

Queensland



ANNO TRICESIMO SECUNDO

ELIZABETHAE SECUNDAE REGINAE

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No. 13 of 1983

**An Act to amend the Mining Act 1968–1982 and the Petroleum Act 1923–1982 each in certain particulars and for other purposes**

[ASSENTED TO 13TH APRIL, 1983]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

**1. Short title.** This Act may be cited as the *Mining Act and Petroleum Act Amendment Act 1983*.

**Arrangement.** This Act is arranged as follows:—

PART I—PRELIMINARY;

PART II—AMENDMENTS OF MINING ACT 1968–1982;

PART III—AMENDMENTS OF PETROLEUM ACT 1923–1982.

PART II—AMENDMENTS OF MINING ACT 1968–1982

**3. Citation.** (1) In this Part, the *Mining Act 1968–1982* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Mining Act 1968–1983*.

**4. Amendment of s. 7. Definitions.** Section 7 of the Principal Act is amended in subsection (1) by—

(a) omitting the definition “company” and substituting the following definition:—

“ “company” —

(a) a company;

(b) a recognized company;

(c) a recognized foreign company;

(d) a registered foreign company,

within the meaning of the *Companies (Queensland) Code* and always did from the commencement of the *Companies (Application of Laws) Act 1981* have that meaning;”;

(b) omitting the definition “road” and substituting the following definition:—

“ “road” —Any road, whether surveyed or unsurveyed, dedicated, or notified or declared in any manner to be a road for public use and any road comprised of land taken, pursuant to any enactment, for the purpose of a road for public use: The term includes—

(a) any road, street, esplanade, reserve for esplanade, parade, promenade, avenue, crescent, drive, lane, highway, pathway, footway, thoroughfare, track or stock route; and

(b) any part of any road or any bridge, causeway, culvert or other works in, on, over or under any road or any part of any road within the meaning of this definition;”.

5. **New s. 19B.** The Principal Act is amended by inserting after section 19A the following section:—

“ **19B. Application by holder of authority to prospect for authority to extend to others.** (1) Upon application of the holder of an authority to prospect and upon the applicant complying with the provisions of this Act relating to such an application, the Minister may, in his absolute discretion and upon such stipulations and conditions as he determines, approve that all the entitlements of the holder under this Act with respect to the whole of the land the subject of the authority to prospect shall vest in—

- (a) another person or other persons; or
- (b) the holder and another person or other persons, specified in the application.

(2) An application referred to in subsection (1) shall be made in the prescribed form to the Minister and shall be signed by all persons in whom the entitlements of the holder of the authority to prospect shall vest if the application is approved and shall be accompanied by the authority to prospect in question.

(3) Upon giving his approval to an application made under subsection (1), the Minister shall cause particulars of the vesting of the entitlements of the holder of the authority to prospect to be entered in the appropriate register and on the authority to prospect.

(4) Upon the vesting of the entitlements of the holder of an authority to prospect under this section, the authority to prospect is not thereby terminated and the person or persons in whom the entitlements are vested become the holder of the authority to prospect.”.

6. **Amendment of s. 21. Application for and issue of mining lease.** Section 21 of the Principal Act is amended by—

- (a) in subsection (2AA)—
  - (i) in the first paragraph, in provision (a) (iii), omitting the words “(including the boundaries of the land to be subjected thereto)”;
  - (ii) in the second paragraph—
    - (A) omitting the words “and of surface areas of land” and substituting the words “, of surface areas of land and of rights of way”;
    - (B) in provision (d) omitting the word “survey”;
- (b) in subsection (2AB)—
  - (i) in the first paragraph, after the words “within 60 days” inserting the words “, or such longer time as the Minister in the particular case allows,”;
  - (ii) after the proviso to the first paragraph, inserting the following paragraph:—

“It is hereby declared that the Minister always could allow a longer time than 60 days for compliance with this subsection.”.

7. **Repeal of s. 28A. Surface area in case of coal-mining lease.** (1) The Principal Act is amended by omitting section 28A.

(2) Notwithstanding the repeal of section 28A of the Principal Act that section subject to subsection (3) of this section, shall continue to apply as if it had not been repealed in respect of mining leases granted before the commencement of this Act to which that section was applicable.

(3) After the commencement of this section, a lessee of a mining tenement that is leased for the purpose of mining coal shall not be entitled to make an application under subsection (3) of section 28A of the Principal Act.

**8. Amendment of s. 44. Mining leases and authorities to prospect over reserves, etc.** Section 44 of the Principal Act is amended in subsection (1) by—

(a) omitting the first paragraph and substituting the following paragraphs:—

“(a) Upon the application of any person and upon the applicant complying with the provisions of this Act relating to such an application—

(i) in the case of an application for an authority to prospect, the Minister; or

(ii) in the case of an application for a mining lease, the Governor in Council,

may, subject to this section and notwithstanding any other provision of this Act, grant and cause to be issued to the applicant an authority to prospect on or, as the case may be, a mining lease over land comprised in a reserve, a residence area or a business area.

(b) Notwithstanding paragraph (a) or any words to the contrary in any authority to prospect, every application for an authority to prospect on land and every authority to prospect granted under PART IV or PART XII includes and, it is declared, always did include all land within the area specified in the application or, as the case may be, authority, comprised in reserves, residence areas or business areas in respect of which an authority to prospect may be granted under paragraph (a) unless included in a subsisting authority to prospect or mining lease or application for an authority to prospect or mining lease.”;

(b) designating the paragraph commencing with the words “ A mining lease ” as paragraph (c) and therein—

(i) redesignating provision (c) and provision (d) as provision (i) and provision (ii) respectively;

(ii) omitting the word “ or ” appearing after provision (i) as redesignated;

(iii) inserting after provision (ii) as redesignated the following expression and words:—

“ ;

(iii) after the commencement of the *Land Act (Aboriginal and Islander Land Grants) Amendment Act 1982*, lands granted in trust for the benefit of Aboriginal or Islander inhabitants except in compliance with section 22 of that Act ”;

(c) designating the paragraph commencing with the words "For the purposes of" as paragraph (d).

**9. Amendment of s. 102AA. Permits to enter, mining claims and mining tenements concurrent with authorities to prospect.** Section 102AA of the Principal Act is amended by omitting the expression "16 (2) (ii)" and the expression "122 (6)" and substituting the expression "16 (2) (c) (ii)" and the expression "122 (b)" respectively.

**10. Amendment of s. 123. Requirements of application for mining tenements in private land.** Section 123 of the Principal Act is amended by—

(a) in subsection (1)—

(i) in the first paragraph, in provision (a) (iii), omitting the words "(including the boundaries of the land to be subjected thereto)";

(ii) in the second paragraph—

(A) omitting the words "and of surface areas of land" and substituting the words ", surface areas of land and of rights of way";

(B) in provision (b), omitting the word "survey";

(b) in subsection (1A)—

(i) in the first paragraph, after the words "within 60 days" inserting the words ", or such longer time as the Minister in the particular case allows,";

(ii) after the proviso to the first paragraph, inserting the following paragraph:—

"It is hereby declared that the Minister always could allow a longer time than 60 days for compliance with this subsection."

### PART III—AMENDMENTS OF PETROLEUM ACT 1923–1982

**11. Citation.** (1) In this Part, the *Petroleum Act 1923–1982* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Petroleum Act 1923–1983*.

**12. Amendment of s. 3. Interpretation.** (1) Section 3 of the Principal Act is amended by omitting the term "Company" and its meaning and substituting the following term and meaning:—

" "Company"—

(a) a company;

(b) a recognized company;

(c) a recognized foreign company;

(d) a registered foreign company,

within the meaning of the *Companies (Queensland) Code* and always did on and from the commencement of the *Companies (Application of Laws) Act 1981* have that meaning;".

(2) It is hereby declared that the meaning of the term "Company" in the Principal Act always included, on and from the commencement of the *Companies Act Amendment Act 1974*, a recognized company within the meaning of the *Companies Act 1961-1974*.

13. **New s. 9B.** The Principal Act is amended by inserting after section 9A the following section:—

**"9B. Application by holder of authority to prospect for authority to extend to others.** (1) Upon application of the holder of an authority to prospect and upon the applicant complying with the provisions of this Act relating to such an application, the Minister may, in his absolute discretion and upon such stipulations and conditions as he determines, approve that all the entitlements of the holder under this Act with respect to the whole of the land the subject of the authority to prospect shall vest in—

(a) another person or other persons; or

(b) the holder and another person or other persons,

specified in the application.

(2) An application referred to in subsection (1) shall be made in the prescribed form to the Minister and shall be signed by all persons in whom the entitlements of the holder of the authority to prospect shall vest if the application is approved and shall be accompanied by the authority to prospect in question.

(3) Upon giving his approval to an application made under subsection (1), the Minister shall cause particulars of the vesting of the entitlements of the holder of the authority to prospect to be entered in the appropriate register and on the authority to prospect.

(4) Upon the vesting of the entitlements of the holder of an authority to prospect under this section, the authority to prospect is not thereby terminated and the person or persons in whom the entitlements are vested become the holder of the authority to prospect."

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