

QUEENSLAND*Larissa Waters***Land & Resources Tribunal amalgamated with the Land Court**

The *Land Court and Other Legislation Amendment Act 2007* (Qld) was assented to on 29 August 2007. The Act will merge the Land and Resources Tribunal with the Land Court by conferring the Tribunal's jurisdiction upon the Land Court. The Tribunal retains only limited jurisdiction to deal with existing native title proceedings that were commenced before 31 March 2003 under the former 'Alternative State Provisions'. The Explanatory Memorandum states that the reason for the Amending Act is that the Tribunal has not had a sufficient workload to justify the resources allocated to it.

New heritage protection laws for Queensland

The Queensland Parliament has passed the *Queensland Heritage and Other Legislation Amendment Act 2007*, to amend the *Queensland Heritage Act 1992*. This is the first major review of the heritage legislation and it will modify Queensland's heritage framework for the listing of places on the register and the approval of their redevelopment.

Legislation overrules Supreme Court to grant mining company retrospective validation for coal mine expansion

The *Mining and Other Legislation Amendment Bill 2007* (Qld) was passed by the Queensland Parliament on 16 October 2007 to retrospectively validates the expansion of Xstrata's Newlands Wollombi No 2 coal mine, despite successful judicial challenges to the expansion by the Queensland Conservation Council Inc (QCC). *Queensland Conservation Council Inc. v Xstrata Coal Queensland P/L & Ors* [2007] QCA 338

Xstrata had initially applied for additional surface area to their mining lease. The QCC raised its objection and sought the imposition of conditions on the mine 'to avoid, reduce or offset the greenhouse gas emissions that are likely to result from the mining, transport and use of the coal from the mine. However, the recently passed amending legislation makes any court order obsolete, and grants Xstrata the right to proceed with their expansion without any further challenge, despite the Supreme Court of Queensland's Court of Appeal (Court of Appeal) ordering that the matter should be re-heard. The mine will now go ahead without waiting for the Court's decision on whether Xstrata are required to offset some of the greenhouse gas (GHG) emissions the coal mine will generate.

SOUTH AUSTRALIA*Rebecca McAulay***Environment Protection (Site Contamination) Amendment Act 2007**

By Martha Savva – Senior Associate – Norman Waterhouse and Rebecca McAulay – Associate – Norman Waterhouse

After almost 20 years, legislation has been passed to regulate the management of site contamination throughout the State. On 26 September 2007 the Environment Protection (Site Contamination) Amendment Bill 2007 ("the Bill") was passed by the Legislative Council and was then introduced in the House of Assembly on 27 September 2007. The Bill proposed amendments to the Environment Protection Act 1993 and is part of a Site Contamination Package, and amendments to the Development Act and Land and Business Sale and Conveyancing Act are expected to follow. The Environment Protection (Site Contamination) Amendment Act 2007 ("the Act") was assented to on 1 November 2007.

The main features of the Act include:

- Powers to deal with contamination that occurred before 1 May 1995;
- EPA will be able to serve site contamination assessment orders or site remediation orders;
- The owner of land may be liable for clean up notwithstanding that they were not the original polluter; and
- Ability to legally transfer responsibility for site contamination on the transfer of land.