s 138]

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(c)	a consecutive permit application for its management area.	1 2
(2)	The local government must immediately give the applicant a review notice about the decision.	3 4
<b>138</b>	<b>Refusal of participating local government to grant consecutive permit application</b>	5 6
(1)	This section applies if a participating local government for a consecutive permit application decides to refuse to grant the application for its management area.	7 8 9
(2)	The participating local government must give the responding local government for the application a notice stating the decision and the reasons for the decision.	10 11 12
(3)	The responding local government must, immediately after receiving the notice, give the applicant—	13 14
(a)	a review notice about the participating local government's decision; and	15 16
(b)	a notice about the effect of section 140.	17
<b>139</b>	<b>Failure to decide application</b>	18
(1)	This section applies if a local government fails to decide—	19
(a)	a single area permit application or an application for a slow travel permit within 5 business days after the application is made; or	20 21 22
(b)	a consecutive permit application within 10 business days after the application is made.	23 24
(2)	However, if the local government has requested additional information or a document under section 130, this section only applies if—	25 26 27
(a)	the local government fails to decide the application before the later of the following—	28 29

[s 140]

- 
- (i) the end of 5 business days after the information or document is received; 1 2
    - (ii) the end of 5 business days after the end of the information period; and 3 4
  - (b) the period mentioned in paragraph (a)(i) or (ii) is later than the period which would have applied to the application under subsection (1). 5 6 7
  - (3) The failure to decide is taken to be a decision by the local government to refuse the application for which the applicant is taken to be entitled to have been given a review notice under section 137(2) or 138(3)(a). 8 9 10 11
  - (4) If a participating local government for a consecutive permit application fails to decide the application under subsection (1) or (2), the responding local government for the application must give the applicant a notice about the effect of subsection (3) and section 140. 12 13 14 15 16

## **Subdivision 6      Special provisions for consecutive permit applications** 17 18

### **140      Effect of refusal of consecutive permit application** 19

- (1) This section applies to a local government (the *affected local government*) that receives a consecutive permit application, if— 20 21 22
  - (a) the affected local government— 23
    - (i) has granted the application; or 24
    - (ii) has not failed to decide the application under section 139; and 25 26
  - (b) another local government that receives the application— 27
    - (i) decides to refuse to issue a consecutive travel permit; or 28 29

[s 141]

- (ii) fails to make a decision about the application as mentioned in section 139. 1  
2
- (2) The affected local government must refuse to grant the application. 3  
4
- (3) If the affected local government has already issued a travel permit for the application, the affected local government must cancel the travel permit. 5  
6  
7

## **Division 6                      Permit contents                      8**

### **141      Contents of travel permit                      9**

- (1) A travel permit must state each of the following— 10
  - (a) the period (the *permit period*) for which it is in force; 11
  - (b) the route (*permit route*) on which stock can travel under the permit; 12  
13
  - (c) the number and description of the stock (the *permitted stock*) that can travel under the permit; 14  
15
  - (d) either— 16
    - (i) for a standard travel permit, the rate (the *required rate*) of travel for the stock of 10km a day; or 17  
18
    - (ii) for a slow travel permit, the rate (the *required rate*) of travel for the stock of at least 5km but less than 10km a day; 19  
20  
21
  - (e) the mandatory conditions for the permit under section 143; 22  
23
  - (f) any conditions imposed under section 131(1)(b); 24
  - (g) either— 25
    - (i) if the permitted stock are being brought into Queensland from another State—the number of the certificate of health under the *Stock Act 1915* under which the stock are travelling; or 26  
27  
28  
29

[s 142]

	(ii) otherwise—the number of the waybill under which the stock are travelling;	1 2
	(h) the permit fee.	3
(2)	Subsection (3) applies if the local government expects stock under the travel permit will cross land subject to a grazing permit or grazing authority during the period of the grazing permit or authority.	4 5 6 7
(3)	The travel permit must include or be accompanied by a notice stating the name and contact details of the holder of the grazing permit or authority.	8 9 10
<b>142</b>	<b>Special provisions for content of consecutive travel permit</b>	11 12
(1)	This section, as well as section 141, applies to a consecutive travel permit for permitted stock in a management area.	13 14
(2)	The permit must provide for the permitted stock to finish travelling at a place in the management area adjacent to the place where the stock will be required to start travelling under the next consecutive travel permit in the adjacent management area.	15 16 17 18 19
(3)	The permit period under the next consecutive travel permit in the adjacent management area must start from the day the permitted stock first arrive in the adjacent management area.	20 21 22
<b>143</b>	<b>Mandatory conditions</b>	23
(1)	The mandatory conditions for a travel permit are each of the following—	24 25
(a)	the permit route may be used only for driving permitted stock;	26 27
(b)	only the number of stock and stock of the description stated in the permit may travel under the permit;	28 29
(c)	stock may travel only on the permit route and in the permit period;	30 31

[s 143]

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- (d) stock may travel only during—
  - (i) daylight hours; or
  - (ii) if the permit states daylight hours for travel—the stated hours;
- (e) stock must travel at the required rate stated in the permit;
- (f) stock must be—
  - (i) supervised at all times; and
  - (ii) enclosed when not travelling;
- (g) reasonable care must be taken to avoid damaging any stock facilities on the permit route or available for use by the permitted stock;
- (h) temporary barriers erected to enclose stock must not adjoin or be attached to a stock facility;
- (i) appropriate signage to warn members of the public about the presence of the permitted stock must be clearly displayed while the stock are travelling under the permit;
- (j) if, under the travel permit, the permitted stock will cross land subject to a grazing permit or grazing authority during the period of that permit or authority, the holder of the travel permit must, no later than 48 hours before the crossing starts, notify the holder of the grazing permit or authority of the nature, location and period of the crossing that will be required;
- (k) for a consecutive travel permit for a management area (an *adjacent management area*) other than the management area where the permitted stock first start travelling, the permit holder must notify the local government for the adjacent management area that the stock are due to travel in the adjacent management area within 24 hours before the travel;

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- 
- (1) adequate public risk insurance must be maintained for the activities carried out under the permit;

(m) the permit is not transferable;

(n) subject to part 5, divisions 2 and 3 and part 6, stock must be removed from the permit route at the end of the permit period.

1

2

3

4

5

6
  - (2) Also, the mandatory conditions include each of the following—

(a) if a conditional use area declaration is in force for land on the permit route—the declared usage conditions;

(b) if the permit route includes a special management area—the special management conditions for the area;

(c) if the permit relates to travel on a State-controlled road—any conditions approved under section 132(3).

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## Division 7 Permit period 15

### 144 Effect of permit 16

- (1) A travel permit takes effect from—

(a) the day it is issued; or

(b) if the permit period starts on later day stated in it—the later day.

17

18

19

20
- (2) A travel permit remains in force, unless it is sooner cancelled, for the permit period stated in it.

21

22

## Division 8 Permit and overdue fees 23

### 145 Permit fee for travel in permit period 24

The holder of a travel permit must pay the issuing local government the fee (the *permit fee*) prescribed under a

[s 146]

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regulation for the permitted stock to travel on the permit route in the permit period.	1 2
<b>146 Overdue travel fee for travel after permit period</b>	3
(1) This section applies if permitted stock remain on a part of the permit route in a local government's management area after the end of the permit period.	4 5 6
(2) The permit holder must pay the local government an amount (the <i>overdue travel fee</i> ) that is twice the amount of the permit fee for each day or part of a day the stock remain on the permit route.	7 8 9 10
<b>147 Application to waive all or part of overdue travel fee</b>	11
(1) A permit holder who must pay an overdue travel fee to a local government may ask it to waive all or part of the fee.	12 13
(2) The local government may waive the overdue travel fee or part of the fee if the local government considers—	14 15
(a) the fee was incurred because of a delay in circumstances beyond the control of the person in charge of the stock; and	16 17 18
(b) the person in charge of the stock could not reasonably have avoided or minimised the delay.	19 20
<i>Examples—</i>	21
• extreme weather conditions	22
• the person in charge of the stock suffering serious illness	23
(3) If the local government decides to waive the overdue travel fee or part of the fee it must give the permit holder and the chief executive notice of the decision.	24 25 26
(4) If the local government decides to refuse to waive the overdue travel fee or part of the fee it must give a review notice about the decision to the permit holder.	27 28 29

<b>148</b>	<b>Payment of permit and overdue travel fees</b>	1
	The holder of a travel permit must pay the issuing local	2
	government the permit fee and, if relevant, the overdue travel	3
	fee by the due day prescribed under a regulation.	4

## **Part 4**                      **Unfit stock** 5

### **Division 1**                **Preliminary** 6

<b>149</b>	<b>Definitions for pt 4</b>	7
	In this part—	8
	<i>affected stock</i> see section 152(1).	9
	<i>original travel permit</i> see section 151.	10
	<i>unfit stock</i> see section 150.	11
	<i>unfit stock (grazing) permit</i> see section 155(2).	12
	<i>unfit stock (travel) permit</i> see section 154(2).	13
	<i>veterinary report</i> , about affected stock, means a written report	14
	prepared by a veterinary surgeon about the condition of the	15
	stock and their estimated rate of travel.	16

<b>150</b>	<b>What are <i>unfit stock</i></b>	17
	<i>Unfit stock</i> are stock that are not able to travel at the required	18
	rate under a travel permit because the stock—	19
	(a) are affected by a disease under the <i>Stock Act 1915</i> ; or	20
	<i>Note</i> —	21
	A local government can grant a travel permit for stock only if	22
	satisfied the stock are not affected by a notifiable disease. See	23
	section 132(1)(e).	24

[s 151]

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- (b) are otherwise injured, sick, malnourished or weakened. 1
- Example—* 2
- stock weakened because of drought conditions 3

**Division 2                      Notice of unfit stock** 4

**151      Application of div 2** 5

This division applies if stock are in a local government’s 6  
management area under a travel permit (the *original travel* 7  
*permit*). 8

**152      Permit holder must give unfit stock notice** 9

- (1) This section applies if there are unfit stock (the *affected stock*) 10  
under the original travel permit. 11
- (2) The permit holder must give a written or oral notice (an *unfit* 12  
*stock notice*) under subsections (3) to (5), unless the permit 13  
holder has a reasonable excuse. 14
- Maximum penalty—50 penalty units. 15
- (3) The permit holder must give the notice to— 16
  - (a) the local government that issued the original travel 17  
permit; and 18
  - (b) if the original travel permit is a consecutive travel 19  
permit— 20
    - (i) the local government for the area where the 21  
affected stock are travelling; and 22
    - (ii) the local government for each area where the stock 23  
are expected to travel under the permit. 24
- (4) The notice must state— 25
  - (a) the reasons for, and the circumstances of, the affected 26  
stock being unfit stock, including, for example, any 27  
diseases from which the stock are suffering; and 28

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(b) whether the affected stock have been diagnosed or treated by a veterinary surgeon and, if so, the result of the diagnosis or treatment.	1 2 3
(5) If the notice is given orally, it must be confirmed in writing within 3 business days after it is given.	4 5
<b>153 Cancellation of original travel permit if no unfit stock notice given</b>	6 7
(1) This section applies if—	8
(a) an authorised person reasonably considers that some of the stock under the original travel permit may be unfit stock; and	9 10 11
(b) the original travel permit holder has not given an unfit stock notice for the stock.	12 13
(2) The local government may give the permit holder a notice requiring the permit holder to give the local government within a stated period at of at least 3 days—	14 15 16
(a) an unfit stock notice for the stock; or	17
(b) if the local government considers it is appropriate—a veterinary report about the stock.	18 19
(3) Subsection (4) applies if—	20
(a) the permit holder does not comply with the notice given under subsection (2); or	21 22
(b) the permit holder gives the veterinary report and the local government still considers the stock are unfit stock.	23 24 25
(4) The local government may cancel the original travel permit under part 6.	26 27
(5) Subsection (4) applies even if the original travel permit is a consecutive travel permit not issued by the local government.	28 29

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[s 154]

<b>Division 3</b>	<b>Unfit stock permit applications</b>	1
<b>154</b>	<b>Application for unfit stock (travel) permit for affected stock</b>	2 3
(1)	This section applies if an original travel permit holder—	4
(a)	gives the local government an unfit stock notice for affected stock travelling under the permit; and	5 6
(b)	considers the affected stock can travel 5km a day.	7
(2)	The permit holder may apply to a local government for a permit (an <i>unfit stock (travel) permit</i> ) to drive the following stock in the management area—	8 9 10
(a)	the affected stock;	11
(b)	if more than half of the stock under the original travel permit are affected stock—the other stock under the original travel permit.	12 13 14
(3)	However, the permit holder can not apply for an unfit stock (travel) permit if, within the last 3 months, any local government has issued, for more than half of the affected stock—	15 16 17 18
(a)	an unfit stock (travel) permit; or	19
(b)	an unfit stock (grazing) permit, unless the application for the permit was made under section 163.	20 21
(4)	Part 3, divisions 1, 3, 4 and 5, other than sections 133, 135, 138 and 140, apply to the application subject to subsection (3) and section 156.	22 23 24
<b>155</b>	<b>Application for unfit stock (grazing) permit for affected stock</b>	25 26
(1)	This section applies if an original travel permit holder—	27
(a)	gives a local government an unfit stock notice for affected stock travelling under the permit; and	28 29

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- (b) considers the affected stock can not travel 5km a day. 1
  - (2) The permit holder may apply to the local government for a 2  
 permit (an *unfit stock (grazing) permit*) to graze the 3  
 following stock in the management area— 4
  - (a) the affected stock; 5
  - (b) if more than half of the stock under the original travel 6  
 permit are affected stock—the other stock under the 7  
 original travel permit. 8
  - (3) However, the person can not apply for an unfit stock (grazing) 9  
 permit if, within the last 3 months, any local government has 10  
 issued, for more than half of the affected stock— 11
  - (a) an unfit stock (travel) permit, unless the application is 12  
 made under section 162; or 13
  - (b) an unfit stock (grazing) permit. 14
  - (4) Chapter 5, part 2, divisions 1 and 3, other than sections 190 15  
 and 194, apply to the application subject to subsection (3) and 16  
 section 156. 17

**156 Special provisions for applications for unfit stock permits 18**

- (1) This section applies if an original travel permit holder applies 19  
 to a local government for an unfit stock permit. 20
- (2) The applicant may apply orally in the first instance but must 21  
 confirm the application in the approved form within 3 days 22  
 after making the oral application. 23
- (3) The application is not required to be accompanied by a fee. 24
- (4) The local government to which the application is made may 25  
 ask the applicant to— 26
- (a) give it a veterinary report about the affected stock; or 27
- (b) arrange for the affected stock to be mustered for 28  
 inspection by an authorised person. 29

[s 157]

<b>157</b>	<b>Cancellation of original travel permit if no unfit stock permit application made</b>	1
		2
(1)	This section applies if an original travel permit holder—	3
(a)	gives a local government an unfit stock notice for affected stock; and	4
		5
(b)	does not apply for an unfit stock permit for the stock within 3 days after the notice is given.	6
		7
(2)	The local government may give the person a notice requiring the person to apply for an unfit stock permit within a stated period of at least 3 days.	8
		9
		10
(3)	If the person does not comply with the requirement, the local government may cancel the permit under part 6.	11
		12
(4)	Subsection (3) applies even if the original travel permit is a consecutive travel permit not issued by the local government.	13
		14

<b>Division 4</b>	<b>Unfit stock permits</b>	15
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<b>158</b>	<b>Special provisions for unfit stock (travel) permit</b>	16
(1)	This section applies if a local government issues a person an unfit stock (travel) permit.	17
		18
(2)	Sections 141, 143 and 144 and part 3, division 8 apply to the permit subject to subsections (3) to (7).	19
		20
(3)	The local government may grant the permit orally in the first instance but must issue it in the approved form as soon as possible after granting it.	21
		22
		23
(4)	The permit period can not be more than 14 days.	24
(5)	The rate (the <i>required rate</i> ) of travel under the permit is 5km a day.	25
		26
(6)	The permit must include the number and description of the stock that can travel under the permit.	27
		28

[s 159]

- (7) The permit is taken to include a condition that the person must, at least 4 days before the term of the permit ends, give the local government notice of the condition of the affected stock and their estimated rate of travel.
- (8) If the original travel permit is a consecutive travel permit, the local government must give a copy of the unfit stock (travel) permit and any notice given under subsection (7) to any interested local government.
- (9) In this section—  
*interested local government* means the local government for a local government area where the stock would, other than for this part, have been expected to travel under the original travel permit.

## 159 Special provisions for unfit stock (grazing) permit

- (1) This section applies if a local government issues a person an unfit stock (grazing) permit.
- (2) Chapter 5, part 2, division 4 and sections 198(3), 199 and 204(1) apply to the permit subject to subsections (3) to (7).
- (3) The local government may grant the permit orally in the first instance but must issue it in the approved form as soon as possible after granting it.
- (4) The permit period can not be more than 14 days.
- (5) The permit must include—
  - (a) the number and description of the stock that can graze under the permit; and
  - (b) if stock under the permit will graze on land subject to a grazing permit or grazing authority during the period of the grazing permit or authority—
    - (i) the name and contact details of the holder of the grazing permit or authority; and
    - (ii) a condition that the holder of the unfit stock (grazing) permit must, no later than 48 hours

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	before the grazing starts, notify the holder of the	1
	grazing permit or authority of the nature and	2
	location of the grazing that will be required.	3
(6)	The permit is taken to include a condition that the person	4
	must, at least 4 days before the term of the permit ends, give	5
	the local government notice of the condition of the affected	6
	stock and their estimated rate of travel.	7
(7)	The permit can not be extended.	8
(8)	If the original travel permit is a consecutive travel permit, the	9
	local government must give a copy of the unfit stock (grazing)	10
	permit and any notice given under subsection (6) to any	11
	interested local government.	12
(9)	In this section—	13
	<i>interested local government</i> means the local government for a	14
	local government area where the stock would, other than for	15
	this part, have been expected to travel under the original travel	16
	permit.	17
<b>Division 5</b>	<b>Effect on original travel permit</b>	18
<b>160</b>	<b>Suspension of operation of original travel permit</b>	19
(1)	This section applies if a local government issues a person an	20
	unfit stock permit for stock.	21
(2)	If the unfit stock permit is for only some of the stock under the	22
	original travel permit, the original travel permit does not apply	23
	to them while the unfit stock permit is in force.	24
(3)	If the unfit stock permit is issued for all the stock under the	25
	original travel permit, the original travel permit is suspended	26
	while the unfit stock permit is in force.	27

<b>161</b>	<b>Complementary changes to original travel permit</b>	<b>1</b>
(1)	If a local government issues an unfit stock permit and, under section 160(2), the original travel permit no longer applies to stock, it must—	2 3 4
(a)	change the conditions of the original travel permit to complement the conditions of the unfit stock permit; and	5 6
	<i>Examples of changes—</i>	7
	• reducing the number of stock under the original travel permit by the number of affected stock under the unfit stock permit for the term of the unfit stock permit	8 9 10
	• changing the period in which the affected stock are allowed to travel on land under the original travel permit to allow for the period the stock are expected to travel or graze under the unfit stock permit	11 12 13 14
(b)	give each relevant person notice of the changes.	15
(2)	If there is an inconsistency between the unfit stock permit and the original travel permit, the unfit stock permit prevails to the extent of the inconsistency.	16 17 18
(3)	If a local government issues an unfit stock permit and the original travel permit is suspended section 160(3), it must give each relevant person notice of the suspension.	19 20 21
(4)	In this section—	22
	<b><i>relevant person</i></b> means—	23
(a)	the grantee of the unfit stock permit; and	24
(b)	the local government for any management area where the stock would, other than for this part, have been expected to travel under the original travel permit.	25 26 27

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<b>Division 6</b>	<b>Subsequent applications for unfit stock permits</b>	1 2
<b>162</b>	<b>Application for unfit stock (grazing) permit after unfit stock (travel) permit</b>	3 4
(1)	This section applies if—	5
(a)	a local government has issued a person with an unfit stock (travel) permit; and	6 7
(b)	either—	8
(i)	some or all of the stock (the <i>relevant stock</i> ) are unable to travel to 5km a day; or	9 10
(ii)	the person considers some or all of the stock (also the <i>relevant stock</i> ) will not be able to travel at the required rate under the original travel permit when the unfit stock (travel) permit ends.	11 12 13 14
(2)	The person may apply to the local government for an unfit stock (grazing) permit for the relevant stock only if—	15 16
(a)	the person has not applied for an unfit stock (grazing) permit for the stock within the last 3 months; and	17 18
(b)	the application is made within 3 days before the unfit stock (travel) permit ends.	19 20
(3)	Chapter 5, part 2, divisions 1 and 3, other than sections 190 and 194, apply to the application subject to subsection (2) and section 156.	21 22 23
(4)	The following apply if the local government issues the unfit stock (grazing) permit—	24 25
(a)	section 159;	26
(b)	division 5;	27
(c)	division 7.	28

[s 163]

<b>163</b>	<b>Application for unfit stock (travel) permit after unfit stock (grazing) permit</b>	1 2
(1)	This section applies if—	3
(a)	a local government has issued a person with an unfit stock (grazing) permit; and	4 5
(b)	the original travel permit for the stock is a standard travel permit; and	6 7
(c)	the person considers some or all of the stock (the <i>relevant stock</i> ) will not be able to travel at the required rate under the original travel permit when the unfit stock (grazing) permit ends.	8 9 10 11
(2)	The person may apply to the local government for an unfit stock (travel) permit for the relevant stock within 3 days before the unfit stock (grazing) permit ends.	12 13 14
(3)	Part 3, divisions 1, 3, 4 and 5, other than sections 133, 135, 138 and 140, apply to the application subject to subsection (2) and section 156.	15 16 17
(4)	The following apply if the local government issues the unfit stock (travel) permit—	18 19
(a)	section 158;	20
(b)	division 5;	21
(c)	division 7.	22

<b>Division 7</b>	<b>End of unfit stock permits</b>	23
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<b>164</b>	<b>Reinstatement of original travel permit</b>	24
(1)	This section applies if at the end of the term of an unfit stock permit an authorised person considers the stock under the permit are fit to resume travel at the required rate under the original travel permit.	25 26 27 28
(2)	The original travel permit as changed under section 161(1) applies.	29 30

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(3)	The local government that issued the unfit stock permit must—	1 2
(a)	make any necessary changes to the conditions of the original travel permit to reflect its reinstatement; and	3 4
	<i>Examples of changes—</i>	5
	<ul style="list-style-type: none"><li>reinstating the number of stock mentioned in the original travel permit</li></ul>	6 7
	<ul style="list-style-type: none"><li>changing the permit period</li></ul>	8
(b)	give notice of the changes to—	9
(i)	the original travel permit holder; and	10
(ii)	the local government for any management area where the stock are expected to travel under the original travel permit.	11 12 13
<b>165</b>	<b>Cancellation of original travel permit if stock not fit to resume travel</b>	14 15
(1)	This section applies if at the end of the term of an unfit stock permit—	16 17
(a)	an authorised person considers the stock under the permit are not fit to resume travel at the required rate under the original travel permit; and	18 19 20
(b)	the person has not made an application under section 162 or 163.	21 22
(2)	The local government may, under part 6, cancel the original travel permit.	23 24

<b>Part 5</b>	<b>Amending permits</b>	1
<b>Division 1</b>	<b>Required amendments</b>	2
<b>166</b>	<b>Permit holder to give notice of correct particulars</b>	3
(1)	This section applies if, because of a change in circumstances, any of the following particulars contained in a travel permit or an unfit stock permit is no longer correct—	4 5 6
(a)	the permit holder's name and contact address or telephone number;	7 8
(b)	the name of the person in charge of the stock under the permit;	9 10
(c)	the stock's brands and earmarks registered under the <i>Brands Act 1915</i> and other marks identifying ownership;	11 12 13
(d)	other information prescribed under a regulation.	14
(2)	The permit holder must, within 10 business days after the change happens, give notice of the correct particular to the local government issuing the permit.	15 16 17
	Maximum penalty—50 penalty units.	18
(3)	On receiving the notice, the local government must amend the permit to show the correct particulars.	19 20
<b>Division 2</b>	<b>Amendment by application</b>	21
<b>167</b>	<b>Application to amend travel permit</b>	22
(1)	This section applies to an amendment of a travel permit, other than an amendment relating to a condition of the permit.	23 24

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<i>Examples of an amendment relating to a permit condition—</i>	1
an amendment of the permit route or the description of the permitted stock	2 3
(2) The permit holder may apply to the local government for the amendment of the permit.	4 5
(3) The application must—	6
(a) be made before the permit period ends; and	7
(b) be in the approved form; and	8
(c) identify the part of the permit sought to be changed; and	9
(d) be accompanied by the fee prescribed under a regulation.	10 11
 <b>168 Decision on application</b>	 12
(1) The local government must consider the application and decide to—	13 14
(a) grant it by changing the part of the permit in the way requested by the applicant; or	15 16
(b) grant it by changing the part of the permit, other than in a way requested by the applicant; or	17 18
(c) refuse it.	19
(2) However, the local government can not amend a permit route if the amendment would allow the permitted stock to travel on a part of the permit route on which they have already travelled under the permit.	20 21 22 23
(3) Subsection (2) does not apply if the local government considers the amendment is necessary because of an event beyond the permit holder's control.	24 25 26
<i>Examples of events—</i>	27
• extreme weather conditions affecting the permit route	28
• fire or flooding on or affecting the permit route	29

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<b>169</b>	<b>Notice of decision</b>	1
(1)	If the local government decides to grant the application it must give the applicant—	2
(a)	the permit as amended in the approved form; and	3
(b)	if it decides to refuse the application or change a part of the permit other than in a way requested by the applicant—a review notice about the decision.	4
(2)	If the local government fails to decide the application within 3 business days after receiving it—	5
(a)	the failure is taken to be a decision by the local government to refuse the application; and	6
(b)	the applicant is entitled to be given a review notice by the local government for the decision.	7

## Division 3 Amendment by local government 14

<b>170</b>	<b>Local government may amend travel or unfit stock permit</b>	15
(1)	This section applies if—	16
(a)	after a travel permit or an unfit stock permit is issued—	17
(i)	a closed area declaration or conditional use area declaration is made for land on the permit route; or	18
(ii)	a special management condition for the use of land on the permit route takes effect; or	19
(iii)	there is another material change in circumstances; and	20
	<i>Examples—</i>	21
	• extreme weather conditions affecting the permit route	22
	• fire or flooding on or affecting the permit route	23
	• a disruption to the water supply on a part of the permit route causing significant decrease in the capacity of the permit route to support the permitted stock	24

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- (b) the local government issuing the permit considers— 1
- (i) it is necessary to amend the permit because of the 2  
declaration, condition or change in circumstances; 3  
and 4
- Examples of amendments—* 5
- reducing the number of stock allowed under the 6  
permit 7
  - changing the permit route 8
  - changing the permit period 9
- (ii) if the permit were amended, stock could travel 10  
under the permit, as amended, under any amended 11  
permit conditions and this Act. 12
- (2) The local government must give the permit holder a notice (an 13  
*amendment notice*)— 14
- (a) stating— 15
- (i) the decision to amend the permit; and 16
- (ii) the day, at least 3 business days after the notice is 17  
given, that the amendment takes effect; and 18
- (b) accompanied by— 19
- (i) the amended permit; and 20
- (ii) a review notice for the decision. 21
- (3) The permit is amended from the day stated in the amendment 22  
notice. 23

## **Division 4                      Replacement of travel permit** 24

### **171      Issuing replacement permit if permit amended** 25

- (1) If a travel permit is amended under this part, the local 26  
government issuing the permit may, by notice, require the 27  
permit holder to return the permit. 28

[s 172]

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- |  |                  |
|--|------------------|
| (2) The holder must comply with the requirement unless the permit has been lost, stolen or destroyed because of circumstances beyond the holder's control.                                 | 1<br>2<br>3      |
| Maximum penalty—50 penalty units.  | 4                |
| (3) On receiving the permit, if a replacement permit has not already been issued, the local government must issue the permit holder a replacement permit, showing the correct particulars. | 5<br>6<br>7<br>8 |
| (4) The local government must give the chief executive a copy of each replacement permit it issues.  | 9<br>10          |

## **Part 6** **Cancellation of permits** 11

### **172** **Grounds** 12

- |  |                      |
|--|----------------------|
| (1) Each of the following is a ground for a local government to cancel a travel permit or an unfit stock permit—   | 13<br>14             |
| (a) the permit was issued because of a materially false or misleading representation or document, made either orally or in writing;  | 15<br>16<br>17       |
| (b) the permit holder has not complied with a condition of the permit;   | 18<br>19             |
| (c) there is unlikely to be enough pasture or water to sustain the stock under the permit for the rest of the term of the permit;  | 20<br>21<br>22       |
| (d) a closed area declaration or conditional use area declaration is made, or a special management condition is in force, for land on the permit route and the local government considers— | 23<br>24<br>25<br>26 |
| (i) it is necessary to cancel the permit because of the declaration or condition; and  | 27<br>28             |

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- (ii) it is not practicable to amend the permit under section 170. 1  
2
- (2) A travel permit may also be cancelled on a ground mentioned in sections 153, 157 and 165. 3  
4
  
- 173 Procedure** 5
- (1) This section applies if an issuing local government— 6
  - (a) considers a ground for cancelling a permit exists under section 172; and 7  
8
  - (b) decides to cancel the permit. 9
- (2) The local government must give the permit holder a notice (a ***cancellation notice***) stating each of the following— 10  
11
  - (a) that the permit is cancelled; 12
  - (b) the grounds for the cancellation; 13
  - (c) the facts and circumstances that are the basis for the grounds; 14  
15
  - (d) if section 176 applies—each consecutive travel permit for a later permit period is also cancelled under that section; 16  
17  
18
  - (e) the permit holder must remove the permitted stock from the permit route within a stated period (the ***removal period***) of at least 3 days after the notice is given; 19  
20  
21
  - (f) if the stock are not removed from the permit route in the removal period, an authorised person may seize the stock under section 113. 22  
23  
24
- (3) The cancellation notice must include or be accompanied by a review notice for the decision. 25  
26
- (4) If the permit is a consecutive travel permit, the local government must also give a copy of the notice to any local government that has issued a consecutive travel permit for a later permit period. 27  
28  
29  
30

[s 174]

(5)	The cancellation of a travel permit or unfit stock permit has effect—	1 2
(a)	at the end of the removal period; or	3
(b)	any later day stated in the cancellation notice.	4
<b>174</b>	<b>Refund of permit fee</b>	5
(1)	This section applies if—	6
(a)	the permit route for a permit is more than 100km; and	7
(b)	the permit holder has paid the permit fee; and	8
(c)	the permitted stock are removed from the permit route within the permit period.	9 10
(2)	The local government must refund to the holder the amount of the fee paid less the amount that was payable for the travelling of the permitted stock before they were removed.	11 12 13
<b>175</b>	<b>Holder of cancelled permit required to remove stock</b>	14
	If a travel permit or unfit stock permit is cancelled under this part, the permit holder must ensure the stock under the permit are removed from the permit route before the cancellation has effect.	15 16 17 18
<b>176</b>	<b>Cancellation of later consecutive travel permits</b>	19
(1)	This section applies if—	20
(a)	a consecutive travel permit is cancelled under this part; and	21 22
(b)	a local government has issued a consecutive travel permit (the <i>later consecutive travel permit</i> ) for a permit period starting after the cancellation notice is given; and	23 24 25
(c)	the local government is given a copy of the cancellation notice.	26 27

[s 177]

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- (2) The local government must immediately cancel the later  
consecutive travel permit. 1  
2

**Chapter 5                      Grazing stock** 3

**Part 1                              Permits and authorities for** 4  
**grazing stock** 5

**177      Types of permits and authorities** 6

The types of permits and authorities for grazing stock that can  
be issued under this Act are as follows— 7  
8

- (a) emergency grazing permits; 9  
(b) short-term grazing permits; 10  
(c) grazing authorities; 11  
(d) unfit stock (grazing) permits under chapter 4, part 4. 12

*Notes—* 13

- 1 The permit periods for grazing permits are provided under section 14  
198. 15  
2 The authority period for a grazing authority is provided under 16  
section 220. 17  
3 The permit period for an unfit stock (grazing) permit is provided 18  
under section 159(4). 19

**178      What does a permit or authority authorise** 20

- (1) A permit or authority mentioned in section 177 authorises the 21  
holder to graze stock in a designated area on the stock route 22  
network or public (stock access) land under the conditions of 23  
the permit or authority. 24

- |  |                  |
|--|------------------|
| (2) The permit or authority may also authorise the holder to use particular stock facilities or types of stock facilities that are in the permit or authority area or have been supplied for the use of stock in the permit or authority area. | 1<br>2<br>3<br>4 |
|--|------------------|

<b>Part 2</b>	<b>Grazing permits</b>	5
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<b>Division 1</b>	<b>Application for emergency grazing permit</b>	6 7
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- |            |  |                     |
|------------|--|---------------------|
| <b>179</b> | <b>Who may apply for permit</b>  | 8                   |
|            | A person who owns stock or is authorised by the owner of stock may apply to a local government for an emergency grazing permit to graze the stock (the <i>proposed stock</i> ) on land in the local government's management area if— | 9<br>10<br>11<br>12 |
|            | (a) the stock are on land (the <i>current location</i> ), whether within or outside the local government area; and   | 13<br>14            |
|            | (b) the capacity of the current location to sustain the stock has been adversely affected by—  | 15<br>16            |
|            | (i) fire; or   | 17                  |
|            | (ii) flood; or   | 18                  |
|            | (iii) severe weather conditions, including, for example, a cyclone;  | 19<br>20            |
|            | (iv) an event, other than drought, the effects of which the person could not have reasonably avoided or significantly mitigated.   | 21<br>22<br>23      |
|            | <i>Example of an event that could reasonably be avoided—</i>   | 24                  |
|            | allowing stock to overgraze the current location   | 25                  |

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<b>180</b>	<b>Requirements for application</b>	1
	The application must—	2
	(a) be in the approved form; and	3
	(b) state the number and description of the stock to graze under the permit; and	4
	(c) show the area (the <i>proposed area</i> ) on which the stock are to graze under the permit; and	5
	(d) state the period (the <i>proposed period</i> ) in which the stock are to graze under the permit; and	6
	(e) be accompanied by the fee prescribed under a regulation.	7
		8
		9
		10
		11
<b>Division 2</b>	<b>Application for short-term grazing permit</b>	12
		13
<b>Subdivision 1</b>	<b>Making land available for short-term grazing</b>	14
		15
<b>181</b>	<b>Local government may make land available</b>	16
	(1) A local government may make land in its management area available for grazing under this division only if—	17
	(a) the land is not subject to—	18
	(i) a lease or permit under the Land Act; or	19
	(ii) a permit or grazing authority issued under this Act; and	20
	(b) if the land includes a a State-controlled road, the road transport chief executive has approved the use of the road for grazing; and	21
	(c) the local government considers—	22
		23
		24
		25
		26

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- (i) there is likely to be enough pasture available for driving and grazing stock on the land; and
    - (ii) grazing on the land is not likely to—
      - (A) reduce the level of pasture below a level reasonably likely to be required for the use of travelling stock; or
      - (B) cause loss of biodiversity or cultural heritage on or relating to the land; or
      - (C) adversely affect a special management area.
  - (2) The road transport chief executive may approve grazing on the land with conditions but the conditions can only be about road-related matters.
  - (3) For subsection (1)(c)(i), the local government must have regard to the permits that have previously been issued to use the land for driving and grazing stock.
  - (4) For subsection (1)(c)(ii)(A), the local government must have regard to the applications it reasonably expects to receive for permits to use the land for driving and grazing stock.

## 182 Public notice of availability of land

- (1) The local government may publish a notice (a *public notice*) about the availability of land under section 181 in a newspaper circulating generally in the local government area.
- (2) The notice must state—
  - (a) details sufficient to identify the land; and
  - (b) that an eligible person may apply for a short-term grazing permit for all or part of the land within a period of at least 10 business days after the notice is published; and
  - (c) whether or not water is available for stock on the land; and

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- (d) the conditions on which a short-term grazing permit for the land or part of the land must be granted. 1  
2
- Examples of conditions—* 3
  - a condition that the applicant is responsible for providing water for the stock 4  
5
  - a condition limiting the number of stock that can be grazed on the land 6  
7

**Subdivision 2      Applying for permit** 8

**183      Application in response to public notice** 9

A person who owns stock or is authorised by the owner of stock may apply to a local government in response to a public notice for a short-term grazing permit to graze the stock on land made available under section 181. 10  
11  
12  
13

**184      Application on basis of drought-affected land** 14

- (1) A person may apply for a short-term grazing permit to graze stock on land in a local government’s management area, other than land made available under section 181, if— 15  
16  
17
  - (a) the person owns the stock or is authorised by the owner of the stock to apply for the permit; and 18  
19
  - (b) the stock are being grazed on land (the *current location*), whether within or outside the local government area; and 20  
21  
22
  - (c) the current location has been drought-declared or is within a drought-declared area; and 23  
24
  - (d) the capacity of the current location to sustain stock has been adversely affected by drought. 25  
26
- (2) However, a person can not apply for a short-term grazing permit under subsection (1) if the proposed area includes part of a primary A stock route or primary A reserve. 27  
28  
29

(3)	In this section—	1
	<i>drought-declared</i> means declared to be severely affected by drought, however described, for eligibility for assistance under a scheme administered by the Commonwealth or the State.	2 3 4 5
	<i>drought-declared area</i> means an area that is considered to be severely affected by drought, however described, for eligibility for assistance under a scheme administered by the Commonwealth or the State.	6 7 8 9
<b>185</b>	<b>Requirements for application</b>	10
	An application for a short-term grazing permit must—	11
	(a) be in the approved form; and	12
	(b) state the number and description of the stock to graze under the permit; and	13 14
	(c) show the area (the <i>proposed area</i> ) on which the stock are to graze under the permit; and	15 16
	(d) state the period (the <i>proposed period</i> ) in which the stock are to graze under the permit; and	17 18
	(e) be accompanied by the fee prescribed under a regulation.	19 20
<b>Division 3</b>	<b>Dealing with applications for emergency or short-term grazing permits</b>	21 22 23
<b>Subdivision 1</b>	<b>Additional information</b>	24
<b>186</b>	<b>Additional information for application</b>	25
(1)	The local government may, by notice, ask the applicant to give the local government further reasonable information or	26 27

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documents about the application in the following period (the <i>information period</i> )—	1
	2
(a) the period of at least 3 business days stated in the notice;	3
(b) any longer period agreed between the local government and the applicant.	4
	5
(2) The local government may refuse the application if the applicant does not give the local government the information or documents in the information period, without reasonable excuse.	6
	7
	8
	9

**Subdivision 2      Deciding applications** 10

**187      Deciding application** 11

(1) The local government must consider the application and decide to—	12
	13
(a) grant it; or	14
(b) grant it and impose conditions on the permit, as well as the mandatory conditions; or	15
	16
(c) refuse it.	17
(2) The conditions may include the following—	18
(a) a condition requiring the applicant to graze the stock in an area (the <i>alternative area</i> ) other than the proposed area (an <i>alternative area condition</i> );	19
	20
	21
(b) a condition requiring the applicant to be responsible for supplying adequate water for the stock for part or all of the permit period;	22
	23
	24
(c) a condition requiring the applicant to maintain in good working order a stock facility for the use of stock under the grazing permit;	25
	26
	27
(d) a condition prohibiting the applicant from using a stated water facility that is in the permit area or has been supplied for the use of stock in the permit area;	28
	29
	30

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(e)	a condition limiting the number of stock that can graze under the permit (a <i>stock limitation condition</i> ).	1 2
(3)	However, the local government may impose an alternative area condition, only if it—	3 4
(a)	would otherwise have refused to grant the application under this subdivision for the proposed area; and	5 6
(b)	is satisfied of the matters under this subdivision relating to the alternative area.	7 8
(4)	Also, the local government may impose a stock limitation condition only if it considers it is necessary to prevent pasture being grazed below a level reasonably likely to be required for travelling stock during and after the proposed period.	9 10 11 12
<b>188</b>	<b>Criteria for deciding all applications</b>	13
(1)	The local government may grant the application only if it is satisfied—	14 15
(a)	the proposed area—	16
(i)	is not subject to a lease or permit under the Land Act; and	17 18
(ii)	is not expected to be subject to another grazing permit or a grazing authority in the proposed period; and	19 20 21
(b)	grazing of the stock in the proposed area is not likely to—	22 23
(i)	introduce a declared pest to, or spread a declared pest within, the land; or	24 25
(ii)	cause, or significantly increase the extent of, land degradation; or	26 27
(iii)	adversely affect a special management area; or	28
(iv)	present an unreasonable risk to the safety of road users; or	29 30

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- (v) damage road transport infrastructure or the surface of a formed road; and 1  
2
    - (c) the stock are not affected by a notifiable disease; and 3
    - (d) there is likely to be enough pasture and water available to sustain the stock in the proposed period; and 4  
5
    - (e) the proposed grazing of the stock is not likely to reduce the level of the pasture in the proposed route below a level reasonably likely to be required for the use of travelling stock after the proposed period ends; and 6  
7  
8  
9
    - (f) if water is not available or the availability of water in the permit area is limited, that the applicant has made arrangements for the adequate supply of water to the stock for the permit period; and 10  
11  
12  
13
    - (g) the applicant has or can obtain adequate public risk insurance for the activities to which the application relates for the proposed period; and 14  
15  
16
    - (h) another matter prescribed under a regulation. 17
  - (2) For subsection (1)(d), the local government must have regard to the permits that have been issued to use the proposed route for stock before the proposed period starts. 18  
19  
20
  - (3) For subsection (1)(e), the local government must have regard to the applications for travel permits that it reasonably expects to receive after the proposed period ends. 21  
22  
23
  - (4) Also, if the proposed area includes a State-controlled road, the local government may grant the application only if the use of the road for grazing is approved, with or without conditions, by the road transport chief executive. 24  
25  
26  
27
  - (5) A condition of an approval mentioned in subsection (4) can only be about road-related matters. 28  
29

## **189 Restriction on granting emergency grazing permit 30**

- (1) This section applies if the application is for an emergency grazing permit. 31  
32

[s 190]

- (2) The local government may grant the application only if satisfied that, in the 3 months immediately before the application was made, neither the applicant nor an associate of the applicant held a grazing permit or unfit stock (grazing permit for any of the proposed stock.

## **190 Restriction on granting application for short-term grazing permit on basis of drought-affected land**

- (1) This section applies if the application was made under section 184.
- (2) The local government may grant the application only if satisfied—
  - (a) the stock are being grazed at the current location; and
  - (b) the current location has been drought-declared or is within a drought-declared area; and
  - (c) the capacity of the current location to sustain stock has been adversely affected by drought; and
  - (d) in the year immediately before the application was made, neither the applicant nor an associate of the applicant has applied for a short-term grazing permit under section 184(2) for land in the local government's management area and been issued the permit.

## **Subdivision 3 Granting applications**

### **191 Issuing emergency grazing or short-term grazing permit**

- (1) This section applies if a local government decides to grant an application for—
  - (a) an emergency grazing permit; or
  - (b) a short-term grazing permit.
- (2) The local government must—

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- (a) issue the permit in the approved form; and 1
- (b) give the applicant— 2
  - (i) the permit; and 3
  - (ii) if the local government decides to impose a 4  
condition on the permit—a review notice about the 5  
decision; and 6
- (c) give the chief executive a copy of the permit. 7

**Subdivision 4 Refusing or failing to decide 8**  
**applications 9**

**192 Decision to refuse application 10**

If the local government decides to refuse an application for an 11  
emergency grazing permit or short-term grazing permit, it 12  
must immediately give the applicant a review notice about the 13  
decision. 14

**193 Failure to decide application 15**

- (1) This section applies if a local government fails to decide an 16  
application for an emergency grazing permit or short-term 17  
grazing permit within the latest of the following periods to 18  
end— 19
  - (a) within 5 business days after the application is made; 20
  - (b) if it has requested additional information or a document 21  
under section 186— 22
    - (i) the end of 5 business days after the information or 23  
document is received; or 24
    - (ii) the end of 5 business days after the end of the 25  
information period. 26
- (2) The failure to decide is taken to be a decision by the local 27  
government to refuse the application for which the applicant 28

is taken to be entitled to have been given a review notice under  
section 192. 1  
2

#### **194 Refund of application fee for short-term grazing permit** 3

- (1) This section applies if a local government refuses an  
application for a short-term grazing permit (the *refused  
application*) because it has granted another application for a  
short-term grazing permit for all or part of the proposed area  
or proposed period to which the refused application related. 4  
5  
6  
7  
8
- (2) The local government must refund the application fee paid for  
the refused application. 9  
10

### **Division 4 Permit contents** 11

#### **195 Contents of grazing permit** 12

A grazing permit must state the following— 13

- (a) the period (the *permit period*) for which it is in force; 14
- (b) the area (*permit area*) where stock can graze under the  
permit; 15  
16
- (c) the number and description of the stock (the *permitted  
stock*) that can graze under the permit; 17  
18
- (d) the level of pasture in the permit area that must be  
retained for travelling stock after the permit period ends; 19  
20
- (e) the mandatory conditions for the permit under section  
196; 21  
22
- (f) a description of any stock facilities available for the use  
of the permitted stock in the permit area; 23  
24
- (g) if the permit holder is required under a condition of the  
grazing permit to maintain a stock facility, the  
requirements for maintaining the stock facility; 25  
26  
27

[s 196]

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- (h) any conditions imposed under section 187(1)(b); 1
- (i) the permit fee. 2

**196 Mandatory conditions** 3

- (1) The mandatory conditions for a grazing permit are as follows— 4  
5
  - (a) the permit area may be used only for grazing permitted 6  
stock; 7
  - (b) only the number of stock and stock of the description 8  
stated in the permit may graze under the permit; 9
  - (c) the permitted stock may graze only within the permit 10  
area; 11
  - (d) the stock must be kept off formed roads; 12
  - (e) if the permit area is not enclosed, the stock must be 13  
enclosed or supervised; 14
  - (f) appropriate signage to warn members of the public 15  
about the presence of the permitted stock must be 16  
clearly displayed while the stock are grazing under the 17  
permit; 18
  - (g) pasture in the permit area must not be reduced to less 19  
than a level likely to be required for travelling stock 20  
after the permit period ends; 21
  - (h) any declared pest plants in the permit area must be kept 22  
under control; 23
  - (i) if the boundary of the permit area, other than a 24  
State-controlled road, is fenced with a stock-proof 25  
fence, whether or not erected by the permit holder, the 26  
permit holder must ensure— 27
    - (i) an adequate number of gates are installed at 28  
appropriate places on the fence to allow stock to 29  
access the permit area; and 30

- 
- |   |                    |
|---|--------------------|
| (ii) the gates remain unlocked during the permit period; and  | 1<br>2             |
| (iii) the fencing is maintained in a stock-proof condition during the permit period;  | 3<br>4             |
| (j) reasonable care must be taken to avoid damaging any stock facilities in the permit area or available for use by the permitted stock;  | 5<br>6<br>7        |
| (k) if stock (the <i>priority stock</i> ) are authorised to travel or graze in the permit area under a travel permit or unfit stock permit, the priority stock must be allowed to use the permit area in priority to the permitted stock; | 8<br>9<br>10<br>11 |
| (l) adequate public risk insurance must be maintained for the activities carried out under the permit;  | 12<br>13           |
| (m) the permit is not transferable;   | 14                 |
| (n) subject to sections 200(5) and 245, stock must be removed from the permit area at the end of the permit period;   | 15<br>16<br>17     |
| (o) as directed by the local government, any improvements installed in the permit area must be removed at the end of the permit period.   | 18<br>19<br>20     |
| (2) Also, the mandatory conditions include each of the following—   | 21<br>22           |
| (a) if a conditional use area declaration is in force for land in the permit area—the declared usage conditions;  | 23<br>24           |
| (b) if the permit area includes a special management area—the special management conditions for the special management area;  | 25<br>26<br>27     |
| (c) if the permit area includes a State-controlled road—any conditions approved under section 188(4).   | 28<br>29           |

[s 197]

<b>197</b>	<b>Local government to give notice of use of grazing permit area under travel permit</b>	1 2
(1)	This section applies if part of the permit area for a grazing permit is required for the use of stock under a travel permit or unfit stock permit in the permit period for the grazing permit.	3 4 5
(2)	The local government must give the holder of the grazing permit a written or oral notice stating—	6 7
(a)	that a travel permit or unfit stock permit has been granted for stock to use the stated part of the permit area; and	8 9 10
(b)	the period (the <i>usage period</i> ) in which the stock will be using the part of the permit area under the travel permit or unfit stock permit; and	11 12 13
(c)	the holder of the grazing permit must remove stock grazing under the grazing permit from the part of the permit area during the usage period.	14 15 16
(3)	The notice—	17
(a)	must be given no later than 48 hours before the usage period starts; and	18 19
(b)	if it is given orally—must be confirmed in writing as soon as practicable after it is given.	20 21
(4)	A failure to comply with this section does not invalidate or otherwise affect the condition of the grazing permit mentioned in section 196(1)(k).	22 23 24

<b>Division 5</b>	<b>Permit period</b>	25
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<b>198</b>	<b>Permit periods for grazing permits</b>	26
(1)	The permit period for an emergency grazing permit can not be more than the following (the <i>maximum permit period</i> )—	27 28
(a)	if the permit area includes part of a primary stock route or primary reserve—14 days;	29 30

(b)	otherwise—28 days.	1
(2)	The permit period for a short-term grazing permit can not be more than the following (also the <i>maximum permit period</i> )—	2
(a)	if the permit area includes part of a primary A stock route or primary A reserve—6 weeks;	3
(b)	if the application for the permit was made under section 183 and the permit area includes part of a primary B stock route or primary B reserve—6 weeks;	4
(c)	otherwise—3 months.	5
(3)	To remove any doubt, it is declared that if a grazing permit is issued for a permit area including a part of a stock route or reserve for travelling stock adjoining a stock route and the classification of the stock route is later changed, the permit period is not affected by the change.	6
(4)	In this section—	7
	<i>primary B reserve</i> means a reserve for travelling stock that—	8
(a)	adjoins a primary B stock route; and	9
(b)	does not adjoin a primary A stock route.	10
<b>199</b>	<b>Effect of permit</b>	11
(1)	A grazing permit takes effect from—	12
(a)	the day it is issued; or	13
(b)	if the permit period starts on a later day stated in it—the later day.	14
(2)	A grazing permit remains in force, unless it is sooner cancelled, for the permit period stated in it.	15

[s 200]

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<b>Division 6</b>	<b>Extending permits</b>	1
<b>200</b>	<b>Application for extension</b>	2
(1)	This section applies if a local government has issued a grazing permit for less than the maximum permit period.	3 4
(2)	The holder of the permit may apply to the local government to extend the period of the permit for the permitted stock up to the maximum permit period.	5 6 7
(3)	The application must be made—	8
(a)	in the approved form; and	9
(b)	no later than 3 business days before the permit period ends.	10 11
(4)	The application may be made orally in the first instance but must be made in the approved form no later than 3 business days before the permit period ends.	12 13 14
(5)	Subject to subsection (2), the permit remains in force until the applicant has been notified of the local government's decision on the application.	15 16 17
<b>201</b>	<b>Deciding application</b>	18
(1)	The local government must consider the application and decide to—	19 20
(a)	grant it; or	21
(b)	grant it and impose conditions on the extended permit; or	22 23
(c)	refuse it.	24
(2)	The local government may grant the application only if it is still satisfied of the matters mentioned in—	25 26
(a)	section 188; and	27
(b)	if relevant, section 189 or 190.	28

<b>202</b>	<b>Extending permit</b>	1
	If the local government decides to grant the application, it—	2
	(a) may extend the permit up to the maximum permit period; and	3 4
	(b) must give the applicant—	5
	(i) a notice stating—	6
	(A) the period for which the permit has been extended; and	7 8
	(B) the permit fee for the extended permit period; and	9 10
	(ii) if it decides to impose a condition on the extended permit—a review notice about the decision.	11 12
<b>203</b>	<b>Refusing application</b>	13
	If the local government decides to refuse the application, it must immediately give the applicant a review notice about the decision.	14 15 16
<b>Division 7</b>	<b>Permit fees</b>	17
<b>204</b>	<b>Permit fee for grazing</b>	18
	(1) The holder of a grazing permit must, before the permit period starts, pay the issuing local government the fee (the <i>permit fee</i> ) prescribed under a regulation for the permitted stock to graze under the permit.	19 20 21 22
	(2) If a grazing permit is extended under division 6, the permit holder must pay the local government the permit fee for the extended permit period within 3 business days after the local government gives the notice mentioned in section 202(b)(i).	23 24 25 26

<b>Part 3</b>	<b>Grazing authorities</b>	1
<b>Division 1</b>	<b>Applying for a grazing authority</b>	2
<b>Subdivision 1</b>	<b>Applications generally</b>	3
<b>205</b>	<b>Who may apply</b>	4
(1)	A person may apply to a local government for a grazing authority to graze stock on land in the local government's management area if—	5 6 7
(a)	the person—	8
(i)	owns stock or is authorised by the owner of stock; and	9 10
(ii)	owns or occupies land on which the person grazes stock, whether within or outside the local government area; or	11 12 13
(b)	for land that is an accessible grazing area—the person is an owner of land adjoining the accessible grazing area (the <i>preferred applicant</i> ).	14 15 16
(2)	However, a person can not apply for a grazing authority to graze stock on—	17 18
(a)	a part of a primary A stock route that is enclosed on both sides; or	19 20
(b)	a reserve for travelling stock adjoining a stock route mentioned in paragraph (a).	21 22
<b>206</b>	<b>Requirements for application</b>	23
	An application for a grazing authority must—	24
(a)	be in the approved form; and	25

[s 207]

- 
- (b) show the area (the *proposed area*) on which the stock are to graze under the grazing authority; and
  - (c) state the period (the *proposed period*) in which the stock are to graze under the grazing authority; and
  - (d) be accompanied by the fee prescribed under a regulation.

## **Subdivision 2      Invitations for applications for accessible grazing areas**

### **207      What is an *accessible grazing area***

- An area is an *accessible grazing area* if—
- (a) the area—
    - (i) is in a local government’s management area; and
    - (ii) adjoins land that is owned or occupied by a person other than the State or a local government; and
  - (b) the boundary or part of the boundary between the area and the adjoining land is not fenced with a stock-proof fence.

### **208      Invitation to apply for grazing authority for accessible grazing area**

- (1) A local government may give an owner of land adjoining an accessible grazing area in its management area a written invitation to apply for a grazing authority to graze stock in the accessible grazing area.
- (2) The invitation must state—
  - (a) a reasonable period of at least 20 business days for the owner to apply for a grazing authority in response to the notice; and

[s 209]

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- (b) if the owner does not apply for a grazing authority in the  
stated period, that the local government may consider  
applications from others for a grazing authority for the  
accessible grazing area.

**Division 2                      Dealing with application                      5**

**Subdivision 1                      Additional information                      6**

**209                      Additional information for application                      7**

- (1) The local government may, by notice, ask the applicant to  
give the local government further reasonable information or  
documents about the application in the following period (the  
*information period*)—
  - (a) the period of at least 10 business days stated in the  
notice;
  - (b) any longer period agreed between the local government  
and the applicant.
- (2) The local government may refuse the application if the  
applicant does not give the local government the information  
or documents in the information period, without reasonable  
excuse.

**Subdivision 2                      Deciding application                      20**

**210                      Deciding application                      21**

- (1) The local government must consider the application and  
decide to—
  - (a) grant it; or
  - (b) grant it and impose conditions on the grazing authority,  
as well as the mandatory conditions; or

- 
- (c) refuse it. 1
  - (2) The conditions may include the following— 2
    - (a) a condition requiring the applicant to have entered, before the authority period starts, a water facility agreement to use a water facility available for stock under the grazing authority; 3 4 5 6
    - (b) a condition requiring the applicant to be responsible for supplying adequate water for the stock for part or all of the authority period; 7 8 9
    - (c) a condition requiring the applicant to maintain in good working order a stock facility for the use of stock under the grazing authority; 10 11 12
    - (d) a condition prohibiting the applicant from using a stated water facility that is in the authority area or has been supplied for the use of stock in the authority area; 13 14 15
    - (e) a condition limiting the number of stock that can graze under the authority (*a stock limitation condition*). 16 17
  - (3) However, the local government may impose a stock limitation condition only if it considers it is necessary to prevent pasture being grazed below a level reasonably likely to be required for travelling stock during and after the proposed period. 18 19 20 21
- 211 Criteria for deciding application** 22
- (1) The local government may grant the application only if satisfied— 23 24
    - (a) the proposed area— 25
      - (i) is not subject to a lease or permit under the Land Act; and 26 27
      - (ii) is not expected to be subject to a grazing permit or another grazing authority in the proposed period; and 28 29 30

[s 211]

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- (b) if the proposed area includes a special management area—the special management conditions allow grazing in the area; and
- (c) grazing stock in the proposed area is not likely to—
  - (i) introduce a declared pest to, or spread a declared pest within, the area; or
  - (ii) cause, or significantly increase the extent of, land degradation; or
  - (iii) cause a loss of biodiversity or cultural heritage in or relating to the area; or
  - (iv) present an unreasonable risk to the safety of road users; or
  - (v) adversely affect a special management area; and
- (d) none of the stock are affected by a notifiable disease; and
- (e) there is likely to be enough pasture and water available to sustain the stock in the period (the *proposed period*) to which the application relates; and
- (f) grazing stock is not likely to reduce the level of pasture in the proposed area below a level that is reasonably likely to be required for the use of travelling stock during and after the proposed period; and
- (g) if land in the proposed area is bounded by a fence and a person (the *relevant person*) other than the applicant is liable to maintain the fence or contribute to its maintenance, the applicant—
  - (i) has entered a written agreement with the relevant person for the maintenance of the fence during the proposed period; or
  - (ii) will enclose the stock, other than by using the fence; and

<i>Example—</i>	1
erecting a temporary electric fence adjacent to the boundary	2 3
(h) if a water facility is to be made available for stock under the grazing authority, that the applicant—	4 5
(i) has or, before the authority period starts, will have, entered into a water facility agreement to use the water facility; and	6 7 8
(ii) is willing and able to carry out any maintenance required under the water facility agreement; and	9 10
(i) another matter prescribed under a regulation.	11
(2) For subsection (1)(e), the local government must have regard to the travel permits, grazing permits and grazing authorities that have been issued to use the proposed area for stock before the proposed period starts.	12 13 14 15
(3) For subsection (1)(f), the local government must have regard to the applications it reasonably expects to receive for travel permits, grazing permits or grazing authorities to use the proposed area for stock after the proposed period ends.	16 17 18 19
(4) Also, if the proposed area includes a State-controlled road, the local government may grant the application only if the use of the road for grazing is approved, with or without conditions, by the road transport chief executive.	20 21 22 23
(5) A condition of an approval mentioned in subsection (4) can only be about road-related matters.	24 25
<b>212 Priority for deciding application for accessible grazing area</b>	26 27
(1) This section applies to an application for a grazing authority for an accessible grazing area if—	28 29
(a) the local government receives 2 or more applications for grazing authorities for—	30 31

[s 212]

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- (i) the same, or the same part of, the road (the *relevant area*); and 1  
2
  - (ii) the same, or the same part of, the proposed period 3  
(the *relevant period*); and 4
- (b) the local government has not already decided an 5  
application for a grazing authority for the relevant area 6  
or the relevant period. 7
- (2) If 1 of the applicants is a preferred applicant, the local 8  
government must decide the preferred applicant's application 9  
first. 10
- (3) If none of the applicants is a preferred applicant and the local 11  
government considers a person could apply as a preferred 12  
applicant for a grazing authority for the accessible grazing 13  
area, the local government may give the person a written 14  
invitation stating— 15
  - (a) the local government has received an application for a 16  
grazing authority for the accessible grazing area; and 17
  - (b) the person may apply for a grazing authority for the area 18  
within a period of at least 20 business days after the 19  
notice is given; and 20
  - (c) if the person does not apply for a grazing authority 21  
within the stated period, the local government will 22  
decide the applications it has received. 23
- (4) If the local government makes an invitation, it must defer 24  
deciding the applications it has received until either— 25
  - (a) if the person applies for a grazing authority for the 26  
accessible grazing area in the stated period—the local 27  
government decides the person's application; or 28
  - (b) otherwise—the end of the stated period. 29

<b>Subdivision 3</b>	<b>Granting application</b>	1
<b>213</b>	<b>Issuing authority</b>	2
	If the local government decides to grant the application, it must—	3
	(a) issue a grazing authority in the approved form; and	4
	(b) give the applicant—	5
	(i) the grazing authority; and	6
	(ii) if the local government decides to impose conditions on the grazing authority under section 210(1)(b) or issue the grazing authority on the condition mentioned in section 210(2)—a review notice about the decision; and	7
	(c) give the chief executive a copy of the grazing authority.	8
		9
		10
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		12
		13
<b>Subdivision 4</b>	<b>Refusing or failing to decide application</b>	14
		15
<b>214</b>	<b>Decision to refuse to grant application</b>	16
	If the local government decides to refuse to grant an application for a grazing authority, it must immediately give the applicant a review notice about the decision.	17
		18
		19
<b>215</b>	<b>Failure to decide application</b>	20
	(1) This section applies if a local government fails to decide the application within the latest of the following periods to end—	21
	(a) within 10 business days after the application is made;	22
	(b) if the local government has requested additional information or a document under section 209—	23
		24
		25

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(i)	the end of 5 business days after the information or document is received; or	1 2
(ii)	the end of 5 business days after the end of the information period.	3 4
(2)	The failure to decide is taken to be a decision by the local government to refuse the application for which the applicant is taken to be entitled to have been given a review notice under section 214.	5 6 7 8
<b>216</b>	<b>Refund of application fee</b>	9
(1)	This section applies if a local government refuses an application for a grazing authority (the <i>refused application</i> ) because it has granted another application for a grazing authority for all or part of the proposed area or proposed period to which the refused application related.	10 11 12 13 14
(2)	The local government must refund the application fee paid for the refused application.	15 16
<b>Division 3</b>	<b>Authority contents</b>	17
<b>217</b>	<b>Contents of grazing authority</b>	18
(1)	A grazing authority must state each of the following—	19
(a)	the period (the <i>authority period</i> ) for which it is in force;	20
(b)	a description of the land (the <i>authority area</i> ) where the stock can graze under the authority;	21 22
(c)	the level of pasture in the authority area that must be kept for travelling stock;	23 24
(d)	a description of any stock facilities available for the use of the stock under the grazing authority;	25 26
(e)	if the authority holder is required under a condition of the grazing authority to maintain a stock facility, the	27 28

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- 
- requirements (the *maintenance requirements*) for  
maintaining the stock facility; 1 2
  - (f) the mandatory conditions under section 218; 3
  - (g) any conditions imposed under section 210(1)(b); 4
  - (h) the authority fee. 5
  - (2) For subsection (1)(e), if the authority holder has entered into a 6  
water facility agreement to maintain a water facility for the 7  
use of stock under the grazing authority, the maintenance 8  
requirements for the water facility may apply, adopt or 9  
incorporate the requirements for maintaining the water facility 10  
under the water facility agreement. 11

## **218 Mandatory conditions** 12

- (1) Each of the following are mandatory conditions for a grazing 13  
authority for stock— 14
- (a) the authority area may be used only for grazing stock 15  
under the authority; 16
- (b) the stock may graze only within the authority area; 17
- (c) the stock must not be allowed to damage road transport 18  
infrastructure or the surface of a formed road; 19
- (d) if the authority area is not enclosed, the authority holder 20  
must ensure the stock are enclosed or supervised; 21
- (e) appropriate signage to warn members of the public 22  
about the presence of the stock must be clearly 23  
displayed while the stock are grazing under the 24  
authority; 25
- (f) pasture in the authority area must not be reduced below 26  
a level reasonably likely to be required for travelling 27  
stock during and after the authority period; 28
- (g) any declared pest plants in the authority area must be 29  
kept under control; 30

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- |       |   |                            |
|-------|---|----------------------------|
| (h)   | if the boundary of the authority area, other than a State-controlled road, is fenced with a stock-proof fence, whether or not erected by the authority holder, the authority holder must ensure—  | 1<br>2<br>3<br>4           |
| (i)   | an adequate number of gates are installed at appropriate places on the fence to allow stock to access the authority area; and   | 5<br>6<br>7                |
| (ii)  | the gates remain unlocked during the authority period; and  | 8<br>9                     |
| (iii) | the fencing is maintained in a stock-proof condition during the authority period;   | 10<br>11                   |
| (i)   | reasonable care must be taken to avoid damaging any stock facilities in the authority area or available for use by the stock grazing under the authority;   | 12<br>13<br>14             |
| (j)   | if stock (the <i>priority stock</i> ) are authorised to travel or graze in the authority area under a travel permit or unfit stock permit, the priority stock must be allowed to use the authority area in priority to the stock under the grazing authority; | 15<br>16<br>17<br>18<br>19 |
| (k)   | the authority holder must pay the authority fee within the period prescribed under a regulation;  | 20<br>21                   |
| (l)   | adequate public risk insurance must be maintained for the activities carried out under the authority;   | 22<br>23                   |
| (m)   | the authority is not transferable;  | 24                         |
| (n)   | subject to sections 223(3) and 245 the stock must be removed from the authority area at the end of the authority period;  | 25<br>26<br>27             |
| (o)   | as directed by the local government, any improvements installed in the authority area must be removed at the end of the authority period.   | 28<br>29<br>30             |
| (2)   | Also, the mandatory conditions include each of the following—   | 31<br>32                   |

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	(a) if a conditional use area declaration is in force for land in the authority area—the declared usage conditions;	1 2
	(b) if the authority area includes a special management area—the special management conditions for the special management area;	3 4 5
	(c) if the authority area includes a State-controlled road, any conditions approved under section 211(4).	6 7
<b>219</b>	<b>Local government to give notice of use of an authority area under travel permit</b>	8 9
	(1) This section applies if part of an authority area is required for the use of stock under a travel permit or unfit stock permit in the authority period.	10 11 12
	(2) The local government must give the holder of the grazing authority a written or oral notice stating—	13 14
	(a) that a travel permit or unfit stock permit has been granted for stock to use the stated part of the authority area; and	15 16 17
	(b) the period (the <i>usage period</i> ) in which the stock will be using the part of the authority area under the travel permit or unfit stock permit; and	18 19 20
	(c) the authority holder must remove stock grazing under the authority from the part of the authority area during the usage period.	21 22 23
	(3) The notice—	24
	(a) must be given no later than 48 hours before the usage period starts; and	25 26
	(b) if it is given orally—must be confirmed in writing as soon as practicable after it is given.	27 28
	(4) A failure to comply with this section does not invalidate or otherwise affect the condition of the grazing authority mentioned in section 218(1)(j).	29 30 31

[s 220]

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<b>Division 4</b>	<b>Authority period</b>	1
<b>220</b>	<b>Authority period</b>	2
(1)	The authority period for a grazing authority must be—	3
(a)	more than 3 months; and	4
(b)	no more than the following—	5
(i)	if the authority area includes part of a primary stock route or a primary reserve—1 year;	6 7
(ii)	otherwise—5 years.	8
(2)	A grazing authority takes effect from—	9
(a)	the day it is issued; or	10
(b)	if the authority period starts on a later day stated in it—the later day.	11 12
(3)	A grazing authority remains in force, unless it is sooner cancelled, for the authority period stated in it.	13 14
(4)	To remove any doubt, it is declared that if a grazing authority is issued for an authority area including a part of a stock route or reserve for travelling stock adjoining a stock route and the classification of the stock route is later changed, the authority period is not affected by the change.	15 16 17 18 19
<b>Division 5</b>	<b>Authority fee</b>	20
<b>221</b>	<b>Authority fee payable</b>	21
	The holder of a grazing authority must pay the issuing local government the fee prescribed under a regulation (the <i>authority fee</i> ) for each day of the following period—	22 23 24
(a)	if the authority period is no more than 1 year—the authority period;	25 26
(b)	otherwise—	27

- (i) each year of the authority period; and 1
- (ii) for any remaining parts of the authority period that 2  
are less than 1 year. 3

## **Division 6                      Renewal of authority                      4**

### **Subdivision 1                      Renewal without application                      5**

#### **222      Local government may renew grazing authority                      6**

- (1) This section applies to a grazing authority for an authority 7  
period of no more than 1 year. 8
- (2) The local government may renew the grazing authority under 9  
this section only if— 10
  - (a) the holder of the authority— 11
    - (i) has not applied to surrender the authority under 12  
section 234; and 13
    - (ii) has not advised the local government that the 14  
holder intends not to renew the authority; and 15
    - (iii) has not made an application to amend the authority 16  
under part 4, division 2; and 17
  - (b) the local government— 18
    - (i) does not consider the holder has contravened a 19  
condition of the authority; and 20
    - (ii) does not propose to amend the authority under 21  
section 231. 22
- (3) If the local government decides to renew the grazing authority 23  
under subsection (2), it must— 24
  - (a) give the holder a grazing authority in the approved form; 25  
and 26

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- (b) give the chief executive a copy of the renewed grazing authority. 1  
2
- (4) The renewed grazing authority may be issued only for the 3  
same authority period and on the same conditions as the 4  
grazing authority for the preceding authority period. 5
- (5) The renewal takes effect from the day stated in the renewed 6  
grazing authority. 7

**Subdivision 2      Renewal on application** 8

**223      Application for renewal** 9

- (1) The holder of a grazing authority may apply to the local 10  
government to renew the authority. 11
- (2) The application must be made in the approved form before the 12  
authority period ends. 13
- (3) The grazing authority remains in force until the applicant has 14  
been notified of the local government's decision on the 15  
application. 16
- (4) If the grazing authority is renewed, the applicant must pay the 17  
local government the authority fee. 18

**224      Deciding application** 19

- The local government must consider the application and 20  
decide to— 21
- (a) grant it; or 22
  - (b) grant it and impose conditions on the grazing authority, 23  
as well as the mandatory conditions; or 24
  - (c) refuse it. 25

<b>225</b>	<b>Criteria for deciding all applications</b>	1
	The local government may grant the application only if satisfied—	2
		3
	(a) the applicant has—	4
	(i) paid the authority fees payable under the authority;	5
	and	6
	(ii) complied with the conditions of the authority; and	7
	(b) the authority area is not degraded; and	8
	(c) there is likely to be enough pasture and water available	9
	to sustain the stock for the authority period of the	10
	renewed authority.	11
<b>226</b>	<b>Issuing renewed authority</b>	12
	(1) If the local government decides to grant the application, it	13
	must give the applicant—	14
	(a) a grazing authority in the approved form; and	15
	(b) if the local government decides to impose conditions on	16
	the authority—a review notice about the decision.	17
	(2) The renewal takes effect from the day stated in the renewed	18
	grazing authority.	19
	(3) The local government must give the chief executive a copy of	20
	the renewed grazing authority.	21
<b>227</b>	<b>Refusing application</b>	22
	If the local government decides to refuse the application, it	23
	must immediately give the applicant a review notice about the	24
	decision.	25

[s 228]

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<b>Part 4</b>	<b>Amending permits and authorities</b>	1
		2

<b>Division 1</b>	<b>Required amendments</b>	3
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<b>228</b>	<b>Permit or authority holder to give notice of correct particulars</b>	4
		5

- |     |   |    |
|-----|---|----|
| (1) | This section applies if, because of a change in circumstances, any of the following particulars contained in a grazing permit or grazing authority is no longer correct—      | 6  |
|     |   | 7  |
|     |   | 8  |
| (a) | the permit or authority holder's name and contact address or telephone number;  | 9  |
|     |   | 10 |
| (b) | the name of the person in charge of the stock under the permit;   | 11 |
|     |   | 12 |
| (c) | other information prescribed under a regulation.  | 13 |
| (2) | The grazing permit or grazing authority holder must, within 10 business days after the change happens, give notice of the correct particular to the issuing local government. | 14 |
|     |   | 15 |
|     |   | 16 |
|     | Maximum penalty—50 penalty units.   | 17 |
| (3) | On receiving the notice the local government must amend the grazing permit or grazing authority to show the correct particulars.  | 18 |
|     |   | 19 |
|     |   | 20 |

<b>Division 2</b>	<b>Amendment by application</b>	21
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<b>229</b>	<b>Application to amend grazing permit or authority</b>	22
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- |     |   |    |
|-----|---|----|
| (1) | The holder of a grazing permit or grazing authority may apply to the issuing local government to change a part of the permit or authority, other than a condition of the permit or authority. | 23 |
|     |   | 24 |
|     |   | 25 |

*Example of a change other than a condition—*

a change of the description of permitted stock under a grazing permit

- (2) The application must—
  - (a) be made before the permit period ends; and
  - (b) be in the approved form; and
  - (c) identify the part of the grazing permit or grazing authority sought to be changed; and
  - (d) be accompanied by the fee prescribed under a regulation.

## **230 Decision on application**

- (1) The local government must consider the application and decide to—
  - (a) grant it and make the change applied for; or
  - (b) grant it but make a different change; or
  - (c) refuse it.
- (2) If the local government decides to grant the application it must give the applicant—
  - (a) the grazing permit or grazing authority as amended in the approved form; and
  - (b) if it decides to refuse the application or change the permit or authority in a different way—a review notice about the decision.
- (3) If the local government fails to decide the application within 3 business days after receiving it—
  - (a) the failure is taken to be a decision by the local government to refuse the application; and
  - (b) the applicant is entitled to be given a review notice by the local government for the decision.

[s 231]

<b>Division 3</b>	<b>Amendment by local government</b>	1
<b>231</b>	<b>Local government may amend grazing permit or authority</b>	2
	This division applies if—	3
	(a) after a grazing permit or grazing authority is issued—	4
	(i) a closed area declaration or conditional use area declaration is made for land in the permit area or authority area; or	5 6 7
	(ii) a special management condition for the use of land in the permit area takes effect; or	8 9
	(iii) there is another material change in circumstances; and	10 11
	<i>Example of a material change in circumstances—</i>	12
	a disruption to the water supply in the permit area for a grazing permit causing significant decrease in the capacity of the permit area to support the permitted stock	13 14 15
	(b) the issuing local government considers—	16
	(i) it is necessary to amend the permit or authority because of the declaration, condition or change in circumstances; and	17 18 19
	<i>Examples of amendments—</i>	20
	• reducing the number of stock that can graze under the permit or authority	21 22
	• changing the permit area or authority area	23
	• changing the permit period or authority period	24
	(ii) if the permit or authority were amended, stock could graze under the permit or authority, as amended, under any amended permit or authority conditions and this Act.	25 26 27 28

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<b>232</b>	<b>Notice and taking effect of decision</b>	1
(1)	The local government must give the grazing permit or grazing authority holder a notice (an <i>amendment notice</i> )—	2
		3
(a)	stating—	4
	(i) the decision to amend the permit or authority; and	5
	(ii) if the permit fee needs to be adjusted because of the amendment—the adjustment of the fee; and	6
		7
	(iii) the day (the <i>effective day</i> ), at least 3 business days after the notice is given, that the amendment takes effect; and	8
		9
		10
(b)	accompanied by—	11
	(i) the amended permit or authority; and	12
	(ii) if the permit fee has been adjusted, either—	13
	(A) a notice requiring payment of the balance of the adjusted permit fee on or after the effective day; or	14
		15
		16
	(B) a refund of the adjusted permit fee; and	17
	(iii) a review notice for the decision; and	18
(2)	The grazing permit or grazing authority is amended from the day stated in the amendment notice.	19
		20

<b>Division 4</b>	<b>Replacement of grazing permits or authorities</b>	21
		22

<b>233</b>	<b>Issuing replacement permit or authority</b>	23
(1)	If a grazing permit or grazing authority is amended under this part, the issuing local government may, by notice, require the permit or authority holder to return the permit or authority.	24
		25
		26
(2)	The holder must comply with the requirement unless the permit or authority has been lost, stolen or destroyed because of circumstances beyond the holder's control.	27
		28
		29

[s 234]

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	Maximum penalty—50 penalty units.	1
(3)	On receiving the grazing permit or grazing authority, if a replacement permit or authority has not already been issued, the local government must—	2 3 4
(a)	issue the permit or authority holder a replacement permit or authority, showing the correct particulars; and	5 6
(b)	give the chief executive a copy of the replacement permit or authority.	7 8
<b>Part 5</b>	<b>Cancelling grazing permits and authorities</b>	9 10
<b>Division 1</b>	<b>Surrender of grazing authority</b>	11
<b>234</b>	<b>Authority holder may apply to surrender authority</b>	12
(1)	The holder of a grazing authority may apply to the issuing local government to surrender the authority.	13 14
(2)	The application—	15
(a)	must be in the approved form; and	16
(b)	can not be made within 2 months before the authority period ends.	17 18
<b>235</b>	<b>Deciding applications</b>	19
(1)	The local government must consider the application and decide to—	20 21
(a)	grant it; or	22
(b)	grant it and impose conditions on the surrender of the grazing authority.	23 24

[s 236]

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- |   |        |
|---|--------|
| (2) However, the local government may impose a condition only if it considers the condition is necessary and appropriate for— | 1<br>2 |
| (a) the surrender; or   | 3      |
| (b) the use of the authority area after the grazing authority is surrendered.   | 4<br>5 |
| <i>Example—</i>   | 6      |
| a condition requiring the authority holder to remove fencing erected by the authority holder in the authority area            | 7<br>8 |

<b>236</b>	<b>Cancelling surrendered grazing authority</b>	9
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- |   |                |
|---|----------------|
| (1) If the local government grants the application, it must—  | 10             |
| (a) cancel the grazing authority; and   | 11             |
| (b) give the holder—  | 12             |
| (i) a notice of the cancellation (the <i><b>cancellation notice</b></i> ); and  | 13<br>14       |
| (ii) if it decides to impose a condition on the surrender of the authority (a <i><b>surrender condition</b></i> )—a review notice about the decision. | 15<br>16<br>17 |
| (2) The cancellation takes effect on the later of the following—  | 18             |
| (a) 1 month after the cancellation notice is given;   | 19             |
| (b) if there is a surrender condition or a condition in the authority relevant to the surrender—the day the condition is complied with.               | 20<br>21<br>22 |

<b>Division 2</b>	<b>Mandatory cancellation of grazing authority</b>	23 24
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<b>237</b>	<b>Cancellation if road closed</b>	25
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A grazing authority for an authority area including a road is cancelled if the road is temporarily or permanently closed under the Land Act.	26 27 28
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<b>238</b>	<b>Cancellation if reserve revoked</b>	1
	A grazing authority for an authority area including a reserve	2
	for travelling stock is cancelled if the dedication of the reserve	3
	is revoked under the Land Act.	4
<b>239</b>	<b>Cancellation if unallocated State land allocated</b>	5
	A grazing authority for an authority area including	6
	unallocated State land is cancelled if the land is allocated	7
	under the Land Act.	8
<b>240</b>	<b>Cancellation if authority holder no longer owns or occupies adjoining land</b>	9
	A grazing authority for an accessible grazing area is cancelled	11
	if the authority holder stops being the owner of the land	12
	adjoining the area.	13
<b>241</b>	<b>No compensation payable for cancellation</b>	14
	If a grazing authority is cancelled under this division, no	15
	person has a right to claim compensation from the State or a	16
	local government for the cancellation.	17
<b>Division 3</b>	<b>Cancellation of grazing permits and authorities by local government</b>	18
		19
<b>242</b>	<b>Grounds</b>	20
	Each of the following is a ground for an issuing local	21
	government to cancel a grazing permit or grazing authority	22
	if—	23
	(a) the permit or authority was issued because of a	24
	materially false or misleading representation or	25
	document, made either orally or in writing;	26

- 
- (b) the permit or authority holder has not complied with a condition of the permit or authority; 1  
2
  - (c) there is unlikely to be enough pasture to sustain the stock under the permit or authority for the rest of the permit period or authority period; 3  
4  
5
  - (d) for a grazing permit or grazing authority under which the holder is authorised to use a water facility—there is unlikely to be enough water to sustain the stock for the rest of the permit period; 6  
7  
8  
9
  - (e) a closed area declaration, conditional use area declaration or special management area declaration has been made, or a special management condition is in force, for land in the permit area or authority area, and the local government considers— 10  
11  
12  
13  
14
    - (i) it is necessary to cancel the permit or authority because of the declaration or condition; and 15  
16
    - (ii) it is not practicable to amend the permit or authority under section 231. 17  
18

## **243 Procedure** 19

- (1) This section applies if the issuing local government— 20
  - (a) considers a ground for cancelling a grazing permit or grazing authority exists under section 242; and 21  
22
  - (b) decides to cancel the permit or authority. 23
- (2) The local government must give the grazing permit or grazing authority holder a notice (a ***cancellation notice***) stating each of the following— 24  
25  
26
  - (a) that the permit or authority is cancelled; 27
  - (b) the grounds for the cancellation; 28
  - (c) the facts and circumstances that are the basis for the grounds; 29  
30

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- (d) the permit or authority holder must remove the permitted stock or stock grazing under the authority from the permit area or authority area within a stated period (the *removal period*) of at least 3 days after the notice is given;
- (e) if the stock are not removed from the permit area or authority area in the removal period, an authorised person may seize the stock under section 113.
- (3) The cancellation notice must include or be accompanied by a review notice for the decision.
- (4) The cancellation has effect—
  - (a) at the end of the removal period; or
  - (b) any later day stated in the cancellation notice.

**Division 4                      Other provisions**

**244            Application of div 4**

This division applies if a grazing permit or grazing authority is cancelled under this part.

**245            Holder of cancelled permit or authority required to remove stock**

The permit or authority holder must ensure the permitted stock or stock under the authority are removed from the permit area or authority area before the cancellation has effect.

**246            Refund of permit fee**

- (1) This section applies if—
  - (a) a grazing permit holder has paid the permit fee; and

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	(b) the permitted stock are removed from the permit area under section 245 before the permit period ends.	1 2
	(2) The local government must refund to the grazing permit holder the amount of the permit fee that is proportionate to the remainder of the permit period after the stock are removed.	3 4 5
<b>247</b>	<b>Refund of part of authority fee</b>	6
	(1) This section applies if—	7
	(a) a grazing authority holder has paid the authority fee for a particular year (the <i>relevant year</i> ); and	8 9
	(b) the stock under the authority are removed from the authority area under section 245 before the relevant year ends.	10 11 12
	(2) The local government must refund to the grazing authority holder the amount of the authority fee that is proportionate to the remainder of the relevant year after the stock are removed.	13 14 15
<b>Part 6</b>	<b>Direction notice for unauthorised grazing in accessible grazing areas</b>	16 17 18
<b>248</b>	<b>Application of pt 6</b>	19
	This part applies to a direction notice given, under chapter 8, part 5, by an authorised person of a local government to the owner of land adjoining an accessible grazing area for a contravention of section 297.	20 21 22 23
<b>249</b>	<b>Contents of direction notice</b>	24
	(1) The direction notice must state each of the following steps (each a <i>relevant alternative step</i> ) the landowner may take to	25 26

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- remedy the contravention, or avoid further contravention, of section 297—
  - (a) applying for a grazing authority under section 251 (*alternative 1*);
  - (b) restoring or erecting a stock-proof fence on the boundary or part of the boundary of the accessible grazing area and adjoining land under section 252;
  - (c) removing the stock to which the contravention relates under section 253.
- (2) However, the direction notice need not include alternative 1 if—
- (a) a grazing authority to graze stock in the accessible grazing area could not be issued under part 3; or
  - (b) both of the following apply—
    - (i) the landowner or an associate of the landowner has applied for a grazing authority for the accessible grazing area that has been refused;
    - (ii) the authorised person considers there has been no change in circumstances that would increase the likelihood of an application by the landowner for a grazing authority for the area being granted.
- (3) The direction notice may also include or be accompanied by a statement (a *grazing fee liability statement*) of the effect of section 258 and that the landowner must pay a grazing fee under that section.

**250 Direction to give undertaking to take a relevant alternative step**

The direction notice must include a direction that the landowner must, within a stated period of at least 10 business days, give the local government an undertaking in the approved form to take one of the relevant alternative steps stated in the notice.

<b>251</b>	<b>Directions for applying for grazing authority</b>	<b>1</b>
(1)	This section applies if the direction notice states the landowner can apply for a grazing authority.	2
(2)	The direction notice must include directions that the landowner—	3
(a)	apply for the grazing authority within a stated period of at least 1 month; and	4
(b)	take all necessary and reasonable steps to—	5
(i)	give the local government a properly made application; and	6
	<i>Example—</i>	7
	paying the application fee	8
(ii)	help the local government to decide the application.	9
	<i>Example—</i>	10
	complying with any request for further information	11
<b>252</b>	<b>Directions for restoring or erecting stock-proof fence</b>	<b>12</b>
(1)	The direction notice must include directions that the landowner—	13
(a)	if, and to the extent, there is a restorable fence on the boundary or part of the boundary of the accessible grazing area and adjoining land—restore the fence to a stock-proof condition on the boundary or stated part of the boundary; and	14
(b)	to the extent paragraph (a) does not apply—erect a stock-proof fence on the boundary or stated part of the boundary; and	15
(c)	start the restoration or erection within a stated period of at least 1 month; and	16
(d)	use materials of a stated type or description for the restoration or erection; and	17

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(e)	finish the restoration or erection within a stated period of at least 3 months; and	1 2
(f)	when the restoration or erection is finished—	3
(i)	tell the local government the restoration or erection is finished; and	4 5
(ii)	allow an authorised person to inspect the fence.	6
(2)	In this section—	7
	<b><i>restorable fence</i></b> means a fence that—	8
(a)	is not a stock-proof fence; and	9
(b)	the authorised person considers can be restored to a stock-proof condition.	10 11
<b>253</b>	<b>Directions for removing stock from accessible grazing area</b>	12 13
	The direction notice must include directions that the landowner must—	14 15
(a)	remove the stock to which the contravention relates from the accessible grazing area within a stated period of at least 1 month; and	16 17 18
(b)	give the local government a notice in the approved form stating—	19 20
(i)	the stock have been removed from the accessible grazing area; and	21 22
(ii)	the actions the landowner will take to prevent stock from re-entering the area.	23 24
	<i>Examples of actions—</i>	25
	• relocating the stock to a stated place away from the area	26 27
	• grazing the stock on other stated land that is enclosed	28

<b>254</b>	<b>Compliance with direction notice</b>	1
	The landowner can comply with the direction notice only by—	2
		3
	(a) giving the local government an undertaking under section 250 to take a relevant alternative step stated in the notice; and	4
		5
		6
	(b) taking the relevant alternative step under section 251, 252 or 253, as relevant.	7
		8
 <b>Part 7</b>	 <b>Grazing fees for unauthorised grazing in accessible grazing areas</b>	 9
		10
		11
 <b>Division 1</b>	 <b>Preliminary</b>	 12
 <b>255</b>	 <b>Operation of pt 7</b>	 13
	This part provides for—	14
	(a) the liability of the owner of land adjoining an accessible grazing area to pay a grazing fee for allowing stock to graze in the area in contravention of section 297; and	15
		16
		17
	(b) payment of the fee.	18
 <b>256</b>	 <b>What is the <i>grazing fee</i></b>	 19
	The <i>grazing fee</i> is the fee for grazing stock for a period prescribed under a regulation for an amount that is no more than the authority fee for the period.	20
		21
		22

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<b>Division 2</b>	<b>Grazing fee payable under direction notice</b>	1 2
<b>257</b>	<b>Application of div 2</b>	3
	This division applies if the landowner is given a direction notice under part 6 that is accompanied by or includes a grazing fee liability statement.	4 5 6
<b>258</b>	<b>Grazing fee payable</b>	7
(1)	This section is subject to section 260.	8
(2)	The landowner must pay the grazing fee for the stock to graze in the accessible grazing area from the day the landowner is given the direction notice until the day 1 of the following (a <i>relevant event</i> ) happens—	9 10 11 12
(a)	if the landowner applies for a grazing authority for the area under section 251—	13 14
(i)	the application is decided; or	15
(ii)	the application is not decided within the relevant period under section 215;	16 17
(b)	if the landowner restores or erects a stock-proof fence on the relevant boundary—an authorised person is reasonably satisfied the fence has been restored or erected under the direction notice;	18 19 20 21
(c)	if the landowner removes the stock from the area—the stock are removed.	22 23
<b>259</b>	<b>Grazing fee payment notice</b>	24
(1)	As soon as practicable after an authorised person becomes aware that a relevant event has happened, the authorised person must give the landowner a notice (the <i>grazing fee payment notice</i> ) stating the following—	25 26 27 28
(a)	the relevant event;	29

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(b)	the day it happened;	1
(c)	the amount of the grazing fee the authorised person considers is payable under section 258 and how the amount has been worked out;	2 3 4
(d)	subject to paragraph (e), the day, at least 10 business days after the grazing fee payment notice is issued, when the grazing fee must be paid;	5 6 7
(e)	that the grazing fee payment notice is stayed under section 260 if the landowner has applied for review of the decision to issue the direction notice;	8 9 10
(f)	that the landowner may apply to the chief executive officer to review the stated amount of the grazing fee on the ground mentioned in subsection (3);	11 12 13
(g)	subject to paragraph (e), that the landowner must pay the grazing fee even if the landowner applies for a review of the stated amount of the grazing fee.	14 15 16
(2)	The grazing fee payment notice must be accompanied by or include a review notice about the amount of the grazing fee stated in the grazing fee payment notice.	17 18 19
(3)	The landowner may apply for a review of the stated amount of the grazing fee only on the ground that the amount is wrong because the stock were not grazed in the accessible grazing area for the period for which the grazing fee has been worked out.	20 21 22 23 24
<b>260</b>	<b>Stay of operation of grazing fee payment notice for review</b>	25
	If the landowner applies to QCAT for review of the decision to issue the direction notice, the grazing fee payment notice—	26 27
(a)	is stayed until QCAT decides the application; and	28
(b)	otherwise has effect subject to QCAT's decision and any orders made by QCAT.	29 30

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[s 261]

<b>Division 3</b>	<b>Grazing fee payable on later inspection</b>	1 2
<b>261</b>	<b>Application of div 3</b>	3
	This division does not apply if division 2 applies.	4
<b>262</b>	<b>Notice of liability for grazing fee</b>	5
(1)	This section applies if an authorised person—	6
(a)	inspects an accessible grazing area; and	7
(b)	is reasonably satisfied that the owner of the land adjoining the area is allowing stock to graze in the area in contravention of section 297.	8 9 10
(2)	The authorised person may give the landowner a notice (the <i>grazing fee liability notice</i> ) stating each of the following—	11 12
(a)	that the authorised person has carried out an inspection of the accessible grazing area on a stated day and is satisfied on reasonable grounds that the landowner is allowing stock to graze in the area in contravention of section 297;	13 14 15 16 17
(b)	the grounds on which the authorised person is satisfied of the contravention;	18 19
(c)	the facts and circumstances that are the basis for the grounds;	20 21
(d)	the effect of section 263 and that the landowner may become liable to pay a grazing fee under that section.	22 23
<b>263</b>	<b>Grazing fee and reasonable inspection costs payable</b>	24
(1)	This section applies if—	25
(a)	an accessible grazing area has been inspected under section 262(1) (the <i>previous inspection</i> ) and the	26 27

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- 
- landowner has been given a grazing fee liability notice; 1  
and 2
- (b) an authorised person— 3
- (i) inspects the area (the *later inspection*) within 3 4  
months after the previous inspection; and 5
- (ii) is reasonably satisfied that the landowner is 6  
allowing stock to graze in the area in contravention 7  
of section 297. 8
- (2) The authorised person may give the landowner a notice (also 9  
the *grazing fee payment notice*) complying with section 264. 10
- (3) Subject to section 265, the landowner must pay— 11
- (a) the grazing fee for the stock grazing on the accessible 12  
grazing area from the day the landowner was given the 13  
grazing fee liability notice until the day the later 14  
inspection was carried out; and 15
- (b) the costs of the authorised person reasonably incurred in 16  
carrying out the later inspection. 17

## **264 Content of grazing fee payment notice** 18

- (1) The grazing fee payment notice must state the following— 19
- (a) that the landowner was given a grazing fee liability 20  
notice on a stated day for grazing stock in the accessible 21  
grazing area in contravention of section 297; 22
- (b) since the grazing liability notice was issued, the 23  
authorised person has carried out a later inspection of 24  
the area on a stated day and is reasonably satisfied that 25  
the landowner is allowing stock to graze in the area in 26  
contravention of section 297; 27
- (c) the grounds on which the authorised person is satisfied 28  
of the contravention; 29
- (d) the facts and circumstances that are the basis for the 30  
grounds; 31

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- (e) the amount of the grazing fee and reasonable costs the authorised person considers are payable under section 263(3)(a) and (b) and how the amounts have been worked out; 1 2 3 4
  - (f) subject to paragraph (g), the day, at least 1 month after the notice is issued, when the grazing fee must be paid; 5 6
  - (g) that the notice is stayed under section 265 if the landowner has applied for review of the decisions to issue the grazing fee payment notice and grazing fee liability notice to which the grazing fee payment notice relates; 7 8 9 10 11
  - (h) that the landowner may apply to the chief executive officer to review— 12 13
    - (i) the stated amount of the grazing fee on the ground mentioned in subsection (3); or 14 15
    - (ii) the stated amount of the costs on the ground mentioned in subsection (4); 16 17
  - (i) subject to paragraph (g), that the landowner must pay the grazing fee and costs even if the landowner applies for a review of the stated amount of the grazing fee or costs. 18 19 20 21
- (2) The grazing fee payment notice must be accompanied by or include— 22 23
  - (a) an information notice about the decisions to issue the grazing fee payment notice and grazing fee liability notice to which the grazing fee payment notice relates; and 24 25 26 27
  - (b) a review notice about the amounts of the grazing fee and costs stated in the grazing fee payment notice. 28 29
- (3) The landowner may apply for a review of the stated amount of the grazing fee only on the ground that the amount is wrong because the stock were not grazed in the accessible grazing area for the period for which the grazing fee has been worked out. 30 31 32 33 34

(4)	The landowner may apply for a review of the stated amount of the reasonable costs in carrying out the later inspection only on the ground that the amount is not reasonable.	1 2 3
<b>265</b>	<b>Stay of operation of grazing fee payment notice for review</b>	4
	If the landowner applies to QCAT for a review of the decisions to issue the grazing fee payment notice and grazing fee liability notice to which the grazing fee payment notice relates, the grazing fee payment notice—	5 6 7 8
(a)	is stayed until QCAT decides the application; and	9
(b)	otherwise has effect subject to QCAT's decision and any orders made by QCAT.	10 11
<b>Division 4</b>	<b>Other matters</b>	12
<b>266</b>	<b>When grazing fee and costs are payable</b>	13
(1)	Subject to sections 260 and 265 and subsection (2), a landowner given a grazing fee payment notice must pay within the period stated in the notice—	14 15 16
(a)	the grazing fee; and	17
(b)	for a grazing fee payment notice under section 263(2), the costs of the later inspection under section 263(3)(b).	18 19
(2)	If the grazing fee payment notice is stayed under section 260 or 265 and is later in force, the landowner must pay the grazing fee and, if relevant, the costs of the later inspection, within 10 business days after the stay stops applying.	20 21 22 23
<b>267</b>	<b>Grazing fee does not confer authorisation or right to graze</b>	24 25
	To remove any doubt, it is declared that a requirement to pay, or the payment of, a grazing fee or costs under this part—	26 27

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- (a) is not, and is not equivalent to, a permit, authority or other authorisation to graze stock; and 1  
2
- (b) does not confer a right to graze stock. 3

**Chapter 6                      Harvesting pasture** 4

**Part 1                              Permit for harvesting** 5

**268              What does a harvesting permit authorise** 6

A permit for harvesting pasture authorises the holder of the 7  
permit to harvest pasture in a designated area on the stock 8  
route network or public (stock access) land under the 9  
conditions of the permit. 10

**Part 2                              Application for harvesting permit** 11  
12

**Division 1                      Making land available for harvesting** 13

**269              Local government may make land available** 14

- (1) A local government may from time to time make land in its 15  
management area available for harvesting but only if— 16
  - (a) the land is not subject to— 17
    - (i) a lease or permit under the Land Act; or 18
    - (ii) a grazing authority; or 19

- 
- |   |                  |
|---|------------------|
| (iii) a licence to get, or a permit to sell, forest products under the <i>Forestry Act 1959</i> ; and   | 1<br>2           |
| (b) the chief executive—  | 3                |
| (i) has assessed the risk of fire affecting the land in the period (the <b><i>harvesting season</i></b> ) in which the local government proposes to make the land available for harvesting; and | 4<br>5<br>6<br>7 |
| (ii) having regard to the risk—   | 8                |
| (A) considers the land should be used for harvesting in preference to driving or grazing stock during the harvesting season; and  | 9<br>10<br>11    |
| (B) has approved the use of the land for harvesting during the harvesting season; and   | 12<br>13         |
| (c) for land that is a State-controlled road, the road transport chief executive has approved the use of the land for harvesting; and   | 14<br>15<br>16   |
| (d) issuing a harvesting permit for the land would not contravene a declared usage condition or a special management condition; and   | 17<br>18<br>19   |
| (e) the local government considers—   | 20               |
| (i) the land contains more pasture than is likely to be needed for travelling stock in the area; and  | 21<br>22         |
| (ii) harvesting pasture on the land is not likely to—   | 23               |
| (A) reduce the level of pasture below a level reasonably likely to be required for travelling stock; or   | 24<br>25<br>26   |
| (B) cause a loss of biodiversity or cultural heritage on or relating to the land.   | 27<br>28         |
| (2) For subsection (1)(e)(i) and (ii)(A), the local government must have regard to—   | 29<br>30         |

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(a)	any travel permits, grazing permits or grazing authorities that have been issued for future use of the land; and	1 2 3
(b)	the applications it reasonably expects to receive for travel permits, grazing permits or grazing authorities for the land.	4 5 6
(3)	For subsection (1) the local government must have regard to—	7
(a)	if it has a local management plan—the management plan; or	8 9
(b)	otherwise—the strategies for pasture management approved under the State management plan.	10 11
<b>270</b>	<b>Public notice of availability of land</b>	12
(1)	The local government may publish a notice (a <i>public notice</i> ) about the availability of land for harvesting under section 269 in a newspaper circulating generally in the local government area.	13 14 15 16
(2)	The notice must state—	17
(a)	details sufficient to identify the available land; and	18
(b)	that a person may apply for a harvesting permit for all or part of the land within a period of at least 10 business days after the notice is published; and	19 20 21
(c)	the conditions on which a harvesting permit for the land or part must be granted.	22 23

**Division 2                      Applying for permit** 24

<b>271</b>	<b>Application for permit</b>	25
(1)	A person may apply to a local government for a permit to harvest pasture on land made available under section 269 in response to a public notice.	26 27 28

- 
- (2) The application must— 1
- (a) be in the approved form; and 2
  - (b) show the area (the *proposed area*) where pasture is to be 3  
harvested under the permit; and 4
  - (c) state the period (the *proposed period*) in which pasture 5  
is to be harvested under the permit; and 6
  - (d) be accompanied by the fee prescribed under a 7  
regulation. 8

**272 Additional information for application 9**

- (1) The local government may, by notice, ask the applicant to 10  
give the local government further reasonable information or 11  
documents about the application in the following period (the 12  
*information period*)— 13
- (a) the period of at least 3 business days stated in the notice; 14
  - (b) any longer period agreed between the local government 15  
and the applicant. 16
- (2) The local government may refuse the application if the 17  
applicant does not give the local government the information 18  
or documents in the information period, without reasonable 19  
excuse. 20

**273 Deciding application 21**

- The local government must consider the application and 22  
decide to— 23
- (a) grant it; or 24
  - (b) grant it and impose conditions on the permit, as well as 25  
the mandatory conditions; or 26
  - (c) refuse it. 27

[s 274]

<b>274</b>	<b>Criteria for deciding application</b>	1
(1)	The local government may grant the application only if satisfied of the following—	2
(a)	the proposed area is not expected to be subject to a grazing permit, grazing authority or another harvesting permit in the proposed period;	3
(b)	harvesting pasture in the proposed area is not likely to—	4
(i)	introduce a declared pest to, or spread a declared pest within, the area; or	5
(ii)	cause, or significantly increase the extent of, land degradation; or	6
(iii)	present an unreasonable risk to the safety of road users; or	7
(iv)	adversely affect a special management area; or	8
(v)	reduce the level of the pasture in the proposed area below a level reasonably likely to be required for the use of travelling stock after the proposed period ends;	9
(c)	the applicant has or can obtain adequate public risk insurance for the activities to which the application relates;	10
(d)	another matter prescribed under a regulation.	11
(2)	If the proposed area includes a State-controlled road, the local government may grant the application only if the use of the area for harvesting is approved, with or without conditions, by the road transport chief executive.	12
(3)	A condition of an approval mentioned in subsection (2) can only be about road-related conditions.	13
<b>275</b>	<b>Issuing permit</b>	14
	If the local government decides to grant the application, it must—	15

[s 276]

- 
- (a) issue the harvesting permit in the approved form; and 1
  - (b) give the applicant— 2
    - (i) the permit; and 3
    - (ii) if the local government decides to impose a 4  
condition on the permit under section 273(b)—a 5  
review notice about the decision; and 6
  - (c) give the chief executive a copy of the permit. 7

**276 Refusing application** 8

If the local government decides to refuse the application it 9  
must immediately give the applicant a review notice about the 10  
decision. 11

**277 Failure to decide application** 12

- (1) This section applies if a local government fails to decide the 13  
application within the latest of the following periods to end— 14
  - (a) within 5 business days after the application is made; 15
  - (b) if the local government has requested additional 16  
information or a document under section 272— 17
    - (i) the end of 5 business days after the information or 18  
document is received; or 19
    - (ii) the end of 5 business days after the end of the 20  
information period. 21
- (2) The failure to decide is taken to be a decision by the local 22  
government to refuse the application for which the applicant 23  
is taken to be entitled to have been given a review notice under 24  
section 276. 25

[s 278]

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<b>Part 3</b>	<b>Harvesting permits</b>	1
<b>Division 1</b>	<b>Permit contents</b>	2
<b>278</b>	<b>Contents of harvesting permit</b>	3
	A harvesting permit must state each of the following—	4
	(a) the period (the <i>permit period</i> ) for which it is in force;	5
	(b) the area (the <i>permit area</i> ) where pasture can be harvested under the permit;	6 7
	(c) the level of pasture in the permit area that must be kept for travelling stock after the permit period ends;	8 9
	(d) the mandatory conditions for the permit under section 279;	10 11
	(e) any conditions imposed under section 273(b);	12
	(f) if the local government issuing the permit has prescribed a harvesting fee—the harvesting fee payable for harvesting pasture under the permit.	13 14 15
<b>279</b>	<b>Mandatory conditions</b>	16
	(1) The mandatory conditions for a harvesting permit are as follows—	17 18
	(a) the permit area may be used only for harvesting under the permit;	19 20
	(b) pasture may be harvested only within the permit area;	21
	(c) appropriate signage to warn members of the public that pasture is being harvested in the permit area must be clearly displayed while pasture is being harvested under the permit;	22 23 24 25
	(d) pasture in the permit area must not be reduced below a level reasonably likely to be required for travelling stock after the permit period;	26 27 28

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- 
- (e) the obligations under division 2;
1
  - (f) adequate public risk insurance must be maintained for the activities carried out under the permit;
2  
3
  - (g) the permit is not transferable.
4
  - (2) Also, the mandatory conditions include each of the following—
5  
6
  - (a) if a conditional use area declaration is in force for land in the permit area—the declared usage conditions;
7  
8
  - (b) if the permit area includes a special management area—the special management conditions for the special management area;
9  
10  
11
  - (c) if the permit area includes a State-controlled road—any conditions approved under section 274(2).
12  
13

## Division 2 Particular obligations for harvesting 14

- 280 Inspection and measuring of harvested pasture by authorised person** 15  
16
- (1) A person (the *relevant person*) who holds a harvest permit or harvests pasture under a harvesting permit must allow an authorised person to inspect and measure the pasture harvested under the permit—
17  
18  
19  
20
  - (a) at the permit area or the relevant person's place of business; and
21  
22
  - (b) within—
23

    - (i) 5 business days after the pasture is harvested; or
24
    - (ii) a longer period agreed between the authorised person and relevant person.
25  
26
  - Maximum penalty—10 penalty units.
27

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- |     |   |             |
|-----|---|-------------|
| (2) | The relevant person must also comply with any reasonable directions given by the authorised person for carrying out the inspection or measurement of the pasture. | 1<br>2<br>3 |
|     | Maximum penalty—10 penalty units.   | 4           |

<b>281</b>	<b>Keeping record of pasture harvested</b>	<b>5</b>
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- |     |  |             |
|-----|--|-------------|
| (1) | A person who holds a harvesting permit or harvests pasture under a harvesting permit must keep a written record stating— | 6<br>7<br>8 |
| (a) | each day pasture is harvested under the permit; and  | 9           |
| (b) | the quantity of pasture harvested under the permit.  | 10          |
|     | Maximum penalty—10 penalty units.  | 11          |
| (2) | The person must keep the record for 2 years after the pasture is harvested.  | 12<br>13    |
|     | Maximum penalty—10 penalty units.  | 14          |

<b>Division 3</b>	<b>Permit period</b>	<b>15</b>
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<b>282</b>	<b>Period of permit</b>	<b>16</b>
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	The permit period for a harvesting permit can not be more than 28 days.	17 18
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<b>283</b>	<b>Effect of permit</b>	<b>19</b>
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- |     |  |          |
|-----|--|----------|
| (1) | A harvesting permit takes effect from—   | 20       |
| (a) | the day it is issued; or   | 21       |
| (b) | if the permit period starts on a later day is stated in it—the later day.                                | 22<br>23 |
| (2) | A harvesting permit remains in force, unless it is sooner cancelled, for the permit period stated in it. | 24<br>25 |

<b>Division 4</b>	<b>Harvesting fee</b>	1
<b>284</b>	<b>Local government may prescribe harvesting fee</b>	2
	A local government may prescribe, under a resolution or local law, a fee (the <i>harvesting fee</i> ) for harvesting pasture under a harvesting permit in its management area that is based on the quantity of pasture harvested.	3 4 5 6
<b>Part 4</b>	<b>Amending permits</b>	7
<b>Division 1</b>	<b>Required amendments</b>	8
<b>285</b>	<b>Permit holder to give notice of correct particulars</b>	9
(1)	This section applies if, because of a change in circumstances, any of the following particulars contained in a harvesting permit is no longer correct—	10 11 12
(a)	the permit holder's name and contact address or telephone number;	13 14
(b)	other information prescribed under a regulation.	15
(2)	The harvesting permit holder must, within 10 business days after the change happens, give notice of the correct particular to the issuing local government.	16 17 18
	Maximum penalty—50 penalty units.	19
(3)	On receiving the notice the local government must amend the harvesting permit to show the correct particulars.	20 21

[s 286]

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<b>Division 2</b>	<b>Amendment by local government</b>	1
<b>286</b>	<b>Local government may amend permit</b>	2
(1)	This section applies if—	3
(a)	after a harvesting permit is issued—	4
(i)	a closed area declaration or conditional use area declaration is made for land in the permit area; or	5 6
(ii)	a special management condition for the use of land in the permit area takes effect; or	7 8
(iii)	there is another material change in circumstances; and	9 10
(b)	the issuing local government considers—	11
(i)	it is necessary to amend the permit because of the declaration, condition or change in circumstances; and	12 13 14
	<i>Examples of amendments—</i>	15
	• changing the permit area	16
	• changing the permit period	17
(ii)	if the permit were amended, pasture could be harvested under the permit, as amended, under any amended permit conditions and this Act.	18 19 20
(2)	The local government must give the harvesting permit holder a notice (an <b><i>amendment notice</i></b> )—	21 22
(a)	stating—	23
(i)	the decision to amend the permit; and	24
(ii)	the day, at least 3 business days after the notice is given, that the amendment takes effect; and	25 26
(b)	accompanied by—	27
(i)	the amended permit; and	28
(ii)	a review notice for the decision.	29

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- (3) The harvesting permit is amended from the day stated in the amendment notice. 1  
2

### **Division 3 Replacement of harvesting permits 3**

#### **287 Issuing replacement permit 4**

- (1) If a harvesting permit is amended under this division, the issuing local government may, by notice, require the permit holder to return the permit. 5  
6  
7
- (2) The permit holder must comply with the requirement unless the permit has been lost, stolen or destroyed because of circumstances beyond the holder's control. 8  
9  
10  
Maximum penalty—50 penalty units. 11
- (3) On receiving the harvesting permit, if a replacement permit has not already been issued, the local government must issue the permit holder a replacement permit, showing the correct particulars. 12  
13  
14  
15
- (4) The local government must give the chief executive a copy of each replacement harvesting permit it issues. 16  
17

### **Part 5 Cancelling harvesting permits 18**

#### **288 Grounds 19**

- Each of the following is a ground for a local government to cancel a harvesting permit— 20  
21
- (a) the permit was issued because of a materially false or misleading representation or document, made either orally or in writing; 22  
23  
24
- (b) the permit holder has not complied with a condition of the permit; 25  
26

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- (c) a closed area declaration or conditional use area declaration has been made, or a special management condition is in force, for land in the permit area and the local government considers—
  - (i) it is necessary to cancel the permit because of the declaration or condition; and
  - (ii) it is not practicable to amend the permit under section 286.

**289 Procedure**

- (1) This section applies if an issuing local government—
  - (a) considers a ground for cancelling a harvesting permit exists under section 288; and
  - (b) decides to cancel the permit.
- (2) The local government must give the harvesting permit holder a notice (a ***cancellation notice***) stating each of the following—
  - (a) that the permit is cancelled;
  - (b) the grounds for the cancellation;
  - (c) the facts and circumstances that are the basis for the grounds;
  - (d) the day (the ***cancellation day***), that is at least 3 business days after the notice is issued, from which the permit is cancelled.
- (3) The cancellation notice must include or be accompanied by a review notice for the decision.
- (4) The cancellation of a harvesting permit has effect on the cancellation day.

<b>Chapter 7</b>	<b>Offences for stock route network and public (stock access) land</b>	1
		2
		3
<b>Part 1</b>	<b>General restrictions</b>	4
<b>290</b>	<b>Driving or grazing stock in contravention of declaration or special management condition</b>	5
		6
(1)	This section applies to a person who owns or is in charge of stock.	7
		8
(2)	The person must not allow the stock to be driven or grazed on a part of the stock route network or public (stock access) land—	9
		10
		11
(a)	if a closed area declaration is in force for the part of the network or public (stock access) land; or	12
		13
(b)	in contravention of a declared usage condition relating to a conditional area declaration; or	14
		15
(c)	in contravention of a special management condition.	16
	Maximum penalty—100 penalty units.	17
(3)	However, subsection (2) does not apply if—	18
(a)	the stock are driven or grazed under—	19
(i)	a permit to occupy; or	20
(ii)	a travel permit, unfit stock permit, grazing permit or grazing authority that—	21
		22
(A)	was issued before the closed area declaration, conditional use area declaration or special management condition took effect; and	23
		24
		25
		26

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	(B) has not been amended, because of the declaration or condition, under section 170 or 231; or	1 2 3
	(b) the stock are driven on a State-controlled road in compliance with the <i>Transport Infrastructure Act 1994</i> , chapter 6, part 5, division 2, subdivision 1.	4 5 6
	<i>Editor's note—</i>	7
	<i>Transport Infrastructure Act 1994</i> , chapter 6, part 5, division 2, subdivision 1 (General rules for ancillary works and encroachments)	8 9 10
<b>291</b>	<b>Harvesting pasture in contravention of declaration or special management condition</b>	11 12
	(1) A person must not harvest pasture on a part of the stock route network or public (stock access) land—	13 14
	(a) if a closed area declaration is in force for the part of the network or public (stock access) land; or	15 16
	(b) in contravention of a declared usage condition relating to a conditional area declaration; or	17 18
	(c) in contravention of a special management condition.	19
	Maximum penalty—200 penalty units.	20
	(2) However, subsection (1) does not apply if the pasture is harvested under a harvesting permit that—	21 22
	(a) was issued before the closed area declaration, conditional use area declaration or special management condition took effect; and	23 24 25
	(b) has not been amended, because of the declaration or condition, under section 286.	26 27

<b>Part 2</b>	<b>Use of stock route network and public (stock access) land</b>	1 2
<b>Division 1</b>	<b>Movement of stock</b>	3
<b>292</b>	<b>Unauthorised movement of stock</b>	4
(1)	A person who owns or is in charge of stock must not drive or allow the stock to be driven on a part of the stock route network or public (stock access) land unless—	5 6 7
(a)	the owner, or a person authorised by the owner, holds a travel permit or unfit stock (travel) permit to drive the stock on the part of the network or public (stock access) land; or	8 9 10 11
(b)	the person has a reasonable excuse.	12
	Maximum penalty—	13
	• for driving up to 20 head of stock—20 penalty units;	14
	• for driving each head of stock in excess of 20 head up to 100 head of stock—1 penalty unit;	15 16
	• for driving each 10 head and remaining head of stock in excess of 100 head of stock—1 penalty unit.	17 18
(2)	However, subsection (1) does not apply if—	19
(a)	the stock are driven on a State-controlled road under the <i>Transport Infrastructure Act 1994</i> , chapter 6, part 5, division 2, subdivision 1; or	20 21 22
(b)	the stock are driven on another road under section 119.	23
<b>293</b>	<b>Offence to allow stock to stray</b>	24
	A person who owns or is in charge of stock must not, without a reasonable excuse, allow the stock to stray onto the stock route network or public (stock access) land.	25 26 27

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<i>Example of a reasonable excuse—</i>	1
It is a reasonable excuse if—	2
(a) an event beyond the defendant’s control, including, for example, a natural disaster or an action of someone else not authorised by the defendant, has destroyed or damaged a fence or part of a fence; and	3 4 5 6
(b) before the event happened, the fence or the part of the fence was stock-proof and, other than for the event, would have prevented the stock from straying onto the stock route network or public (stock access) land; and	7 8 9 10
(c) the defendant has not had a reasonable opportunity since the event to arrange for the fence or the part of the fence to be replaced or made stock-proof.	11 12 13
Maximum penalty—	14
(a) for up to 20 head of stock straying—20 penalty units; and	15 16
(b) for each head of stock in excess of 20 head up to 200 head of stock straying—1 penalty unit; and	17 18
(c) for each 10 head and remaining head of stock in excess of 200 head of stock straying—1 penalty unit.	19 20

<b>Division 2</b>	<b>Grazing of stock</b>	21
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<b>294</b>	<b>Definition for div 2</b>	22
	In this division—	23
	<i>relevant grazing authorisation</i> means—	24
	(a) a grazing permit, grazing authority or unfit stock (grazing) permit; or	25 26
	(b) a permit to occupy; or	27
	(c) a licence under the Land Act.	28

<b>295</b>	<b>Application of div 2 to grazing by travelling stock</b>	1
	This division does not apply to grazing by travelling stock under a travel permit or unfit stock (travel) permit if—	2
		3
	(a) the stock are grazing on the permit route; and	4
	(b) the grazing does not contravene a condition of the permit and is otherwise incidental to the stock's travel under the permit.	5
		6
		7
<b>296</b>	<b>Unauthorised grazing of stock</b>	8
	A person who owns or is in charge of stock must not allow the stock to graze on a part of the stock route network or public (stock access) land unless—	9
		10
		11
	(a) the owner or a person authorised by the owner holds a relevant grazing authorisation to graze the stock on the part of the network or public (stock access) land; or	12
		13
		14
	(b) the person has a reasonable excuse.	15
	Maximum penalty—	16
	• for allowing grazing of up to 20 head of stock—20 penalty units;	17
		18
	• for allowing grazing of each head of stock in excess of 20 head up to 100 head of stock—1 penalty unit;	19
		20
	• for allowing grazing of each 10 head and remaining head of stock in excess of 100 head of stock—1 penalty unit.	21
		22
		23
<b>297</b>	<b>Landowner allowing unauthorised grazing of stock</b>	24
	(1) This section applies if—	25
	(a) a person owns land on which the person allows stock to graze; and	26
		27
	(b) the land adjoins a part of the stock route network or public (stock access) land.	28
		29

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(2)	The person must not allow the stock to graze on the part of the stock route network or public (stock access) land unless—	1 2
(a)	the person holds a relevant grazing authorisation to graze the stock on the part of the network or public (stock access) land; or	3 4 5
(b)	if someone else owns the stock, the owner or a person authorised by the owner holds a relevant grazing authorisation to graze the stock on the part of the network or public (stock access) land; or	6 7 8 9
(c)	the person has a reasonable excuse.	10
	Maximum penalty—	11
•	for allowing grazing of up to 20 head of stock—20 penalty units;	12 13
•	for allowing grazing of each head of stock in excess of 20 head up to 100 head of stock—1 penalty unit;	14 15
•	for allowing grazing of each 10 head and remaining head of stock in excess of 100 head of stock—1 penalty unit.	16 17 18
<b>298</b>	<b>What is and is not a reasonable excuse</b>	19
(1)	A reasonable excuse for an offence under section 296 or 297(2) includes, if—	20 21
(a)	an event beyond the control of the defendant has destroyed or damaged a fence or part of a fence; and	22 23
	<i>Examples of an event—</i>	24
•	a natural disaster	25
•	an action of someone other than the defendant that is not authorised by the defendant	26 27
(b)	before the event happened, the fence or the part was stock-proof and, other than for the event, would have prevented the stock from grazing on the part of the stock route network or public (stock access) land to which the offence relates; and	28 29 30 31 32

- (c) the defendant has not had a reasonable opportunity since the event to arrange for the fence or the part to be replaced or made stock-proof. 1 2 3
- (2) It is not a reasonable excuse for an offence under this division that a person has been required to pay, or has paid, a grazing fee for the grazing of the stock. 4 5 6

### **Division 3                      Other conduct** 7

#### **299      Burning pasture** 8

A person must not, without a lawful excuse, burn pasture or cause pasture to be burned on a part of the stock route network in a local government area without the local government's consent. 9 10 11 12

Maximum penalty—200 penalty units. 13

*Note—* 14

Lighting fires is also regulated under the *Fire and Rescue Services Act 1990*, part 7 (Control and prevention of fires). 15 16

#### **300      Unauthorised harvesting of pasture** 17

A person must not harvest pasture from the stock route network or public (stock access) land unless the person— 18 19

- (a) is employed or engaged by a local government to harvest pasture under section 101; or 20 21
- (b) holds a harvesting permit to harvest the pasture; or 22
- (c) has a reasonable excuse. 23

Maximum penalty—200 penalty units. 24

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<b>Part 3</b>	<b>Use of water and stock facilities</b>	1 2
<b>301</b>	<b>Definition for pt 3</b>	3
	In this part—	4
	<i>stock purposes</i> , for taking or releasing water, means—	5
	(a) watering stock; or	6
	(b) personal use connected with driving or grazing stock.	7
	<i>Example—</i>	8
	persons involved in driving stock consuming or using water for cooking or personal hygiene while driving the stock	9 10
<b>302</b>	<b>Taking water from public water facility</b>	11
	A person must not take water from a public water facility unless the person—	12 13
	(a) is allowed to take water from the facility under a water facility agreement, travel permit, grazing permit, grazing authority or unfit stock permit; or	14 15 16
	(b) is driving stock on—	17
	(i) a State-controlled road under the <i>Transport Infrastructure Act 1994</i> , chapter 6, part 5, division 2, subdivision 1; or	18 19 20
	(ii) another road under section 119; and	21
	takes the water for stock purposes; or	22
	(c) has a reasonable excuse.	23
	Maximum penalty—200 penalty units.	24
<b>303</b>	<b>Wasting or polluting water</b>	25
	A person must not—	26

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(a)	release water, or cause water to be released, from a public water facility other than for stock purposes, unless the person has a reasonable excuse; or	1 2 3
(b)	pollute water in a public water facility.	4
	Maximum penalty—50 penalty units.	5
<b>304</b>	<b>Damaging stock facility</b>	6
	A person must not damage a stock facility or cause a stock facility to be damaged or otherwise hinder the usual operation of a stock facility.	7 8 9
	Maximum penalty—50 penalty units.	10
<b>305</b>	<b>Camping near public water facility</b>	11
	A person must not camp on the stock route network or public (stock access) land within 300m of a public water facility.	12 13
	Maximum penalty—50 penalty units.	14
<b>306</b>	<b>Allowing stock to remain near public water facility</b>	15
	A person who owns or is in charge of stock must not, without a reasonable excuse, allow the stock to remain within 300m of a public water facility, other than to water the stock.	16 17 18
	Maximum penalty—50 penalty units.	19
<b>Part 4</b>	<b>Obstructing stock</b>	20
<b>307</b>	<b>Obstructing movement of stock</b>	21
	A person must not obstruct the movement of stock travelling on the stock route network or public (stock access) land unless	22 23

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it is necessary to obstruct the movement of the stock to ensure the safety of persons or stock.	1 2
<i>Examples of obstructing the movement of travelling stock—</i>	3
• building a fence, locking a gate or using vehicles or animals to prevent movement of stock	4 5
• making noise to alarm stock	6
Maximum penalty—50 penalty units.	7
 <b>308 Placing things on network or public (stock access) land</b>	 8
(1) A person must not place a thing on the stock route network or public (stock access) land if the thing is likely to harm—	9 10
(a) stock travelling on the network or land; or	11
(b) a person in charge of the stock.	12
<i>Examples of a thing—</i>	13
an animal carcass or part of the carcass, a car body, old fencing, wire or rope	14 15
Maximum penalty—50 penalty units.	16
(2) In this section—	17
<i>harm</i> includes obstruct.	18
 <b>Part 5 Stock under permits or authorities</b>	 19 20
 <b>309 Contravention of condition</b>	 21
(1) This applies to a person who—	22
(a) holds a travel permit, unfit stock permit, grazing permit, grazing authority or harvesting permit; or	23 24

(b)	is in charge of stock being driven under a travel permit or unfit stock permit; or	1 2
(c)	is in charge of stock being grazed under a grazing permit or grazing authority; or	3 4
(d)	harvests pasture under a harvesting permit.	5
(2)	The person must not, without reasonable excuse, contravene a condition of the permit or authority.	6 7
	Maximum penalty—50 penalty units.	8
<b>310</b>	<b>Allowing another person to contravene condition</b>	9
(1)	A person who holds a travel permit, unfit stock permit, grazing permit, grazing authority or harvesting permit must not, without a reasonable excuse, allow another person to contravene a condition of the permit or authority.	10 11 12 13
	Maximum penalty—50 penalty units.	14
(2)	It is a defence for a defendant charged with an offence under subsection (1) to prove the defendant exercised reasonable diligence to ensure the other person complied with the condition.	15 16 17 18
<b>311</b>	<b>Rate of travel for stock</b>	19
(1)	This section applies to a person who—	20
(a)	holds a travel permit or an unfit stock (travel) permit; or	21
(b)	is in charge of driving stock under a travel permit or an unfit stock (travel) permit.	22 23
(2)	The person must ensure stock travelling under the permit travel towards their destination at the required rate, unless the person has a reasonable excuse.	24 25 26
	<i>Examples of a reasonable excuse—</i>	27
	The contravention happened because of—	28
(a)	adverse weather, fire or flood; or	29

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	(b) other circumstances the person could not reasonably have foreseen.	1
	Maximum penalty—100 penalty units.	2
(3)	It is not a reasonable excuse for a person to fail to ensure stock travel at the required rate because the stock are unfit stock.	3 4
(4)	It is a defence for the holder of a travel permit who is not in charge of driving the stock under the permit to prove that the holder exercised reasonable diligence to ensure the person in charge of the stock drove them at the required rate.	5 6 7 8
(5)	Subsection (2) is not limited by the imposition on the permit holder of the overdue travel fee for the travel.	9 10
<b>312</b>	<b>Stock must be adequately supervised</b>	11
(1)	This section applies to the person in charge of stock (the <i>relevant stock</i> ) while the relevant stock are travelling under a travel permit or unfit stock (travel) permit on the stock route network or public (stock access) land.	12 13 14 15
(2)	The person in charge must ensure an appropriate person is—	16
	(a) directly supervising the relevant stock; or	17
	(b) directly supervising other stock travelling under the permit no further than the following distance from the relevant stock—	18 19 20
	(i) 10km, during daylight hours;	21
	(ii) 1km, at other times.	22
	Maximum penalty—	23
	• for not ensuring supervision of up to 10 head of stock—50 penalty units; or	24 25
	• for not ensuring supervision of more than 10 head of stock—100 penalty units.	26 27
(3)	In this section—	28
	<i>appropriate person</i> means—	29
	(a) the person in charge of the stock; or	30

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(b)	a person acting under the direction of the person in charge of the stock.	1 2
<b>Chapter 8</b>	<b>Investigation and enforcement</b>	3 4
<b>Part 1</b>	<b>General provisions about authorised persons</b>	5 6
<b>Division 1</b>	<b>Appointment</b>	7
<b>313</b>	<b>Authorised persons under ch 8</b>	8
	This chapter includes provision for the appointment of authorised persons, and gives authorised persons particular powers.	9 10 11
<b>314</b>	<b>Functions of authorised persons</b>	12
	An authorised person has the following functions—	13
(a)	to investigate, monitor and enforce compliance with this Act;	14 15
(b)	to investigate or monitor whether an occasion has arisen for the exercise of powers under this Act;	16 17
(c)	to facilitate the exercise of powers under this Act.	18
<b>315</b>	<b>Appointment and qualifications</b>	19
(1)	The chief executive or the chief executive officer of a local government (the <i>appointing authority</i> ) may appoint an individual as an authorised person.	20 21 22

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(2)	However, the appointing authority may appoint an individual as an authorised person only if the appointing authority is satisfied the individual is qualified for appointment because the individual has the necessary expertise or experience.	1 2 3 4
<b>316</b>	<b>Appointment conditions and limit on powers</b>	5
(1)	An authorised person holds office on any conditions stated in—	6 7
(a)	the authorised person’s instrument of appointment; or	8
(b)	a signed notice given to the authorised person; or	9
(c)	a regulation.	10
(2)	The instrument of appointment, a signed notice given to the authorised person or a regulation may limit the authorised person’s powers under this Act.	11 12 13
(3)	Also, an authorised person appointed by the chief executive officer of a local government may exercise the authorised person’s powers only in relation to the local government’s area.	14 15 16 17
(4)	In this section—	18
	<i>signed notice</i> means a notice signed by the chief executive or the chief executive officer of a local government.	19 20
<b>317</b>	<b>When office ends</b>	21
(1)	An authorised person ceases to hold office if any of the following happens—	22 23
(a)	the term of office stated in a condition of office ends;	24
(b)	under another condition of office, the authorised person ceases to hold office;	25 26
(c)	the authorised person’s resignation under section 318 takes effect.	27 28

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(2)	Subsection (1) does not limit the ways an authorised person may cease to hold office.	1 2
(3)	In this section—	3
	<i>condition of office</i> means a condition on which the authorised person holds office.	4 5
<b>318</b>	<b>Resignation</b>	6
	An authorised person may resign by signed notice given to the appointing authority who appointed the person.	7 8
<b>Division 2</b>	<b>Identity cards</b>	9
<b>319</b>	<b>Issue of identity card</b>	10
(1)	An appointing authority must issue an identity card to each authorised person it appoints.	11 12
(2)	The identity card must—	13
(a)	contain a recent photo of the authorised person; and	14
(b)	contain a copy of the authorised person's signature; and	15
(c)	identify the person as an authorised person under this Act; and	16 17
(d)	state whether the authorised person is appointed by the chief executive or chief executive officer of a local government; and	18 19 20
(e)	state an expiry date for the card.	21
(3)	This section does not prevent the issue of a single identity card to a person for this Act and other purposes.	22 23

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<b>320</b>	<b>Production or display of identity card</b>	1
(1)	In exercising a power under this Act in relation to another person in the other person's presence, an authorised person must—	2 3 4
(a)	produce the authorised person's identity card for the other person's inspection before exercising the power; or	5 6 7
(b)	have the identity card displayed so it is clearly visible to the other person when exercising the power.	8 9
(2)	However, if it is not practicable to comply with subsection (1), the authorised person must produce the identity card for the other person's inspection at the first reasonable opportunity.	10 11 12 13
(3)	For subsection (1), an authorised person does not exercise a power in relation to the other person only because the authorised person has entered a place as mentioned in section 324(1)(b) or 333.	14 15 16 17

<b>321</b>	<b>Return of identity card</b>	18
	If the office of a person as an authorised person ends, the person must return the person's identity card to the appointing authority who appointed the person within 21 days after the office ends unless the identity card has been lost, stolen or destroyed because of circumstances beyond the person's control.	19 20 21 22 23 24
	Maximum penalty—10 penalty units.	25

<b>Division 3</b>	<b>Miscellaneous provisions</b>	26
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<b>322</b>	<b>References to exercise of powers</b>	27
	If—	28

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	(a) a provision of this Act refers to the exercise of a power by an authorised person; and	1 2
	(b) there is no reference to a specific power;	3
	the reference is to the exercise of all or any authorised persons' powers under this chapter or a warrant, to the extent the powers are relevant.	4 5 6
<b>323</b>	<b>Reference to document includes reference to reproductions from electronic document</b>	7 8
	A reference in this chapter to a document includes a reference to an image or writing—	9 10
	(a) produced from an electronic document; or	11
	(b) not yet produced, but reasonably capable of being produced, from an electronic document, with or without the aid of another article or device.	12 13 14
<b>Part 2</b>	<b>Entry of places by authorised persons</b>	15 16
<b>Division 1</b>	<b>General powers for entering places</b>	17
<b>324</b>	<b>General powers of entry</b>	18
	(1) An authorised person may enter a place if—	19
	(a) an occupier at the place consents under division 3 to the entry and section 334 has been complied with for the occupier; or	20 21 22
	(b) it is a public place and the entry is made when it is open to the public; or	23 24

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- (c) the entry is authorised under a warrant and, if there is an occupier of the place, section 341 has been complied with for the occupier; or
- (d) it is a permit or authority holder’s place of business and is—
  - (i) open for carrying on the business; or
  - (ii) otherwise open for entry; or
  - (iii) required to be open for inspection under the permit or authority.
- (2) In this section—

***place of business*** does not include a part of the place where a person resides.

***public place*** means—

  - (a) a place, or part of the place—
    - (i) the public is entitled to use, is open to members of the public or is used by the public, whether or not on payment of money; or

*Example of a place that may be a public place under subparagraph (i)—*  
a road
    - (ii) the occupier of which allows, whether or not on payment of money, members of the public to enter; or

*Examples of a place that may be a public place under subparagraph (ii)—*  
a saleyard, a showground
  - (b) a place that is a public place under another Act.

**325 Restriction on entry by consent**

If the power to enter a place arises only because an occupier of the place consents to the entry, the power is subject to any

	conditions of the consent and ceases if the consent is withdrawn.	1 2
<b>326</b>	<b>Restriction on entry by warrant</b>	3
	If the power to enter is under a warrant, the power is subject to the terms of the warrant.	4 5
<b>327</b>	<b>Restriction on particular entries without consent or warrant</b>	6 7
	(1) This section applies if—	8
	(a) an authorised person is intending to enter a place under section 324(1)(b) or (d); and	9 10
	(b) the occupier of the place is present at the place.	11
	(2) Before entering the place, the authorised person must do or make a reasonable attempt to do the following—	12 13
	(a) comply with section 320(1);	14
	(b) tell the occupier the purpose of the entry;	15
	(c) tell the occupier the authorised person is permitted under this Act to enter the place without the occupier's consent or a warrant.	16 17 18
<b>Division 2</b>	<b>Particular entry powers</b>	19
<b>328</b>	<b>Definitions for div 2</b>	20
	In this division—	21
	<i>contractor</i> , for an authorised person, means a person acting under the direction of the authorised person.	22 23
	<i>entry notice</i> , to enter land, means a notice stating the following—	24 25

[s 329]

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- (a) that the authorised person giving the notice or a contractor for the authorised person intends to enter the land and may do so under a stated provision of this division without the landowner's consent or a warrant;
- (b) the part of the land proposed to be entered;
- (c) the purpose of the intended entry, including the action to be carried out to achieve the purpose;
- (d) the date of the intended entry;
- (e) the reasonable period in which it is intended the authorised person or contractor will stay on the land to achieve the purpose of the entry.

### **329 Entry to remedy noncompliance with fencing obligations**

- (1) This section applies if—
  - (a) the owner of adjoining land is given—
    - (i) a fencing notice; or
    - (ii) a direction notice for a contravention of section 93(2); and
  - (b) an authorised person reasonably suspects the owner has not complied with the notice, whether or not the owner has been charged with an offence against section 92 or 378.
- (2) An authorised person or a contractor for an authorised person may enter the land at any reasonable time to take the following action—
  - (a) if subsection (1)(a) applies—erect or complete the erection of the fence required under the fencing notice;
  - (b) if subsection (1)(b) applies—do anything necessary to make the boundary fence stock-proof.
- (3) However, the authorised person must give the landowner an entry notice at least 7 days before the entry.

<b>330</b>	<b>Entry to remedy noncompliance with mustering obligations</b>	1
		2
(1)	This section applies if—	3
(a)	a local government gives a person a mustering notice to muster stock on land in the local government's management area; and	4
		5
		6
(b)	an authorised person reasonably suspects the person has not complied with the notice, whether or not the person has been charged with an offence against section 96.	7
		8
		9
(2)	An authorised person or a contractor for an authorised person may enter the land at any reasonable time to muster the stock.	10
		11
(3)	However, if the land is subject to a lease under the Land Act, the authorised person or contractor may enter the land only if—	12
		13
		14
(a)	the owner of the land consents to the entry; or	15
(b)	the authorised person gives the owner an entry notice at least 24 hours before the entry.	16
		17
 <b>331</b>	 <b>Entry to maintain stock facilities</b>	 18
(1)	This section applies if—	19
(a)	a stock facility servicing a local government's management area is on land ( <i>private land</i> ) that—	20
		21
(i)	is freehold or leasehold land; and	22
(ii)	is not on the stock route network or public (stock access) land; and	23
		24
(iii)	is not controlled by the State or a local government; and	25
		26
(b)	the stock facility—	27
(i)	has been supplied for the benefit of persons using a primary stock route or a primary reserve; or	28
		29

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- (ii) has been supplied for the benefit of persons using a secondary stock route or secondary reserve, that the local government has agreed to maintain; and
  - (c) the local government needs to enter the private land to maintain the stock facility.
- (2) An authorised person or a contractor for an authorised person may enter the part of the private land necessary to carry out the maintenance only if—
  - (a) the owner and occupier of the land consent to the entry; or
  - (b) the authorised person gives the owner and occupier of the land an entry notice at least 24 hours before the entry.
- (3) The entry notice must include the following—
  - (a) details to identify the stock facilities for which maintenance is required;
  - (b) the nature of the maintenance to be carried out;
  - (c) contact details for a person the local government has authorised to discuss the matters stated in the notice.
- (4) If the authorised person is reasonably satisfied it is impracticable to give the entry notice, it is sufficient compliance with subsection (2)(b) if, at least 24 hours before the entry, the local government—
  - (a) publishes the notice in a newspaper circulating generally in the local government's area; or
  - (b) places the notice in a conspicuous place on the private land.
- (5) Despite subsections (2) to (4), if the local government needs to enter the private land in urgent circumstances, the authorised person need only give the owner and occupier of the land the notice that is reasonably practicable in the circumstances.

(6)	In this section—	1
	<i>maintain</i> includes inspect.	2
<b>Division 3</b>	<b>Entry by consent</b>	3
<b>332</b>	<b>Application of div 3</b>	4
	This division applies if an authorised person intends to ask an occupier of a place to consent to the authorised person or another authorised person entering the place under section 324(1)(a).	5 6 7 8
<b>333</b>	<b>Incidental entry to ask for access</b>	9
	For the purpose of asking the occupier for the consent, an authorised person may, without the occupier's consent or a warrant—	10 11 12
	(a) enter land around premises at the place to an extent that is reasonable to contact the occupier; or	13 14
	(b) enter part of the place the authorised person reasonably considers members of the public ordinarily are allowed to enter when they wish to contact an occupier of the place.	15 16 17 18
<b>334</b>	<b>Matters authorised person must tell occupier</b>	19
	Before asking for the consent, the authorised person must give a reasonable explanation to the occupier—	20 21
	(a) about the purpose of the entry, including the powers intended to be exercised; and	22 23
	(b) that the occupier is not required to consent; and	24
	(c) that the consent may be given subject to conditions and may be withdrawn at any time.	25 26

[s 335]

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<b>335</b>	<b>Consent acknowledgement</b>	1
(1)	If the consent is given, the authorised person may ask the occupier to sign an acknowledgement of the consent.	2 3
(2)	The acknowledgement must state—	4
(a)	the purpose of the entry, including the powers to be exercised; and	5 6
(b)	the following has been explained to the occupier—	7
(i)	the purpose of the entry, including the powers intended to be exercised;	8 9
(ii)	that the occupier is not required to consent;	10
(iii)	that the consent may be given subject to conditions and may be withdrawn at any time; and	11 12
(c)	the occupier gives the authorised person or another authorised person consent to enter the place and exercise the powers; and	13 14 15
(d)	the time and day the consent was given; and	16
(e)	any conditions of the consent.	17
(3)	If the occupier signs the acknowledgement, the authorised person must immediately give a copy to the occupier.	18 19
(4)	If—	20
(a)	an issue arises in a proceeding about whether the occupier consented to the entry; and	21 22
(b)	an acknowledgement complying with subsection (2) for the entry is not produced in evidence;	23 24
	the onus of proof is on the person relying on the lawfulness of the entry to prove the occupier consented.	25 26

<b>Division 4</b>	<b>Entry under warrant</b>	1
<b>Subdivision 1</b>	<b>Obtaining a warrant</b>	2
<b>336</b>	<b>Application for warrant</b>	3
(1)	An authorised person may apply to a magistrate for a warrant for a place.	4 5
(2)	The authorised person must prepare a written application that states the grounds on which the warrant is sought.	6 7
(3)	The written application must be sworn.	8
(4)	The magistrate may refuse to consider the application until the authorised person gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires.	9 10 11 12
	<i>Example—</i>	13
	The magistrate may require additional information supporting the application to be given by statutory declaration.	14 15
<b>337</b>	<b>Issue of warrant</b>	16
(1)	The magistrate may issue the warrant only if the magistrate is satisfied there are reasonable grounds for suspecting—	17 18
(a)	there is a particular thing or activity (the <i>evidence</i> ) that may provide evidence of an offence against this Act; and	19 20
(b)	the evidence is at the place, or, within the next 7 days, may be at the place.	21 22
(2)	The warrant must state—	23
(a)	the place to which the warrant applies; and	24
(b)	that a stated authorised person may, with necessary and reasonable help and force—	25 26
(i)	enter the place and any other place necessary for entry to the place; and	27 28

[s 338]

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- (ii) exercise the authorised person's powers under this part; and 1  
2
- (c) particulars of the offence that the magistrate considers appropriate in the circumstances; and 3  
4
- (d) the name of the person suspected of having committed the offence, unless the name is unknown or the magistrate considers it inappropriate to state the name; and 5  
6  
7  
8
- (e) the evidence that may be seized under the warrant; and 9
- (f) the hours of the day or night when the place may be entered; and 10  
11
- (g) the magistrate's name; and 12
- (h) the date and time of the warrant's issue; and 13
- (i) the date, within 14 days after the warrant's issue, the warrant ends. 14  
15

### **338 Electronic application** 16

- (1) An application under section 336 may be made by phone, fax, email, radio, videoconferencing or another form of electronic communication if the authorised person reasonably considers it necessary because of— 17  
18  
19  
20
  - (a) urgent circumstances; or 21
  - (b) other special circumstances, including, for example, the authorised person's remote location. 22  
23
- (2) The application— 24
  - (a) may not be made before the authorised person prepares the written application under section 336(2); but 25  
26
  - (b) may be made before the written application is sworn. 27

<b>339</b>	<b>Additional procedure if electronic application</b>	1
(1)	For an application made under section 338, the magistrate may issue the warrant (the <i>original warrant</i> ) only if the magistrate is satisfied—	2 3 4
(a)	it was necessary to make the application under section 338; and	5 6
(b)	the way the application was made under section 338 was appropriate.	7 8
(2)	After the magistrate issues the original warrant—	9
(a)	if there is a reasonably practicable way of immediately giving a copy of the warrant to the authorised person, including, for example, by sending a copy by fax or email, the magistrate must immediately give a copy of the warrant to the authorised person; or	10 11 12 13 14
(b)	otherwise—	15
(i)	the magistrate must tell the authorised person the information mentioned in section 337(2); and	16 17
(ii)	the authorised person must complete a form of warrant, including by writing on it the information mentioned in section 337(2) provided by the magistrate.	18 19 20 21
(3)	The copy of the warrant mentioned in subsection (2)(a), or the form of warrant completed under subsection (2)(b) (in either case the <i>duplicate warrant</i> ), is a duplicate of, and as effectual as, the original warrant.	22 23 24 25
(4)	The authorised person must, at the first reasonable opportunity, send to the magistrate—	26 27
(a)	the written application complying with section 336(2) and (3); and	28 29
(b)	if the authorised person completed a form of warrant under subsection (2)(b)—the completed form of warrant.	30 31 32

[s 340]

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- (5) The magistrate must keep the original warrant and, on receiving the documents under subsection (4)—
    - (a) attach the documents to the original warrant; and
    - (b) give the original warrant and documents to the clerk of the court of the relevant magistrates court.
  - (6) Despite subsection (3), if—
    - (a) an issue arises in a proceeding about whether an exercise of a power was authorised by a warrant issued under this section; and
    - (b) the original warrant is not produced in evidence; the onus of proof is on the person relying on the lawfulness of the exercise of the power to prove a warrant authorised the exercise of the power.
  - (7) This section does not limit section 336.
  - (8) In this section—  
*relevant magistrates court*, in relation to a magistrate, means the Magistrates Court that the magistrate constitutes under the *Magistrates Act 1991*.
- 340 Defect in relation to a warrant**
- (1) A warrant is not invalidated by a defect in—
    - (a) the warrant; or
    - (b) compliance with this subdivision; unless the defect affects the substance of the warrant in a material particular.
  - (2) In this section—  
*warrant* includes a duplicate warrant mentioned in section 339(3).

<b>Subdivision 2</b>	<b>Entry procedure</b>	1
<b>341</b>	<b>Entry procedure</b>	2
(1)	This section applies if an authorised person named in a warrant issued under this division for a place is intending to enter the place under the warrant.	3 4 5
(2)	Before entering the place, the authorised person must do or make a reasonable attempt to do the following things—	6 7
(a)	identify himself or herself to a person present at the place who is an occupier of the place by producing a copy of the authorised person's identity card or other document evidencing the authorised person's appointment;	8 9 10 11 12
(b)	give the person a copy of the warrant;	13
(c)	tell the person the authorised person is permitted by the warrant to enter the place;	14 15
(d)	give the person an opportunity to allow the authorised person immediate entry to the place without using force.	16 17
(3)	However, the authorised person need not comply with subsection (2) if the authorised person believes on reasonable grounds that immediate entry to the place is required to ensure the effective execution of the warrant is not frustrated.	18 19 20 21
(4)	In this section—	22
	<b>warrant</b> includes a duplicate warrant mentioned in section 339(3).	23 24

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<b>Part 3</b>	<b>Other authorised persons' powers and related matters</b>	1
		2
<b>Division 1</b>	<b>Stopping or moving vehicles</b>	3
<b>342</b>	<b>Application of div 1</b>	4
	This division applies if an authorised person reasonably suspects, or is aware, that a thing in or on a vehicle may provide evidence of the commission of an offence against this Act.	5 6 7 8
<b>343</b>	<b>Power to stop or move</b>	9
(1)	If the vehicle is moving, the authorised person may, to exercise his or her powers, signal or otherwise direct the person in control of the vehicle to stop the vehicle and to bring the vehicle to, and keep it at, a convenient place within a reasonable distance to allow the authorised person to exercise the powers.	10 11 12 13 14 15
(2)	If the vehicle is stopped, the authorised person may direct the person in control of the vehicle—	16 17
(a)	not to move it until the authorised person has exercised the authorised person's powers; or	18 19
(b)	to move the vehicle to, and keep it at, a stated reasonable place to allow the authorised person to exercise the powers.	20 21 22
(3)	When giving the direction under subsection (2), the authorised person must give the person in control an offence warning for the direction.	23 24 25
<b>344</b>	<b>Identification requirements if vehicle moving</b>	26
(1)	This section applies if the authorised person proposes to give a direction under section 343(1) and the vehicle is moving.	27 28

(2)	The authorised person must clearly identify himself or herself as an authorised person exercising the authorised person's powers.	1 2 3
	<i>Examples—</i>	4
1	If the authorised person is in a moving vehicle, he or she may use a loudhailer to identify himself or herself as an authorised person exercising powers.	5 6 7
2	If the authorised person is standing at the side of the road, he or she may use a sign to identify himself or herself as an authorised person exercising powers.	8 9 10
(3)	When the vehicle stops, the authorised person must—	11
(a)	have with him or her the authorised person's identity card; and	12 13
(b)	immediately produce the identity card for the inspection of the person in control of the vehicle.	14 15
(4)	Subsection (3) applies despite section 320(1).	16
<b>345</b>	<b>Failure to comply with direction</b>	17
(1)	The person in control of the vehicle must comply with a direction under section 343 unless the person has a reasonable excuse.	18 19 20
	Maximum penalty—50 penalty units.	21
(2)	It is a reasonable excuse for the person not to comply with a direction if—	22 23
(a)	the vehicle was moving and the authorised person did not comply with section 344; or	24 25
(b)	to comply immediately would have endangered someone else or caused loss or damage to property, and the person complies as soon as it is practicable to do so.	26 27 28
(3)	Subsection (2) does not limit subsection (1).	29
(4)	A person does not commit an offence against subsection (1) if—	30 31

[s 346]

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(a)	the direction the person fails to comply with is given under section 343(2); and	1 2
(b)	the person is not given an offence warning for the direction.	3 4
<b>Division 2</b>	<b>General powers of authorised persons after entering places</b>	5 6
<b>346</b>	<b>Application of div 2</b>	7
(1)	The power under this division may be exercised if an authorised person enters a place under section 324(1)(a), (c) or (d).	8 9 10
(2)	However, if the authorised person enters under section 324(1)(a) or (c), the powers under this division are subject to any conditions of the consent or terms of the warrant.	11 12 13
<b>347</b>	<b>General powers</b>	14
(1)	The authorised person may do any of the following (each a <i>general power</i> )—	15 16
(a)	search any part of the place;	17
(b)	inspect, examine or film any part of the place or anything at the place;	18 19
(c)	take for examination a thing, or a sample of or from a thing, at the place;	20 21
(d)	place an identifying mark in or on anything at the place;	22
(e)	take an extract from, or copy, a document at the place, or take the document to another place to copy;	23 24
(f)	produce an image or writing at the place from an electronic document or, to the extent it is not practicable, take a thing containing an electronic document to another place to produce an image or writing;	25 26 27 28 29

- 
- (g) take to, into or onto the place and use any person, equipment and materials the authorised person reasonably requires for exercising the authorised person's powers under this division;
1  
2  
3  
4
  - (h) remain at the place for the time necessary to achieve the purpose of the entry.
5  
6
  - (2) The authorised person may take a necessary step to allow the exercise of a general power.
7  
8
  - (3) If the authorised person takes a document from the place to copy it, the authorised person must copy and return the document to the place as soon as practicable.
9  
10  
11
  - (4) If the authorised person takes from the place an article or device reasonably capable of producing a document from an electronic document to produce the document, the authorised person must produce the document and return the article or device to the place as soon as practicable.
12  
13  
14  
15  
16
  - (5) In this section—
17

*examine* includes analyse, test, account, measure, weigh, grade, gauge and identify.
18  
19

*film* includes photograph, videotape and record an image in another way.
20  
21

*inspect*, a thing, includes open the thing and examine its contents.
22  
23

### 348    **Power to require reasonable help** 24

- (1) The authorised person may make a requirement (a *help requirement*) of an occupier of the place or a person at the place to give the authorised person reasonable help to exercise a general power, including, for example, to produce a document or to give information.
25  
26  
27  
28  
29
- (2) When making the help requirement, the authorised person must give the person an offence warning for the requirement.
30  
31

[s 349]

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<b>349</b>	<b>Offence to contravene help requirement</b>	1
(1)	A person of whom a help requirement has been made must comply with the requirement unless the person has a reasonable excuse.	2 3 4
	Maximum penalty—40 penalty units.	5
(2)	It is a reasonable excuse for an individual not to comply with a help requirement if complying might tend to incriminate the individual or expose the individual to a penalty.	6 7 8
<b>Division 3</b>	<b>Seizure by authorised persons and forfeiture</b>	9 10
<b>Subdivision 1</b>	<b>Power to seize</b>	11
<b>350</b>	<b>Seizing evidence at a place that may be entered without consent or warrant</b>	12 13
	An authorised person who enters a place the authorised person may enter under this Act without the consent of an occupier of the place and without a warrant may seize a thing at the place if the authorised person reasonably believes the thing is evidence of an offence against this Act.	14 15 16 17 18
<b>351</b>	<b>Seizing evidence at a place that may only be entered with consent or warrant</b>	19 20
(1)	This section applies if—	21
(a)	an authorised person is authorised to enter a place under this part only with the consent of an occupier at the place or a warrant; and	22 23 24
(b)	the authorised person enters the place after obtaining the necessary consent or warrant.	25 26

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- |  |                |
|--|----------------|
| (2) If the authorised person enters a place with the occupier's consent, the authorised person may seize a thing at the place if—  | 1<br>2<br>3    |
| (a) the authorised person reasonably believes the thing is evidence of an offence against this Act; and  | 4<br>5         |
| (b) seizure of the thing is consistent with the purpose of entry as told to the occupier when asking for the occupier's consent.   | 6<br>7<br>8    |
| (3) If the authorised person enters a place with a warrant, the authorised person may seize the evidence for which the warrant was issued.                                   | 9<br>10<br>11  |
| (4) The authorised person may seize anything else at the place if the authorised person reasonably believes—   | 12<br>13       |
| (a) the thing is evidence of an offence against this Act; and  | 14             |
| (b) the seizure is necessary to prevent the thing being—   | 15             |
| (i) hidden, lost or destroyed; or  | 16             |
| (ii) used to commit, continue or repeat an offence.  | 17             |
| (5) Also, the authorised person may seize a thing at the place if the authorised person reasonably believes it has just been used in committing an offence against this Act. | 18<br>19<br>20 |

- |   |                |
|---|----------------|
| <b>352 Seizure of property subject to security</b>  | <b>21</b>      |
| (1) An authorised person may seize a thing, and exercise powers relating to the thing, despite a lien or other security over the thing claimed by another person.                               | 22<br>23<br>24 |
| (2) However, the seizure does not affect the other person's claim to the lien or other security against a person other than the authorised person or a person acting for the authorised person. | 25<br>26<br>27 |

[s 353]

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<b>Subdivision 2</b>	<b>Powers to support seizure</b>	1
<b>353</b>	<b>Power to secure seized thing</b>	2
(1)	Having seized a thing under this division, an authorised person may—	3
(a)	leave it at the place where it was seized (the <i>place of seizure</i> ) and take reasonable action to restrict access to it; or	4
(b)	move it from the place of seizure.	5
(2)	For subsection (1)(a), the authorised person may, for example—	6
(a)	seal the thing, or the entrance to the place of seizure, and mark the thing or place to show access to the thing or place is restricted; or	7
(b)	for equipment—make it inoperable; or	8
	<i>Example—</i>	9
	making it inoperable by dismantling it or removing a component without which the equipment can not be used	10
(c)	require a person the authorised person reasonably believes is in control of the place or thing to do an act mentioned in paragraph (a) or (b) or anything else an authorised person could do under subsection (1)(a).	11
<b>354</b>	<b>Offence to contravene other seizure requirement</b>	12
	A person must comply with a requirement made of the person under section 353(2)(c) unless the person has a reasonable excuse.	13
	Maximum penalty—100 penalty units.	14

<b>355</b>	<b>Offence to tamper with seized things</b>	1
	If an authorised person restricts access to a seized thing, a person must not tamper, or attempt to tamper, with the thing, or something restricting access to the thing, without an authorised person's approval.	2 3 4 5
	Maximum penalty—100 penalty units.	6
<b>356</b>	<b>Offence to interfere</b>	7
(1)	If access to a seized thing is restricted under section 353, a person must not tamper with the thing or with anything used to restrict access to the thing without—	8 9 10
(a)	an authorised person's approval; or	11
(b)	a reasonable excuse.	12
	Maximum penalty—100 penalty units.	13
(2)	If access to a place is restricted under section 353, a person must not enter the place in contravention of the restriction or tamper with anything used to restrict access to the place without—	14 15 16 17
(a)	an authorised person's approval; or	18
(b)	a reasonable excuse.	19
	Maximum penalty—100 penalty units.	20
<b>Subdivision 3</b>	<b>Safeguards for seized things</b>	21
<b>357</b>	<b>Receipts for seized things</b>	22
(1)	As soon as practicable after an authorised person seizes a thing, the authorised person must give a receipt for it to the person from whom it was seized.	23 24 25
(2)	However, if for any reason it is not practicable to comply with subsection (1), the authorised person must leave the receipt at	26 27

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- the place of seizure in a conspicuous position and in a reasonably secure way. 1  
2
- (3) The receipt must describe generally each thing seized and its condition. 3  
4
- (4) This section does not apply to a thing if it is impracticable or would be unreasonable to give the receipt, given the thing's nature, condition and value. 5  
6  
7

**358 Access to seized thing** 8

- (1) Until a seized thing is forfeited or returned, the authorised person who seized the thing must allow an owner of the thing— 9  
10  
11
- (a) to inspect it at any reasonable time and from time to time; and 12  
13
- (b) if it is a document—to copy it. 14
- (2) Subsection (1) does not apply if it is impracticable or would be unreasonable to allow the inspection or copying. 15  
16
- (3) The inspection or copying must be allowed free of charge. 17

**359 Return of seized thing** 18

- (1) This section applies if a seized thing has some intrinsic value. 19
- (2) The authorised person must return the seized thing to an owner— 20  
21
- (a) generally—at the end of 6 months after the seizure; or 22
- (b) if a proceeding for an offence involving the thing is started within the 6 months—at the end of the proceeding and any appeal from the proceeding. 23  
24  
25
- (3) Despite subsection (2), if the thing was seized as evidence, the authorised person must return the thing seized to an owner as soon as practicable after the authorised person is satisfied— 26  
27  
28

[s 360]

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- |   |        |
|---|--------|
| (a) its continued retention as evidence is no longer necessary; and                 | 1<br>2 |
| (b) it is lawful for the owner to possess it.                                       | 3      |
| (4) Nothing in this section affects a lien or other security over the seized thing. | 4<br>5 |

<b>Division 4</b>	<b>Other information-obtaining powers of authorised persons</b>	6 7
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<b>360</b>	<b>Power to require name and address</b>	8
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- |   |                      |
|---|----------------------|
| (1) This section applies if an authorised person—   | 9                    |
| (a) finds a person committing an offence against this Act; or   | 10                   |
| (b) finds a person in circumstances that lead the authorised person to reasonably suspect the person has just committed an offence against this Act; or   | 11<br>12<br>13       |
| (c) has information that leads the authorised person to reasonably suspect a person has just committed an offence against this Act.   | 14<br>15<br>16       |
| (2) The authorised person may require the person to state the person's name and residential address.  | 17<br>18             |
| (3) The authorised person may also require the person to give evidence of the correctness of the stated name or address if, in the circumstances, it would be reasonable to expect the person to— | 19<br>20<br>21<br>22 |
| (a) be in possession of evidence of the correctness of the stated name or address; or   | 23<br>24             |
| (b) otherwise be able to give the evidence.   | 25                   |
| (4) When making a personal details requirement, the authorised person must give the person an offence warning for the requirement.  | 26<br>27<br>28       |

[s 361]

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(5)	A requirement under this section is a <i>personal details requirement</i> .	1 2
<b>361</b>	<b>Offence to contravene personal details requirement</b>	3
(1)	A person of whom a personal details requirement has been made must comply with the requirement unless the person has a reasonable excuse.	4 5 6
	Maximum penalty—40 penalty units.	7
(2)	A person may not be convicted of an offence under subsection (1) unless the person is found guilty of the offence in relation to which the personal details requirement was made.	8 9 10
<b>362</b>	<b>Power to require production of documents</b>	11
(1)	An authorised person may require a person to make available for inspection by an authorised person, or to produce to the authorised person for inspection, at a reasonable time and place nominated by the authorised person—	12 13 14 15
(a)	a document issued to the person under this Act; or	16
(b)	a document required to be kept by the person under this Act; or	17 18
(c)	if a document or information required to be kept by the person under this Act is stored or recorded by means of a device—a document that is a clear written reproduction of the stored or recorded document or information.	19 20 21 22 23
(2)	A requirement under subsection (1) is a <i>document production requirement</i> .	24 25
(3)	For an electronic document, compliance with the document production requirement requires the making available or production of a clear written reproduction of the electronic document.	26 27 28 29

(4)	The authorised person may keep the document to copy it but must return the document to the person as soon as practicable after copying it.	1 2 3
<b>363</b>	<b>Offence to contravene document production requirement</b>	4
(1)	A person of whom a document production requirement has been made must comply with the requirement unless the person has a reasonable excuse.	5 6 7
	Maximum penalty—40 penalty units.	8
(2)	It is a reasonable excuse for an individual to fail to comply with a document production requirement if complying might tend to incriminate the individual or expose the individual to a penalty.	9 10 11 12
<b>364</b>	<b>Power to require information</b>	13
(1)	This section applies if an authorised person reasonably believes—	14 15
(a)	an offence against this Act has been committed; and	16
(b)	a person may be able to give information about the offence.	17 18
(2)	The authorised person may, by notice given to the person, require the person to give the authorised person information related to the offence at a stated reasonable time and place.	19 20 21
(3)	A requirement under subsection (2) is an <i>information requirement</i> .	22 23
(4)	For information that is an electronic document, compliance with the information requirement requires the giving of a clear image or written version of the electronic document.	24 25 26
(5)	In this section—	27
	<i>information</i> includes a document.	28

[s 365]

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<b>365</b>	<b>Offence to contravene information requirement</b>	1
(1)	A person of whom an information requirement is made must comply with the requirement unless the person has a reasonable excuse.	2 3 4
	Maximum penalty—40 penalty units.	5
(2)	It is a reasonable excuse for an individual not to give the information if giving the information might tend to incriminate the individual or expose the individual to a penalty.	6 7 8 9
<b>Part 4</b>	<b>Miscellaneous provisions relating to authorised persons</b>	10 11
<b>Division 1</b>	<b>Damage</b>	12
<b>366</b>	<b>Duty to avoid inconvenience and minimise damage</b>	13
	In exercising a power, an authorised person must take all reasonable steps to cause as little inconvenience, and do as little damage, as possible.	14 15 16
	<i>Note—</i>	17
	See also section 368.	18
<b>367</b>	<b>Notice of damage</b>	19
(1)	This section applies if—	20
(a)	an authorised person damages something when exercising, or purporting to exercise, a power; or	21 22
(b)	a person (the <i>assistant</i> ) acting under the direction or authority of an authorised person damages something.	23 24

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- (2) However, this section does not apply to damage the authorised person reasonably considers is trivial or if the authorised person reasonably believes—
- (a) there is no-one apparently in possession of the thing; or
- (b) the thing has been abandoned.
- (3) The authorised person must give notice of the damage to the person who appears to the authorised person to be an owner, or person in control, of the thing.
- (4) However, if for any reason it is not practicable to comply with subsection (3), the authorised person must—
- (a) leave the notice at the place where the damage happened; and
- (b) ensure it is left in a conspicuous position and in a reasonably secure way.
- (5) The authorised person may delay complying with subsection (3) or (4) if the authorised person reasonably suspects complying with the subsection may frustrate or otherwise hinder an investigation by the authorised person.
- (6) The delay may be only for so long as the authorised person continues to have the reasonable suspicion and remains in the vicinity of the place.
- (7) If the authorised person believes the damage was caused by a latent defect in the thing or other circumstances beyond the control of the authorised person or the assistant, the inspector may state the belief in the notice.
- (8) The notice must state—
- (a) particulars of the damage; and
- (b) that the person who suffered the damage may claim compensation under section 368.

[s 368]

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<b>Division 2</b>	<b>Compensation</b>	1
<b>368</b>	<b>Compensation</b>	2
(1)	This section applies if a person incurs loss or damage because of the exercise or purported exercise of a power under this Act, other than section 116 or 118.	3 4 5
(2)	The person is entitled to be paid the reasonable compensation because of the loss or damage that is agreed between the compensating entity and the person, or failing agreement, decided by a court.	6 7 8 9
(3)	Compensation may be claimed and ordered to be paid in a proceeding—	10 11
(a)	brought in a court with jurisdiction for the recovery of the amount of compensation claimed; or	12 13
(b)	for an offence against this Act brought against the person claiming compensation.	14 15
(4)	A court may order compensation to be paid only if satisfied it is just to make the order in the circumstances of the particular case.	16 17 18
(5)	A regulation may prescribe matters that may, or must, be taken into account by the court when considering whether it is just to make the order.	19 20 21
(6)	Section 366 does not provide for a statutory right of compensation other than is provided by this section.	22 23
(7)	In this section—	24
	<b>compensating entity</b> means, for loss or damage incurred because of the exercise or purported exercise of a power by—	25 26
(a)	the chief executive or an authorised person appointed by the chief executive—the chief executive; or	27 28
(b)	the chief executive officer of a local government or an authorised person appointed by the chief executive officer—the chief executive officer.	29 30 31

<b>Division 3</b>	<b>Other offences relating to authorised persons</b>	1 2
<b>369</b>	<b>Requirement to produce permit or authority</b>	3
(1)	This section applies to—	4
(a)	a person in charge of stock being driven or grazed under a travel permit, grazing permit or grazing authority; or	5 6
(b)	a person harvesting pasture under a harvesting permit.	7
(2)	The person must, unless the person has a reasonable excuse, immediately produce the permit or authority, or a copy of it, to an authorised person for inspection if the authorised person asks for it to be produced for inspection.	8 9 10 11
	Maximum penalty—10 penalty units.	12
<b>370</b>	<b>False or misleading statements</b>	13
	A person must not state anything to an authorised person that the person knows is false or misleading in a material particular.	14 15 16
	Maximum penalty—40 penalty units.	17
<b>371</b>	<b>False or misleading documents</b>	18
	A person must not give an authorised person a document containing information the person knows to be false or misleading in a material particular.	19 20 21
	Maximum penalty—40 penalty units.	22
<b>372</b>	<b>Obstructing authorised person</b>	23
(1)	A person must not obstruct an authorised person, or someone helping an authorised person, exercising a power under this Act, unless the person has a reasonable excuse.	24 25 26
	Maximum penalty—50 penalty units.	27

[s 373]

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(2)	If a person has obstructed an authorised person, or someone helping an authorised person, and the authorised person decides to proceed with the exercise of the power, the authorised person must warn the person that—	1 2 3 4
(a)	it is an offence to cause an obstruction unless the person has a reasonable excuse; and	5 6
(b)	the authorised person considers the person’s conduct an obstruction.	7 8
(3)	In this section—	9
	<i>obstruct</i> includes assault, hinder, resist, attempt to obstruct and threaten to obstruct.	10 11
<b>373</b>	<b>Impersonation of authorised person</b>	12
	A person must not pretend to be an authorised person.	13
	Maximum penalty—50 penalty units.	14

<b>Part 5</b>	<b>Direction notices</b>	15
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<b>374</b>	<b>Application of pt 5</b>	16
(1)	This part applies to a contravention of section 93(2), 292, 293, 296, 297(2), 302, 305, 306, 307, 308(1), 309(2), 310(1) or 312(2) (each, a <i>prescribed provision</i> ).	17 18 19
(2)	However, for a contravention of section 297(2) involving grazing in an accessible grazing area, this part applies subject to chapter 5, part 6.	20 21 22
<b>375</b>	<b>Authorised person may issue a direction notice</b>	23
(1)	This section applies if an authorised person is reasonably satisfied—	24 25

[s 376]

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- (a) a person (the *relevant person*)—
    - (i) is contravening a prescribed provision; or
    - (ii) has contravened a prescribed provision in circumstances that make it likely the contravention will continue or be repeated; and
  - (b) a matter relating to the contravention can be remedied; and
  - (c) it is appropriate to give the relevant person an opportunity to remedy the matter.
- (2) The authorised person may give the relevant person a notice (a *direction notice*) requiring the person to remedy the contravention of the prescribed provision.
  - (3) If, for any reason, it is not practicable to make a requirement to remedy the contravention by written notice, the requirement may be made orally and confirmed by a direction notice as soon as practicable.
- Note—*
- Whether an oral requirement is made before issuing a direction notice is relevant to the time by which the person may be required to remedy the contravention. See section 377(c).

### 376 Requirements of direction notices

- (1) The direction notice must state the following—
  - (a) that the authorised person believes the relevant person—
    - (i) is contravening a prescribed provision; or
    - (ii) has contravened a prescribed provision in circumstances that make it likely the contravention will continue or be repeated;
  - (b) the particular prescribed provision the authorised person believes is being, or has been, contravened;
  - (c) briefly, how it is believed the prescribed provision is being, or has been, contravened;

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- (d) the period (the *compliance period*) in which the relevant person must remedy the contravention; 1  
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- (e) that it is an offence to fail to comply with the direction notice unless the person has a reasonable excuse; 3  
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- (f) the maximum penalty for failing to comply with the direction notice. 5  
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- (2) If the prescribed provision is section 93(2), the direction notice must also state that if the relevant person does not comply with the notice, the authorised person or a person acting under the direction of the authorised person may take the action mentioned in section 329(2). 7  
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- (3) The direction notice must also be accompanied by or include an information notice about the decision to issue the direction notice. 12  
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- (4) The direction notice may also state the reasonable steps the authorised person considers necessary to remedy the contravention, or avoid further contravention, of the prescribed provision. 15  
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- (5) For subsection (4)— 19
  - (a) the direction notice may provide for— 20
    - (i) a choice of steps the relevant person can take to remedy the contravention, or avoid further contravention, of the prescribed provision; and 21  
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23
    - (ii) directions about how the steps are to be taken, including, when the steps must be taken; and 24  
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  - (b) the compliance time for the notice may be stated by reference to the periods in which the steps are required to be taken under the directions under paragraph (a)(ii). 26  
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**377 Compliance period** 29

For section 376(1)(d), the compliance period must be reasonable having regard to— 30  
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- (a) the action required to remedy the contravention; and 32

[s 378]

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|-----|---|---|
| (b) | the risk posed by the contravention to—   | 1 |
|     | (i) the sustainable management of the stock route network; and  | 2 |
|     |   | 3 |
|     | (ii) the availability of the network and public (stock access) land for its relevant uses; and  | 4 |
|     |   | 5 |
| (c) | how long the relevant person has been aware of the contravention, for example, because an authorised person has previously made an oral requirement that the contravention be remedied. | 6 |
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<b>378</b>	<b>Offence to contravene a direction notice</b>	10
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A person to whom a direction notice has been given must comply with it unless the person has a reasonable excuse.	11
	12

Maximum penalty—the maximum penalty for contravention of the prescribed provision to which the direction notice relates.	13
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<b>Part 6</b>	<b>Recovery of fees and costs</b>	16
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<b>Division 1</b>	<b>Enforcing fencing notices or direction notices to maintain fences</b>	17
		18

<b>379</b>	<b>Amounts payable by owner of adjoining land</b>	19
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| (1) | This section applies if an authorised person or a person acting under the direction of an authorised person enters adjoining land under section 329(2) to— | 20 |
|     |  | 21 |
|     |  | 22 |
| (a) | erect or complete the erection of a fence for complying with a fencing notice; or  | 23 |
|     |  | 24 |
| (b) | do anything necessary to make a boundary fence stock-proof for complying with a direction notice.  | 25 |
|     |  | 26 |

[s 380]

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(2)	The amount of the costs reasonably incurred in taking the action mentioned in subsection (1)(a) or (b) is payable to the local government by—	1 2 3
(a)	the owner of the adjoining land; or	4
(b)	if there are 2 or more owners of the land—each owner jointly and severally.	5 6
<b>380</b>	<b>Unpaid fencing costs are a charge on land</b>	7
(1)	This section applies if a landowner of adjoining land does not pay a local government the amount of the costs payable by the landowner under section 379.	8 9 10
(2)	The <i>Local Government Act 2009</i> , section 95 ( <b>section 95</b> ) and the <i>Local Government (Finance, Plans and Reporting) Regulation 2010</i> , section 61 apply—	11 12 13
(a)	as if a reference in the sections to rateable land included a reference to the adjoining land; and	14 15
(b)	as if a reference in the sections to rates and charges or overdue rates and charges included a reference to an amount payable under section 379; and	16 17 18
(c)	with other necessary changes.	19
(3)	To remove any doubt, it is declared that the amount of the charge created under section 95 because of this section is a charge on all the adjoining land.	20 21 22
<b>Division 2</b>	<b>Enforcing mustering notices</b>	23
<b>381</b>	<b>Amounts payable by owner of stock</b>	24
	If an authorised person or person acting the direction of an authorised person musters stock under section 330 the owner of the stock must pay the local government the amount of the costs reasonably incurred for mustering the stock.	25 26 27 28

[s 382]

<b>Division 3</b>	<b>Amounts recoverable as debt</b>	1
<b>382</b>	<b>Amounts recoverable by local government as a debt</b>	2
(1)	This section applies if under this Act a person must pay a local government any of the following—	3
		4
(a)	the permit fee for a travel permit or grazing permit;	5
(b)	the overdue travel fee;	6
(c)	the authority fee;	7
(d)	the grazing fee;	8
(e)	the harvesting fee;	9
(f)	costs payable under section 379 or 381;	10
(g)	costs stated in a grazing fee payment notice under section 263(2).	11
		12
(2)	The amount of the fee or costs is a debt payable by the person to the local government.	13
		14
(3)	If the person does not pay the amount of the fee or costs when it is payable, interest is payable on the overdue amount at the rate, and calculated in the way, prescribed under a regulation.	15
		16
		17
<b>Chapter 9</b>	<b>Administrative matters</b>	18
<b>Part 1</b>	<b>Advisory panels</b>	19
<b>Division 1</b>	<b>Establishment</b>	20
<b>383</b>	<b>Chief executive may establish advisory panels</b>	21
(1)	The chief executive may establish an advisory panel to—	22

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| (a)    | give advice of a strategic nature to the chief executive about the management and use of the stock route network and public (stock access) land; and         | 1<br>2<br>3         |
| (b)    | make recommendations to the chief executive about the following—   | 4<br>5              |
| (i)    | classifying stock routes under chapter 2, part 2, including working out threshold usage numbers for stock;   | 6<br>7<br>8         |
| (ii)   | use of the stock route network and public (stock access) land, including, for example, under travel or harvesting permits or grazing permits or authorities; | 9<br>10<br>11<br>12 |
| (iii)  | managing stock facilities;   | 13                  |
| (iv)   | research into the management of the stock route network and public (stock access) land;  | 14<br>15            |
| (v)    | developing, implementing and reviewing management plans for the stock route network and public (stock access) land;  | 16<br>17<br>18      |
| (vi)   | educational programs about the stock route network;  | 19<br>20            |
| (vii)  | policies about the management of the stock route network and public (stock access) land;   | 21<br>22            |
| (viii) | major funding initiatives for stock route network management;  | 23<br>24            |
| (ix)   | other matters the chief executive directs.   | 25                  |
| (2)    | For each advisory panel, the chief executive must state its functions and terms of reference.  | 26<br>27            |
| (3)    | An advisory panel must report to the chief executive as the chief executive directs.   | 28<br>29            |

<b>Division 2</b>	<b>Membership</b>	1
<b>384</b>	<b>Membership of advisory panels</b>	2
(1)	An advisory panel consists of the following members appointed by the chief executive—	3 4
(a)	a chairperson;	5
(b)	1 person the chief executive considers has expertise in stock route management;	6 7
(c)	3 persons nominated by the Local Government Association of Queensland;	8 9
(d)	2 persons nominated by an entity representing the interests of persons engaged in the pastoral industry and prescribed under a regulation;	10 11 12
(e)	2 persons nominated by an entity the chief executive considers represents the interests of the droving industry;	13 14 15
(f)	1 person nominated by an entity the chief executive considers represents conservation interests;	16 17
(g)	1 person, other than an employee of the department, nominated by an entity the chief executive considers represents cultural heritage interests, including, for example, Aboriginal tradition.	18 19 20 21
(2)	The chairperson must be a person whom the chief executive is satisfied will act independently in the performance of the chairperson's functions.	22 23 24
<b>385</b>	<b>Failure of nominating entity to nominate person</b>	25
(1)	This section applies if a nominating entity does not nominate a person for appointment as a member of an advisory panel.	26 27
(2)	The chief executive may appoint a person as a member of the advisory panel in place of a nominee of the nominating entity.	28 29

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(3)	A person appointed under subsection (2) is taken to have been nominated for appointment by the nominating entity.	1 2
(4)	In this section—	3
	<i>nominating entity</i> means an entity mentioned in section 384(1)(c) to (g).	4 5
<b>386</b>	<b>Appointment terms generally</b>	6
	A member of an advisory panel holds office on the terms not provided for by this Act that are decided by the chief executive.	7 8 9
<b>387</b>	<b>Expenses and allowances</b>	10
(1)	This section applies to a member of an advisory panel who is not a public service officer.	11 12
(2)	The member is not entitled to be paid remuneration as a member of the panel, other than the reimbursement of reasonable expenses and travelling allowances.	13 14 15
<b>388</b>	<b>Vacation of office</b>	16
	The office of a member of an advisory panel becomes vacant if the member—	17 18
(a)	resigns by signed notice given to the chief executive; or	19
(b)	becomes incapable of performing the member's duties because of physical or mental incapacity; or	20 21
(c)	otherwise ceases to be qualified to be a member; or	22
	<i>Example—</i>	23
	the entity that nominated the person as a member withdrawing the nomination	24 25
(d)	dies.	26

<b>Division 3</b>	<b>Proceedings</b>	1
<b>389</b>	<b>Conduct of business</b>	2
	Subject to this division, an advisory panel may conduct its business in the way it considers appropriate.	3 4
<b>390</b>	<b>Time and place of meetings</b>	5
(1)	An advisory panel may hold its meetings when and where it decides.	6 7
(2)	However, the chairperson must call a meeting of the advisory panel if asked by the chief executive.	8 9
<b>391</b>	<b>Quorum</b>	10
	At an advisory panel meeting, 6 members form a quorum.	11
<b>392</b>	<b>Presiding at meetings</b>	12
(1)	The chairperson must preside at all meetings at which the chairperson is present.	13 14
(2)	If the chairperson is absent, the member chosen by the members present must preside.	15 16
<b>393</b>	<b>Conduct of meetings</b>	17
(1)	A question at a meeting of an advisory panel is decided by a majority of the votes of the members present.	18 19
(2)	Each member present at the meeting has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.	20 21 22
(3)	A member present at the meeting may abstain from voting.	23
(4)	An advisory panel may hold meetings, or allow members to take part in its meetings, by using any technology allowing	24 25

[s 394]

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reasonably contemporaneous and continuous communication between members taking part in the meeting.	1 2
<i>Example—</i>	3
teleconferencing	4
(5) A member who takes part in a meeting of the advisory panel under subsection (4) is taken to be present at the meeting.	5 6
<b>394 Appointment of proxy</b>	7
(1) A member of an advisory panel may appoint a proxy to act for the member at a meeting of the advisory panel.	8 9
(2) The appointment of a proxy is effective only if the member gives notice of the appointment to the chairperson before the start of the meeting at which the proxy is to be exercised.	10 11 12
<b>395 Disclosure of interests by advisory panel members</b>	13
(1) This section applies to a member of an advisory panel if—	14
(a) the member has an interest in a matter being considered, or about to be considered, by the panel; and	15 16
(b) the interest could conflict with the proper performance of the member’s duties about the consideration of the matter.	17 18 19
(2) As soon as practicable after the relevant facts come to the member’s knowledge, the member must disclose the nature of the interest to a meeting of the advisory panel.	20 21 22
Maximum penalty—20 penalty units.	23
(3) Unless the advisory panel otherwise directs, the member must not—	24 25
(a) be present when the panel considers the matter; or	26
(b) take part in a decision of the panel about the matter.	27
Maximum penalty—20 penalty units.	28

[s 396]

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- (4) The member must not be present when the advisory panel is considering whether to give a direction under subsection (3).  
Maximum penalty—20 penalty units.

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  - (5) If there is another member who must, under subsection (2), also disclose an interest in the matter, the other member must not—

    - (a) be present when the advisory panel is considering whether to give a direction under subsection (3); or
    - (b) take part in making the decision about giving the direction.

Maximum penalty—20 penalty units.

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  - (6) A disclosure under subsection (2) must be recorded in the advisory panel's minutes.

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  - (7) In this section—  
*interest*, for an advisory panel member mentioned in section 384(1)(c) to (g), does not include an interest the member has in common with members of the entity represented by the member.

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### **396 Recording dissenting opinions of members**

- (1) This section applies if—

  - (a) a decision by a majority of votes of the members at a meeting directly relates to—
    - (i) the advisory panel's performance of a function; or
    - (ii) a report to the chief executive; and
  - (b) a member dissents from the opinion of the majority about the decision and tells the chairperson or person presiding at the meeting that the member's opinion is to be recorded under subsection (2).

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- (2) The chairperson or person presiding at the meeting must ensure a summary of the dissenting member's opinion and the reasons for the opinion is recorded in—

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- (a) the minutes of the meeting; and 1
- (b) if subsection (1)(a)(ii) applies, the report to the chief executive. 2  
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**397 Minutes** 4

An advisory panel must keep minutes of its proceedings. 5

**Part 2 Financial provisions** 6

**398 Amounts payable by local governments to department** 7

- (1) This section applies to each of the following amounts received by a local government— 8  
9
  - (a) an amount paid under a water facility agreement; 10
  - (b) the permit fee for a travel permit or grazing permit; 11
  - (c) the overdue travel fee; 12
  - (d) the authority fee; 13
  - (e) the grazing fee. 14
- (2) The local government must— 15
  - (a) pay the portion of the amount prescribed under a regulation to the department; and 16  
17
  - (b) use any balance of the amount for the administration, maintenance or improvement of the stock route network or public (stock access) land in its area. 18  
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- (3) For subsection (2)(a), the portion prescribed under a regulation may be none or all of the amount. 21  
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- (4) Also, payments under subsection (2)(a) must be made at regular intervals, of not more than 3 months, decided by the local government. 23  
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<b>Part 3</b>	<b>Intervention by the State</b>	1
<b>399</b>	<b>Minister may direct local government to perform function or obligation</b>	2 3
(1)	This section applies if the Minister reasonably believes a local government is not performing any of its functions or obligations under this Act.	4 5 6
	<i>Example—</i>	7
	The Minister reasonably believes a local government has not prepared, implemented or reviewed its local management plan.	8 9
(2)	The Minister may, by notice to the local government, direct it to perform the function or obligation.	10 11
(3)	However, before giving the notice, the Minister must consult with the local government and consider its views about the performance of the function or obligation.	12 13 14
(4)	The notice must state the following—	15
(a)	the function or obligation the Minister believes the local government is not performing;	16 17
(b)	what action the Minister requires the local government to take to perform the function or obligation;	18 19
(c)	the day by which the stated action must be taken.	20
(5)	The local government must comply with the direction.	21
<b>400</b>	<b>Chief executive may be directed to perform local government's functions</b>	22 23
(1)	If a local government does not comply with a notice under section 399(2), a regulation may—	24 25
(a)	state the function or obligation the local government has not complied with; and	26 27
(b)	declare that, for a stated period, the function or obligation is given to the chief executive; and	28 29

[s 401]

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	(c) direct the chief executive to perform the function or obligation or take stated action within the period mentioned in paragraph (b).	1 2 3
	(2) The chief executive, in performing the function or obligation or taking the action, has the powers of the local government before the regulation was made for the function, obligation or action.	4 5 6 7
<b>401</b>	<b>Local government to pay chief executive's costs</b>	8
	The costs reasonably incurred by the chief executive in performing or taking action for a function or obligation of a local government are a debt payable by it to the State.	9 10 11
<b>402</b>	<b>Minister may ask for particular information from local government</b>	12 13
	(1) The Minister may, by notice, ask a local government—	14
	(a) to give the Minister details of an amount payable by it under this Act; or	15 16
	(b) to give the Minister a written report about any function or power performed or exercised, or required to be performed or exercised, by it under this Act.	17 18 19
	(2) The local government must comply with the request.	20
<b>Chapter 10</b>	<b>Review</b>	21
<b>Part 1</b>	<b>Preliminary</b>	22
<b>403</b>	<b>Definitions for ch 10</b>	23
	In this chapter—	24

<b><i>affected local government</i></b> see section 413(1).	1
<b><i>aggrieved person</i></b> see section 405.	2
<b><i>consecutive travel permit refusal decision</i></b> means—	3
(a) a decision to refuse to issue a consecutive travel permit;	4
or	5
(b) a failure to make a decision that is taken to be a decision	6
to refuse to issue a consecutive travel permit.	7
<b><i>original decision</i></b> see section 404.	8
<b><i>review application</i></b> —	9
(a) for part 2—see section 407(3); or	10
(b) for part 3—see section 410(3); or	11
(c) for part 4—see section 407(3) or 410(3).	12
<b><i>review decision</i></b> —	13
(a) for part 2—see section 408(1); or	14
(b) for part 3—see section 411(1).	15
<b><i>review decision notice</i></b> —	16
(a) for part 2—see section 409(1)(a); or	17
(b) for part 3—see section 412(1)(a).	18
<b><i>reviewer</i></b> , for part 4—see section 414.	19

<b>404 What is an <i>original decision</i></b>	20
(1) An <b><i>original decision</i></b> is a decision mentioned in schedule 2,	21
part 1 or 2.	22
(2) An <b><i>original decision</i></b> includes a failure to make a decision that	23
is taken to be a decision to refuse to issue or amend a permit	24
or authority under this Act.	25

[s 405]

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<b>405</b>	<b>Who is the <i>aggrieved person</i></b>	1
(1)	The <i>aggrieved person</i> , for a decision mentioned in schedule 2, is the person mentioned opposite the decision in that schedule.	2 3
(2)	The <i>aggrieved person</i> includes—	4
(a)	for an original decision—a person who is entitled to be given, or is taken to be entitled to have been given, a review notice for the decision; and	5 6 7
(b)	for a decision mentioned in schedule 2, part 3—a person who is entitled to be given, or is taken to be entitled to have been given, an information notice for the decision.	8 9 10

<b>Part 2</b>	<b>Review by chief executive officer</b>	11 12
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<b>406</b>	<b>Application of pt 2 to review of amount of grazing fee or costs</b>	13 14
(1)	This section applies to a review application about—	15
(a)	the amount of a grazing fee or costs of a later inspection stated in a grazing fee payment notice if the notice is stayed under section 260 or 265 because of a priority review application to QCAT; or	16 17 18 19
(b)	the amount of the costs of a later inspection stated in a grazing fee payment notice under section 263(2) if the notice is stayed under section 265 because of a priority review application to QCAT.	20 21 22 23
(2)	This part—	24
(a)	does not apply to the review application while the grazing fee payment notice is stayed; and	25 26

[s 407]

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- (b) otherwise, applies to the review application subject to the decision of, and any orders made by, QCAT about the priority review application. 1  
2  
3
- (3) In this section— 4
- priority review application*** means an application for review of— 5  
6
- (a) a decision to issue a direction notice to which chapter 5, part 6 applies; or 7  
8
- (b) the decisions to issue a grazing fee payment notice under section 263(2) and the grazing fee liability notice to which the grazing fee payment notice relates. 9  
10  
11

#### **407 Review application** 12

- (1) An aggrieved person for a decision mentioned in schedule 2, part 1 that has been made by or for a local government may apply to the chief executive officer of the local government to review the decision within 1 month after the person receives a review notice about the decision. 13  
14  
15  
16  
17
- (2) Also, the aggrieved person may apply to the chief executive officer to review the decision if the local government has not given the person a review notice about the decision. 18  
19  
20
- (3) The application (the ***review application***) must be in the approved form and supported by enough information to enable the chief executive officer to decide the application. 21  
22  
23
- (4) The chief executive officer may extend the time mentioned in subsection (1). 24  
25

#### **408 Reviewing original decision** 26

- (1) The chief executive officer must, within 10 business days after receiving a review application for the original decision, review the original decision and decide the review application (the ***review decision***) under this section. 27  
28  
29  
30
- (2) The application must not be dealt with by— 31

[s 408]

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- (a) the person who made the original decision; or 1
  - (b) a person in a less senior office than the person who 2  
made the original decision. 3
- (3) Subsection (2)— 4
  - (a) applies despite the *Acts Interpretation Act 1954*, section 5  
27A; and 6
  - Editor's note—* 7
    - Acts Interpretation Act 1954*, section 27A (Delegation of 8  
functions or powers) 9
  - (b) does not apply to an original decision made by the chief 10  
executive officer personally. 11
- (4) The chief executive officer must decide the review application 12  
by confirming the original decision or setting aside the 13  
original decision and substituting the following decision— 14
  - (a) for an original decision to refuse to issue a grazing, unfit 15  
stock or harvesting permit—to issue the permit subject 16  
to any reasonable conditions the chief executive officer 17  
decides; 18
  - (b) for an original decision to impose a condition on issuing 19  
a travel, unfit stock, grazing or harvesting permit or 20  
grazing authority or extending a grazing permit or 21  
renewing or surrendering a grazing authority—to 22  
remove the condition or amend it in the way decided by 23  
the chief executive officer and stated in the review 24  
decision notice; 25
  - (c) for an original decision to refuse to amend or extend a 26  
grazing permit or to amend a grazing permit other than 27  
in a way requested by the aggrieved person—to amend 28  
or extend the permit in the way requested by the 29  
aggrieved person or in the way decided by the chief 30  
executive officer and stated in the review decision 31  
notice; 32
  - (d) for an original decision to impose an amendment of a 33  
grazing or harvesting permit—to remove the 34

[s 409]

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- |  |    |
|--|----|
| amendment or amend the permit in the way decided by                  | 1  |
| the chief executive officer and stated in the review                 | 2  |
| decision notice;   | 3  |
| (e) for an original decision to cancel a harvesting                  | 4  |
| permit—to re-issue the permit subject to any reasonable              | 5  |
| conditions the chief executive officer decides;                      | 6  |
| (f) for an original decision to refuse to waive all or part of       | 7  |
| the overdue travel fee—to waive the fee or the part of               | 8  |
| the fee or another amount decided by the chief executive             | 9  |
| officer and stated in the review decision notice;                    | 10 |
| (g) for an original decision about the amount of a grazing           | 11 |
| fee or costs of a later inspection payable—reducing the              | 12 |
| amount of the grazing fee or costs to an amount decided              | 13 |
| by the chief executive officer.                                      | 14 |
| <br>   |    |
| <b>409 Review decision notice</b>                                    | 15 |
| (1) The chief executive officer must, as soon as possible after      | 16 |
| making the review decision, give the aggrieved person—               | 17 |
| (a) a notice (the <i>review decision notice</i> ) stating the review | 18 |
| decision; and  | 19 |
| (b) if the chief executive officer decides to confirm the            | 20 |
| original decision or substitutes a decision under section            | 21 |
| 408(4)(b) other than a decision requested by the                     | 22 |
| aggrieved person—an information notice about the                     | 23 |
| review decision.   | 24 |
| (2) If the chief executive officer does not decide the review        | 25 |
| application within 10 business days after receiving it, the chief    | 26 |
| executive officer is taken to have made a review decision            | 27 |
| confirming the original decision.                                    | 28 |

[s 410]

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<b>Part 3</b>	<b>Review by chief executive</b>	1
<b>410</b>	<b>Review application</b>	2
(1)	An aggrieved person for a decision mentioned in schedule 2, part 2 may apply to the chief executive to review the decision within 1 month after the person receives a review notice about the decision.	3 4 5 6
(2)	Also, the aggrieved person may apply to the chief executive to review the decision if the local government by or for whom the decision was made has not given the person a review notice about the decision.	7 8 9 10
(3)	The application (also the <i>review application</i> ) must be in the approved form and supported by enough information to enable the chief executive to decide the application.	11 12 13
(4)	The chief executive may extend the time mentioned in subsection (1).	14 15
<b>411</b>	<b>Reviewing original decision</b>	16
(1)	The chief executive must, within 10 business days after receiving a review application for the original decision, review the original decision and decide the review application (the <i>review decision</i> ) under this section.	17 18 19 20
(2)	The chief executive must decide the review application by confirming the original decision or setting aside the original decision and directing the local government by or for whom it was made—	21 22 23 24
(a)	for a decision to refuse to issue a grazing permit or grazing authority or renew a grazing authority—to issue the permit or authority or renew the authority subject to any reasonable conditions the chief executive decides; or	25 26 27 28 29
(b)	for a decision to refuse to amend a travel permit or grazing authority or to amend a travel permit or grazing	30 31

[s 412]

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- authority other than in a way requested by the aggrieved person—to amend the permit or authority in the way requested by the aggrieved person or in the way decided by the chief executive and stated in the review decision notice; or
- (c) for a decision to impose an amendment of a travel permit or grazing authority—to remove the amendment or amend the permit or authority in the way decided by the chief executive and stated in the review decision notice; or
- (d) for a decision to cancel a travel or grazing permit or grazing authority—to re-issue the permit or authority subject to any reasonable conditions the chief executive decides.
- 412 Review decision notice**
- (1) The chief executive must, as soon as possible after making the review decision, give the aggrieved person and the local government by or for whom the original decision was made—
- (a) a notice (the *review decision notice*) stating the review decision; and
- (b) if the chief executive decides to confirm the original decision or give a direction under section 411(2)(b) other than a direction requested by the aggrieved person—an information notice about the review decision.
- (2) The local government must comply with the review decision notice.
- (3) If the chief executive does not decide the review application within 10 business days after receiving it, the chief executive is taken to have made a review decision confirming the original decision.

[s 413]

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<b>413</b>	<b>Special provisions for reviewing consecutive travel permit refusal or cancellation decisions</b>	1 2
(1)	This section applies if, because of a consecutive travel permit refusal decision or a decision to cancel a consecutive travel permit, a local government (an <i>affected local government</i> ) must—	3 4 5 6
(a)	refuse to issue a consecutive travel permit under section 140(2); or	7 8
(b)	cancel a consecutive travel permit under section 140(3) or 176.	9 10
(2)	The chief executive in reviewing the decision may give a direction to the affected local government—	11 12
(a)	for the review of a consecutive travel permit refusal decision—to issue a travel permit subject to any reasonable conditions the chief executive decides; or	13 14 15
(b)	for review of a decision to cancel a consecutive travel permit—to re-issue a travel permit subject to any reasonable conditions the chief executive decides.	16 17 18
	<i>Example—</i>	19
	On review of a decision of a local government to refuse to issue a consecutive travel permit, the chief executive revokes the decision and directs the local government to issue a new consecutive travel permit (the <i>first permit</i> ) for its management area for a new permit period. The chief executive also directs an affected local government to issue a new consecutive travel permit with an adjusted permit period to complement the new permit period under the first permit.	20 21 22 23 24 25 26
(3)	However, before giving an affected local government a direction under subsection (2), the chief executive must—	27 28
(a)	give the affected local government a notice stating that—	29 30
(i)	the chief executive is considering making the direction; and	31 32
(ii)	the affected local government may make written representations to the chief executive about the	33 34

[s 414]

- 
- direction within a stated period of at least 3 1  
business days; and 2
- (b) consider any representations made under paragraph 3  
(a)(ii). 4
- (4) If the chief executive gives a direction to an affected local 5  
government under subsection (2)— 6
- (a) the chief executive must give the affected local 7  
government a notice stating the direction; and 8
- (b) the affected local government must comply with the 9  
direction. 10

## **Part 4                      Stay of operation of original                      11** **decision                      12**

### **414      Definition for pt 4                      13**

In this part— 14

*reviewer* means— 15

- (a) for an original decision mentioned in schedule 2, part 16  
1—the chief executive officer of the local government 17  
by or for whom the decision was made; or 18
- (b) for an original decision mentioned in schedule 2, part 19  
2—the chief executive. 20

### **415      Review application does not stay original decision                      21**

A review application for an original decision affects the 22  
original decision, or the carrying out of the original decision, 23  
only if the original decision is stayed. 24

[s 416]

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<b>416</b>	<b>Reviewer may stay original decision</b>	1
(1)	The reviewer for an original decision may give a notice staying the operation of the decision for a stated period to—	2
		3
(a)	the aggrieved person; and	4
(b)	if the reviewer is the chief executive—the local government by or for whom the decision was made.	5
		6
(2)	The stay may be granted on conditions the reviewer considers appropriate.	7
		8
<b>417</b>	<b>Application to QCAT for stay</b>	9
(1)	If an application is made for a review of an original decision, the applicant may immediately apply, as provided under the QCAT Act, to QCAT for a stay of the decision.	10
		11
		12
(2)	QCAT may stay the decision to secure the effectiveness of the review and any later review.	13
		14
(3)	The stay—	15
(a)	may be given on conditions QCAT considers appropriate; and	16
		17
(b)	operates for the period fixed by QCAT; and	18
(c)	may be revoked or amended by QCAT.	19
(4)	The period of the stay must not extend past the time when the reviewer makes a review decision about the original decision and any later period QCAT allows the applicant to enable the applicant to apply for a review of the review decision.	20
		21
		22
		23

<b>Part 5</b>	<b>Review by QCAT</b>	1
<b>418</b>	<b>Who may apply for review by QCAT</b>	2
	An aggrieved person for a decision mentioned in schedule 2, part 3 may apply, as provided under the QCAT Act, to QCAT for a review of the decision.	3 4 5
<b>419</b>	<b>Special provisions for decisions involving consecutive travel permits</b>	6 7
(1)	This section applies to a proceeding before QCAT for the review of a consecutive travel permit refusal decision or a decision to cancel a consecutive travel permit if, because of the decision, there is an affected local government.	8 9 10 11
(2)	Without limiting its review jurisdiction, if QCAT makes an order joining the affected local government as a party to the proceeding, QCAT may make the following ancillary orders—	12 13 14 15
(a)	for the review of a consecutive travel permit refusal decision—that the affected local government issue a travel permit subject to any reasonable conditions QCAT decides;	16 17 18 19
(b)	for the review of a decision to cancel a consecutive travel permit—that the affected local government re-issue a travel permit subject to any reasonable conditions QCAT decides.	20 21 22 23
(3)	QCAT must give notice of its final decision in the proceeding to the affected local government, if it is not joined as a party to the proceeding.	24 25 26

[s 420]

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**Chapter 11      Miscellaneous** 1

**Part 1              Stock route network map** 2

**420      Amendment of stock route network map** 3

- (1) The chief executive may amend the stock route network map 4  
to— 5
  - (a) show the classification of a stock route as changed under 6  
chapter 2, part 2, division 6; or 7
  - (b) show a stock route not previously shown on the map, 8  
including, for example, under section 45(1)(c)(i); or 9
  - (c) show a road or route that is not already a stock route on 10  
the map if it is necessary or desirable to achieve the 11  
purpose of this Act; or 12
    - Example—* 13
      - showing a permanently closed road as a stock route to connect 14  
existing stock routes shown on the map 15
  - (d) correct a clerical or formal error. 16
- (2) An amendment of the stock route network map under 17  
subsection (1)(a) to (c) does not take effect until it has been 18  
approved under a regulation. 19
- (3) Subsection (4) applies if a regulation mentioned in subsection 20  
(2) approves an amendment of the stock route network map 21  
and the amended map is not attached to the regulation. 22
- (4) The Minister must, when the regulation is tabled in the 23  
Legislative Assembly under the *Statutory Instruments Act* 24  
*1992*, section 49, also table a copy of the amended stock route 25  
network map. 26
- (5) A failure to comply with subsection (4) does not invalidate or 27  
otherwise affect the regulation. 28

<b>421</b>	<b>Access to the stock route network map</b>	1
(1)	The chief executive must do the following for the stock route network map—	2
		3
(a)	hold the map in a way that allows the boundaries of parcels of land each stock route intersects to be shown;	4
		5
(b)	keep the map published on the department's website;	6
(c)	make the map available for inspection during office hours on business days, free of charge, by members of the public at the department's regional offices decided by the chief executive;	7
		8
		9
		10
	<i>Editor's note—</i>	11
	On the commencement of this section, the department's website address was <www.derm.qld.gov.au>.	12
		13
(d)	permit a person to take extracts from the map or, on payment of an appropriate fee, give the person a copy of the map, or part of the map.	14
		15
		16
(2)	The fee must be the reasonable, but no more than the actual, cost of making and giving the copy.	17
		18

<b>Part 2</b>	<b>Evidence and legal proceedings</b>	19
		20

<b>Division 1</b>	<b>Evidence</b>	21
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<b>422</b>	<b>Application of div 1</b>	22
	This division applies to a proceeding under this Act.	23

<b>423</b>	<b>Appointments</b>	24
	It is not necessary to prove the following—	25
(a)	the chief executive's appointment;	26

[s 424]

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- (b) the appointment of the chief executive officer of a local government; 1  
2
- (c) an authorised person’s appointment. 3

**424 Signatures** 4

A signature purporting to be the signature of a person 5  
mentioned in section 423 is evidence of the signature it 6  
purports to be. 7

**425 Evidentiary aids** 8

A certificate purporting to be signed by the chief executive, or 9  
the chief executive officer of a local government, stating any 10  
of the following matters is evidence of the matter— 11

- (a) a stated document is one of the following things made, 12  
given, issued or kept under this Act— 13
  - (i) an appointment, approval or decision; 14
  - (ii) a notice, direction or requirement; 15
  - (iii) a permit or authority; 16
- (b) a stated document is another document kept under this 17  
Act; 18
- (c) a stated document is a copy of a thing mentioned in 19  
paragraph (a) or (b); 20
- (d) stated land was, on a stated day, or during a stated 21  
period, in or on the stock route network or public (stock 22  
access) land; 23
- (e) on a stated day, or during a stated period, a stated person 24  
was or was not the holder of a permit or authority; 25
- (f) on a stated day, or during a stated period, a permit or 26  
authority— 27
  - (i) was or was not in force; or 28
  - (ii) was or was not subject to a stated condition; 29

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- |  |                  |
|--|------------------|
| (g) on a stated day a permit or authority was suspended for a stated period, surrendered or cancelled;   | 1<br>2           |
| (h) on a stated day, or during a stated period, a stated appointment, including a person's appointment as an authorised person, or a stated approval was, or was not, in force for a stated person or thing; | 3<br>4<br>5<br>6 |
| (i) on a stated day—   | 7                |
| (i) a stated person was given a stated notice or direction under this Act; or  | 8<br>9           |
| (ii) a stated requirement under this Act was made of a stated person;  | 10<br>11         |
| (j) a stated amount is payable under this Act by a stated person.  | 12<br>13         |

## Division 2Legal proceedings14

### 426 Summary proceedings for offences 15

- |  |                |
|--|----------------|
| (1) A proceeding for an offence against this Act is a summary offence.   | 16<br>17       |
| (2) The proceeding must start within—  | 18             |
| (a) 1 year after the commission of the offence; or   | 19             |
| (b) 1 year after the commission of the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence. | 20<br>21<br>22 |

[s 427]

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<b>Part 3</b>	<b>Other provisions</b>	1
<b>427</b>	<b>Delegation by Minister</b>	2
	The Minister may delegate the Minister’s powers under this Act to an appropriately qualified public service officer.	3 4
<b>428</b>	<b>Delegation by chief executive</b>	5
(1)	The chief executive may delegate the chief executive’s powers under this Act to any of the following persons—	6 7
(a)	the chief executive officer of a local government;	8
(b)	an officer of the department, or other person, the chief executive considers is appropriately qualified to exercise the power.	9 10 11
(2)	However, the chief executive can not delegate the chief executive’s power to—	12 13
(a)	classify a stock route under chapter 2, part 2; or	14
(b)	establish an advisory panel under section 383(1); or	15
(c)	state an advisory panel’s functions or terms of reference under section 383(2); or	16 17
(d)	appoint a person to be a member of an advisory panel under section 384(1); or	18 19
(e)	direct an advisory panel to make a recommendation or report to the chief executive under section 383(1)(b)(ix) or (3); or	20 21 22
(f)	ask an advisory panel to call a meeting under section 390(2).	23 24
(3)	The chief executive officer of a local government may subdelegate to an appropriately qualified person a power delegated to the chief executive officer under subsection (1).	25 26 27

[s 429]

(4)	A delegation of a power under subsection (1) to an officer of the department may permit the subdelegation of the power to an appropriately qualified person.	1 2 3
<b>429</b>	<b>Delegation by chief executive officer</b>	4
(1)	The chief executive officer of a local government may delegate the chief executive officer's powers under this Act to an appropriately qualified officer of the local government.	5 6 7
(2)	However, the chief executive officer can not delegate a power under this Act that has been delegated by the local government, if the local government has directed the chief executive officer not to further delegate the power.	8 9 10 11
<b>430</b>	<b>Protection from liability</b>	12
(1)	This section applies to each of the following persons (a <i>relevant person</i> )—	13 14
(a)	the Minister;	15
(b)	the chief executive;	16
(c)	an officer or employee of the department;	17
(d)	the chief executive officer of a local government;	18
(e)	an officer or employee of a local government;	19
(f)	an authorised person;	20
(g)	a person helping an authorised person at the authorised person's direction.	21 22
(2)	A relevant person is not civilly liable to someone for an act done, or an omission made, honestly and without negligence under this Act.	23 24 25
(3)	If subsection (2) prevents a civil liability attaching to a relevant person, the liability attaches instead to—	26 27
(a)	for a relevant person mentioned in subsection (1)(a), (b) or (c), an authorised person appointed by the chief	28 29

[s 431]

	executive or a person helping the authorised person at the authorised person's direction—the State; or	1 2
(b)	for a relevant person mentioned in subsection (1)(d) or (e), an authorised person appointed by the chief executive officer of a local government or a person helping the authorised person at the authorised person's direction—the local government.	3 4 5 6 7
(4)	In this section—	8
	<i>civil liability</i> includes liability for the payment of costs ordered to be paid in a proceeding for an offence against this Act.	9 10 11
<b>431</b>	<b>Approved forms</b>	12
	The chief executive may approve forms for use under this Act.	13
<b>432</b>	<b>Regulation-making power</b>	14
(1)	The Governor in Council may make regulations under this Act.	15 16
(2)	A regulation may be made about—	17
(a)	fees, costs or charges payable under this Act, including when fees, costs or charges are payable; and	18 19
(b)	the type of signage that must be used and the way the signage must be used by persons who hold permits or authorities for, or are in charge of, stock travelling or grazing on the stock route network or public (stock access) land.	20 21 22 23 24
(3)	A regulation may impose a penalty of no more than 20 penalty units for contravention of a regulation.	25 26

<b>Chapter 12</b>	<b>Transitional provisions</b>	1
<b>Part 1</b>	<b>General provisions</b>	2
<b>Division 1</b>	<b>Preliminary</b>	3
<b>433</b>	<b>Definitions for pt 1</b>	4
	In this part—	5
	<i>commencement</i> means the commencement of this section.	6
	<i>pre-amended Act</i> means the <i>Land Protection (Pest Management) Act 2002</i> as it was in force immediately before the commencement.	7
		8
		9
<b>Division 2</b>	<b>References to pre-amended Act</b>	10
<b>434</b>	<b>References to pre-amended Act and provisions relating to stock route network management</b>	11
		12
(1)	This section applies to a reference in a document to the pre-amended Act or a provision of the pre-amended Act if the reference relates to management or use of the stock route network or public (stock access) land under the pre-amended Act.	13
		14
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		16
		17
(2)	The reference to the pre-amended Act may, if the context permits, be taken to be a reference to this Act.	18
		19
(3)	The reference to the provision of the pre-amended Act may, if the context permits, be taken to be a reference to the corresponding provision of this Act.	20
		21
		22

[s 435]

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<b>Division 3</b>	<b>Stock route management plans</b>	1
<b>435</b>	<b>Initial preparation of State management plan</b>	2
(1)	This section applies to the chief executive for preparing the State management plan for the first time after the commencement.	3 4 5
(2)	The chief executive is not required to finish preparing the management plan until 1 year after the commencement.	6 7
(3)	This section applies despite section 15.	8
<b>436</b>	<b>Existing State management strategy continues</b>	9
(1)	The existing State management strategy continues until the first of the following happens—	10 11
(a)	the State management plan is prepared for the first time;	12
(b)	the end of 1 year after the commencement.	13
(2)	In this section—	14
	<i>existing State management strategy</i> means the State stock route network management strategy prepared under chapter 3, part 2 of the pre-amended Act and in force immediately before the commencement.	15 16 17 18
<b>437</b>	<b>Initial preparation of local management plan</b>	19
(1)	This section applies to a local government that must prepare a local management plan under section 63 for preparing its local management plan for the first time after the commencement.	20 21 22
(2)	The local government is not required to finish preparing the management plan until the later of the following—	23 24
(a)	2 years after the chief executive prepares the State management plan for the first time after the commencement;	25 26 27

(b)	3 years after the commencement.	1
(3)	This section applies despite sections 63, 72 and 73.	2
<b>438</b>	<b>Existing management plans continue</b>	3
(1)	This section applies if, immediately before the commencement, an existing management plan was in force for a local government area.	4 5 6
(2)	The plan continues until the later of the following—	7
(a)	1 year after the State management plan is prepared for the first time after the commencement;	8 9
(b)	2 years after the commencement.	10
(3)	In this section—	11
	<i>existing management plan</i> means a stock route network management plan prepared under chapter 3, part 3 of the pre-amended Act.	12 13 14
<b>Division 4</b>	<b>Stock route classification</b>	15
<b>439</b>	<b>Stock route classifications on commencement</b>	16
(1)	On and from the commencement—	17
(a)	a stock route shown as a primary A stock route on the stock route network map is classified as a primary A stock route; and	18 19 20
(b)	a stock route shown as a primary B stock route on the stock route network map is classified a primary B stock route; and	21 22 23
(c)	a stock route shown as a secondary stock route on the stock route network map is classified as a secondary stock route.	24 25 26
(2)	The classification of a stock route under subsection (1) continues until it is reviewed under chapter 2, part 2, division	27 28

[s 440]

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4 or section 440 and changed under section 43(1) or that provision as applied under section 440(5).	1 2
(3) Sections 27 and 29 do not apply to the classification of a stock route under subsection (1).	3 4
(4) However, to remove any doubt, it is declared that—	5
(a) section 29 applies for—	6
(i) reviewing the classification of a stock route under chapter 2, part 2, division 4 or section 440(1) and (3); and	7 8 9
(ii) changing the classification of a stock route under chapter 2, part 2, division 6 or sections 42 and 43 as applied under section 440(5); and	10 11 12
(b) section 27 applies to the classification of a stock route if it is changed as mentioned in subsection (2).	13 14
<b>440 Initial deciding of threshold usage numbers and review of classification of stock routes</b>	15 16
(1) The chief executive must, within 2 years after the commencement—	17 18
(a) decide the upper threshold usage number under section 31 and the lower threshold usage number under section 32; and	19 20 21
(b) review the classification of each stock route under subsection (3).	22 23
(2) However, the chief executive need not review the classification of a stock route under subsection (3) if—	24 25
(a) the chief executive has reviewed the classification of the stock route under section 37; or	26 27
(b) the chief executive has received a submission under section 40(2) proposing a change of the classification of the stock route.	28 29 30

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|---|----------------|
| (3) In reviewing the classification of a stock route for subsection (1)(b), the chief executive must—   | 1<br>2         |
| (a) consider the usage factors for the stock route; and   | 3              |
| (b) consider whether or not it may be appropriate to change the classification.   | 4<br>5         |
| (4) If the chief executive considers it is not appropriate to change the classification, the chief executive must confirm the current classification. | 6<br>7<br>8    |
| (5) If the chief executive considers it may be appropriate to change the classification, the following apply—   | 9<br>10        |
| (a) section 42, as if the reference in that section to section 37 were a reference to subsections (1)(b) and (3);                                     | 11<br>12       |
| (b) section 43;   | 13             |
| (c) section 45, as if the reference in that section to section 43 were a reference to section 43 as applied under paragraph (b).                      | 14<br>15<br>16 |

<b>Division 5</b>	<b>Existing water facility agreements</b>	17
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|------------|---|----------------|
| <b>441</b> | <b>Existing water facility agreements continue</b>  | 18             |
| (1)        | This section applies to an existing water facility agreement in force immediately before the commencement.                              | 19<br>20       |
| (2)        | The agreement continues as a water facility agreement under this Act until the end of the term stated in it, unless it is sooner ended. | 21<br>22<br>23 |
| (3)        | In this section—  | 24             |
|            | <i>existing water facility agreement</i> means a water facility agreement entered into under section 163 of the pre-amended Act.        | 25<br>26<br>27 |

[s 442]

<b>Division 6</b>	<b>Existing travel and agistment permits and applications</b>	1 2
<b>442</b>	<b>Existing travel permits continue</b>	3
(1)	This section applies to an existing travel permit in force immediately before the commencement.	4 5
(2)	Subject to subsections (3) to (7), the permit continues as a standard travel permit under this Act until the end of the term stated in it.	6 7 8
(3)	Despite sections 55, 56 and 89, the permit is not affected by a closed area declaration, conditional use area declaration or special management condition.	9 10 11
(4)	Section 290 does not apply to driving stock on a part of the stock route network or public (stock access) land under the permit.	12 13 14
	<i>Editor's note—</i>	15
	Section 290 (Driving or grazing stock in contravention of declaration or special management condition)	16 17
(5)	Despite section 170, the issuing local government can not amend it under that section, unless the permit holder consents.	18 19
(6)	Despite section 172, the only grounds for cancelling the permit are the grounds mentioned in section 172(1)(a) to (c).	20 21
(7)	Subsections (3) to (6) stop applying 6 months after the commencement.	22 23
(8)	In this section—	24
	<b><i>existing travel permit</i></b> means a stock route travel permit issued under chapter 3, part 5 of the pre-amended Act.	25 26
<b>443</b>	<b>Existing agistment permits</b>	27
(1)	This section applies to an existing agistment permit in force immediately before the commencement.	28 29

[s 444]

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- (2) Subject to subsections (3) to (6), but despite section 198(1),  
the permit continues as an emergency grazing permit under  
this Act until the end of the term stated in it. 1 2 3
  - (3) Despite sections 55, 56 and 89, the permit is not affected by a  
closed area declaration, conditional use area declaration or  
special management condition. 4 5 6
  - (4) Section 290 does not apply to grazing stock on a part of the  
stock route network or public (stock access) land under the  
permit. 7 8 9
  - (5) Despite section 231, the issuing local government can not  
amend it under that section, unless the permit holder consents. 10 11
  - (6) Despite section 242, the only grounds for cancelling the  
permit are the grounds mentioned in section 242(a) to (d). 12 13
  - (7) In this section— 14
  - existing agistment permit* means a stock route agistment  
permit issued under chapter 3, part 4 of the pre-amended Act. 15 16

#### **444 Undecided permit applications** 17

- (1) This section applies if— 18
  - (a) before the commencement, an application was made to a  
local government for— 19 20
    - (i) a stock route agistment permit under chapter 3,  
part 4 of the pre-amended Act; or 21 22
    - (ii) a stock route travel permit issued under chapter 3,  
part 5 of the pre-amended Act; and 23 24
  - (b) the application has not been decided. 25
- (2) The application for the stock route agistment permit is taken  
to be an application for an emergency grazing permit made  
under section 179(1). 26 27 28
- (3) The application for the stock route travel permit is taken to be  
a single area permit application and the fee under section  
124(g) is taken to have been paid. 29 30 31

[s 445]

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(4)	However, subsection (2) or (3) does not prevent the local government from asking the applicant to do either of the following for deciding the application—	1 2 3
(a)	giving the local government further relevant information or documents;	4 5
(b)	agreeing to change the application.	6
<b>Part 2</b>	<b>Transition from existing permits to occupy to grazing authorities</b>	7 8 9
<b>445</b>	<b>Definitions for pt 2</b>	10
	In this part—	11
	<i>closing day</i> means 1 July next after the second anniversary of the commencement.	12 13
	<i>Example—</i>	14
	If this section commences on 1 July 2012, the closing day would be 1 July 2015.	15 16
	<i>commencement</i> means the commencement of this section.	17
	<i>existing permit to occupy</i> means a permit to occupy a reserve or road that was in force immediately before the commencement and has continued in force since the commencement.	18 19 20 21
	<i>permit land</i> means the land subject to an existing permit to occupy.	22 23
<b>446</b>	<b>Application for grazing authority</b>	24
(1)	This section applies if the holder of an existing permit to occupy applies under chapter 5, part 3 to a local government	25 26

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for a grazing authority for the permit land before the closing day.	1 2
(2) Despite section 205—	3
(a) section 205(2) does not apply to the application; and	4
(b) the application is not required to be accompanied by the fee mentioned in section 206(d).	5 6
(3) If the permit holder and another person apply for a grazing authority for the permit land, the local government must decide the permit holder's application before deciding any other application.	7 8 9 10
(4) Despite section 211, section 211(1)(a)(i) does not apply to the local government for deciding the application only because the permit land is subject to the existing permit to occupy.	11 12 13
(5) Section 212 applies to deciding the application subject to subsection (3).	14 15
(6) If this section is applied to an application for a grazing authority for permit land under subsection (1), the section does not apply to a later application for a grazing authority for the permit land.	16 17 18 19
<b>447 Grazing authority</b>	20
(1) This section applies if—	21
(a) the holder of an existing permit to occupy applies to a local government for a grazing authority for the permit land before the closing day; and	22 23 24
(b) the local government issues the grazing authority.	25
(2) Despite section 220(1), the authority period must be—	26
(a) if the authority area includes part of a primary stock route or a primary reserve—2 years; or	27 28
(b) otherwise—5 years.	29
(3) Subject to subsection (4), the authority period must start on 1 July next after the grazing authority is issued.	30 31

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[s 448]

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(4)	Despite section 220(2), if the grazing authority is issued after the closing day, the grazing authority is taken to have started on the closing day.	1 2 3
<b>448</b>	<b>Renewal of particular grazing authorities</b>	4
(1)	This section applies if—	5
(a)	the authority area for a grazing authority mentioned in section 447(1)(b) includes part of a primary stock route or a primary reserve; and	6 7 8
(b)	the holder of the grazing authority applies under section 223 to the local government to renew the authority; and	9 10
(c)	the local government decides to grant the application.	11
(2)	The local government must renew the grazing authority for the period, of no more than 3 years, requested by the authority holder.	12 13 14
<b>Chapter 13</b>	<b>Amendment of this Act and other legislation</b>	15 16
<b>Part 1</b>	<b>Amendment of this Act</b>	17
<b>449</b>	<b>Act amended</b>	18
	This part amends the <i>Stock Route Network Management Act 2011</i> .	19 20
<b>450</b>	<b>Amendment of long title</b>	21
	Long title, from ‘associated land’—	22

	<i>omit, insert—</i>	1
	‘associated land’.	2
<b>451</b>	<b>Amendment of s 6 (Dictionary)</b>	3
	Section 6, ‘schedule 4’—	4
	<i>omit, insert—</i>	5
	‘schedule 3’.	6
<b>452</b>	<b>Renumbering of sch 4 (Dictionary)</b>	7
	Schedule 4—	8
	<i>renumber</i> as schedule 3.	9
<b>Part 2</b>	<b>Consequential amendments of other Acts and regulation</b>	10 11
<b>Division 1</b>	<b>Amendment of Land Act 1994</b>	12
<b>453</b>	<b>Act amended</b>	13
	This division amends the <i>Land Act 1994</i> .	14
<b>454</b>	<b>Amendment of s 159 (General provisions for deciding application)</b>	15 16
	Section 159(1)—	17
	<i>insert—</i>	18
	‘(p) whether part of the lease land is needed for a stock route;	19 20

[s 455]

	(q) if there is a stock route on the lease land, whether the stock route is an appropriate width of no more than 1.6km.’.	1 2 3
<b>455</b>	<b>Amendment of s 167 (Provisions for deciding application)</b>	4
	Section 167(1)—	5
	<i>insert—</i>	6
	‘(p) whether part of the lease land is needed for a stock route;	7 8
	(q) if there is a stock route on the lease land, whether the stock route is an appropriate width of no more than 1.6km.’.	9 10 11
<b>456</b>	<b>Amendment of s 177 (Chief executive may issue permit)</b>	12
	(1) Section 177(1)—	13
	<i>omit, insert—</i>	14
	‘(1) The chief executive may issue a permit to occupy for—	15
	(a) unallocated State land; or	16
	(b) a reserve; or	17
	(c) a road, other than for grazing.	18
	<i>Note—</i>	19
	Grazing authorities can be issued for grazing of stock on particular roads under the <i>Stock Route Network Management Act 2011</i> .’.	20 21 22
	(2) Section 177(2), ‘The permit may’—	23
	<i>omit, insert—</i>	24
	‘Subject to subsection (1)(c), the permit may’.	25
<b>457</b>	<b>Insertion of new ch 9, pt 1K</b>	26
	Chapter 9—	27

<i>insert—</i>	1
<b>‘Part 1K</b>	2
<b>Transitional provisions for</b>	3
<b>Stock Route Network</b>	4
<b>Management Act 2011</b>	
 <b>‘521ZD Definitions for pt 1K</b>	5
‘In this part—	6
<i>closing day</i> means 1 July next after the second anniversary of	7
the commencement.	8
<i>Example—</i>	9
If this section commenced on 1 July 2012, the closing day would be 1	10
July 2015.	11
<i>commencement</i> means the commencement of this section.	12
<i>existing permit</i> means a permit to occupy for a reserve or road	13
that was in force immediately before the commencement and	14
has continued in force since the commencement.	15
<i>grazing authority</i> means a grazing authority issued under the	16
<i>Stock Route Network Management Act 2011</i> .	17
<i>replacement permit</i> means a permit to occupy—	18
(a) issued to replace an existing permit mentioned in section	19
521ZE(1)(b); and	20
(b) stating—	21
(i) the purposes stated in the existing permit, other	22
than grazing; and	23
(ii) the terms stated in the existing permit, other than	24
terms including, or allowing for, grazing; and	25
(c) including changes to the existing permit necessary or	26
convenient for stating the matters under paragraph (b)(i)	27
and (ii).	28
<i>transition day</i> , for an existing permit, means—	29

[s 457]

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- (a) if a grazing authority is issued for the permit land sooner than 1 year before the closing day—1 July next after the day the authority is issued; or
  - (b) if an application has been made under the *Stock Route Network Management Act 2011* for a grazing authority for the permit land before the closing day and has not been decided by the end of that day—the day the application is decided; or
  - (c) otherwise—the closing day.
- Note—*
- See also the *Stock Route Network Management Act 2011*, chapter 12, part 2 (Transition from existing permits to occupy to grazing authorities).

#### **‘521ZE Cancellation of existing permits**

- ‘(1) This section applies to an existing permit that was issued—
  - (a) only for grazing; or
  - (b) either—
    - (i) for grazing and another purpose; or
    - (ii) for a purpose or on terms, that include, or allow for, grazing and another thing.
- ‘(2) The existing permit is cancelled at the end of the permit’s transition day.
- ‘(3) If an existing permit is cancelled under subsection (2), the chief executive must—
  - (a) register a cancellation notice for the permit; and
  - (b) give notice of the cancellation to—
    - (i) the permittee; and
    - (ii) any other entity with a registered interest in the permit land.

- 
- '(4) Section 180B does not apply to cancellation of the existing permit. 1  
2
  - '(5) Section 180E(2) applies to a notice given under subsection (3)(b). 3  
4
  - '(6) However, the notice under subsection (3)(b) must state that 5  
the permittee may apply to remove any improvements on the 6  
permit land owned by the permittee only if— 7
    - (a) either of the following apply— 8
      - (i) the permittee has not applied for a grazing 9  
authority for the permit land and does not intend to 10  
apply for a grazing authority for the permit land 11  
before the closing day; 12
      - (ii) the permittee has applied under the *Stock Route 13  
Network Management Act 2011* for a grazing 14  
authority before the closing day and the application 15  
has been refused under that Act; and 16
    - (b) for an existing permit mentioned in subsection 17  
(1)(b)—the permittee has given the chief executive a 18  
written request not to issue a replacement permit. 19
  - '(7) Sections 180F, 180G and 180H apply to cancellation of an 20  
existing permit under subsection (2). 21
  - '(8) However, sections 180G and 180H do not apply to the 22  
cancellation if— 23
    - (a) the permittee has been issued a grazing authority or 24  
replacement permit for the permit land; or 25
    - (b) the permittee has applied under the *Stock Route Network 26  
Management Act 2011* for a grazing authority before the 27  
closing day and the application has not been decided 28  
under that Act. 29

## **'521ZF Issue of replacement permits**

- '(1) This section applies to an existing permit mentioned in section 31  
521ZE(1)(b) that is cancelled under that section. 32

[s 457]

- ‘(2) The chief executive must issue the permittee a replacement permit for the existing permit, unless the permittee has given the chief executive a written request not to issue a replacement permit. 1  
2  
3  
4
- ‘(3) If a replacement permit is issued under subsection (2), section 177(2) applies to the issue of the permit subject to section 521ZD, definition *replacement permit* and subsections (4) and (5). 5  
6  
7  
8
- ‘(4) Grazing is not authorised under the replacement permit. 9
- ‘(5) The term of the replacement permit— 10
  - (a) starts at the beginning of the day after the transition day, or is taken to have started at that time if the replacement permit is issued on or after the transition day; and 11  
12  
13
  - (b) unless the replacement permit is sooner cancelled, ends when the term of the existing permit would have ended if that permit had not been cancelled. 14  
15  
16
- ‘(6) Sections 177(3) and 177B do not apply to the issue of the replacement permit. 17  
18
- ‘(7) Section 177D(1) applies to giving notice of the issue of the replacement permit as if the chief executive had given a notice about the permit under section 177B to each entity to which notice would have been required to have been given under that section if it had applied. 19  
20  
21  
22  
23
- ‘(8) No fee is payable for issuing the replacement permit. 24
- ‘(9) If, at the end of the transition day, an amount of rent is owed by, or has been credited to the account of, the permittee for the existing permit, the amount is owed or credited in relation to the replacement permit. 25  
26  
27  
28
- ‘(10) No compensation is payable for grazing not being authorised under the replacement permit. 29  
30

## ‘521ZG Surrender of replacement permits 31

- ‘(1) This section applies if— 32

- 
- (a) a replacement permit is issued under section 521ZF(2);  
and
      - (b) the permittee applies to surrender the permit under  
section 180A(2) within 3 months after the permit is  
issued.
    - ‘(2) There is no fee payable for the application.
    - ‘(3) Despite section 180B(1) and 180E(3), the chief executive  
must approve the surrender of the replacement permit.
    - ‘(4) The notice under section 180E(1) must state that the permittee  
may apply to remove any improvements on the permit land  
only if—
      - (a) the permittee—
        - (i) has not applied for a grazing authority for the  
permit land; and
        - (ii) does not intend to apply for a grazing authority for  
the permit land before the closing day; or
      - (b) the permittee has applied under the *Stock Route Network  
Management Act 2011* for a grazing authority before the  
closing day and the application has been refused under  
that Act.
    - ‘(5) Sections 180G and 180H do not apply to the surrender of the  
permit if—
      - (a) the permittee has been issued a grazing authority for the  
permit land; or
      - (b) the permittee has applied under the *Stock Route Network  
Management Act 2011* for a grazing authority before the  
closing day and the application has not been decided  
under that Act.’.

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## 458     **Amendment of sch 6 (Dictionary)**

- (1) Schedule 6, definitions *declared pest* and *stock route*—  
  
*omit.*

29

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31

[s 459]

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(2)	Schedule 6—	1
	<i>insert—</i>	2
	‘ <i>closing day</i> , for chapter 9, part 1K, see section 521ZD.	3
	<i>commencement</i> , for chapter 9, part 1K, see section 521ZD.	4
	<i>declared pest</i> , see the <i>Land Protection (Pest Management) Act 2002</i> , schedule 3.	5 6
	<i>existing permit</i> , for chapter 9, part 1K, see section 521ZD.	7
	<i>grazing authority</i> , for chapter 9, part 1K, see section 521ZD.	8
	<i>permit to occupy</i> means a permit issued under section 177.	9
	<i>replacement permit</i> , for chapter 9, part 1K, see section 521ZD.	10 11
	<i>stock route</i> see the <i>Stock Route Network Management Act 2011</i> , section 7(1).	12 13
	<i>transition day</i> , for chapter 9, part 1K, see section 521ZD.’.	14
<b>Division 2</b>	<b>Amendment of Land Protection (Pest and Stock Route Management) Act 2002</b>	15 16 17
<b>459</b>	<b>Act amended</b>	18
	This division amends the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> .	19 20
<b>460</b>	<b>Amendment of long title</b>	21
	Long title, ‘the management of the stock route network, and’—	22 23
	<i>omit.</i>	24

<b>461</b>	<b>Amendment of s 1 (Short title)</b>	<b>1</b>
	Section 1, ‘ <i>and Stock Route</i> ’—	2
	<i>omit.</i>	3
<b>462</b>	<b>Replacement of s 3 (Main purpose of Act)</b>	<b>4</b>
	Section 3—	5
	<i>omit, insert—</i>	6
<b>‘3</b>	<b>Main purpose of Act</b>	<b>7</b>
	‘The main purpose of this Act is to provide for pest management for land.’.	8
		9
<b>463</b>	<b>Amendment of s 4 (How purpose is achieved)</b>	<b>10</b>
(1)	Section 4(a), ‘and stock route network management’—	11
	<i>omit.</i>	12
(2)	Section 4(b), ‘and stock route network management planning’—	13
	<i>omit.</i>	14
	<i>omit.</i>	15
(3)	Section 4(f), (h) and (j)—	16
	<i>omit.</i>	17
(4)	Section 4(k), ‘and the movement of travelling stock’—	18
	<i>omit.</i>	19
(5)	Section 4(g) to (k)—	20
	<i>renumber</i> as section 4(f) to (h).	21
<b>464</b>	<b>Omission of ch 3 (Stock route network management)</b>	<b>22</b>
	Chapter 3—	23
	<i>omit.</i>	24

[s 465]

<b>465</b>	<b>Replacement of s 183 (Functions of local governments)</b>	1
	Section 183—	2
	<i>omit, insert—</i>	3
<b>‘183</b>	<b>Functions of local governments</b>	4
	‘(1) The function of a local government under this Act is to ensure declared pests are managed within its area under this Act and the principles of pest management.	5 6 7
	‘(2) However, subsection (1) does not apply to a declared pest in the operational area of a pest operational board.’.	8 9
<b>466</b>	<b>Amendment of s 184 (Minister may direct local government to perform function or obligation)</b>	10 11
	Section 184(1), example, ‘or stock route network management plan’—	12 13
	<i>omit.</i>	14
<b>467</b>	<b>Amendment of s 187 (Minister may require local government to make annual payment)</b>	15 16
	Section 187(1), ‘or stock route network’—	17
	<i>omit.</i>	18
<b>468</b>	<b>Amendment of ch 5 hdg (Land protection council and Land Protection Fund)</b>	19 20
	Chapter 5, heading, ‘Land protection council and’—	21
	<i>omit.</i>	22
<b>469</b>	<b>Omission of ch 5, pt 1 and ch 5, pt 2, hdg</b>	23
	Chapter 5, part 1 and chapter 5, part 2, heading—	24
	<i>omit.</i>	25

<b>470</b>	<b>Omission of s 212 (Local government's payment of amounts into fund)</b>	1
	Section 212—	2
	<i>omit.</i>	3
		4
<b>471</b>	<b>Amendment of s 291 (Appointments)</b>	5
(1)	Section 291(c)—	6
	<i>omit.</i>	7
(2)	Section 291(d) and (e)—	8
	<i>renumber</i> as section 291(c) and (d).	9
<b>472</b>	<b>Amendment of s 302 (Compensation)</b>	10
	Section 302(1), from '95' to '274'—	11
	<i>omit, insert—</i>	12
	'95 or 274'.	13
<b>473</b>	<b>Amendment of s 304 (Delegation by Minister)</b>	14
(1)	Section 304(2)(b) to (d)—	15
	<i>omit.</i>	16
(2)	Section 304(2)(e) and (f)—	17
	<i>renumber</i> as section 304(2)(b) and (c).	18
<b>474</b>	<b>Amendment of s 305 (Delegation by chief executive)</b>	19
	Section 305(2), from 'power'—	20
	<i>omit, insert—</i>	21
	'power to make an emergency pest notice under section 37(2).'	22
		23

[s 475]

<b>475</b>	<b>Amendment of s 309 (Regulation-making power)</b>	1
	Section 309(2)—	2
	<i>omit, insert—</i>	3
	‘(2) A regulation may be made about charges, costs or fees payable under this Act.’	4 5
<b>476</b>	<b>Insertion of new ch 11, pt 4</b>	6
	Chapter 11—	7
	<i>insert—</i>	8
<b>‘Part 4</b>	<b>Transitional provisions for Stock Route Network Management Act 2011</b>	9 10 11
<b>‘334</b>	<b>References to former short title of Act relating to pest management</b>	12 13
	‘(1) This section applies to a reference in a document to the former short title of this Act if the reference relates to pest management for land.	14 15 16
	‘(2) The reference may, if the context permits, be taken to be a reference to the short title of this Act as amended.	17 18
	‘(3) In this section—	19
	<i>former short title</i> means the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> .	20 21
<b>‘335</b>	<b>Dissolution of former land protection council</b>	22
	‘(1) On the commencement of this section—	23
	(a) the former land protection council is dissolved; and	24
	(b) the members of the council go out of office.	25

‘(2) No compensation is payable to a member because of subsection (1).	1 2
‘(3) In this section—	3
<i>former land protection council</i> means the Land Protection (Pest and Stock Route Management) Council established under section 189 of the Act as it was in force before the commencement of this section.’.	4 5 6 7
<b>477 Amendment of sch 1 (Reviewable decisions and aggrieved persons)</b>	8 9
Schedule 1, entry for ‘Confirming issuing entity’s decision about a stock route agistment permit’ and each subsequent entry—	10 11 12
omit.	13
<b>478 Amendment of sch 3 (Dictionary)</b>	14
(1) Schedule 3, definitions <i>agistment period</i> , <i>chairperson</i> , <i>fencing notice</i> , <i>issuing entity</i> , <i>land protection council</i> , <i>mustering notice</i> , <i>notifiable disease</i> , <i>principles of stock route network management</i> , <i>relevant land</i> , <i>reserve for travelling stock</i> , <i>review notice</i> , <i>State stock route network management strategy</i> , <i>stock-proof</i> , <i>stock route</i> , <i>stock route agistment permit</i> , <i>stock route network</i> , <i>stock route travel permit</i> , <i>stray stock</i> , <i>submission period</i> , <i>travelling stock</i> , <i>travelling stock facility</i> , <i>water facility</i> and <i>water facility agreement</i> —	15 16 17 18 19 20 21 22 23
omit.	24
(2) Schedule 3—	25
insert—	26
‘ <i>chairperson</i> , for chapter 6, means the chairperson of a pest operational board’s board of directors.	27 28
<i>issuing entity</i> , for a pest control notice, means—	29

[s 479]

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- (a) for a declared pest the subject of a pest control campaign directed and managed by the chief executive to control or eradicate the declared pest—the chief executive; or
  - (b) for a declared pest on land in the operational area of a pest operational board—the pest operational board; or
  - (c) otherwise—the local government for the local government area in which the land to which the notice relates is situated.
- stock route* see the *Stock Route Network Management Act 2011*, section 7(1).
- submission period*, for a pest management plan, see section 28(2)(c).'

**Division 3                      Amendment of Stock Act 1915**

**479      Act amended**  
This division amends the *Stock Act 1915*.

**480      Amendment of s 21B (Issue of a travel permit)**  
Section 21B(2)—  
*insert—*  
'(d) if the stock are to be moved on the stock route network, the applicant has a stock route travel permit for the stock.'

**481      Amendment of s 21C (Application for travel permit)**  
(1) Section 21C(2)(n)—  
*renumber* as section 21C(2)(o).  
(2) Section 21C(2)—

	<i>insert—</i>	1
	‘(n) if the stock are to be moved on the stock route network—the information contained in a stock route travel permit for the stock.’.	2 3 4
<b>482</b>	<b>Amendment of s 21D (Change of route under a travel permit)</b>	5 6
	Section 21D(3)—	7
	<i>omit, insert—</i>	8
	‘(3) The inspector may approve the change of route only if—	9
	(a) the inspector is satisfied the movement of the stock by the changed route is not likely to lead to the spread of disease; and	10 11 12
	(b) for a change of route involving movement of the stock on the stock route network—the movement is allowed under a stock route travel permit.’.	13 14 15
<b>483</b>	<b>Amendment of s 21E (Travel permit for multiple movements)</b>	16 17
	Section 21E—	18
	<i>insert—</i>	19
	‘(2) However, each movement of the stock must be allowed under a stock route travel permit.’.	20 21
<b>484</b>	<b>Amendment of sch 2 (Dictionary)</b>	22
	(1) Schedule 2, definition <i>stock route</i> —	23
	<i>omit.</i>	24
	(2) Schedule 2—	25
	<i>insert—</i>	26
	‘ <b>stock route</b> see the <i>Stock Route Network Management Act 2011</i> , section 7(1).’	27 28

[s 485]

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<i>stock route network</i>	see the <i>Stock Route Network Management Act 2011</i> , section 8.	1 2
<i>stock route travel permit</i>	means a travel permit under the <i>Stock Route Network Management Act 2011</i> , schedule 3.’.	3 4
<b>Division 4</b>	<b>Amendment of Transport Infrastructure Act 1994</b>	5 6
<b>485 Act amended</b>		7
	This division amends the <i>Transport Infrastructure Act 1994</i> .	8
<b>486 Insertion of new ch 21, pt 4</b>		9
	Chapter 21—	10
	<i>insert—</i>	11
<b>‘Part 4</b>	<b>Transitional provision for Stock Route Network Management Act 2011</b>	12 13 14
<b>‘582 Effect of regulation amendment</b>		15
	‘The amendment of the <i>Transport Infrastructure (State-controlled Roads) Regulation 2006</i> under the <i>Stock Route Network Management Act 2011</i> does not affect the power of the Governor in Council to further amend the regulation or to repeal it.’.	16 17 18 19 20
<b>487 Amendment of sch 6 (Dictionary)</b>		21
(1)	Schedule 6, definition <i>ancillary works and encroachments</i> , paragraph (b)(ii), (iii) and (iv)—	22 23
	<i>omit, insert—</i>	24

	‘(ii) clearing, trimming or slashing, other than for harvesting pasture under the <i>Stock Route Network Management Act 2011</i> , section 101 or a harvesting permit under that Act;’.	1 2 3 4
(2)	Schedule 6, definition <i>ancillary works and encroachments</i> , paragraph (b)(vii)— <i>omit, insert—</i>	5 6 7
	‘(vii) burning off, other than burning pasture under the <i>Stock Route Network Management Act 2011</i> , section 101;’.	8 9 10
(3)	Schedule 6, definition <i>ancillary works and encroachments</i> , paragraph (b)(xiii)— <i>omit, insert—</i>	11 12 13
	‘(xiii) moving stock on the hoof, other than under a travel permit or unfit stock (travel) permit under the <i>Stock Route Network Management Act 2011</i> ;’.	14 15 16
(4)	Schedule 6, definition <i>ancillary works and encroachments</i> , paragraph (b)(v) to (xiv)— <i>renumber</i> as paragraph (b)(iii) to (xii).	17 18 19
<b>Division 5</b>	<b>Amendment of Transport Infrastructure (State-controlled Roads) Regulation 2006</b>	20 21 22
<b>488</b>	<b>Regulation amended</b> This division amends the <i>Transport Infrastructure (State-controlled Roads) Regulation 2006</i> .	23 24 25
<b>489</b>	<b>Amendment of s 6 (Prohibition on animals on non-motorway State-controlled road)</b> Section 6(3)(d)—	26 27 28

[s 490]

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	<i>omit, insert—</i>	1
	‘(d) the State-controlled road is not a limited access road and the person is—	2
		3
	(i) driving the animal under a travel permit or unfit stock (travel) permit under the <i>Stock Route Network Management Act 2011</i> ; or	4
		5
		6
	(ii) grazing the animal under a grazing permit, grazing authority or unfit stock (grazing) permit under that Act.’.	7
		8
		9
<b>490</b>	<b>Amendment of s 11 (Declaration of ancillary works and encroachments)</b>	10
		11
	Section 11—	12
	<i>insert—</i>	13
	‘(3) Despite subsection (1), ancillary works and encroachments do not include grazing stock.’.	14
		15
<b>491</b>	<b>Amendment of sch 1 (Encroachments that ancillary works and encroachments include)</b>	16
		17
	Schedule 1, ‘Grazing of stock’—	18
	<i>omit.</i>	19
<b>Division 6</b>	<b>Amendment of other Acts</b>	20
<b>492</b>	<b>Acts amended in sch 3</b>	21
	Schedule 3 amends the Acts it mentions.	22

<b>Schedule 1</b>	<b>Local governments required to prepare local management plans</b>	1
		2
		3
	section 63(1)(a)	4
	Balonne Shire Council	5
	Banana Shire Council	6
	Barcaldine Regional Council	7
	Barcoo Shire Council	8
	Blackall Tambo Regional Council	9
	Boulia Shire Council	10
	Bulloo Shire Council	11
	Central Highlands Regional Council	12
	Charters Towers Regional Council	13
	Cloncurry Shire Council	14
	Diamantina Shire Council	15
	Flinders Shire Council	16
	Goondiwindi Regional Council	17
	Isaac Regional Council	18
	Longreach Regional Council	19
	Maranoa Regional Council	20
	McKinlay Shire Council	21
	Mount Isa City Council	22
	Murweh Shire Council	23
	Paroo Shire Council	24
	Quilpie Shire Council	25

Schedule 1

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Richmond Shire Council	1
Western Downs Regional Council	2
Winton Shire Council	3

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<b>Schedule 2</b>	<b>Reviewable decisions and aggrieved persons</b>	1
		2

sections 405, 406(1), 407(1), 410(1) and 418	3
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<b>Part 1</b>	<b>Decisions reviewable initially by chief executive officer</b>	4
		5

<b>Reviewable decision</b>	<b>Aggrieved person</b>
imposing a condition on a travel permit (section 131(1)(b))	the applicant or permit holder
imposing a condition on an unfit stock (travel) permit (section 131(1)(b) as applied under section 154(4) or 163(3))	the applicant or permit holder
refusing to issue an unfit stock (travel) permit (section 131(1)(c) as applied under section 154(4) or 163(3))	the applicant
refusing to waive all or part of the overdue travel fee (section 147(4))	the applicant or permit holder
imposing a condition on a grazing permit (section 187(1)(b))	the applicant or permit holder
imposing a condition on an unfit stock (grazing) permit (section 187(1)(b) as applied under section 155(4) or 162(3))	the applicant or permit holder
refusing to issue a grazing permit (section 187(1)(c))	the applicant

Schedule 2

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<b>Reviewable decision</b>	<b>Aggrieved person</b>
refusing to issue an unfit stock (grazing) permit (section 187(1)(c) as applied under section 155(4) or 162(3))	the applicant
imposing a condition on an extended grazing permit (section 201(1)(b))	the applicant or permit holder
refusing to extend a grazing permit (section 201(1)(c))	the applicant
imposing a condition on the issue of a grazing authority (section 210(2))	the applicant
imposing a condition on a grazing authority (section 210(1)(b))	the applicant or authority holder
imposing a condition on renewal of a grazing authority (section 224(b))	the applicant or authority holder
amending a grazing permit other than in the way requested by the applicant (section 230(1)(b))	the applicant or permit or authority holder
refusing to amend a grazing permit (section 230(1)(c))	the applicant or permit or authority holder
imposing an amendment of a grazing permit (section 231(b))	the permit or authority holder
imposing conditions on surrender of a grazing authority (section 235(1)(b))	the authority holder
stated amount of a grazing fee under a grazing fee payment notice (section 259(1)(c))	the landowner given the grazing fee payment notice
stated amount of a grazing fee or costs under a grazing fee payment notice (section 264(1)(e))	the landowner given the grazing fee payment notice

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<b>Reviewable decision</b>	<b>Aggrieved person</b>
imposing a condition on a harvesting permit (section 273(b))	the applicant or permit holder
refusing to issue a harvesting permit (section 273(c))	the applicant
imposing an amendment of a harvesting permit (section 286(1)(b))	the permit holder
cancelling a harvesting permit (section 289(1)(b))	the permit holder

1

## **Part 2** **Decisions reviewable initially by chief executive**

2

3

<b>Reviewable decision</b>	<b>Aggrieved person</b>
refusing to issue a travel permit (section 131(1)(c))	the applicant
amending a travel permit other than in the way requested by the applicant (section 168(1)(b))	the applicant or permit holder
refusing to amend a travel permit (section 168(1)(c))	the applicant or permit holder
imposing an amendment of a travel permit or unfit stock permit (section 170(1)(b))	the permit holder
cancelling a travel permit or unfit stock permit (section 173(1)(b))	the permit holder

<b>Reviewable decision</b>	<b>Aggrieved person</b>
refusing to issue a grazing authority (section 210(1)(c))	the applicant
refusing to renew a grazing authority (section 224(c))	the applicant
amending a grazing authority other than in the way requested by the applicant (section 230(1)(b))	the applicant or permit or authority holder
refusing to amend a grazing authority (section 230(1)(c))	the applicant or permit or authority holder
imposing an amendment of a grazing authority (section 231(b))	the permit or authority holder
cancelling a grazing permit or authority (section 243(1)(b))	the permit or authority holder

## **Part 3                      Decisions reviewable by QCAT**

1

<b>Reviewable decision</b>	<b>Aggrieved person</b>
giving a landowner a fencing notice (section 91(2))	the landowner
giving the person in charge of stock a mustering notice (section 95(1))	the permit or authority holder
giving a landowner a stock reduction notice (section 99(1))	the landowner
giving a landowner a grazing fee liability notice and grazing fee payment notice (sections 262(2) and 263(2))	the landowner

**Reviewable decision**

issuing a direction notice (section 375(2))

a review decision confirming an original decision or substituting a decision other than a decision requested by an aggrieved person (section 408(1))

a review decision confirming an original decision or giving a direction other than a direction requested by an aggrieved person (section 411(2))

**Aggrieved person**

the person given the notice

the permit or authority holder or aggrieved person

the permit or authority holder or aggrieved person

<b>Schedule 3</b>	<b>Minor and consequential amendments of Acts</b>	1 2
	section 492	3
<b>Aboriginal Land Act 1991</b>		4
<b>1</b>	<b>Schedule, definition <i>stock route</i>—</b>	5
	<i>omit, insert—</i>	6
	<i>‘stock route see the Stock Route Network Management Act 2011, schedule 3.’.</i>	7 8
<b>Cape York Peninsula Heritage Act 2007</b>		9
<b>1</b>	<b>Schedule, definition, <i>high risk species</i>, paragraph (b), ‘and Stock Route’—</b>	10 11
	<i>omit.</i>	12
<b>Fisheries Act 1994</b>		13
<b>1</b>	<b>Section 8(2), ‘and Stock Route’—</b>	14
	<i>omit.</i>	15
<b>Forestry Act 1959</b>		16
<b>1</b>	<b>Schedule 3, definition <i>forest products</i>, from ‘grasses on a stock route’ to ‘2002’—</b>	17 18
	<i>omit, insert—</i>	19
	<i>‘pasture on the stock route network or public (stock access) land under the Stock Route Network Management Act 2011’.</i>	20 21

<b>Vegetation Management Act 1999</b>	<b>1</b>
<b>1 Schedule, definition, <i>declared pest</i>, ‘<i>and Stock Route</i>’—</b>	<b>2</b>
<i>omit.</i>	3
<b>Water Act 2000</b>	<b>4</b>
<b>1 Section 215(2)(a), ‘<i>Land Protection (Pest and Stock Route Management) Act 2002</i>’—</b>	<b>5</b>
<i>omit, insert—</i>	6
‘ <i>Stock Route Network Management Act 2011</i> ’.	7
<b>2 Schedule 4, definition, <i>declared pest</i>, ‘<i>and Stock Route</i>’—</b>	<b>9</b>
<i>omit.</i>	10
<b>3 Schedule 4, definition <i>stock route</i>—</b>	<b>11</b>
<i>omit, insert—</i>	12
‘ <i>stock route</i> see the <i>Stock Route Network Management Act 2011</i> , schedule 3.’.	13
	14
<b>4 Schedule 4, definition <i>travelling stock</i>—</b>	<b>15</b>
<i>omit, insert—</i>	16
‘ <i>travelling stock</i> see the <i>Stock Route Network Management Act 2011</i> , schedule 3.’.	17
	18

<b>Water Supply (Safety and Reliability) Act 2008</b>	1
<b>1      Schedule 3, definition <i>stock purposes</i>, ‘<i>Land Protection (Pest and Stock Route Management) Act 2002, schedule 3</i>’—</b>	2 3 4
<i>omit, insert—</i>	5
‘ <i>Stock Route Network Management Act 2011, schedule 3</i> ’.	6

## Schedule 4 Dictionary

	1
section 6	2
<i>accessible grazing area</i> see section 207.	3
<i>adequate public risk insurance</i> , for the activities carried out under a permit issued by a local government, means public risk insurance of an amount—	4 5 6
(a) the local government considers is reasonable having regard to the nature of the activities; and	7 8
(b) that is at least the amount prescribed under a regulation.	9
<i>adjoining land</i> , in relation to a part of the stock route network or public (stock access) land, means land adjoining the part of the stock route network or the public (stock access) land.	10 11 12
<i>advisory panel</i> means a stock route advisory panel established under section 383.	13 14
<i>affected local government</i> , for chapter 10, see section 413(1).	15
<i>affected stock</i> see section 152(1).	16
<i>aggrieved person</i> see section 405.	17
<i>allowing</i> , stock to graze on a part of the stock route network or public (stock access) land, includes either or both of the following—	18 19 20
(a) failing to prevent the stock going from land (the <i>adjacent land</i> ) adjoining the part of the network or public (stock access) land to the part of the network or public (stock access) land;	21 22 23 24
(b) failing to ensure stock that have gone from the adjacent land to the part of the network or public (stock access) land are removed from the part of the network or public (stock access) land.	25 26 27 28
<i>alternative uses</i> , of the stock route network, see section 14(a)(iii).	29 30

<i>ancillary works and encroachments</i> see the <i>Transport Infrastructure Act 1994</i> , schedule 6.	1 2
<i>appointing authority</i> , for an authorised person, means the chief executive or chief executive officer of a local government appointing the authorised person.	3 4 5
<i>appropriately qualified</i> , for exercising a power, means having the qualifications, experience or standing appropriate to the exercise of the power.	6 7 8
<i>Example of standing—</i>	9
for a local government, the officer's classification level in the local government	10 11
<i>approved form</i> means a form approved under section 431.	12
<i>associate</i> , of a person (the <i>relevant person</i> ), means—	13
(a) a person who owns or has another interest in land that—	14
(i) is, or has been, used for pasturing stock; and	15
(ii) is owned by the relevant person, or in which the relevant person has another interest; or	16 17
(b) a person who owns or has another interest in stock owned by the relevant person or in which the relevant person has another interest; or	18 19 20
(c) a person with whom the relevant person is in any of the following types of relationship—	21 22
(i) marriage or de facto relationship;	23
(ii) the relationship of ascendant and descendant (including the relationship of parent and child) or the relationship of persons who have a parent or grandparent in common;	24 25 26 27
(iii) partnership;	28
(iv) the relationship of employer and employee;	29
(v) a fiduciary relationship;	30
(vi) the relationship of persons, 1 of whom is accustomed, or under an obligation (whether	31 32

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formal or informal), to act in accordance with the	1
directions, instructions or wishes of the other;	2
(vii) the relationship of a corporation and executive	3
officer of the corporation;	4
(viii) the relationship of a corporation and a person who	5
is in a position to control or substantially influence	6
the corporation's conduct.	7
<b>authorised person</b> means—	8
(a) generally, a person appointed as an authorised person	9
under section 315; and	10
(b) for exercising a power under this Act, an authorised	11
person appointed by—	12
(i) the chief executive; or	13
(ii) the chief executive officer of the local government	14
for the local government area for which the power	15
is exercised.	16
<b>authority</b> , unless otherwise provided, means a grazing	17
authority.	18
<b>authority area</b> see section 217(1)(b).	19
<b>authority fee</b> see section 221.	20
<b>authority period</b> —	21
(a) see, generally, section 217(1)(a); and	22
(b) for a grazing authority that is renewed, includes the	23
period for which the authority is renewed.	24
<b>boundary fence</b> see section 93(1).	25
<b>cancellation notice</b> , for chapter 4, part 6, see section 173(2).	26
<b>cattle unit</b> see section 30.	27
<b>classification</b> , of a stock route, means its classification under	28
chapter 2, part 2.	29
<b>classification change</b> see section 42(3)(a).	30
<b>closed and conditional use areas register</b> see section 51.	31

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<b><i>closed area declaration</i></b> see section 48(1).	1
<b><i>closing day</i></b> , for chapter 12, part 2, see section 445.	2
<b><i>commencement</i></b> —	3
(a) for chapter 12, part 1—see section 433; or	4
(b) for chapter 12, part 2—see section 445.	5
<b><i>compliance period</i></b> see section 376(1)(d).	6
<b><i>conditional use area declaration</i></b> see section 50(1).	7
<b><i>consecutive permit application</i></b> see section 123(4).	8
<b><i>consecutive travel permit</i></b> see section 123(2)(b).	9
<b><i>consecutive travel permit refusal decision</i></b> see section 403.	10
<b><i>contractor</i></b> , for chapter 8, part 2, see section 328.	11
<b><i>current location</i></b> see section 184(1)(b).	12
<b><i>declared pest</i></b> means an animal or plant declared to be a declared pest under the <i>Land Protection (Pest Management)</i> <i>Act 2002</i> , section 36 or 37(2).	13 14 15
<b><i>declared pest plant</i></b> means a plant that is a declared pest.	16
<b><i>declared usage conditions</i></b> , for a conditional use area declaration, see section 50(1).	17 18
<b><i>department's website</i></b> means the department's website on the internet.	19 20
<i>Editor's note</i> —	21
On the day this definition commenced, the department's website was at < <a href="http://www.derm.qld.gov.au">www.derm.qld.gov.au</a> >.	22 23
<b><i>direction notice</i></b> means—	24
(a) generally, a direction notice issued under chapter 8, part 5; or	25 26
(b) for a direction notice for a contravention of section 297 relating to grazing in an accessible grazing area, a direction notice issued under chapter 8, part 5 that is subject to chapter 5, part 6.	27 28 29 30
<b><i>document production requirement</i></b> see section 362(2).	31

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<b><i>drive</i></b> , for stock, means to move the stock on the hoof and includes overnight or intermittent resting of the stock while being driven.	1 2 3
<b><i>electronic document</i></b> means a document of a type under the <i>Acts Interpretation Act 1954</i> , section 36, definition <i>document</i> , paragraph (c).	4 5 6
<b><i>emergency grazing permit</i></b> means an emergency grazing permit issued under section 191(2).	7 8
<b><i>enclosed</i></b> —	9
(a) for stock, means the stock are enclosed by—	10
(i) a stock-proof fence; or	11
(ii) another type of barrier that prevents or controls the movement of stock; or	12 13
<i>Examples</i> —	14
• temporary yarding	15
• a natural feature, including an escarpment, gully or river	16 17
(b) for an area of land, means the area is bounded by—	18
(i) a stock-proof fence; or	19
(ii) another type of barrier that prevents stock leaving the area.	20 21
<i>Example</i> —	22
a natural feature, including an escarpment, gully or river	23
<b><i>entry notice</i></b> see section 328.	24
<b><i>executive officer</i></b> , of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.	25 26 27 28
<b><i>existing permit to occupy</i></b> , for chapter 12, part 2, see section 445.	29 30
<b><i>fee</i></b> includes a tax.	31
<b><i>fencing notice</i></b> see section 91(2).	32

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<i>first consecutive permit</i> , for chapter 4, part 3, see section 122.	1
<i>general power</i> see section 347(1).	2
<i>grazing authority</i> means a grazing authority issued under section 213.	3 4
<i>grazing fee</i> see section 256.	5
<i>grazing fee liability notice</i> see section 262(2).	6
<i>grazing fee liability statement</i> see section 249(3).	7
<i>grazing fee payment notice</i> —	8
(a) for chapter 5, part 7, division 2—see section 259(1); or	9
(b) for chapter 5, part 7, division 3—see section 263(2).	10
<i>grazing permit</i> means an emergency grazing permit or a short-term grazing permit.	11 12
<i>harvesting</i> , pasture, means removing the pasture from where it is growing, other than by burning it or allowing stock to graze it, with the intention of using it for a purpose.	13 14 15
<i>Example of harvesting</i> —	16
cutting pasture and baling it for hay	17
<i>harvesting fee</i> see section 284.	18
<i>harvesting permit</i> means a harvesting permit issued under section 275.	19 20
<i>help requirement</i> see section 348(1).	21
<i>holder</i> , of a permit or authority under this Act, means the person to whom it is issued.	22 23
<i>identity card</i> , for a provision about authorised persons, means an identity card issued under section 319(1).	24 25
<i>information notice</i> means a notice complying with the QCAT Act, section 157(2).	26 27
<i>information period</i> —	28
(a) for an application for a travel permit—see section 130(1); or	29 30

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- (b) for an application for a grazing permit—see section 186(1); or 1  
2
- (c) for an application for a grazing authority—see section 209(1); or 3  
4
- (d) for an application for a harvesting permit—see section 272(1). 5  
6
- information requirement** see section 364(3). 7
- issuing local government**, for a provision about an authority or permit, means the local government that issued the authority or permit. 8  
9  
10
- Land Act** means the *Land Act 1994*. 11
- land degradation**, of land, includes any of the following affecting the land— 12  
13
- (a) soil erosion, salinity or scalding; 14
- (b) destruction of soil structure, including, for example, the loss of fertility, organic matter or nutrients; 15  
16
- (c) decline in perennial pasture grasses, pasture composition and density; 17  
18
- (d) low ground cover; 19
- (e) thickening in woody plants; 20
- (f) stream bank instability and slumping; 21
- (g) the presence of any declared pest; 22
- (h) water logging; 23
- (i) rising water tables; 24
- (j) a process resulting in declining water quality. 25
- later inspection** see section 263(1)(b)(i). 26
- local government**, generally, see section 13. 27
- local management plan** means— 28
- (a) a management plan prepared under chapter 3, part 2; or 29
- (b) if a management plan is amended under section 75—the plan as amended. 30  
31
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<b>lower threshold usage number</b> see section 32.	1
<b>management area</b> , for a local government, see section 12.	2
<b>mandatory conditions</b> means—	3
(a) for a travel permit—the conditions under section 143; or	4
(b) for a grazing permit—the conditions under section 196;	5
or	6
(c) for a grazing authority—the conditions under section	7
218; or	8
(d) for a harvesting permit—the conditions under section	9
279.	10
<b>mapped stock route</b> see section 7(2).	11
<b>maximum permit period</b> , for a grazing permit, see section	12
198(1).	13
<b>multi-area movement</b> see section 123(2)(b).	14
<b>mustering notice</b> see section 95(1).	15
<b>notice</b> means a notice in writing.	16
<b>notifiable disease</b> means a notifiable disease under the <i>Stock</i>	17
<i>Act 1915</i> , schedule 2.	18
<b>obstruct</b> includes hinder, resist and attempt to obstruct.	19
<b>occupier</b> , of a place, for chapter 8, includes the following—	20
(a) if there is more than 1 person who apparently occupies	21
the place—any 1 of the persons;	22
(b) any person at the place who is apparently acting with the	23
authority of a person who apparently occupies the place;	24
(c) if no-one apparently occupies the place—any person	25
who is an owner of the place.	26
<b>of</b> , a place, includes at or on the place.	27
<b>offence warning</b> , for a direction or requirement by an	28
authorised person, means a warning that, without a reasonable	29
excuse, it is an offence for the person to whom the direction or	30
requirement is made not to comply with it.	31

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<b><i>original decision</i></b> see section 404.	1
<b><i>original travel permit</i></b> see section 151.	2
<b><i>overdue travel fee</i></b> see section 146(2).	3
<b><i>owner</i></b> —	4
(a) of land, means—	5
(i) for freehold land—the registered proprietor; or	6
(ii) for land that is held from the State for an estate or	7
interest less than fee simple and for which the	8
interest is recorded in a register mentioned in the	9
Land Act, section 276—the person recorded in the	10
register as the registered holder of the interest; or	11
(iii) for a mining claim or lease under the <i>Mineral</i>	12
<i>Resources Act 1989</i> —the holder of the claim or	13
lessee; or	14
(iv) for land subject to a lease under the <i>Petroleum Act</i>	15
<i>1923</i> or the <i>Petroleum and Gas (Production and</i>	16
<i>Safety) Act 2004</i> —the lessee; or	17
(v) for land subject to a GHG injection and storage	18
lease under the <i>Greenhouse Gas Storage Act</i>	19
<i>2009</i> —the holder of the lease; or	20
(vi) for land subject to a geothermal production lease	21
under the <i>Geothermal Energy Act 2010</i> —the	22
lessee; or	23
(vii) for a road, stock route or other land under a local	24
government's control—the local government; or	25
(viii) for a conservation park under the <i>Nature</i>	26
<i>Conservation Act 1992</i> for which there are	27
trustees—the trustees; or	28
(ix) for State-controlled land—the State; and	29
(b) for a thing that has been seized under chapter 8, part 3,	30
division 3, includes a person who would be entitled to	31
possession of the thing had it not been seized.	32
<b><i>participating local government</i></b> see section 125.	33

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Schedule 4

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- pasture*** does not include vegetation within the meaning of the  
*Vegetation Management Act 1999*. 1 2
- permit***, unless otherwise provided, means a travel permit,  
grazing permit, harvesting permit or unfit stock permit. 3 4
- permit area***— 5
- (a) for a grazing permit—see section 195(b); or 6
  - (b) for a harvesting permit—see section 278(b). 7
- permit fee***— 8
- (a) for a travel permit—see section 145; or 9
  - (b) for a grazing permit—see section 204(1). 10
- permit land***, for chapter 12, part 2, see section 445. 11
- permit period***— 12
- (a) for a travel permit—see section 141(1)(a); or 13
  - (b) for a grazing permit— 14
    - (i) see, generally, section 195(a); and 15
    - (ii) if the permit is extended, includes the period for 16  
which the permit is extended; or 17
  - (c) for a harvesting permit—see section 278(a). 18
- permit route***, for a travel permit, see section 141(1)(b). 19
- permitted stock***— 20
- (a) for chapter 4, part 3—see section 141(1)(c); or 21
  - (b) for chapter 5, part 2—see section 195(c). 22
- permit to occupy*** means a permit issued under section 177 of  
the Land Act for grazing. 23 24
- personal details requirement*** see section 360(5). 25
- person in control***— 26
- (a) of a vehicle, includes— 27
    - (i) the vehicle’s driver or rider; and 28

- 
- (ii) anyone who reasonably appears to be, claims to be, or acts as if he or she is, the vehicle's driver or rider or the person in control of the vehicle; or
- (b) of another thing, other than stock, includes anyone who reasonably appears to be, claims to be, or acts as if he or she is, the person in possession or control of the thing.
- place** includes—
- (a) premises; and
- (b) land; and
- (c) a place held under more than 1 title or by more than 1 owner; and
- (d) the land where a building or structure, or a group of buildings or structures, is situated.
- pre-amended Act**, for chapter 13, part 1, see section 433.
- preferred applicant** see section 205(1)(b).
- premises** includes—
- (a) a building or other structure; and
- (b) a part of a building or other structure; and
- (c) a caravan or vehicle; and
- (d) a cave or tent; and
- (e) premises held under more than 1 title or by more than 1 owner.
- prescribed provision** see section 374(1).
- primary A reserve** means a reserve for travelling stock adjoining a primary A stock route.
- primary A stock route** means a stock route shown as a primary A stock route on the stock route network map.
- primary B stock route** means a stock route shown as a primary B stock route on the stock route network map.
- primary reserve** means a reserve for travelling stock adjoining a primary stock route.

Schedule 4

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<b><i>primary stock route</i></b> means a primary A or primary B stock route.	1 2
<b><i>principles of stock route network management</i></b> see section 14.	3 4
<b><i>private land</i></b> , for chapter 8, part 2, see section 331(1)(a).	5
<b><i>private water facility</i></b> see section 104(b).	6
<b><i>proposed area</i></b> —	7
(a) for an application for an emergency grazing permit—see section 180(c); or	8 9
(b) for an application for a short-term grazing permit—see section 185(c); or	10 11
(c) for an application for a grazing authority—see section 206(b); or	12 13
(d) for an application for a harvesting permit—see section 271(2)(b).	14 15
<b><i>proposed period</i></b> —	16
(a) for an application for a standard travel permit—see section 124(d); or	17 18
(b) for an application for a slow travel permit—see section 127(d); or	19 20
(c) for an application for an emergency grazing permit—see section 180(d); or	21 22
(d) for an application for a short-term grazing permit—see section 185(d); or	23 24
(e) for an application for a grazing authority—see section 206(c); or	25 26
(f) for an application for a harvesting permit—see section 271(2)(c).	27 28
<b><i>proposed route</i></b> —	29
(a) for an application for a standard travel permit—see section 124(c); or	30 31

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(b) for an application for a slow travel permit—see section 127(c).	1 2
<b>proposed stock</b> see section 179.	3
<b>publicly available part</b> , of the register, for chapter 3, part 3, division 3, see section 83.	4 5
<b>public notice</b> , of availability of land—	6
(a) for short-term grazing—see section 182(1); or	7
(b) for harvesting pasture—see section 270(1).	8
<b>public (stock access) land</b> see section 11.	9
<b>public utility plant</b> see the <i>Transport Infrastructure Act 1994</i> , schedule 6.	10 11
<b>public water facility</b> see section 104(a).	12
<b>qualifying period</b> see section 24.	13
<b>Queensland heritage register</b> see the <i>Queensland Heritage Act 1992</i> , schedule.	14 15
<b>reasonably believes</b> means believes on grounds that are reasonable in the circumstances.	16 17
<b>reasonably satisfied</b> means to be satisfied on grounds that are reasonable in the circumstances.	18 19
<b>reasonably suspects</b> means suspects on grounds that are reasonable in the circumstances.	20 21
<b>redemption period</b> see section 114(2)(a).	22
<b>register</b> , for chapter 3, part 3, see section 78.	23
<b>relevant alternative step</b> see section 249(1).	24
<b>relevant area</b> —	25
(a) for a closed area declaration—see section 47(a); or	26
(b) for a conditional use area declaration—see section 49(1)(a).	27 28
<b>relevant event</b> —	29
(a) for chapter 2, part 3, see section 46; or	30
(b) for chapter 5, part 7, division 2—see section 258(2).	31

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<b>relevant grazing authorisation</b> see section 294.	1
<b>relevant part</b> , of the stock route network, for a local government, means the part of the stock route network in its local government area.	2 3 4
<b>relevant uses</b> , of the stock route network, see section 14(a).	5
<b>removal notice</b> see section 112(3).	6
<b>removal period</b> see section 112(3)(a).	7
<b>required rate</b> , of travel—	8
(a) for stock under a standard travel permit—see section 141(1)(d)(i); or	9 10
(b) for stock under a slow travel permit—see section 141(1)(d)(ii); or	11 12
(c) for stock under an unfit stock (travel) permit—see section 158(5).	13 14
<b>reserve for travelling stock</b> see section 10.	15
<b>responding local government</b> —	16
(a) for a single area permit application—see section 123(3); or	17 18
(b) for a consecutive permit application—see section 123(4); or	19 20
(c) for an application for a slow travel permit—see section 126(1).	21 22
<b>review application</b> —	23
(a) for chapter 10, part 2—see section 407(3); or	24
(b) for chapter 10, part 3—see section 410(3); or	25
(c) for chapter 10, part 4—see section 407(3) or 410(3).	26
<b>review day</b> see section 46.	27
<b>review decision</b> —	28
(a) for chapter 10, part 2—see section 408(1); or	29
(b) for chapter 10, part 3—see section 411(1).	30

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<b>review decision notice</b> —	1
(a) for chapter 10, part 2—see section 409(1)(a); or	2
(b) for chapter 10, part 3—see section 412(1)(a).	3
<b>reviewer</b> see section 414.	4
<b>review notice</b> , for a decision of a local government or an authorised person, means a notice stating—	5
(a) the decision; and	6
(b) the reasons for the decision; and	7
(c) that the applicant may ask the following person to review the decision within 1 month after the applicant receives the notice—	8
(i) for a decision mentioned in schedule 2, part 1—the chief executive officer;	9
(ii) for a decision mentioned in schedule 2, part 2—the chief executive; and	10
(d) how to ask for a review.	11
<b>road</b> includes an area—	12
(a) dedicated to public use as a road; or	13
(b) open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles.	14
<b>road-related matters</b> means either or both of the following—	15
(a) protecting road transport infrastructure, ancillary works and encroachments, road works or public utility plant;	16
(b) road safety.	17
<b>road transport chief executive</b> means the chief executive of the department responsible for managing State-controlled roads.	18
<b>road transport infrastructure</b> see the <i>Transport Infrastructure Act 1994</i> , schedule 6.	19
<b>road works</b> see the <i>Transport Infrastructure Act 1994</i> , schedule 6.	20
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Schedule 4

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<b><i>secondary reserve</i></b> means a reserve for travelling stock that—	1
(a) adjoins a secondary stock route; and	2
(b) does not adjoin a primary stock route.	3
<b><i>secondary stock route</i></b> means—	4
(a) a stock route shown as a secondary stock route on the stock route network map; or	5 6
(b) an unmapped stock route classified as a secondary stock route.	7 8
<b><i>seizure notice</i></b> see section 114(1).	9
<b><i>short-term grazing permit</i></b> means a short-term grazing permit issued under section 191(2).	10 11
<b><i>significant change review ground</i></b> see section 34(2).	12
<b><i>single area permit</i></b> see section 123(2)(a).	13
<b><i>single area permit application</i></b> see section 123(3).	14
<b><i>slow travel</i></b> means travel of stock at a rate of at least 5km but less than 10km a day.	15 16
<b><i>slow travel permit</i></b> means a slow travel permit issued under section 136.	17 18
<b><i>special management area</i></b> see section 79.	19
<b><i>special management area declaration</i></b> see section 78.	20
<b><i>special management conditions</i></b> see section 78.	21
<b><i>standard travel permit</i></b> means a permit issued under section 135.	22 23
<b><i>State-controlled road</i></b> means a road or land, or part of a road or land, declared to be a State-controlled road under the <i>Transport Infrastructure Act 1994</i> , section 24.	24 25 26
<b><i>State management plan</i></b> means—	27
(a) the management plan prepared under chapter 2, part 1; or	28 29
(b) if the plan is amended under section 21—the plan as amended.	30 31

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<b>stock</b> means alpacas, asses, buffaloes, camels, cattle, deer, donkeys, goats, horses, llamas, mules, sheep or vicunas.	1 2
<b>stock facility</b> means—	3
(a) a public water facility; or	4
(b) any of the following things supplied by the State or a local government on, or for the benefit of persons using, the stock route network—	5 6 7
(i) a stock holding yard, loading ramp or enclosure;	8
(ii) a fence, other than a boundary fence;	9
(iii) a bridge or water crossing for use by travelling stock;	10 11
(iv) a gate, grid or signage to assist persons moving stock.	12 13
<b>stock-proof</b> , for a fence, means a fence of a type, and in a condition, that prevents the movement of stock from one side of the fence to the other.	14 15 16
<b>stock purposes</b> see section 301.	17
<b>stock reduction notice</b> see section 99(1).	18
<b>stock route</b> —	19
(a) generally, see section 7(1); and	20
(b) for chapter 2, part 2, has its meaning affected by section 25.	21 22
<b>stock route network</b> see section 8.	23
<b>stock route network map</b> see section 9.	24
<b>submission</b> means a submission in writing.	25
<b>submission period</b> —	26
(a) for changing the classification of a stock route—see section 42(3)(a)(iv); or	27 28
(b) for a local management plan—see section 72(2)(c).	29
<b>threshold change</b> see section 42(3)(b).	30

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Schedule 4

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<b><i>threshold usage number</i></b> means the upper threshold usage number or the lower threshold usage number.	1 2
<b><i>travel</i></b> , for stock, means being driven on the hoof.	3
<b><i>travelling stock</i></b> means stock that are driven on the hoof but does not include stock being driven on land where the stock are ordinarily pastured.	4 5 6
<b><i>travel permit</i></b> means a slow travel permit or standard travel permit.	7 8
<b><i>unallocated State land</i></b> see the Land Act, schedule 6.	9
<b><i>unfit stock</i></b> see section 150.	10
<b><i>unfit stock (grazing) permit</i></b> see section 155(2).	11
<b><i>unfit stock notice</i></b> see section 152(2).	12
<b><i>unfit stock permit</i></b> means an unfit stock (travel) permit or an unfit stock (grazing) permit.	13 14
<b><i>unfit stock (travel) permit</i></b> see section 154(2).	15
<b><i>unmapped stock route</i></b> see section 7(1)(b).	16
<b><i>upper threshold usage number</i></b> see section 31.	17
<b><i>usage factors</i></b> see section 29.	18
<b><i>usage submission</i></b> see section 35(2)(b).	19
<b><i>vehicle</i></b> —	20
(a) means—	21
(i) a vehicle or vessel under the <i>Transport Operations (Road Use Management) Act 1995</i> ; or	22 23
(ii) anything used for carrying anything or any person by land, water or air; and	24 25
(b) includes equipment or machinery capable of moving on land.	26 27
<b><i>veterinary report</i></b> , about affected stock, see section 149.	28
<b><i>veterinary surgeon</i></b> see the <i>Veterinary Surgeons Act 1936</i> , schedule.	29 30

- water facility*** means an artificial water source for stock 1  
including the equipment used to supply the water to the stock. 2
- water facility agreement*** see section 105(1). 3

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