



Queensland

Mining and Other Legislation Amendment Act 2007

Act No. 46 of 2007



Queensland

Mining and Other Legislation Amendment Act 2007

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Mining and Other Legislation Amendment Act 2007

Act No. 46 of 2007

**An Act to amend Acts administered by the Minister for Mines
and Energy, and for related purposes**

[Assented to 25 October 2007]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Mining and Other Legislation Amendment Act 2007*.

2 Commencement

This Act, other than part 3A and section 91A, commences on a day to be fixed by proclamation.

Part 2 Amendment of Coal and Oil Shale Mine Worker's Superannuation Act 1989

3 Act amended in pt 2

This part amends the *Coal and Oil Shale Mine Worker's Superannuation Act 1989*.

4 Amendment of s 4 (Contributions to superannuation fund)

Section 4(3), from '14'—

omit, insert—

'21 days after the end of the month in which the mine worker's pay period ended.'

Part 3

Amendment of Coal Mining Safety and Health Act 1999

5 Act amended in pt 3

This part and the schedule amend the *Coal Mining Safety and Health Act 1999*.

6 Amendment of s 34 (Discharge of obligations)

Section 34, penalty, paragraphs (a) to (d)—

omit, insert—

- ‘(a) if the contravention caused multiple deaths—2000 penalty units or 3 years imprisonment; or
- (b) if the contravention caused death or grievous bodily harm—1000 penalty units or 2 years imprisonment; or
- (c) if the contravention caused bodily harm—750 penalty units or 1 year’s imprisonment; or
- (d) if the contravention involved exposure to a substance that is likely to cause death or grievous bodily harm—750 penalty units or 1 year’s imprisonment; or
- (e) otherwise—500 penalty units or 6 months imprisonment.’.

7 Amendment of s 78 (Membership of council)

Section 78(2)—

omit, insert—

- ‘(2) The chairperson of the council is the chief executive or the chief executive’s nominee.’.

8 Amendment of s 79 (Organisations to submit names to Minister)

Section 79(4), ‘4 or’—

omit, insert—

‘6 or’.

9 Amendment of s 80 (Appointment of members)

(1) Section 80(3), from ‘council,’—

omit, insert—

‘council.’.

(2) Section 80(4), ‘to be a member’—

omit, insert—

‘under subsection (1)’.

(3) Section 80(5), ‘to the council’—

omit, insert—

‘under subsection (1)’.

10 Amendment of s 81 (Duration of appointment)

(1) Section 81(1)—

omit, insert—

‘(1) A member of the council may be appointed, or re-appointed, by the Minister under section 80(1) for a term of not more than 3 years.’.

(2) Section 81(2)—

omit.

11 Insertion of new s 83A

After section 83—

insert—

‘83A Substitute members

‘(1) The Minister may appoint 2 persons (*substitute members*) from each panel submitted under section 79(1), in addition to the persons appointed under section 80(1), to take part in

meetings of the council in place of a member (*original member*) appointed from the same panel.

- ‘(2) One of the persons appointed from the panel submitted by industrial organisations representing coal mine workers must be a member of the industrial organisation that represents the majority of the coal mine workers in Queensland.
- ‘(3) When appointing a substitute member, the Minister must consider the matters mentioned in section 80(5)(a), (b) and (c).
- ‘(4) A substitute member may be appointed, or re-appointed, for a term of not more than 3 years.
- ‘(5) A person stops being a substitute member if, for any reason or none, the Minister gives the person written notification that the person is no longer a substitute member.
- ‘(6) While taking part in a meeting in place of an original member, a substitute member is a member of the council and—
 - (a) is entitled to the same remuneration and allowances that the original member is entitled to; and
 - (b) is subject to the conditions, mentioned in section 82(2) and applying to the original member, that are capable of applying to the substitute member.’

12 Amendment of pt 9 hdg (Inspectors and inspection officers and directives)

Part 9, heading, ‘inspection’—

omit, insert—

‘**other**’.

13 Insertion of new s 127A

After section 127—

insert—

‘127A Appointment conditions and limit on powers

- ‘(1) A person who is appointed as an inspector or inspection officer holds office on any conditions stated in—

- (a) the person's instrument of appointment; or
 - (b) a signed notice given to the person by the chief executive.
- '(2) The instrument of appointment, a notice given to the person by the chief executive or a regulation may limit the person's functions or powers under this Act for the office.'

14 Renumbering of pt 9, divs 2–4

Part 9, divisions 2 to 4—

renumber as part 9, divisions 4 to 6.

15 Insertion of new pt 9, div 2 and pt 9, div 3 hdg

After section 129—

insert—

'Division 2 Authorised officers

'129A Appointments

- '(1) The chief executive may appoint officers or employees of the public service as authorised officers.
- '(2) However, the chief executive may only appoint a person as an authorised officer if the person has qualifications or experience relevant to at least 1 of the following areas—
 - (a) occupational hygiene;
 - (b) ergonomics;
 - (c) investigating a matter under an Act.

'129B Qualifications for appointment as authorised officer

- '(1) The chief executive may only appoint a person as an authorised officer after deciding the functions the person may perform under this Act having regard to the person's competencies and experience.
- '(2) If the chief executive decides that the functions the person may perform as an authorised officer are limited because of

the person's competencies and experience, the chief executive, when appointing the person as an authorised officer, must correspondingly limit the extent to which the person may perform functions or exercise powers as provided under section 129C.

'129C Appointment conditions and limit on functions and powers

- '(1) A person who is appointed as an authorised officer holds office on any conditions stated in—
- (a) the person's instrument of appointment; or
 - (b) a signed notice given to the person by the chief executive.
- '(2) The instrument of appointment, a notice given to the person by the chief executive or a regulation may limit the person's functions or powers under this Act for the office.
- '(3) An authorised officer is also subject to the directions of the chief inspector in performing the functions or exercising the powers.
- '(4) This section applies despite any other provision of this Act.

'129D Functions of authorised officers

'Subject to sections 129B and 129C, authorised officers have the following functions—

- (a) to monitor safety and health performance at coal mines;
- (b) to inspect and audit coal mines to assess whether risk is at an acceptable level;
- (c) to help persons to achieve the purposes of this Act by providing advice and information on how the purposes are to be achieved;
- (d) to check that safety and health management systems and procedures are in place to control risk to persons affected by coal mining operations;

- (e) to investigate serious accidents and high potential incidents and other matters at coal mines that affect the effective management of risk to persons;
- (f) to investigate complaints about matters relating to safety or health resulting from coal mining operations.

‘129E Information about functions and powers

- ‘(1) This section applies if before exercising a power or further exercising a power in relation to a person, an authorised officer is asked by the person for information about the authorised officer’s functions or powers under the Act.
- ‘(2) The authorised officer may exercise, or continue to exercise, the power in relation to the person only if the authorised officer first produces for the person’s inspection a list of the authorised officer’s functions and powers under the Act.

‘Division 3 Identity cards for inspectors, inspection officers and authorised officers’.

16 Amendment of s 130 (Identity cards)

- (1) Section 130(1), ‘and inspection’—
omit, insert—
‘, inspection officer and authorised’.
- (2) Section 130(2), ‘or inspection’—
omit, insert—
‘, inspection officer or authorised’.

17 Amendment of s 132 (Production or display of identity card)

- (1) Section 132(1), first and second mention, and 132(2), ‘or inspection’—

omit, insert—

‘, inspection officer or authorised’.

(2) Section 132(1)(a), ‘inspection’—

omit.

18 Replacement of pt 9, div 4 hdg, as renumbered (Powers of inspectors and inspection officers)

Part 9, division 4, as renumbered, heading—

omit, insert—

‘Division 4 Powers of inspectors, inspection officers and authorised officers’.

19 Renumbering of pt 9, div 4, as renumbered, sdiv 1–7

Part 9, division 4, as renumbered, subdivisions 1 to 7—

renumber as part 9, division 4, subdivisions 2 to 8.

20 Insertion of new pt 9, div 4, as renumbered, sdiv 1

Part 9, division 4, as renumbered—

insert—

‘Subdivision 1 Preliminary

‘132A Definition for div 4

‘In this division—

officer means an inspector, an inspection officer or an authorised officer.’.

21 Amendment of s 134 (Consent to entry)

(1) Section 134, ‘inspector or inspection’—

omit.

(2) Section 134(4)(c), after ‘officer’—

insert—

‘or other officer’.

22 Amendment of s 139 (General powers after entering coal mine or other places)

(1) Section 139, ‘inspector or inspection’—

omit.

(2) Section 139(3)(f), ‘inspector’s or inspection’—

omit.

23 Amendment of s 142 (Site senior executive must help inspector or inspection officer)

(1) Section 142, ‘inspector or inspection’—

omit.

(2) Section 142(1), ‘inspector’s or inspection’—

omit.

24 Amendment of s 143 (Seizing evidence at coal mine or other place)

(1) Section 143(1), ‘inspector or inspection’—

omit.

(2) Section 143(2)—

omit.

25 Amendment of s 145 (Tampering with things subject to seizure)

(1) Section 145, ‘inspector or inspection’—

omit.

(2) Section 145, ‘inspector’s or inspection’—

omit.

26 Amendment of s 150 (Access to things that have been seized)

- (1) Section 150(1), ‘inspector or inspection’—
omit.
- (2) Section 150(3), ‘inspector’—
omit, insert—
‘officer’.

27 Amendment of s 151 (Inspector may stop and secure plant and equipment)

- (1) Section 151, heading, ‘Inspector’—
omit, insert—
‘**Officer**’.
- (2) Section 151(1) and (2), ‘inspector or inspection’—
omit.

28 Amendment of s 154 (Power to require production of documents)

- (1) Section 154(1) to (5), ‘inspector or inspection’—
omit.
- (2) Section 154(6), ‘an inspector’—
omit, insert—
‘the officer’.
- (3) Section 154(6), ‘the inspector’—
omit, insert—
‘the officer’.
- (4) Section 154—
insert—
‘(6A) If an officer keeps a document under subsection (6), the officer must give a copy of the document to the person responsible for keeping the document.’.

29 Amendment of s 173 (Records must be kept)

(1) Section 173—

insert—

‘(1A) An authorised officer must keep an accurate record of all reports given by the authorised officer under this Act.’.

(2) Section 173(2) and (3), after ‘inspection officer’—

insert—

‘, authorised officer’.

30 Amendment of s 179 (False and misleading statements)

Section 179(1), ‘or inspection officer’—

omit, insert—

‘, inspection officer, authorised officer or industry safety and health representative’.

31 Amendment of s 180 (False or misleading documents)

Section 180(1) and (2)(a), after ‘inspection officer’—

insert—

‘, authorised officer’.

32 Amendment of s 181 (Obstructing inspectors, inspection officers or industry safety and health representatives)

(1) Section 181, heading, ‘inspection’—

omit.

(2) Section 181(1) and (2), after ‘inspection officer’—

insert—

‘, authorised officer’.

33 Amendment of s 198 (Notice of accidents, incidents or diseases)

(1) Section 198, heading, after ‘incidents’—

insert—

‘, **deaths**’.

- (2) Section 198(1), ‘or high potential incident’—

omit, insert—

‘, high potential incident or a death’.

- (3) Section 198(1), ‘or incident’—

omit, insert—

‘, incident or death’.

- (4) Section 198(2)—

omit, insert—

- ‘(2) Subsection (3) applies to—

- (a) a serious accident at a coal mine resulting in a person receiving—

(i) a bodily injury endangering, or likely to endanger, the person’s life; or

(ii) an injury causing, or likely to cause, a permanent injury to the person’s health; or

- (b) a high potential incident at a coal mine of a type prescribed under a regulation; or

- (c) a death at a coal mine, whether or not caused by an accident at the coal mine.’.

- (5) Section 198(3), ‘or incident’—

omit, insert—

‘, incident or death’.

- (6) Section 198(5), ‘serious accident results in’—

omit, insert—

‘oral report relates to a’.

34 Amendment of s 243 (Who may appeal)

Section 243(b), ‘division 3’—

omit, insert—

‘division 5’.

35 Amendment of s 250 (Proof of appointments and authority unnecessary)

Section 250(1)(a) and (b), after ‘an inspection officer,’—

insert—

‘an authorised officer.’

36 Amendment of s 251 (Proof of signatures unnecessary)

Section 251, after ‘an inspection officer,’—

insert—

‘an authorised officer.’

37 Amendment of s 252 (Evidentiary aids)

(1) Section 252(4), ‘or inspection officer’—

omit, insert—

‘, inspection officer, an authorised officer’.

(2) Section 252(5), definition *certificate*, after ‘an inspection officer,’—

insert—

‘an authorised officer.’

38 Amendment of s 268 (Person not to encourage refusal to answer questions)

Section 268(1), after ‘inspection officer’—

insert—

‘, authorised officer’.

39 Amendment of s 269 (Impersonating inspector or inspection officers and others)

- (1) Section 269, heading, ‘inspector or inspection officers and others’—

omit, insert—

‘inspectors, officers or representatives’.

- (2) Section 269, after ‘inspection officer,’—

insert—

‘authorised officer.’.

40 Amendment of s 270 (Protection for officers)

Section 270(2), definition *officer*, paragraphs (c) and (d)—

omit, insert—

‘(c) an authorised officer; or

(d) an industry safety and health representative; or

(e) a site safety and health representative.’.

41 Amendment of s 276 (Protection from liability)

Section 276(3), definition *official*, paragraphs (f) to (i)—

omit, insert—

‘(f) an authorised officer; or

(g) a person acting under the direction of or helping an inspector, inspection officer or authorised officer; or

(h) a member or a substitute member of the council; or

(i) an industry safety and health representative; or

(j) a site safety and health representative.’.

42 Amendment of sch 2 (Subject matter for regulations)

- (1) Schedule 2, part 1, items 1 to 5—

renumber as schedule 2, part 1, items 1 to 7.

- (2) Schedule 2, part 1, item 5 as renumbered, example ‘item 3’—

omit, insert—

‘item 5’.

(3) Schedule 2, part 2, items 6 to 37—

renumber as schedule 2, part 2, items 1 to 35.

43 Amendment of sch 3 (Dictionary)

Schedule 3—

insert—

‘authorised officer means a person appointed as an authorised officer under this Act.

officer, for part 9, division 4, see section 132A.

substitute member see section 83A(1).’.

Part 3A Amendment of Environmental Protection Act 1994

43A Act amended in pt 3A

This part amends the *Environmental Protection Act 1994*.

43B Insertion of new ch 12, pt 4A

After section 579—

insert—

‘Part 4A Validation

‘579A Validation of amendment of environmental authority MIM800098402

‘(1) This section applies to the amendment application made on 6 April 2005 for environmental authority (mining lease) number MIM800098402.

- (a) if the person is an individual—
 - (i) the person’s mental and physical health; and
 - (ii) whether the person has been convicted, in Queensland or elsewhere, of a relevant offence; and
 - (iii) whether a domestic violence order has been made, in Queensland or elsewhere, against the person at any time; or
- (b) if the person is a corporation—
 - (i) whether the corporation is insolvent under administration; and
 - (ii) whether the corporation has been convicted, in Queensland or elsewhere, of an offence involving a prescribed activity; and
 - (iii) whether an executive officer of the corporation would be considered to be an appropriate person under this section.’.

(3) Section 15—

insert—

‘(10) In this section—

insolvent under administration means an insolvent under administration under the Corporations Act.

prescribed activity means an activity that is or is associated with—

- (a) the use, handling or transport of explosives; or
- (b) the storage, collection or manufacture of explosives; or
- (c) the sale, import or export of explosives.

relevant offence means an offence—

- (a) involving a prescribed activity; or
- (b) involving violence or threatened violence; or
- (c) involving the use, carriage, discharge or possession of a firearm; or
- (d) relating to the misuse of drugs.’.

47 Amendment of s 32 (General duty of care)

(1) Section 32, penalty—

omit, insert—

‘Maximum penalty—

- (a) if the contravention causes multiple deaths and serious harm to property or the environment—3000 penalty units or 3 years imprisonment; or
- (b) if the contravention causes multiple deaths—2000 penalty units or 3 years imprisonment; or
- (c) if the contravention causes death or grievous bodily harm—1000 penalty units or 2 years imprisonment; or
- (d) if the contravention involves exposure to a substance likely to cause death or grievous bodily harm—750 penalty units or 1 year’s imprisonment; or
- (e) if the contravention causes bodily harm—750 penalty units or 1 year’s imprisonment; or
- (f) if the contravention causes serious harm to property or the environment—750 penalty units or 1 year’s imprisonment; or
- (g) otherwise—500 penalty units or 6 months imprisonment.’.

(2) Section 32—

insert—

‘(2) In this section—

bodily harm see the Criminal Code, section 1.

grievous bodily harm see the Criminal Code, section 1.’.

48 Replacement of s 43 (Selling explosives in public places prohibited)

Section 43—

omit, insert—

‘43 Selling explosives in public places prohibited

‘A person in possession of an explosive in a public place must not sell the explosive in the public place.

Maximum penalty—100 penalty units.’.

49 Insertion of new s 123A

Part 8, division 2—

insert—

‘123A Treatment of partnerships

- ‘(1) Subject to this section, this Act applies to a partnership as if the partnership were a person.
- ‘(2) For an application by, or renewal of a licence of, a partnership—
- (a) sections 15 and 16¹ apply as if each partner were an applicant or authority holder; and
 - (b) if a partner is not an appropriate person to hold an authority, the partnership is not an appropriate person.
- ‘(3) If, because of the operation of subsection (1), a contravention of, or an offence against a provision of, this Act is taken to have been committed by a partnership, the contravention or offence is taken to have been committed by each of the partners.
- ‘(4) However, it is a defence for a partner to prove—
- (a) if the partner was in a position to influence the conduct of the partnership in relation to the contravention or offence—the partner took reasonable steps to ensure the partnership complied with the provision; or
 - (b) the partner was not in a position to influence the conduct of the partnership in relation to the contravention or offence.’.

1 Section 15 (Inquiries about person’s appropriateness) and section 16 (Additional information)

50 Amendment of pt 10, hdg (Transitional provisions)

Part 10, heading, after ‘provisions’—

insert—

‘for Act No. 15 of 1999.’

51 Insertion of new pt 11

After section 143—

insert—

**‘Part 11 Transitional provision for
Mining and Other Legislation
Amendment Act 2007****‘144 Existing applications for an authority or renewal of
licence**

‘If, before the commencement of this section, an application was made under this Act for an authority, or renewal of a licence, and the application was not decided before the commencement of this section, the application must be decided by the chief inspector as if the application had been made after the commencement.’.

52 Amendment of sch 2 (Dictionary)

Schedule 2, definition *sell*—

insert—

‘(ba) supply in another way, including by gift or exchange; and’.

- (b) prescribed security is still in force for the permit.
- ‘(2) Also, the application can not be made—
- (a) more than 60 business days before the end of the term of the permit as stated in the permit (the *original term*); or
 - (b) after the permit has ended.

‘52B Requirements for making application

- ‘(1) The application must—
- (a) be in the approved form; and
 - (b) be lodged at—
 - (i) the office of the department for lodging extension applications, as stated in a gazette notice by the chief executive; or
 - (ii) if no office is gazetted under subparagraph (i)—the office stated in the approved form; or
 - (iii) if no office is gazetted under subparagraph (i) or stated under subparagraph (ii)—the office of the chief executive; and
 - (c) address the suitability criteria; and
 - (d) include a proposed later work program that complies with section 22; and
 - (e) be accompanied by the application fee prescribed under a regulation.
- ‘(2) For subsection (1)(d), section 22 applies as if—
- (a) a reference to a proposed work program were a reference to a later work program; and
 - (b) a reference to the proposed geothermal exploration permit were a reference to the permit for the term for which it is proposed to be renewed.

‘52C Continuing effect of permit for extension application

- ‘(1) This section applies if the original term ends before the application is decided.

- ‘(2) Despite the ending of the term, the permit continues in force until the earliest of the following to happen—
 - (a) if the application is granted—the start of the term for which the permit is, under section 52H, decided to be renewed (the *renewed term*);
 - (b) a refusal of the application takes effect;
 - (c) the withdrawal of the application;
 - (d) the cancellation under this Act of the permit.
- ‘(3) Subsection (4) applies if the application is withdrawn or the permit is cancelled under this Act before the application is decided.
- ‘(4) The Minister must refund the applicant any annual rent overpaid because of the withdrawal or cancellation based on the proportion that the whole months remaining until the end of the year for which the rent was paid bears to the whole of that year.

‘52D General provisions for deciding application

- ‘(1) The Minister must, in deciding the application, have regard to the suitability criteria as if a reference in the criteria to a tenderer were a reference to the applicant.
- ‘(2) The Minister can not grant the application unless the Minister is satisfied—
 - (a) the activities proposed to be carried out under the permit during the renewed term are appropriate and acceptable; and
 - (b) the applicant has substantially complied with the permit; and
 - (c) the applicant continues to be an eligible person to hold a permit.
- ‘(3) This section does not limit the matters the Minister may have regard to in making the decision.

‘52E Requirement to obtain relevant authority, licence or approval

‘The Minister may, as a condition of granting the application, require the applicant to obtain a relevant licence, approval or authority under another Act.

Examples—

- an environmental authority for an environmentally relevant activity under the *Environmental Protection Act 1994* the carrying out of which is authorised under this Act
- a water entitlement under the *Water Act 2000* that is needed to carry out an activity authorised under this Act if section 39 does not apply

‘52F Power to impose conditions

- ‘(1) If the Minister decides to grant the application, the Minister may impose conditions on the permit for the renewed term that are not inconsistent with the mandatory conditions.
- ‘(2) However, a condition can not be imposed if it—
- (a) relates to the management of environmental impacts; or
 - (b) authorises unlawful environmental harm as defined under the *Environmental Protection Act 1994*.
- ‘(3) To remove any doubt, it is declared that the tenure conditions of the permit for the renewed term may be different from its current tenure conditions.

Note—

For when the conditions start, see sections 52H(5) and 52I(b).

‘52G Area of permit for renewed term

- ‘(1) If the Minister decides to grant the application, the Minister must decide the area of the permit for its renewed term.
- ‘(2) The area of the permit for its renewed term can not be larger than the area (the *original area*) of the permit immediately before the term of the permit is renewed.
- ‘(3) The area of the permit for its renewed term may be smaller than the original area.

‘52H Renewed term

- ‘(1) The length of the renewed term is decided by the Minister.
- ‘(2) However, the renewed term can not be for more than 3 years.
- ‘(3) If the extension is made before the original term ends, the renewed term is taken to start from the end of the original term.
- ‘(4) If the extension is made after the original term ends, the renewed term is taken to have started immediately after the end of that term.
- ‘(5) However if subsection (4) applies—
 - (a) the tenure conditions of the permit for the renewed term do not start until the permit holder has agreed to them, under section 52I(b); and
 - (b) until the permit holder has so agreed, the tenure conditions of the permit for the original term that would otherwise have been in force apply to the renewed term as if they were the tenure conditions of the permit for the renewed term.

‘52I Restrictions on making extension

‘If the Minister decides to grant the application, the extension can not be made unless—

- (a) the annual rent for the first year of the renewed term has been paid; and
- (b) the applicant has agreed in writing to the tenure conditions of the permit for the renewed term and the length of the renewed term; and
- (c) prescribed security is still in force for the permit; and
- (d) the Minister and the applicant have agreed about the specific objectives for the permit for the renewed term; and
- (e) if the Minister has made a requirement under section 52E—the requirement has been complied with.

‘52J Withdrawal of application if tenure conditions and term not agreed to

‘The application is taken to have been withdrawn if—

- (a) the Minister has decided to grant the application, and has given the applicant notice of the tenure conditions of the permit for the renewed term and the length of the renewed term; and
- (b) the applicant has not, within 30 business days after the giving of the notice, agreed in writing to the tenure conditions and the length of the renewed term.

‘52K Making extension of permit

‘(1) This section applies only if the Minister decides to grant the application and any restrictions under section 52I do not apply or have ceased to apply.

‘(2) The chief executive must—

- (a) make the extension of permit by complying with section 123(3) in relation to the instrument for the permit to reflect the particulars of the renewed term of the permit as decided under this part; and
- (b) give the applicant a copy of the amended instrument for the permit.

‘52L Information notice about refusal

‘If the Minister decides to refuse the application the Minister must, as soon as practicable after the decision is made, give the applicant an information notice about the decision.

‘52M When refusal takes effect

‘A refusal of the application does not take effect until the end of the appeal period for the decision to refuse.

Note—

See sections 110 (Period to appeal) and 112 (Stay of operation of decision).

- (a) subsections (4) to (6) must be complied with before making the requirement; and
 - (b) the requirement does not take effect until the holder is given an information notice about the decision to make the requirement.
- ‘(4) The Minister must give the holder notice—
- (a) stating the proposed increased amount of the security for the permit; and
 - (b) inviting the holder to lodge, within a stated reasonable period, submissions about the proposed increased amount at—
 - (i) the office of the department for lodging the submissions, as stated in a gazette notice by the chief executive; or
 - (ii) if no office is gazetted under subparagraph (i)—the office of the chief executive.
- ‘(5) The stated period must end at least 20 business days after the holder is given the notice.
- ‘(6) Any submissions lodged by the holder within the stated period must be considered before deciding to make the requirement.
- ‘(7) In this section—
security given, includes security given or increased because of a requirement under subsection (1).’.

57 Amendment of s 55 (Replenishment of security)

Section 55(2), from ‘for the permit’ to ‘section 31’—

omit, insert—

‘to make it a prescribed security’.

58 Amendment of s 55A (Replacement of security)

Section 55A(2), from ‘in the form’ to ‘section 31’—

omit, insert—

‘with another prescribed security’.

59 Amendment of s 106 (Direction to give statement of financial and technical resources)

Section 106(1), after ‘work program’—

insert—

‘or later work program.’.

60 Amendment of s 124 (Access to register)

(1) Section 124(1)—

omit, insert—

‘(1) The chief executive must—

(a) keep the geothermal register open for inspection by the public during office hours on business days at the places the chief executive considers appropriate; and

(b) allow a person, on payment of the fee prescribed under a regulation, to search and take extracts from the register; and

(c) give a person who asks for it a copy of all or part of a document or information held in the register, on payment of the fee prescribed under a regulation.’.

(2) Section 124—

insert—

‘(3) This section is subject to section 124A.’.

61 Insertion of new ss 124A and 124B

Chapter 7, part 4—

insert—

‘124A Arrangements with other departments for copies from register

‘(1) The chief executive may enter into an arrangement with another department allowing it to carry out a search of, take extracts from or obtain a copy of, particulars recorded in the geothermal register, without payment of the fees prescribed under section 124.

- ‘(2) However, the chief executive may enter into an arrangement under subsection (1) only if the chief executive is reasonably satisfied the information obtained from the search or the copy will not be—
- (a) used for a commercial purpose, including, for example, the marketing or sale of the information or other information; or
 - (b) included in another database of information, in any form, other than with chief executive’s approval.

‘124B Supply of statistical data from register

- ‘(1) The chief executive may enter into an agreement to supply statistical data derived from instruments or information kept in the geothermal register.
- ‘(2) If the chief executive supplies statistical data under subsection (1)—
- (a) the fees and charges applying for the supply of the data are the fees and charges provided for in the agreement; and
 - (b) without limiting paragraph (a), the agreement may also state—
 - (i) how the fees and charges are to be calculated; and
 - (ii) how payment of the fees and charges is to be made.
- ‘(3) Without limiting subsection (1), an agreement for the supply of statistical data may limit the use to which the data supplied may be put.
- ‘(4) An agreement for the supply of statistical data must include—
- (a) a provision allowing the chief executive to exclude particulars from data supplied under the agreement, if the chief executive is satisfied, on reasonable grounds, that inclusion of the particulars may result in the particulars being inappropriately disclosed or used; and
 - (b) a provision allowing the chief executive to prohibit disclosure, or to limit distribution or use, of data supplied under the agreement.

- ‘(5) An agreement under this section must not provide for the obtaining of information or anything else that may be obtained under a search of the geothermal register permitted under this Act.
- ‘(6) The chief executive must exclude permit particulars and personal information from data supplied under the agreement.
- ‘(7) Subsection (6) applies despite anything in the agreement.
- ‘(8) In this section—

permit particulars means particulars from any instrument or information kept by the chief executive that may allow a person to identify a geothermal exploration permit to which the instrument or information relates.

personal information means a particular from any instrument or information kept by the chief executive that may allow a person to identify a person to whom the instrument or information relates.’.

62 Insertion of new s 138A

After section 138—

insert—

‘138A Ministerial directions about the giving of information

- ‘(1) The Minister may, in the way the Minister considers appropriate, publish directions about the giving of information, including the giving of additional information, to the Minister or the chief executive for the purposes of this Act.
- ‘(2) A direction published under subsection (1) must state a period, that is not less than 20 business days, within which the information must be given.
- ‘(3) Without limiting subsection (1), a direction may state how the information must be given if this Act does not already so provide.

Examples of how information may be required to be given—

- by an approved form or a notice
- by progressive reporting under a work program or later work program

- by a volumetric plan of survey
- by a geological survey
- by a statement, supporting an application for a geothermal exploration permit, about the financial resources or technical advice available to the applicant or the applicant's previous compliance with a condition or provision of a geothermal exploration permit

‘(4) If—

- (a) a person is required or permitted to give the Minister or the chief executive (the *official*) information for a particular purpose relating to this Act; and
- (b) this Act does not state how the information may or must be given to the official for the purpose; and
- (c) the person gives the official the information in the way required or permitted under the directions;

the person is taken to have given the official the information for the purpose.

‘(5) Unless a direction states a particular office of the department where the information must be given, the information must be given at the office of the chief executive.

‘(6) The chief executive must—

- (a) keep—
 - (i) a copy of each direction; and
 - (ii) a record (by whatever name called) of each direction, including the dates when each direction was published and superseded; and
- (b) make each direction and the record available to the public in the way the chief executive considers appropriate.

‘(7) Without limiting subsection (6), the chief executive must ensure an up-to-date copy of each direction and the record is available to be read free of charge at each office of the department and on the department's website.’

63 Amendment of schedule (Dictionary)

- (1) Schedule, definition *tenure conditions*—

omit.

(2) Schedule—

insert—

‘eligible person, to hold a geothermal exploration permit, means—

- (a) an adult who is not an insolvent under administration; or
- (b) a company or a registered body under the Corporations Act, other than a company or a registered body that is an externally-administered corporation under that Act; or
- (c) a government owned corporation; or
- (d) the State; or
- (e) a local government.

instrument, for a permit, means the instrument created under section 32(3)(a) for the permit, as amended under section 123(3) from time to time.

original term, for chapter 4, part 2A, see section 52A(2)(a).

prescribed security means security in the amount and form prescribed under section 31(b), subject to any increase for the permit from time to time under section 52O.

renewal application see section 52A(1).

renewed term, for chapter 4, part 2A, see section 52C(2)(a).

tenure conditions, for a geothermal exploration permit, means conditions of the permit imposed under section 29(1) or 52F(1).’.

(3) Schedule, definition *agreed specific objectives*, after ‘section 31(d)’—

insert—

‘or 52I(d)’.

(4) Schedule, definition *geothermal exploration permit*, paragraph 1, after ‘chapter 3’—

insert—

‘, and as amended from time to time under this Act’.

‘(C) specifying the estimated human, technical and financial resources proposed to be committed to authorised activities for the mineral development licence during each year of the licence, if granted; and’.

68 Amendment of s 231C (Application for mineral development licence (183))

(1) Section 231C(1)(b), ‘prescribed under a regulation’—

omit, insert—

‘approved by the Minister’.

(2) Section 231C(1)(c), ‘, in the way prescribed under a regulation,’—

omit.

69 Amendment of s 245 (Application for grant of mining lease)

Section 245(1)(o)(iii)—

insert—

‘(C) specifying the estimated human, technical and financial resources proposed to be committed to authorised activities for the mining lease during each year of the lease, if granted; and’.

70 Replacement of s 286B (Chief executive must give copy of application to EPA administering authority)

Section 286B—

omit, insert—

‘286B Chief executive must give copy of application and renewed mining lease to EPA administering authority

‘(1) If an application is made for the renewal of a mining lease, the chief executive must give the EPA administering authority a copy within 5 business days.

- ‘(2) If the Governor in Council grants a renewal of a mining lease, the chief executive must, within 5 business days, give the EPA administering authority written notice that the mining lease has been renewed.’.

71 Amendment of pt 7AA, div 2, sdiv 3, hdg (Provisions for splitting application in particular circumstances)

Part 7AA, division 2, subdivision 3, heading, ‘splitting application’—

omit, insert—

‘separate applications’.

72 Amendment of s 318AQ (Requirement to split application if it relates to petroleum lease and authority to prospect not held by same person)

- (1) Section 318AQ, heading—

omit, insert—

‘318AQ Requirement for separate applications relating to authority to prospect and petroleum lease not held by same person’.

- (2) Section 318AQ(1), ‘the application is’—

omit, insert—

‘a person to whom this division applies wishes to make an application to which this division applies’

- (3) Section 318AQ(2)—

omit, insert—

- ‘(2) The person must lodge separate mining lease applications for the authority to prospect part and the petroleum lease part.’.

- (4) Section 318AQ(5) and (6)—

omit.

73 Amendment of s 318AR (Power to split application if it includes other land)

- (1) Section 318AR, heading—

omit, insert—

‘318AR Requirement for separate application for other land’.

- (2) Section 318AR(1), ‘the application’—

omit, insert—

‘a person to whom this division applies wishes to make an application to which this division applies and the proposed application’

- (3) Section 318AR(2)—

omit, insert—

- ‘(2) The person must lodge a separate mining lease application for the other part.’.

- (4) Section 318AR(4) and (5)—

omit.

74 Omission of s 318AS (Power to split application at applicant’s request)

Section 318AS—

omit.

75 Amendment of s 318AT (Applicant’s obligations)

- (1) Section 318AT(2), ‘subsection (1)(b)(iii) and (ba)’—

omit, insert—

‘subsection (1)(b)(ii) and (c)’.

- (2) Section 318AT(3), ‘subsection (1)(b)(iii)’—

omit, insert—

‘subsection (1)(b)(ii)’.

- (3) Section 318AT(3), ‘agreement’—

omit, insert—

‘testing arrangement’.

76 Amendment of s 318BQ (Requirement to split application if it relates to petroleum lease and authority to prospect not held by same person)

- (1) Section 318BQ, heading—

omit, insert—

‘318BQ Requirement for separate applications relating to petroleum lease and authority to prospect not held by same person’.

- (2) Section 318BQ(1), ‘the application is’—

omit.

- (3) Section 318BQ(1)(a), before ‘for land’

insert—

‘a person to whom this division applies wishes to make an application to which this division applies’.

- (4) Section 318BQ(2)—

omit, insert—

- ‘(2) The person must lodge separate mining lease applications for the authority to prospect part and the petroleum lease part.’.

- (5) Section 318BQ(5) and (6)—

omit.

77 Amendment of s 318BR (Power to split application if it includes other land)

- (1) Section 318BR, heading—

omit, insert—

‘318BR Requirement for separate application for other land’.

- (2) Section 318BR(1), ‘the application’—

omit, insert—

‘a person to whom this division applies wishes to make an application to which this division applies and the proposed application’

- (3) Section 318BR(2)—

omit, insert—

‘(2) The person must lodge a separate mining lease application for the other part.’.

(4) Section 318BR(4) and (5)—
omit.

78 Omission of s 318BS (Power to split application at applicant’s request)

Section 318BS—
omit.

79 Replacement of ss 318BY and 318BZ

Sections 318BY and 318BZ—
omit, insert—

‘318BY Requirement for separate application for other land

‘(1) This section applies if—

- (a) a person to whom this division applies wishes to make an application to which this division applies; and
- (b) the proposed application includes land (the *other part*) in the area of an authority to prospect held by someone else.

‘(2) The person must lodge a separate mining lease application for the other part.

‘(3) The separate application must be decided under division 2.’.

80 Amendment of s 318CB (Restriction on issuing certificate of public notice and additional requirements for grant)

Section 318CB—
insert—

2 Division 2 (Obtaining coal or oil shale mining lease over land in area of authority to prospect (other than by or jointly with, or with the consent of, authority to prospect holder))

- ‘(2A) Despite subsection (1), a certificate of public notice may be issued under section 252A for the application if the petroleum lease holder has consented to the making of the application and the issuing of the notice.’.

81 Replacement of ss 318CE and 318CF

Sections 318CE and 318CF—

omit, insert—

‘318CE Requirement for separate application for other land

- ‘(1) This section applies if—
- (a) a person to whom this division applies wishes to make an application to which this division applies; and
 - (b) the proposed application includes land (the *other part*) in the area of an authority to prospect held by someone else.
- ‘(2) The person must lodge a separate mining lease application for the other part.
- ‘(3) The separate application must be decided under division 2.’³.

82 Amendment of s 318CU (Obligation to measure and record coal seam gas mined)

- (1) Section 318 CU(1)(a), ‘, under section 318CM,’—

omit.

- (2) Section 318CU(1)(a)—

insert—

‘Note—

Noncompliance with the conditions under this section may also be an offence. See the Petroleum and Gas (Production and Safety) Act, sections 15 (When petroleum is *produced*) and 801 (Petroleum producer’s measurement obligations).’.

3 Division 2 (Obtaining coal or oil shale mining lease over land in area of authority to prospect (other than by or jointly with, or with the consent of, authority to prospect holder))

83 Amendment of s 318CV (Obligation to lodge annual reports)

Section 318CV(4), definition *anniversary day*, ‘day the mining lease took effect’—

omit, insert—

‘day on which the term of the mining lease started’.

84 Amendment of s 318DJ (Applied provisions for renewal application)

- (1) Section 318DJ(2), definition *adopted provisions*, paragraph (d), after ‘division 3’—

insert—

‘, other than section 318BQ’.

- (2) Section 318DJ(2), definition *adopted provisions*, paragraph (e), after ‘division 5’—

insert—

‘, other than section 318BY’.

85 Amendment of s 318EB (Obligation to lodge proposed later development plan)

- (1) Section 318EB(3)(a), ‘80’—

omit, insert—

‘100’.

- (2) Section 318EB(5)(a), ‘20’—

omit, insert—

‘40’.

- (3) Section 318EB(6), definition *relevant fee*, paragraph (b)(ii) and (iii)—

omit, insert—

‘(ii) if it is not lodged under subsection (4)—an amount that is 10 times the prescribed fee.’.

86 Amendment of s 319 (Effect on development)

- (1) Section 319(1), ‘subsection (2)’—
omit, insert—
‘subsections (2) and (3)’.
- (2) Section 319—
insert—
- ‘(3) For applying the Planning Act in relation to the *Building Act 1975*—
- (a) the Planning Act applies to building work, as defined under that Act, forming part of development authorised under this Act, including development authorised under a mining tenement; and
- (b) the building work is taken to be self-assessable building work for the *Building Act 1975*, section 21.

Note—

See in particular the Planning Act, section 4.3.2 (Self-assessable development must comply with codes).’.

87 Amendment of s 387 (Registers to be maintained)

Section 387—

insert—

- ‘(3) A register kept by the chief executive or a mining registrar must be kept in the form decided by the chief executive.’.

88 Insertion of new ss 387A–387C

After section 387—

insert—

‘387A Access to registers

- ‘(1) This section applies in relation to the register that the chief executive or a mining registrar must maintain under section 387.
- ‘(2) The chief executive or the mining registrar must—

- (a) keep the register open for inspection by the public during office hours on business days at—
 - (i) for the chief executive—the places the chief executive considers appropriate; or
 - (ii) for a mining registrar—the registrar’s office; and
 - (b) allow a person, on payment of the fee prescribed under a regulation, to search and take extracts from the register; and
 - (c) give a person who asks for it a copy of all or part of a notice, a document or information held in the register, on payment of the fee prescribed under a regulation.
- ‘(3) Subsection (2) is subject to section 387B.

‘387B Arrangements with other departments for copies from a register

- ‘(1) The chief executive may enter into an arrangement with another department allowing it to carry out a search of, take extracts from or obtain a copy of, particulars recorded in a register, without payment of the fees prescribed under section 387A.
- ‘(2) However, the chief executive may enter into an arrangement under subsection (1) only if the chief executive is reasonably satisfied the information obtained from the search or the copy will not be—
 - (a) used for a commercial purpose, including, for example, the marketing or sale of the information or other information; or
 - (b) included in another database of information, in any form, other than with chief executive’s approval.

‘387C Supply of statistical data from a register

- ‘(1) The chief executive may enter into an agreement to supply statistical data derived from instruments or information kept in a register.
- ‘(2) If the chief executive supplies statistical data under subsection (1)—

- (a) the fees and charges applying for the supply of the data are the fees and charges provided for in the agreement; and
 - (b) without limiting paragraph (a), the agreement may also state—
 - (i) how the fees and charges are to be calculated; and
 - (ii) how payment of the fees and charges is to be made.
- ‘(3) Without limiting subsection (1), an agreement for the supply of statistical data may limit the use to which the data supplied may be put.
- ‘(4) An agreement for the supply of statistical data must include—
- (a) a provision allowing the chief executive to exclude particulars from data supplied under the agreement, if the chief executive is satisfied, on reasonable grounds, that inclusion of the particulars may result in the particulars being inappropriately disclosed or used; and
 - (b) a provision allowing the chief executive to prohibit disclosure, or to limit distribution or use, of data supplied under the agreement.
- ‘(5) An agreement under this section must not provide for the obtaining of information or anything else that may be obtained under a search of a register permitted under this Act.
- ‘(6) The chief executive must exclude mining tenement particulars and personal information from data supplied under the agreement.
- ‘(7) Subsection (6) applies despite anything in the agreement.
- ‘(8) In this section—

mining tenement particulars means particulars from any instrument or information kept by the chief executive or a mining registrar that may allow a person to identify a mining tenement to which the instrument or information relates.

personal information means a particular from any instrument or information kept by the chief executive or a mining registrar that may allow a person to identify a person to whom the instrument or information relates.’

89 Amendment of s 391B (Right of access for authorised activities includes access for rehabilitation and environmental management)

Section 391B, ‘part’—

omit, insert—

‘Act’.

90 Insertion of new s 404E

After section 404D—

insert—

‘404E Interference with road

- ‘(1) A person must not perform a mining activity in a way that obstructs a road, unless the mining activity is expressly authorised under a mining tenement.

Maximum penalty—200 penalty units.

- ‘(2) A person must not, in performing a mining activity, undermine a road in a way that endangers any person using, or likely to use, the road.

Maximum penalty—200 penalty units.

- ‘(3) In this section—

mining activity means an activity for the purpose of mining and includes, for example—

- (a) depositing earth or material; and
- (b) disturbing the surface of the ground; and
- (c) erecting works; and
- (d) sinking a shaft.’.

91 Insertion of new s 416B

After section 416A—

insert—

‘416B Ministerial directions about the giving of information

- ‘(1) The Minister may, in the way the Minister considers appropriate, publish directions about the giving of information, including the giving of additional information, to the Minister or the chief executive for the purposes of this Act.
- ‘(2) A direction published under subsection (1) must state a period, that is not less than 20 business days, within which the information must be given.
- ‘(3) Without limiting subsection (1), the directions may provide for how the information must be given if this Act does not already so provide.

Examples of how information may be required to be given—

- by an approved form or a notice
 - by progressive reporting under a development plan
 - by a volumetric plan of survey
 - by a geological survey
 - by a statement, supporting an application for a mining tenement, about the financial resources or technical advice available to the applicant or the applicant’s previous compliance with a condition or provision of a mining tenement
- ‘(4) If—
- (a) a person is required or permitted to give the Minister, the chief executive or a mining registrar (the *official*) information for a particular purpose relating to this Act; and
 - (b) this Act does not provide for how the information may or must be given to the official for the purpose; and
 - (c) the person gives the official the information in the way required or permitted under the directions;
- the person is taken to have given the official the information for the purpose.
- ‘(5) Unless a direction states a particular office of the department where the information must be given, the information must be given at the office of the chief executive.
- ‘(6) The chief executive must—

- (a) keep—
 - (i) a copy of each direction; and
 - (ii) a record (by whatever name called) of each direction, including the dates when each direction was published and superseded; and
 - (b) make each direction and the record available to the public in the way the chief executive considers appropriate.
- ‘(7) Without limiting subsection (6), the chief executive must ensure an up-to-date copy of each direction and the record is available to be read free of charge at each office of the department and on the department’s website.’

91A Insertion of new s 418AA

After section 418A—

insert—

‘418AA Validation of inclusion of additional surface area No. 2 in mining lease 4761

- ‘(1) This section applies to mining lease 4761.
- ‘(2) The application made under section 275 to include additional surface area No. 2 in the mining lease is taken to have been validly granted on 29 March 2007.
- ‘(3) Additional surface area No. 2 is taken to have been included in the mining lease on 29 March 2007.
- ‘(4) To remove any doubt, it is declared that nothing in this section affects an agreement, or determination by the tribunal, made under this Act before the commencement of this section about compensation payable by the holder of the mining lease for additional surface area No. 2 being included in the mining lease.
- ‘(5) To remove any doubt, it is declared that this section does not limit or otherwise affect the operation of section 416 in relation to the application or the mining lease.
- ‘(6) In this section—

additional surface area No. 2 means the area identified as surface area 3 in mine plan 37891 recorded under this Act in the register kept by the mining registrar.’

92 Amendment of s 672 (Fixing of date for combined hearing)

Section 672, ‘mining registrar’—

omit, insert—

‘tribunal’.

93 Amendment of s 747 (Continuation of particular rights relating to coal seam gas under mineral hydrocarbon mining leases)

Section 747(2)(b)—

omit, insert—

‘(b) section 318CU; and

(c) the following provisions of the Petroleum and Gas (Production and Safety) Act—

(i) chapters 6, 9, 10 and 11;

(ii) chapter 8, parts 1 and 2;

(iii) chapters 12 to 14 to the extent they apply for the provisions mentioned in subparagraphs (i) and (ii).⁴.

94 Insertion of new pt 19, div 9

Part 19—

insert—

⁴ *Petroleum and Gas (Production and Safety) Act 2004*, chapters 6 (Petroleum royalty), 8 (Petroleum and fuel gas measurement), 9 (Safety), 10 (Investigations and enforcement), 11 (General offences), 12 (Reviews and appeals), 13 (Evidence and legal proceedings) and 14 (Miscellaneous provisions)

**‘Division 9 Transitional provision for Mining
and Other Legislation Amendment
Act 2007**

‘766 Provision for amendment of s 133

- ‘(1) This section applies for an exploration permit application if—
- (a) it was lodged on or before 31 March 2003; and
 - (b) it had not been decided before the commencement of this section; and
 - (c) any of the native title provisions apply for the deciding of the application.
- ‘(2) Section 133 applies for the deciding of the application as if the amendment of that section under the *Mining and Other Legislation Amendment Act 2007* had not been enacted.’.

95 Amendment of schedule (Dictionary)

Schedule—

insert—

‘financial resources, for a provision about an application for an exploration permit, mineral development licence or mining lease, includes the financial resources necessary to comply with the following for the area to which the application relates—

- (a) any relevant provisions of the Commonwealth Native Title Act;
- (b) any registered indigenous land use agreement under that Act.’.

omit, insert—

‘6 or’.

100 Amendment of s 71 (Appointment of members)

(1) Section 71(4), from ‘council’—

omit, insert—

‘council.’.

(2) Section 71(5), ‘to be a member’—

omit, insert—

‘under subsection (1)’.

(3) Section 71(6), ‘to the council’—

omit, insert—

‘under subsection (1)’.

101 Amendment of s 72 (Duration of appointment)

(1) Section 72(1)—

omit, insert—

‘(1) A member of the council may be appointed, or re-appointed, by the Minister under section 71(1) for a term of not more than 3 years.’.

(2) Section 72(2)—

omit.

102 Insertion of new s 74A

After section 74—

insert—

‘74A Substitute members

‘(1) The Minister may appoint 2 persons (*substitute members*) from each panel submitted under section 70(1), in addition to the persons appointed under section 71(1), to take part in

meetings of the council in place of a member (*original member*) appointed from the same panel.

- ‘(2) One of the persons appointed from the panel submitted by industrial organisations representing workers must be a member of the industrial organisation that represents the majority of the workers in Queensland.
- ‘(3) When appointing a substitute member, the Minister must consider the matters mentioned in section 71(6)(a), (b) and (c).
- ‘(4) A substitute member may be appointed, or reappointed, for a term of not more than 3 years.
- ‘(5) A person stops being a substitute member if, for any reason or none, the Minister gives the person written notification that the person is no longer a substitute member.
- ‘(6) While taking part in a meeting in place of an original member, a substitute member is a member of the council and—
 - (a) is entitled to the same remuneration and allowances that the original member is entitled to; and
 - (b) is subject to the conditions, mentioned in section 73(2) and applying to the original member, that are capable of applying to the substitute member.’.

103 Amendment of s 92 (Functions of site safety and health representatives)

Section 92(1)(a), ‘, a supervisor or an inspector’—

omit, insert—

‘or a supervisor, inspector, inspection officer or authorised officer’.

104 Amendment of pt 9 hdg (Inspectors and inspection officers and directives)

Part 9, heading, ‘inspection’—

omit, insert—

‘other’.

105 Insertion of new s 124A

After section 124—

insert—

‘124A Appointment conditions and limit on powers and functions

- ‘(1) A person who is appointed as an inspector or inspection officer holds office on any conditions stated in—
- (a) the person’s instrument of appointment; or
 - (b) a signed notice given to the person by the chief executive.
- ‘(2) The instrument of appointment, a notice given to the person by the chief executive or a regulation may limit the person’s functions or powers under this Act for the office.’.

106 Renumbering of pt 9, divs 2–4

Part 9, divisions 2 to 4—

renumber as part 9, divisions 4 to 6.

107 Insertion of new pt 9, div 2 and pt 9, div 3 hdg

After section 126—

insert—

‘Division 2 Authorised officers**‘126A Appointments**

‘The chief executive may appoint officers or employees of the public service as authorised officers.

‘126B Qualifications for appointment as authorised officer

- ‘(1) The chief executive may only appoint a person as an authorised officer after deciding the functions the person may perform under this Act having regard to the person’s competencies and experience.

- ‘(2) If the chief executive decides that the functions the person may perform as an authorised officer are limited because of the person’s competencies and experience, the chief executive, when appointing the person as an authorised officer, must correspondingly limit the extent to which the person may perform functions or exercise powers as provided under section 126C.

‘126C Appointment conditions and limit on functions and powers

- ‘(1) A person who is appointed as an authorised officer holds office on any conditions stated in—
- (a) the person’s instrument of appointment; or
 - (b) a signed notice given to the person by the chief executive.
- ‘(2) The instrument of appointment, a notice given to the person by the chief executive or a regulation may limit the person’s functions or powers under this Act for the office.
- ‘(3) An authorised officer is also subject to the directions of the chief inspector in performing the functions or exercising the powers.
- ‘(4) This section applies despite any other provision of this Act.

‘126D Functions of authorised officers

‘Subject to sections 126B and 126C, authorised officers have the following functions—

- (a) to monitor safety and health performance at mines;
- (b) to inspect and audit mines to assess whether risk is at an acceptable level;
- (c) to help persons to achieve the purposes of this Act by providing advice and information on how the purposes are to be achieved;
- (d) to check that safety and health management systems and procedures are in place to control risk to persons affected by operations;

- (e) to investigate serious accidents and high potential incidents and other matters at mines that affect the effective management of risk to persons;
- (f) to investigate complaints about matters relating to safety or health resulting from operations.

‘126E Information about functions and powers

- ‘(1) This section applies if before exercising a power or further exercising a power in relation to a person, an authorised officer is asked by the person for information about the authorised officer’s functions or powers under the Act.
- ‘(2) The authorised officer must only exercise, or continue to exercise, the power in relation to the person if the authorised officer first produces for the person’s inspection a list of the authorised officer’s functions and powers under the Act.

‘Division 3 Identity cards for inspectors, inspection officers and authorised officers’.

108 Amendment of s 127 (Identity cards)

- (1) Section 127(1), ‘and inspection’—
omit, insert—
‘, inspection officer and authorised’.
- (2) Section 127(2), ‘or inspection’—
omit, insert—
‘, inspection officer or authorised’.

109 Amendment of s 129 (Production or display of identity card)

- (1) Section 129(1), first and second mention, and 129(2), ‘or inspection’—
omit, insert—

‘, inspection officer or authorised’.

- (2) Section 129(1)(a), ‘inspection’—
omit.

110 Replacement of pt 9, div 4 hdg, as renumbered (Powers of inspectors and inspection officers)

Part 9, division 4, as renumbered, heading—
omit, insert—

‘Division 4 Powers of inspectors, inspection officers and authorised officers’.

111 Renumbering of pt 9, div 4, as renumbered, sdiv 1–7

Part 9, division 4, as renumbered, subdivisions 1 to 7—
renumber as part 9, division 4, subdivisions 2 to 8.

112 Insertion of new pt 9, div 4, as renumbered, sdiv 1

Part 9, division 4, as renumbered—
insert—

‘Subdivision 1 Preliminary

‘129A Definition for div 4

‘In this division—

officer means an inspector, an inspection officer or an authorised officer.’.

113 Amendment of s 131 (Consent to entry)

- (1) Section 131, ‘inspector or inspection’—
omit.
- (2) Section 131(4)(c), after ‘officer’—

insert—

‘or other officer’.

114 Amendment of s 136 (General powers after entering mine or other places)

(1) Section 136, ‘inspector or inspection’—

omit.

(2) Section 136(3)(f), ‘inspector’s or inspection’—

omit.

115 Amendment of s 139 (Site senior executive must help inspector or inspection officer)

(1) Section 139, ‘inspector or inspection’—

omit.

(2) Section 139(1), ‘inspector’s or inspection’—

omit.

116 Amendment of s 142 (Tampering with things subject to seizure)

(1) Section 142, ‘inspector or inspection’—

omit.

(2) Section 142, ‘inspector’s or inspection’—

omit.

117 Amendment of s 147 (Access to things that have been seized)

(1) Section 147(1), ‘inspector or inspection’—

omit.

(2) Section 147(3), ‘inspector’—

omit, insert—

‘an officer’.

118 Amendment of s 148 (Inspector may stop and secure plant and equipment)

- (1) Section 148, heading, ‘Inspector’—
omit, insert—
‘**Officer**’.
- (2) Section 148(1) and (2), ‘inspector or inspection’—
omit.

119 Amendment of s 151 (Power to require production of documents)

- (1) Section 151(1) to (5), ‘inspector or inspection’—
omit.
 - (2) Section 151(6), ‘an inspector’—
omit, insert—
‘the officer’.
 - (3) Section 151(6), ‘the inspector’—
omit, insert—
‘the officer’.
 - (4) Section 151—
insert—
- ‘(6A) If an officer keeps a document under subsection (6), the officer must give a copy of the document to the person responsible for keeping the document.’.

120 Amendment of s 170 (Records must be kept)

- (1) Section 170—
insert—
- ‘(1A) An authorised officer must keep an accurate record of all reports given by the authorised officer under this Act.’.
- (2) Section 170(2) and (3), after ‘inspection officer’—

insert—

‘, authorised officer’.

121 Amendment of s 176 (False and misleading statements)

Section 176(1), ‘or inspection officer’—

omit, insert—

‘, inspection officer, authorised officer or district workers’ representative’.

122 Amendment of s 177 (False or misleading documents)

Section 177(1) and (2)(a), after ‘inspection officer’—

insert—

‘, authorised officer’.

123 Amendment of s 178 (Obstructing inspectors, inspection officers or district worker’s representatives)

(1) Section 178, heading, ‘inspection’—

omit.

(2) Section 178(1) and (2), after ‘inspection officer’—

insert—

‘, authorised officer’.

124 Amendment of s 195 (Notice of accidents, incidents or diseases)

(1) Section 195, heading, after ‘incidents’—

insert—

‘, deaths’.

(2) Section 195(1), ‘or high potential incident’—

omit, insert—

‘, high potential incident or a death’.

(3) Section 195(1), ‘or incident’—

omit, insert—

‘, incident or death’.

(4) Section 195(2)—

omit, insert—

‘(2) Subsection (3) applies to—

(a) a serious accident at a mine resulting in a person receiving—

(i) a bodily injury endangering, or likely to endanger, the person’s life; or

(ii) an injury causing, or likely to cause, a permanent injury to the person’s health; or

(b) a high potential incident at a mine of a type prescribed under a regulation; or

(c) a death at a mine, whether or not caused by an accident at the mine.’.

(5) Section 195(3), ‘or incident’—

omit, insert—

‘, incident or death’.

(6) Section 195(5), ‘serious accident results in’—

omit, insert—

‘oral report relates to a’.

125 Amendment of s 223 (Who may appeal)

Section 223(b), ‘division 3’—

omit, insert—

‘division 5’.

126 Amendment of s 229 (Proof of appointments and authority unnecessary)

Section 229(1)(a) and (b), after ‘an inspection officer,’—

insert—

‘an authorised officer.’

127 Amendment of s 230 (Proof of signatures unnecessary)

Section 230, after ‘an inspection officer,’—

insert—

‘an authorised officer.’

128 Amendment of s 231 (Evidentiary aids)

(1) Section 231(4), ‘or inspection officer’—

omit, insert—

‘inspection officer, an authorised officer’.

(2) Section 231(5), definition *certificate*, after ‘an inspection officer,’—

insert—

‘an authorised officer.’

129 Amendment of s 247 (Person not to encourage refusal to answer questions)

Section 247(1), after ‘inspection officer’—

insert—

‘, authorised officer’.

130 Amendment of s 248 (Impersonating inspector or inspection officers and others)

(1) Section 248, heading, ‘inspector or inspection officers and others’—

omit, insert—

‘**inspectors, officers or representatives**’.

(2) Section 248, after ‘inspection officer,’—

insert—

‘authorised officer.’.

131 Amendment of s 249 (Protection for officers)

Section 249(2), definition *officer*, paragraphs (c) and (d)—
omit, insert—

- ‘(c) an authorised officer; or
- (d) a district workers’ representative; or
- (e) a site safety and health representative.’.

132 Amendment of s 256 (Protection from liability)

Section 256(3), definition *official*, paragraphs (f) to (h)—
omit, insert—

- ‘(f) an authorised officer; or
- (g) a person acting under the direction of or helping an inspector, inspection officer or authorised officer; or
- (h) a member or a substitute member of the council; or
- (i) a district workers’ representative or a site safety and health representative.’.

133 Amendment of s 262 (Regulation-making power)

Section 262(3)(e), after ‘officers,’—

insert—

‘authorised officers.’.

134 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘*authorised officer* means a person appointed as an authorised officer under this Act.

officer, for part 9, division 4, see section 129A.

substitute member see section 74A(1).’.

Part 8 **Amendment of Petroleum Act 1923**

135 Act amended in pt 8 and schedule

This part and the schedule amend the *Petroleum Act 1923*

136 Omission of s 7B (Notes in text)

Section 7B—

omit.

137 Amendment of s 25L (Conditions for renewal application)

Section 25L(2)(c), after ‘2004 Act lease’—

insert—

‘, other than a 2004 Act lease granted under the 2004 Act, chapter 3, part 2, division 2 or part 3, division 3’.

138 Amendment of s 40 (Lease to holder of authority to prospect)

Section 40(1), ‘may apply’—

omit, insert—

‘may, by signed writing, apply’.

139 Amendment of s 45 (Entitlement to renewal of lease)

(1) Section 45(1), after ‘renewal of the lease’—

insert—

‘by the Governor in Council’.

(2) Section 45(2A)(d)—
renumber as section 45(2A)(e).

(3) Section 45(2A)—
insert—

‘(d) include a statement about how and when the applicant proposes to consult with, and keep informed, each owner and occupier of private or public land on which authorised activities for the renewed lease are, or are likely to be, carried out; and’.

140 Amendment of s 48 (Commencement of drilling)

Section 48(2), ‘section 57’—
omit, insert—
‘section 49’.

141 Amendment of s 53B (Plan period)

Section 53B(2)(b), after ‘start of the term’—
insert—
‘or renewed term’.

142 Omission of s 54 (Signing of applications)

Section 54—
omit.

143 Amendment, relocation and renumbering of s 57 (Ascertainment of value)

- (1) Section 57, ‘For the purposes of this Act’—
omit, insert—
‘For section 48(2)’.
- (2) Section 57—
relocate and *renumber* as section 49.

144 Amendment of s 74K (Obligation to lodge proposed later work program)

- (1) Section 74K(3) and (5)(a), ‘20’—

omit, insert—

‘40’.

- (2) Section 74K(3), ‘60’—

omit, insert—

‘100’.

- (3) Section 74K(6), definition *relevant fee*, paragraph (b)(ii) and (iii)—

omit, insert—

‘(ii) if it is not lodged under subsection (4)—an amount that is 10 times the prescribed fee.’.

145 Amendment of s 74Q (Obligation to lodge proposed later development plan)

- (1) Section 74Q(3)(b)(i), ‘80’—

omit, insert—

‘100’.

- (2) Section 74Q(5)(a), ‘20’—

omit, insert—

‘40’.

- (3) Section 74Q(6), definition *relevant fee*, paragraph (b)(ii) and (iii)—

omit, insert—

‘(ii) if it is not lodged under subsection (4)—an amount that is 10 times the prescribed fee.’.

146 Insertion of new s 75AA

Part 6A, division 4—

insert—

'75AA Notice of change of holder's name

- '(1) This section applies if there is a change to the name of a holder of a 1923 Act petroleum tenure and the holder continues to be same person after the change.

Note—

A change of holder itself must be a permitted dealing and must be approved under part 6N before it can have any effect. See sections 80E and 80G.

- '(2) The holder must give the chief executive notice of the change as soon as practicable.
- '(3) The notice must be in the approved form.'

147 Amendment of s 75IM (Lodging report)

Section 75IM(3), definition *relevant time*, paragraph (a), '20'—

omit, insert—

'40'.

148 Amendment of s 75IW (Obligation to lodge monitoring reports)

- (1) Section 75IW(1), from 'when' to 'tenure,'—

omit, insert—

', on or before the required day in each year.'

- (2) Section 75IW(2)(c), before subparagraph (i)—

omit, insert—

'(c) be lodged at—'.

- (3) Section 75IW—

insert—

- '(3) In this section—

required day, in each year, means—

- (a) generally—the day in the year that is the anniversary of the day on which the underground water impact report was accepted by the chief executive; or

- (b) if the chief executive by notice to the holder fixes another day—the fixed day.’.

149 Amendment of s 75IX (Obligation to lodge review reports)

- (1) Section 75IX(2)(c)—

omit, insert—

‘(c) be lodged at—

- (i) the office of the department for lodging review reports, as stated in a gazette notice by the chief executive; or
- (ii) if no office is gazetted under subparagraph (i)—the office of the chief executive.’.

- (2) Section 75IX(4)—

omit.

150 Amendment of s 75U (Obligation to decommission)

Section 75U(1), after ‘transferred to the tenure holder’—

insert—

‘, unless the well or bore has, under division 3, been transferred to someone else’.

151 Amendment of s 75Y (Notice about discovery and commercial viability)

Section 75Y(6), definition *relevant period*—

omit, insert—

‘*relevant period* means the period of 40 business days after the end of the period approved by the Minister for the carrying out of production testing under the 1923 Act petroleum tenure.’.

152 Omission of s 76F (Obligation to lodge annual reports)

Section 76F—

omit.

153 Amendment of s 78J (Security not affected by change in holder)

- (1) Section 78J(3)—
omit.
- (2) Section 78J(4)—
renumber as section 78J(3).

154 Amendment of s 80C (Access to register)

- (1) Section 80C(b)—
omit, insert—
‘(b) allow a person, on payment of the fee prescribed under a regulation, to search and take extracts from the register; and’.
 - (2) Section 80C—
insert—
- ‘(2) This section is subject to section 80CA.’.

155 Insertion of new ss 80CA and 80CB

After section 80C—

insert—

‘80CA Arrangements with other departments for copies from petroleum register

- ‘(1) Despite section 80C, the chief executive may enter into an arrangement with another department allowing it to carry out a search of, take extracts from or obtain a copy of, particulars recorded in the petroleum register, without payment of the fees prescribed under section 80C.
- ‘(2) However, the chief executive may enter into an arrangement under subsection (1) only if the chief executive is reasonably satisfied the information obtained from the copy will not be—
 - (a) used for a commercial purpose, including, for example, the marketing or sale of the information or other information; or

- (b) included in another database of information, in any form, other than with chief executive's approval.

'80CB Supply of statistical data from petroleum register

- '(1) The chief executive may enter into an agreement to supply statistical data derived from instruments or information kept in the petroleum register.
- '(2) If the chief executive supplies statistical data under subsection (1)—
 - (a) the fees and charges applying for the supply of the data are the fees and charges provided for in the agreement; and
 - (b) without limiting paragraph (a), the agreement may also state—
 - (i) how the fees and charges are to be calculated; and
 - (ii) how payment of the fees and charges is to be made.
- '(3) Without limiting subsection (1), an agreement for the supply of statistical data may limit the use to which the data supplied may be put.
- '(4) An agreement for the supply of statistical data must include—
 - (a) a provision allowing the chief executive to exclude particulars from data supplied under the agreement, if the chief executive is satisfied, on reasonable grounds, that inclusion of the particulars may result in the particulars being inappropriately disclosed or used; and
 - (b) a provision allowing the chief executive to prohibit disclosure, or to limit distribution or use, of data supplied under the agreement.
- '(5) An agreement under this section must not provide for the obtaining of information or anything else that may be obtained under section 80C.
- '(6) The chief executive must exclude petroleum authority particulars and personal information from data supplied under the agreement.
- '(7) Subsection (6) applies despite anything in the agreement.

‘(8) In this section—

petroleum authority particulars means particulars from any instrument or information kept by the chief executive that may allow a person to identify a 1923 Act petroleum tenure to which the instrument or information relates.

personal information means a particular from any instrument or information kept by the chief executive that may allow a person to identify a person to whom the instrument or information relates.’.

156 Amendment of s 80E (What is a permitted dealing)

(1) Section 80E(1), ‘, as provided for under a coordination arrangement’—

omit.

(2) Section 80E(2), ‘part’—

omit, insert—

‘a divided part’.

(3) Section 80E(2)—

insert—

‘*Examples of a divided part of the area of a 1923 Act petroleum tenure—*

- a specific part of the surface of the area
- a specific strata beneath the surface of the area’.

(4) Section 80E(3), definition *transfer*, paragraph (c)—

omit.

157 Omission of s 80F (Dealings other than permitted dealings of no effect)

Section 80F—

omit.

158 Amendment of s 80I (Applying for approval)

Section 80I(2)(c)(ii)(A), after ‘interest’—

insert—

‘and each other person who holds a share of the tenure’.

159 Replacement of s 142 (All statements to be verified)

Section 142—

omit, insert—

‘142 Ministerial directions about the giving of information

- ‘(1) The Minister may, in the way the Minister considers appropriate, publish directions about the giving of information, including the giving of additional information, to the Minister or the chief executive for the purposes of this Act.
- ‘(2) A direction published under subsection (1) must state a period, that is not less than 20 business days, within which the information must be given.
- ‘(3) Without limiting subsection (1), the directions may provide for how the information must be given if this Act does not already so provide.

Examples of how information may be required to be given—

- by an approved form or a notice
- by progressive reporting under a later work program or later development plan
- by a volumetric plan of survey
- by a geological survey
- by a statement, supporting an application for a petroleum tenure, about the financial resources or technical advice available to the applicant or the applicant’s previous compliance with a condition or provision of a petroleum tenure

‘(4) If—

- (a) a person is required or permitted to give the Minister or the chief executive (the *official*) information for a particular purpose relating to this Act; and
- (b) this Act does not provide for how the information may or must be given to the official for the purpose; and

(2) Section 15(2), ‘incidental’—
omit.

162 Omission of ch 1, pt 3, div 3 (Other matters relating to interpretation)

Chapter 1, part 3, division 3—
omit.

163 Amendment of s 32 (Exploration and testing)

Section 32(1)(d), ‘petroleum storage’—
omit, insert—

‘the storage of petroleum or a prescribed storage gas’.

164 Amendment of s 59 (Restrictions on amending work program)

Section 59(2)(a)—
omit, insert—

‘(a) if the work program is the initial work program for the authority—the Minister must be satisfied the work program needs to be amended for a reason beyond the holder’s control;’.

165 Amendment of s 60 (Applying for approval to amend)

Section 60—
insert—

‘(3) Subsection (2) does not apply if the Minister is satisfied the work program needs to be amended for a reason beyond the holder’s control.’.

166 Amendment of s 79 (Obligation to lodge proposed later work program)

(1) Section 79(3) and (5)(a), ‘20’—

omit, insert—

‘40’.

- (2) Section 79(3), ‘60’—

omit, insert—

‘100’.

- (3) Section 79(6), definition *relevant fee*, paragraph (b)(ii) and (iii)—

omit, insert—

‘(ii) if it is not lodged under subsection (4)—an amount that is 10 times the prescribed fee.’.

167 Amendment of s 159 (Obligation to lodge proposed later development plan)

- (1) Section 159(3)(a), ‘80’—

omit, insert—

‘100’.

- (2) Section 159(5)(a), ‘20’—

omit, insert—

‘40’.

- (3) Section 159(6), definition *relevant fee*, paragraph (b)(ii) and (iii)—

omit, insert—

‘(ii) if it is not lodged under subsection (4)—an amount that is 10 times the prescribed fee.’.

168 Amendment of s 234 (Arrangement to coordinate petroleum activities)

- (1) Section 234(3A)(c)(i) and (ii)—

renumber as section 234(3A)(c)(ii) and (iii).

- (2) Section 234(3A)(c)—

insert—

‘(i) the 1923 Act, section 44(d); or’.

169 Amendment of s 256 (Lodging report)

Section 256(3), definition *relevant time*, paragraph (a), ‘20’—
omit, insert—

‘40’.

170 Amendment of s 266 (Obligation to lodge monitoring reports)

(1) Section 266(1), from ‘when’ to ‘tenure,’—

omit, insert—

‘, on or before the required day in each year.’.

(2) Section 266(2)(c), before subparagraph (i)—

omit, insert—

‘(c) be lodged at—’.

(3) Section 266—

insert—

‘(3) In this section—

required day, in a year, means—

(a) generally—the day in the year that is the anniversary of the day on which the underground water impact report was accepted by the chief executive; or

(b) if the chief executive by notice to the holder fixes another day—the fixed day.’.

171 Amendment of s 267 (Obligation to lodge review reports)

(1) Section 267(2)(c)—

omit, insert—

‘(c) be lodged at—

- (i) the office of the department for lodging review reports, as stated in a gazette notice by the chief executive; or
 - (ii) if no office is gazetted under subparagraph (i)—the office of the chief executive.’.
- (2) Section 267(4)—
omit.

172 Amendment of s 292 (Obligation to decommission)

Section 292(1), after ‘transferred to the tenure holder’—

insert—

‘, unless the petroleum well or bore has, under division 3, been transferred to someone else’.

173 Amendment of ch 3, pt 2, div 1, sdiv 3, hdg (Provisions for splitting application in particular circumstances)

Chapter 3, part 2, division 1, subdivision 3, heading, ‘splitting application’—

omit, insert—

‘separate applications’.

174 Amendment of s 307 (Requirement to split application if it relates to coal or oil shale mining tenements not held by the same person)

- (1) Section 307, heading—

omit, insert—

‘307 Requirement for separate applications relating to exploration tenement and mining lease not held by same person’.

- (2) Section 307(1), ‘the ATP-related application is’—

omit, insert—

‘a person to whom this division applies wishes to make an application to which this division applies’.

(3) Section 307(2)—

omit, insert—

‘(2) The person must make separate ATP-related applications for the exploration tenement part and the mining lease part.’.

(4) Section 307(5)—

omit.

175 Replacement of s 308 (Power to split application if it includes other land)

Section 308—

omit, insert—

‘308 Requirement for separate application for other land

‘(1) This section applies if—

(a) a person to whom this division applies wishes to make an application to which this division applies; and

(b) the proposed application includes land (the *other part*) not in the area of a coal or oil shale mining tenement.

‘(2) The person must lodge a separate ATP-related application for the other part.

‘(3) The separate application must be decided under chapter 2.’.

176 Omission of s 309 (Power to split application at applicant’s request)

Section 309—

omit.

177 Amendment of s 335 (Requirement to split application if it relates to coal or oil shale mining tenements not held by the same person)

(1) Section 335, heading—

omit, insert—

‘335 Requirement for separate applications relating to exploration tenement and mining lease not held by same person’.

- (2) Section 335(1), ‘the ATP-related application is’—

omit.

- (3) Section 335(1)(a), before ‘for land’

insert—

‘a person to whom this division applies wishes to make an application to which this division applies’.

- (4) Section 335(2)—

omit, insert—

- ‘(2) The person must make separate ATP-related applications for the exploration tenement part and the mining lease part.’.

- (5) Section 335(5) and (6)—

omit.

178 Amendment of s 336 (Power to split application if it includes other land)

- (1) Section 336, heading—

omit, insert—

‘336 Requirement for separate application for other land’.

- (2) Section 336(1), ‘the petroleum lease application’—

omit, insert—

‘a person to whom this division applies wishes to make an application to which this division applies and the proposed application’.

- (3) Section 336(2)—

omit, insert—

- ‘(2) The person must make a separate ATP-related application for the other part.’.

- (4) Section 336(4)—

omit.

179 Omission of s 337 (Power to split application at applicant's request)

Section 337—

omit.

180 Replacement of s 346 (Power to split application if it includes other land)

Section 346—

omit, insert—

'346 Requirement for separate application for other land

- '(1) This section applies if a person to whom this division applies wishes to make an application to which this division applies and the proposed application includes land (the *other part*) not in the area of a coal or oil shale mining lease.
- '(2) The person must make a separate petroleum lease application for the other part.
- '(3) The separate application must be decided under chapter 2.'

181 Omission of s 347 (Power to split application at applicant's request)

Section 347—

omit.

182 Replacement of s 354 (Power to split application if it includes other land)

Section 354—

omit, insert—

'354 Requirement for separate application for other land

- '(1) This section applies if a person to whom this division applies wishes to make an application to which this division applies and the proposed application includes land (the *other part*) not in the area of a coal or oil shale mining lease.

- ‘(2) The person must make a separate petroleum lease application for the other part.
- ‘(3) The separate application must be decided under chapter 2.’.

183 Omission of s 355 (Power to split application at applicant’s request)

Section 355—

omit.

184 Amendment of s 386 (Requirements for consultation with particular coal or oil shale mining tenement holders)

- (1) Section 386(1)(a), before ‘to explore’—

omit, insert—

‘(a) a person (an *operator*) proposes to be an operator of operating plant in the area of a petroleum tenure and the operating plant is used, or is proposed to be used.’.

- (2) Section 386(3), from ‘the tenement holder’—

omit, insert—

‘the petroleum tenure holder may coordinate the consultation between the operators and the tenement holder.’.

185 Amendment of s 389 (Exemption from additional content requirements)

- (1) Section 389(1)(a)—

omit, insert—

‘(a) all or part of a stated petroleum tenure; or’.

- (2) Section 389—

insert—

‘(2A) Also, any relevant petroleum tenure holder may apply for the exemption on behalf of the operator or proposed operator.’.

186 Amendment, relocation and renumbering of s 408 (Notice of proposed application to relevant local government)

- (1) Section 408, heading, ‘proposed’—
omit.
- (2) Section 408(2), ‘before’—
omit, insert—
‘within 10 business days after’.
- (3) Section 408(3)—
renumber as section 408(5).
- (4) Section 408—
insert—
‘(3) If subsection (2) is not complied with, the application lapses.
(4) To remove any doubt, it is declared that the lapsing of the application under subsection (3) does not of itself prevent the former applicant making another pipeline licence application.’.
- (5) Section 408—
relocate and *renumber*, in chapter 4, part 2, division 3, subdivision 1, as section 409A.

187 Amendment of s 409 (Requirements for making application)

- (1) Section 409(f)—
omit.
- (2) Section 409(g) and (h)—
renumber as section 409(f) and (g).

188 Replacement of s 411 (Public notice requirement)

Section 411—
omit, insert—

‘411 Public notice requirement

- ‘(1) The Minister must not grant the applicant a pipeline licence unless—
- (a) the notice complying with subsection (2)(a) has been published as required under subsection (2)(b); and
 - (b) the applicant has given the chief executive evidence of the publication; and
 - (c) the Minister has considered any submissions in response to the notice lodged within the period stated in the notice.
- ‘(2) For subsection (1)(a), the notice must—
- (a) state each of the following—
 - (i) that a pipeline licence application has been made;
 - (ii) the applicant’s name;
 - (iii) the area proposed for the licence;
 - (iv) where further details about the application can be obtained;
 - (v) a period of at least 30 business days during which anyone may lodge submissions about the application;
 - (vi) where submissions must be lodged; and
 - (b) be published in a newspaper circulating throughout the State or, if the proposed licence is an area pipeline licence, generally in the area.
- ‘(3) The applicant must bear the costs of the publication.’.

189 Amendment of s 419 (Obligation to construct pipeline)

Section 419(1), ‘section 401,’ and footnote—

omit, insert—

‘sections 401 and 419A,’.

190 Insertion of new s 419A

After section 419—

insert—

‘419A Notice to chief inspector before construction starts

- ‘(1) A pipeline licence holder must give the chief inspector notice of the holder’s intention to start construction of the pipeline the subject of the licence at least 20 business days before the construction starts.

Maximum penalty—100 penalty units.

- ‘(2) However, if the licence is an area pipeline licence, subsection (1) only applies for each initial pipeline mentioned in the licence.’.

191 Amendment of s 420 (Notice of completion of pipeline)

- (1) Section 420(3)(c)—

renumber as section 420(3)(d).

- (2) Section 420(3)—

insert—

‘(c) include a diagram of the pipeline, as constructed or completed, that gives enough information to allow the pipeline to be located, including, for example, its depth of burial; and’.

- (3) Section 420(4), definition *relevant period*, paragraph (b), ‘20’—

omit, insert—

‘40’.

192 Amendment, relocation and renumbering of s 444 (Notice of proposed application to relevant local government)

- (1) Section 444, heading, ‘proposed’—

omit.

- (2) Section 444(1), ‘before’—

omit, insert—

‘within 10 business days after’

- (3) Section 444(2)—

renumber as section 444(4).

- (4) Section 444—

insert—

‘(2) If subsection (1) is not complied with, the application lapses.

‘(3) To remove any doubt, it is declared that the lapsing of the application under subsection (2) does not of itself prevent the former applicant making another petroleum facility licence application.’.

- (5) Section 444—

relocate and *renumber*, in chapter 4, part 3, division 2, subdivision 1, as section 445A.

193 Amendment of s 445 (Requirements for making application)

- (1) Section 445(f)—

omit.

- (2) Section 445(g) and (h)—

renumber as section 445(f) and (g).

194 Amendment of s 458 (Process for taking land)

- (1) Section 458(2)—

omit.

- (2) Section 458(3) and (4)—

renumber as section 458(2) and (3).

195 Amendment of s 493 (Security not affected by change in authority holder)

- (1) Section 493(3)—

omit.

- (2) Section 493(4)—
renumber as section 493(3).

196 Amendment of s 539 (General provision about ownership while tenure or licence is in force for pipeline)

Section 539(3)(c)—

omit.

197 Amendment of s 544 (Notice by petroleum tenure holder about discovery and commercial viability)

Section 544(6), definition *relevant period*—

omit, insert—

‘relevant period means—

- (a) if the petroleum tenure is an authority to prospect—
- (i) the period of 40 business days after the end of the period under section 73(2) for the carrying out of production testing; or
 - (ii) if the Minister has, within 40 business days, agreed to a longer period—the longer period; or
- (b) if the petroleum tenure is a petroleum lease—
- (i) the period of 40 business days after the end of the period under section 152(2) for the carrying out of production testing; or
 - (ii) if the Minister has, within 40 business days, agreed to a longer period—the longer period.’.

198 Insertion of new s 546A

Chapter 5, part 7, division 1, subdivision 1—

insert—

‘546A End of authority report for data acquisition authority or survey licence

- ‘(1) This section applies if a data acquisition authority or survey licence ends.
- ‘(2) The person who held the authority or licence immediately before it ended must, within 6 months, lodge a report about the matters relating to the former authority or licence as prescribed under a regulation.
- Maximum penalty—150 penalty units.
- ‘(3) The report must be lodged at—
- (a) the office of the department for lodging the report, as stated in a gazette notice by the chief executive; or
 - (b) if no office is gazetted under paragraph (a)—the office of the chief executive.’

199 Replacement of ch 5, pt 7, div 2, hdg (Reporting provisions for all petroleum authorities)

Chapter 5, part 7, division 2, heading—
omit, insert—

‘Division 2 Other reporting provisions’.**200 Replacement of s 552 (Obligation to lodge annual reports)**

Section 552—
omit, insert—

‘552 Obligation to lodge annual reports for pipeline or petroleum facility licence

- ‘(1) This section applies for a pipeline licence or petroleum facility licence.
- ‘(2) The holder of the licence must, within 2 months after each of its anniversary days, lodge a report for the 12 months that ended on the last anniversary day that includes the information about the licence as prescribed under a regulation.
- Maximum penalty—150 penalty units.

- ‘(3) If the licence ends, the person who was its holder immediately before it ended must, within 2 months, lodge a report that includes the information prescribed under subsection (2) for the period from its last anniversary day to when it ended.

Maximum penalty—150 penalty units.

- ‘(4) A report under this section must be lodged at—
- (a) the office of the department for lodging the report, as stated in a gazette notice by the chief executive; or
 - (b) if no office is gazetted under paragraph (a)—the office of the chief executive.

- ‘(5) In this section—

anniversary day, for a licence, means each day that is the anniversary of the day the licence took effect.’.

201 Insertion of new s 558A

Chapter 5, part 8, division 1—

insert—

‘558A Notice of change of holder’s name

- ‘(1) This section applies if there is a change to a petroleum authority holder’s name and the holder continues to be same person after the change.

Note—

A change of holder itself must be a permitted dealing and must be approved under part 10 before it can have any effect. See sections 568 and 570.

- ‘(2) The holder must give the chief executive notice of the change as soon as practicable.
- ‘(3) The notice must be in the approved form.’.

202 Amendment of s 566 (Access to register)

- (1) Section 566(b)—

omit, insert—

‘(b) allow a person, on payment of the fee prescribed under a regulation, to search and take extracts from the register; and’.

(2) Section 566—

insert—

‘(2) This section is subject to section 566A.’.

203 Insertion of new ss 566A and 566B

After section 566—

insert—

‘566A Arrangements with other departments for copies from petroleum register

‘(1) Despite section 566, the chief executive may enter into an arrangement with another department allowing it to carry out a search of, take extracts from or obtain a copy of, particulars recorded in the petroleum register, without payment of the fees prescribed under section 566.

‘(2) However, the chief executive may enter into an arrangement under subsection (1) only if the chief executive is reasonably satisfied the information obtained from the copy will not be—

(a) used for a commercial purpose, including, for example, the marketing or sale of the information or other information; or

(b) included in another database of information, in any form, other than with chief executive’s approval.

‘566B Supply of statistical data from petroleum register

‘(1) The chief executive may enter into an agreement to supply statistical data derived from instruments or information kept in the petroleum register.

‘(2) If the chief executive supplies statistical data under subsection (1)—

(a) the fees and charges applying for the supply of the data are the fees and charges provided for in the agreement; and

- (b) without limiting paragraph (a), the agreement may also state—
 - (i) how the fees and charges are to be calculated; and
 - (ii) how payment of the fees and charges is to be made.
- ‘(3) Without limiting subsection (1), an agreement for the supply of statistical data may limit the use to which the data supplied may be put.
- ‘(4) An agreement for the supply of statistical data must include—
 - (a) a provision allowing the chief executive to exclude particulars from data supplied under the agreement, if the chief executive is satisfied, on reasonable grounds, that inclusion of the particulars may result in the particulars being inappropriately disclosed or used; and
 - (b) a provision allowing the chief executive to prohibit disclosure, or to limit distribution or use, of data supplied under the agreement.
- ‘(5) An agreement under this section must not provide for the obtaining of information or anything else that may be obtained under section 566.
- ‘(6) The chief executive must exclude petroleum authority particulars and personal information from data supplied under the agreement.
- ‘(7) Subsection (6) applies despite anything in the agreement.
- ‘(8) In this section—
 - personal information* means a particular from any instrument or information kept by the chief executive that may allow a person to identify a person to whom the instrument or information relates.
 - petroleum authority particulars* means particulars from any instrument or information kept by the chief executive that may allow a person to identify a petroleum authority to which the instrument or information relates.’

204 Amendment of s 568 (What is a *permitted dealing*)

- (1) Section 568(1)(b)—

omit.

- (2) Section 568(1)(e), ‘, as provided for under a coordination arrangement’—

omit.

- (3) Section 568(1)(c) to (f)—

renumber as section 568(1)(b) to (e).

- (4) Section 568(1)(c), as renumbered, ‘paragraph (c)’—

omit, insert—

‘paragraph (b)’.

- (5) Section 568(1)(e), as renumbered, ‘paragraph (e)’—

omit, insert—

‘paragraph (d)’.

- (6) Section 568(3), definition *transfer*, paragraph (c)—

omit.

205 Amendment of s 569 (Prohibited dealings)

- (1) Section 569(1)(c), ‘part’—

omit, insert—

‘a divided part’.

- (2) Section 569(1)(c)—

insert—

‘Examples of a divided part of the area of a petroleum tenure—

- a specific part of the surface of the area
- a specific strata beneath the surface of the area’.

206 Amendment of s 570 (Conditions for permitted dealings)

- (1) Section 570, heading, ‘Conditions’—

omit, insert—

‘**Condition**’.

- (2) Section 570(1)—
omit.

207 Amendment of s 572 (Applying for approval)

- (1) Section 572(1), ‘, pipeline’—
omit.
- (2) Section 572(2)(c)(ii)(A), after ‘interest’—
insert—
‘and each other person who holds a share of the authority’.

208 Amendment of s 628 (Odour requirement)

- Section 628(1)(b), from ‘analysis’ to ‘shows’—
omit, insert—
‘analysis has been carried out by an appropriately qualified person showing’.

209 Amendment of s 651 (Content requirements for annual measurement reports)

- Section 651(e), after ‘scheme’—
insert—
‘or this Act’.

210 Amendment of s 670 (What is an *operating plant*)

- (1) Section 670(2)—
omit, insert—
- ‘(2) An *operating plant* is any of the following—
- (a) a facility used to explore for, produce or process petroleum, including machinery used for maintaining or repairing a petroleum well;

Example of machinery used for maintaining or repairing a petroleum well—

machinery known in the petroleum and gas industry as a work over rig

- (b) a petroleum facility;
 - (c) a pipeline authorised under, or proposed to be authorised under, a petroleum authority;
 - (d) a distribution system;
 - (e) a bulk fuel gas storage facility.’.
- (2) Section 670(3), ‘an LPG storage facility’—
omit, insert—
‘a facility’.
- (3) Section 670(5)(a)—
omit, insert—
‘(a) an LPG delivery network prescribed under a regulation;’.
- (4) Section 670(5)(b), ‘LPG’—
omit, insert—
‘fuel gas’.
- (5) Section 670(5)(d), ‘geophysical or other’—
omit, insert—
‘seismic’.
- (6) Section 670(6)—
omit, insert—
- ‘(6) Also, an ***operating plant*** includes—
- (a) any part of the area of a petroleum tenure or 1923 Act petroleum tenure on which an operating plant under subsections (2) to (5) happens or is located as an authorised activity for the tenure; and
 - (b) any part of the area of a mineral hydrocarbon mining lease—

- (i) on which an operating plant under subsections (2) to (5) happens or is located as an entitlement for the lease; and
- (ii) to which section 671 does not apply.’.

211 Amendment of 671 (Limitation for facility or pipeline included in coal mining operation)

Section 671(2)(b)(i), from ‘as defined’ to ‘division 6’—
omit.

212 Amendment of s 673 (Who is the *operator* of an operating plant)

Section 673(3) to (5)—
omit, insert—

- ‘(3) Otherwise, the operator is the person who has the role of being responsible for the management and safe operation of the plant.
- ‘(4) For subsection (3), the operator does not include a person who in relation to the plant is subject to the control of another person who has the role of being responsible for the management and safe operation of the plant.

Examples for subsections (3) and (4)—

- 1 The operator of a drilling rig is the operations manager or another senior officer of the drilling company that is operating the drilling rig and not the person employed as the driller or rig manager.
- 2 The operator of a tanker delivery bulk LPG business is the manager of the delivery operation and not the person employed as the tanker driver.’.

213 Insertion of new s 673A

Chapter 9, part 2, division 2, before section 674—
insert—

‘673A Operator must ensure chief inspector is given notice before a plant is commissioned or operated

- ‘(1) This section applies to a plant that is to be commissioned or operated for the first time in Queensland.
- ‘(2) The operator of the plant must ensure the chief inspector is given written notice of the commissioning or operation of the plant within 20 business days before the commissioning or operation.

Maximum penalty—100 penalty units.’.

214 Amendment of s 674 (Requirement to have safety management plan)

- (1) Section 674(1)(a)—

omit, insert—

‘(a) for each stage of the plant, make a safety management plan that complies with—

- (i) section 675; and
- (ii) if the plant is used to explore for, extract, produce or release petroleum within coal seams—section 388, subject to any exemption given under section 389; and’.

- (2) Section 674(2)—

insert—

‘(c) if the plant is used to explore for, extract, produce or release petroleum within coal seams—the plan complies with section 388, subject to any exemption given under section 389.’.

215 Amendment of s 675 (Content requirements for safety management plans)

- (1) Section 675(1)—

insert—

‘(ca) for an operating plant, other than a coal mining—CSG operating plant—the operator of the plant;’.

- (2) Section 675(1)(i), after ‘operating’—
insert—
‘and maintenance’.
- (3) Section 675(1)—
insert—
‘(ma) a process for managing change including a process for managing any changes to plant, operating procedures, organisational structure, personnel and the safety management plan;’.
- (4) Section 675(4), definition *NOHSC standard*, from ‘[NOHSC:1014 (1996)]’ —
omit, insert—
‘[NOHSC:1014 (2002)]’ continued in effect under the *National Occupation Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Act 2005* (Cwlth), section 7(2).⁵.

216 Insertion of new s 675A

After section 675—

insert—

‘675A Generic safety management plans

- ‘(1) For each stage of an operating plant, the operator of the plant is taken to have made a safety management plan that complies with section 675 if the operator adopts a generic SMP for that stage.
- ‘(2) However, subsection (1) does not apply for a stage of a plant if—
- (a) the chief inspector considers that, because of the complexity of the plant or the particular risks associated with the plant, the generic SMP does not sufficiently manage the level of risk at the plant for the stage; and

⁵ A copy of the standard may be inspected, free of charge, during office hours on business days at the department’s office at 41 George Street, Brisbane.

- (b) the chief inspector gives the operator a written notice stating that the safety management plan for the plant must comply with section 675 for the stage.

‘(3) In this section—

generic SMP, for a stage of an operating plant (the *relevant plant*), means a plan in the form of a safety management plan that is prescribed under a regulation for the stage of an operating plant of the same type as the relevant plant.’

217 Amendment of s 679 (Notice by chief inspector)

(1) Section 679(1)—

omit, insert—

‘(1) This section applies if the chief inspector reasonably believes a safety management plan for an operating plant, or an aspect of the plan—

- (a) does not comply with section 675; or
- (b) is insufficient to ensure an acceptable level of risk at the plant; or
- (c) must be revised under section 678.’

(2) Section 679(2), after ‘plant notice’—

insert—

‘(a *validation notice*)’.

(3) Section 679(3), before ‘notice’—

insert—

‘validation’.

(4) Section 679—

insert—

‘(4) The operator must comply with the validation notice.

Maximum penalty for subsection (4)—1500 penalty units.’

218 Amendment of s 687 (Who is the *executive safety manager* of an operating plant)

- (1) Section 687(1), ‘for the safety management plan’—
omit.
- (2) Section 687(2A)—
omit.
- (3) Section 687(3)(b), from ‘in charge’—
omit, insert—
‘responsible for the management and safe operation of the operating plant.’.
- (4) Section 687(4), definition *principal tenure holder*—
omit.

219 Replacement of s 688 (Executive safety manager’s general obligations)

Section 688—
omit, insert—

‘688 Executive safety manager’s general obligations

‘The executive safety manager of an operating plant must—

- (a) appoint an appropriately qualified person as the operator of the plant; and
- (b) ensure the operator of the plant has, for each stage of the plant, a plan that is—
 - (i) a safety management plan for the plant made under section 674(1)(a) after consultation with the employees at the plant; or
 - (ii) a generic SMP adopted for the plant; and
- (c) approve the plan before it is put into effect; and
- (d) ensure the plan is implemented in a way that effectively manages the risks associated with the plant.

Maximum penalty—2000 penalty units.’.

220 Amendment of s 691 (Obligation to give information to coal or oil shale exploration tenement holder)

Section 691(2), '690(1)(f)'—

omit, insert—

'690(1)(g)'.

221 Amendment of s 698 (Owner must ensure operator is competent)

Section 698, 'operator of'—

omit, insert—

'person operating'.

222 Amendment of s 705 (Application of sdiv 1)

Section 705(b), after 'coal'—

insert—

'or oil shale'.

223 Amendment of s 706 (Requirement to report prescribed incident)

(1) Section 706(1), after 'prescribe'—

insert—

'for incidents happening at an operating plant or for incidents relating to a gas related device'.

(2) Section 706(3)—

renumber as section 706(5).

(3) Section 706(2)—

omit, insert—

'(2) If a prescribed incident happens at an operating plant, the operator of the plant must ensure that the incident is reported to the chief inspector in the prescribed way.

Maximum penalty—50 penalty units.

- ‘(3) If a prescribed incident happens at a business other than at an operating plant and the prescribed incident relates to a gas related device, the person carrying on the business must ensure that the incident is reported to the chief inspector in the prescribed way.

Maximum penalty—50 penalty units.

- ‘(4) For subsections (2) and (3), the incident must be reported—
 (a) within the period prescribed under a regulation; or
 (b) if no period is prescribed—immediately.’.

- (4) Section 706(5), as renumbered, after ‘subsection (2)’—
insert—
 ‘or (3)’.

- (5) Section 706—
insert—

- ‘(6) In this section—
gas related device means a gas device, a gas system, a container of fuel gas or a device used to transfer fuel gas from one container to another.’.

224 Amendment of s 724 (Types of gas device)

- (1) Section 724(2)(a), after ‘power’—
insert—
 ‘using fuel gas’.
- (2) Section 724(2)(b), after ‘which’—
insert—
 ‘fuel’.
- (3) Section 724(3)(c)—
omit, insert—
 ‘(c) in a manufacturing process if the device uses fuel gas.’.
- (4) Section 724(3), example, third dot point—
omit.

225 Amendment of s 726 (Gas devices (type A))

Section 726—

insert—

- ‘(2) A person must not direct a worker at a place to carry out gas work in relation to a gas device (type A) unless the worker holds a gas work licence that allows the worker to carry out the work.

Maximum penalty—500 penalty units.

- ‘(3) In this section—

worker, at a place, means a person who is employed or contracted to carry out work at the place, whether or not the work is gas work.’.

226 Amendment of s 727 (Gas devices (type B))

Section 727—

insert—

- ‘(2) A person does not commit an offence under subsection (1) if—

(a) the gas work is carried out at an operating plant under a safety management plan, other than a safety management plan that is a generic SMP for that stage of the plant, and the person carrying out the work has been assessed as competent to carry out the work under the plan; or

(b) the gas work is gas work relating to pipes used to supply gas to a gas device (type B), and the person carrying out the work holds a gas work licence that allows the person to carry out that work.’.

227 Amendment of s 733 (Certification of gas device or gas fitting)

- (1) Section 733(1)—

omit.

- (2) Section 733(2)—

renumber as subsection (1).

(3) Section 733(3)—

omit, insert—

‘(2) An approval under subsection (1) in relation to a gas device or gas fitting, that has been given by a person or body other than the chief inspector, ceases to have force only if the approval is cancelled or suspended by the approved person or body, with the written consent of the chief inspector.’.

(4) Section 733(4)—

renumber as section 733(3).

228 Amendment of s 780 (Power to give compliance direction)

(1) Section 780(3)(b)—

renumber as section 780(3)(c).

(2) Section 780(3)—

insert—

‘(b) that the person must notify the inspector or authorised officer when the person has complied with the compliance direction; or’.

229 Amendment of s 783 (Power to give dangerous situation direction)

(1) Section 783(3)(b)—

renumber as section 783(3)(c).

(2) Section 783(3)—

insert—

‘(b) that the person must notify the inspector or authorised officer when the person has complied with the dangerous situation direction; or’.

230 Amendment of s 794 (Immediate suspension)

Section 794(3)—

omit, insert—

- ‘(3) The suspension period ends—
- (a) if the chief inspector takes a noncompliance action in relation to the authority under section 798—when the noncompliance action is finally disposed of; or
 - (b) otherwise—within the period stated in the suspension notice that is not more than 40 business days.’.

231 Amendment of s 801 (Petroleum producer’s measurement obligations)

- (1) Section 801—

insert—

‘(2A) However, subsection (1)(a) does not apply to an amount of petroleum that is—

- (a) unavoidably lost before it can be measured; or
- (b) lost or used as part of normal operations for instrumentation, purging, blowdown or similar activities.’.

- (2) Section 801(2)(b)—

omit, insert—

‘(b) any of the petroleum that is used in the production of petroleum from the petroleum tenure, 1923 Act petroleum tenure or mining tenement on which the petroleum was produced or processed;’.

232 Amendment of s 815 (Fuel gas suppliers must not use other supplier’s containers)

Section 815(3)—

omit.

233 Insertion of new s 858A

After section 858—

insert—

‘858A Ministerial directions about the giving of information

- ‘(1) The Minister may, in the way the Minister considers appropriate, publish directions about the giving of information, including the giving of additional information, to the Minister or the chief executive for the purposes of this Act.
- ‘(2) A direction published under subsection (1) must state a period, that is not less than 20 business days, within which the information must be given.
- ‘(3) Without limiting subsection (1), the directions may provide for how the information must be given if this Act does not already so provide.

Examples of how information may be required to be given—

- by an approved form or a notice
 - by progressive reporting under a work program or development plan
 - by a volumetric plan of survey
 - by a geological survey
 - by a statement, supporting an application for a petroleum authority, about the financial resources or technical advice available to the applicant or the applicant’s previous compliance with a condition or provision of a petroleum authority
- ‘(4) If—
- (a) a person is required or permitted to give the Minister or the chief executive (the *official*) information for a particular purpose relating to this Act; and
 - (b) this Act does not provide for how the information may or must be given to the official for the purpose; and
 - (c) the person gives the official the information in the way required or permitted under the directions;
- the person is taken to have given the official the information for the purpose.
- ‘(5) Unless a direction states a particular office of the department where the information must be given, the information must be given at the office of the chief executive.
- ‘(6) The chief executive must—

- (a) keep—
 - (i) a copy of each direction; and
 - (ii) a record (by whatever name called) of each direction, including the dates when each direction was published and superseded; and
 - (b) make each direction and the record available to the public in the way the chief executive considers appropriate.
- ‘(7) Without limiting subsection (6), the chief executive must ensure an up-to-date copy of each direction and the record is available to be read free of charge at each office of the department and on the department’s website.’.

234 Amendment of s 893 (Application of sdiv 1)

- (1) Section 893(a), after ‘209,’—
insert—
‘219,’.
- (2) Section 893(b), ‘the 2004 Act start day’—
omit, insert—
‘31 December 2004’.

235 Amendment of s 910 (Renewal application provisions apply for making and deciding grant application)

- Section 910(1)(b)(i), ‘section 163’—
omit, insert—
‘sections 161(2) and (3) and 163’.

236 Insertion of new ch 15, pt 6

- Chapter 15—
insert—

- (b) appliances or equipment connected to pipelines mentioned in paragraph (a).

gas device means a gas device (type A) or a gas device (type B).

gas system means a system that consists of installed gas devices, containers, fittings, flues or pipes, in any combination.

Examples of a gas system—

- 1 a system of interconnected domestic gas devices installed in a dwelling house
- 2 a gas device, and associated pipe work, added to an existing system
- 3 a gas-fired industrial boiler installation

generic SMP see section 675A.

LPG delivery network—

- (a) means the supply of LPG in fuel gas containers that are owned or provided (other than by being sold) by a person (a **product supplier**) to a consumer or another person in the business of distributing LPG; and
- (b) includes any part of the supply that is carried out by an agent of the product supplier.

Examples of an LPG delivery network—

- the delivery of cylinders of LPG to a consumer or to a distributor
- the bulk delivery of LPG to a container

mineral hydrocarbon mining lease see the *Mineral Resources Act 1989*, section 739.

tank means a pressure vessel to which AS 1210 ‘Pressure vessels’ (1997) applies.’.

- (3) Schedule 2, definition *owner*, paragraph 2(i) and (ii)—
renumber as paragraph 2(a) and (b).

- (4) Schedule 2, definition *petroleum producer—*
insert—

‘(d) for petroleum that is coal seam gas mined under a mineral hydrocarbon mining lease—the coal or oil shale

- (a) this Act, in the absence of this section, would have application to a matter, relating to the design or construction of proposed operating plant, that impacts on the integrity or safe use of the plant; and
 - (b) a relevant Act also has application to the matter.
- ‘(2) This Act does not have application to the matter to the extent that the relevant Act has application to the matter.
- ‘(3) In this section—
- operating plant*, for application of a relevant Act to a matter, means—
- (a) for the *Petroleum and Gas (Production and Safety) Act 2004*—operating plant within the meaning of that Act; or
 - (b) for the *Geothermal Exploration Act 2004*—a facility or plant used for geothermal exploration, within the meaning of section 132A(1) of that Act.
- relevant Act* means—
- (a) the *Geothermal Exploration Act 2004*; or
 - (b) the *Petroleum and Gas (Production and Safety) Act 2004*.’.

Part 11 Minor amendments

241 Acts amended in schedule

The schedule amends the Acts mentioned in it.

Schedule Minor amendments

section 241

Coal Mining Safety and Health Act 1999

1 Sections 131, ‘or inspection’—

omit, insert—

‘, inspection officer or authorised’.

2 Sections 133(1), (2) and (4), 140 hdg, 144, 147(1) and (2), 148(1) and (2), 149, 152(1) to (4) and 153(2)(a), ‘inspector or inspection’—

omit.

3 Section 146(1), 155(3), 157, 158(1) and 159(1) and (2), ‘inspector’—

omit, insert—

‘officer’.

Mining and Quarrying Safety and Health Act 1999

1 Section 128, ‘or inspection’—

omit, insert—

‘, inspection officer or authorised’.

2 Sections 130(1), (2) and (4), 137 hdg, 140, 141, 144(1) and (2), 145(1) and (2), 146, 149(1) to (4) and 150(2)(a), ‘inspector or inspection’—

omit.

Schedule (continued)

3 Section 143(1), 152(3), 154, 155(1) and 156(1) and (2), 'inspector'—

omit, insert—

'officer'.

Petroleum Act 1923**1 Section 2, definition 2004 Act start day—**

omit.

2 Section 2, definitions *development plan*, paragraph 1, and *original notional sub-blocks*, paragraph 1, section 45(1A), part 6A, division 2, subdivision 1 heading, note, section 74N(1), part 10, division 1, subdivision 1 heading, note, and sections 151(1) and (5), 153, 154(1), 155(1), 156, 157(1), 159(1) and (2), 160(2) and (3), 161, 162(1), (2), (4) and (5), 163(1), (2) and (4), 164, 165A(2), 165B, 168, 169, 170(1), 171(1), 173(2), 176(1) and 178(1), 'the 2004 Act start day'—

omit, insert—

'31 December 2004'.

3 Part 6, division 3, heading, 'provision'—

omit, insert—

'provisions'.

4 Section 75Q(2)(a)(ii) and (b), 'owner'—

omit, insert—

'landowner'

Schedule (continued)

5 Part 10, heading and part 10, division 2, heading, '2004 Act start day'—

omit, insert—

'31 December 2004'.

Petroleum and Gas (Production and Safety) Act 2004**1 Section 288, heading, 'water supply bore or water observation bore'—**

omit, insert—

'water observation bore or water supply bore'.

2 Section 288(3)(b), 'owner'—

omit, insert—

'landowner'.

3 Sections 591A(3), 873(1), 875, 876, 878(2) and (3), 884(1) and (2), 885, 886, 887(1), 888(1)(a), 890, 891(1), 894, 896(1), (3) and (4), 897(2) and (3), 899, 901, 902, 905, 908(3), 912(2), 914, 915(1) to (3), 916(1) and (2), 917, 918, 919(1), (2) and (4), 920 (1) and (2), 921(2) and (3), 922(1)(a), (2), (4) and (5), 923(1), (2) and (5), 924(1), (2) and (4), 925, 926, 927(1) and (2), 928(1), 930(a), 931(2)(a), 933, 934A(2), 934B, 935A and schedule 2, definition *original notional sub-blocks*, paragraph 1, 'the 2004 Act start day'—

omit, insert—

'31 December 2004'.

4 Section 795, 'This section'—

omit, insert—

'This subdivision'.

Schedule (continued)

- 5 Section 897(2), ‘after 2004 Act start day’—**
omit, insert—
‘after 31 December 2004’.
- 6 Chapter 15, part 3, division 6, subdivision 2, heading, ‘2004 Act start day’—**
omit, insert—
‘31 December 2004’.
- 7 Amendment of s 934 (Substituted restriction for petroleum leases relating to mineral hydrocarbon mining leases)**
Section 934(2), definition *relevant mineral hydrocarbon mining lease*, ‘as defined’ to ‘section 739,’—
omit.