



Queensland

Mines and Energy Legislation Amendment Act 2011

Act No. 2 of 2011



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Queensland

Mines and Energy Legislation Amendment Act 2011

Act No. 2 of 2011

An Act to amend the Clean Energy Act 2008, the Coal Mining Safety and Health Act 1999, the Explosives Act 1999, Geothermal Energy Act 2010, the Gladstone Power Station Agreement Act 1993, the Greenhouse Gas Storage Act 2009, the Mineral Resources Act 1989, the Mining and Quarrying Safety and Health Act 1999 and the Petroleum and Gas (Production and Safety) Act 2004 for particular purposes

[Assented to 17 March 2011]

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Mines and Energy Legislation Amendment Act 2011*.

2 Commencement

Sections 7 and 80 commence on a day to be fixed by proclamation.

Part 2 Amendment of Clean Energy Act 2008

3 Act amended

This part amends the *Clean Energy Act 2008*.

4 Amendment of s 14 (Change of information in register)

Section 14, ‘10(3)’—
omit, insert—
‘10(2)’.

[s 9]

- ‘(2) A constructor or erector of earthworks at a coal mine has an obligation—
- (a) to construct or erect the earthworks in a way that is safe and does not expose persons to an unacceptable level of risk; and
 - (b) to ensure nothing about the way the earthworks are constructed or erected makes the earthworks unsafe or likely to expose persons to an unacceptable level of risk when used properly.’.

9 Amendment of s 61 (Appointment of ventilation officer)

- (1) Section 61(2), from ‘The site’ to ‘the mine’—

omit, insert—

‘The underground mine manager must appoint an appropriate person as ventilation officer for the mine, unless the manager personally assumes the duties and responsibilities of a ventilation officer for the mine’.

- (2) Section 61(3)—

omit, insert—

- ‘(3) The underground mine manager may assume the duties and responsibilities of a ventilation officer for the mine only if the manager has competencies recognised by the committee as appropriate for the duties and responsibilities of the position.’.

- (3) Section 61(6), ‘competent’—

omit, insert—

‘appropriate’.

- (4) Section 61(6), ‘are taken’—

omit, insert—

‘are, despite any requirement under subsection (3), taken’.

- (5) Section 61(7)—

omit, insert—

-
- ‘(7) An inspector may, by notice, require an underground mine manager assuming the duties and responsibilities of a ventilation officer to demonstrate to the inspector’s satisfaction that the manager can effectively carry out the duties and responsibilities of both the underground mine manager and the ventilation officer.’.
- (6) Section 61(8), ‘site senior executive’—
omit, insert—
‘underground mine manager’.

10 Amendment of s 67 (Plans of coal mine workings)

Section 67(6)(a) and (b)—

omit, insert—

‘(a) for a surface mine—

- (i) a person registered, under the *Surveyors Act 2003*, as a surveyor with a registration endorsement of ‘mining (A)’ or ‘mining (O)’; or
- (ii) a person with other competencies for surface mining surveying the committee considers is at least equivalent to the competencies mentioned in subparagraph (i); or

(b) for an underground mine—

- (i) a person registered, under the *Surveyors Act 2003*, as a surveyor with a registration endorsement of ‘mining (A)’; or
- (ii) a person with other competencies for underground mining surveying the committee considers is at least equivalent to the competencies mentioned in subparagraph (i).’.

11 Amendment of s 68 (Mine record)

(1) Section 68(5)—

[s 12]

renumber as section 68(6).

(2) Section 68(4)—

omit, insert—

‘(4) The coal mine operator must ensure the mine record, relating to at least the previous 6 months, is available at all reasonable times for inspection by each of the following—

- (a) coal mine workers employed at the mine;
- (b) the site senior executive.

Maximum penalty—200 penalty units.

‘(5) If a person (the *former operator*) who is the coal mine operator for a mine is replaced by another person (the *new operator*) as the coal mine operator for the mine, the former operator must give the new operator the mine record for the mine as soon as practicable after being replaced.

Maximum penalty—200 penalty units.’.

12 Insertion of new s 69A

Part 4, division 4—

insert—

‘69A Training and assessment record check

‘(1) This section applies if—

- (a) a site senior executive employs a coal mine worker at a coal mine; and
- (b) the coal mine worker has previously been employed at another coal mine.

‘(2) The site senior executive may ask the coal mine operator for the other coal mine to give the site senior executive a copy of that part of the other coal mine’s safety and health management system relating to records of training and assessment given to, and undertaken by, the coal mine worker.

‘(3) The coal mine operator for the other coal mine must comply with the request within 30 days.

Maximum penalty—200 penalty units.’

13 Amendment of s 141 (Failure to answer questions)

Section 141(2) and (3)—

omit, insert—

‘(2) It is a reasonable excuse for an individual not to comply with the requirement if complying with the requirement might tend to incriminate the individual or make the individual liable to a penalty.

‘(3) However, subsection (2) does not apply if the requirement relates to a serious accident or high potential incident.’

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

Section 154—

insert—

‘(8) When making a document production requirement or document certification requirement, an officer must warn the person of whom the requirement is made that it is an offence to fail to comply with the requirement unless the person has a reasonable excuse.’

15 Amendment of s 155 (Failure to produce document)

(1) Section 155(2), ‘the person.’—

omit, insert—

‘the person or make the person liable to a penalty.’

(2) Section 155(3) and (4)—

omit.

[s 16]

16 Amendment of s 158 (Failure to comply with requirement about attendance)

Section 158(2) and (3)—

omit, insert—

- ‘(2) It is a reasonable excuse for an individual not to comply with a requirement to answer a question if complying with the requirement might tend to incriminate the individual or make the individual liable to a penalty.
- ‘(3) However, subsection (2) does not apply if the requirement relates to a serious accident or high potential incident.’.

17 Replacement of s 159 (Person must answer question about serious accident or high potential incident)

Section 159—

omit, insert—

‘159 Use of particular evidence in proceedings

- ‘(1) Subsection (2) applies in relation to any answer given by an individual in response to a requirement under section 139(3)(g) or 157(1).
- ‘(2) Neither the answer nor any information, document or other thing obtained as a direct or indirect result of the answer is admissible in any proceeding against the individual, other than a proceeding in which the falsity or misleading nature of the answer is relevant.
- ‘(3) If a document, produced under a document production requirement, is the personal property of an individual of whom the requirement is made and the document might incriminate the individual or make the individual liable to a penalty—
 - (a) the document is admissible in a proceeding against the individual for an offence under this Act; but
 - (b) neither the document nor anything obtained as a direct or indirect result of the individual producing the

document is admissible in any other proceeding against the individual for an offence.’.

18 Amendment of s 198A (Requirement to give primary information)

Section 198A(7), definition *involved person*, ‘a person’—
omit, insert—
‘an individual’.

19 Amendment of s 201 (Action to be taken in relation to site of accident or incident)

Section 201—
insert—

- ‘(3) It is not a defence to a proceeding under subsection (1) that the carrying out of an investigation, preparation of a report or forwarding of the report might tend to incriminate the site senior executive or make the executive liable to a penalty.
- ‘(4) A report prepared or forwarded by the site senior executive under subsection (1) is not admissible in evidence against the site senior executive, or any other coal mine worker mentioned in the report, in any criminal proceeding other than proceedings about the falsity or misleading nature of the report.’.

20 Amendment of s 216 (Offences by witnesses)

- (1) Section 216(4), after, ‘excuse’—
insert—
‘for an individual’.

- (2) Section 216(4), ‘person’—
omit, insert—
‘individual or make the individual liable to a penalty’.

[s 21]

21 Amendment of s 248 (Powers of court on appeal)

Section 248—

insert—

- ‘(3) The court may make an order for costs it considers appropriate.’.

22 Amendment of s 252 (Evidentiary aids)

Section 252(1)—

insert—

- ‘(f) a stated location is within the boundaries of land that is the subject of a stated mining tenure.’.

23 Insertion of new pt 15A

After section 267—

insert—

‘Part 15A Injunctions

‘267A Applying for injunction

- ‘(1) The commissioner or chief inspector may apply to the District Court for an injunction under this part.
- ‘(2) An injunction under this part may be granted by the District Court against a person at any time.

‘267B Grounds for injunction

‘The District Court may grant an injunction if the court is satisfied a person has engaged, or is proposing to engage, in conduct that constitutes or would constitute—

- (a) a contravention of this Act; or
- (b) attempting to contravene this Act; or

-
- (c) aiding, abetting, counselling or procuring a person to contravene this Act; or
 - (d) inducing or attempting to induce, whether by threats, promises or otherwise, a person to contravene this Act; or
 - (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention of this Act by a person; or
 - (f) conspiring with others to contravene this Act.

'267C Court's powers for injunction

- '(1) The power of the District Court to grant an injunction restraining a person from engaging in conduct may be exercised—
 - (a) whether or not it appears to the court that the person intends to engage again, or to continue to engage, in conduct of that kind; and
 - (b) whether or not the person has previously engaged in conduct of that kind.
- '(2) The power of the court to grant an injunction requiring a person to do an act or thing may be exercised—
 - (a) whether or not it appears to the court that the person intends to fail again, or to continue to fail, to do the act or thing; and
 - (b) whether or not the person has previously failed to do the act or thing.
- '(3) An interim injunction may be granted under this part until the application is finally decided.
- '(4) The court may rescind or vary an injunction at any time.

'267D Terms of injunction

- '(1) The District Court may grant an injunction in the terms the court considers appropriate.

[s 24]

- ‘(2) Without limiting the court’s power under subsection (1), an injunction may be granted restraining a person from carrying on particular activities—
- (a) for a stated period; or
 - (b) except on stated terms and conditions.
- ‘(3) Also, the court may grant an injunction requiring a person to take stated action, including action to disclose or publish information, to remedy any adverse consequences of the person’s contravention of this Act.’.

24 Insertion of new s 272A

Part 17—

insert—

‘272A Children under 16 not to operate or maintain plant

‘The site senior executive for a coal mine must not allow a person under the age of 16 to operate or maintain plant at the coal mine.

Maximum penalty—100 penalty units.’.

25 Insertion of new s 275AC

Part 17, division 2, before section 275A—

insert—

‘275AC Public statements

- ‘(1) The Minister, chief executive, commissioner or chief inspector may make or issue a public statement identifying, and giving information about, the following—
- (a) the commission of offences against this Act and the persons who commit the offences;
 - (b) investigations conducted under this Act about serious accidents at a coal mine;
 - (c) action taken by inspectors, inspection officers or authorised officers to enforce this Act;

-
- (d) the cancellation of a certificate of competency under section 195(2).
 - ‘(2) The public statement may identify particular information and persons.
 - ‘(3) The Minister, chief executive, commissioner or chief inspector must not issue a public statement under this section unless satisfied that it is in the public interest to do so.’.

26 Amendment of s 275A (Disclosure of information)

Section 275A(1)—

insert—

‘(e) in a public statement made or issued under section 275AC.’.

27 Amendment of s 280 (Chief executive to keep records)

(1) Section 280(1)(a)(ii), ‘accidents and illnesses’—

omit, insert—

‘injuries’.

(2) Section 280(2)—

renumber as section 280(4).

(3) Section 280—

insert—

‘(2) Information about lost time injuries must include the number of days the injured person was unable to work, regardless of the number of hours that would have been worked by the person each day.

‘(3) However, the number of days to be recorded does not include the day of the injury.’.

(4) Section 280—

insert—

‘(5) In this section—

[s 28]

lost time injuries means an injury resulting in an injured person being unable to work the next day or a longer period, whether they are rostered to work or not.’.

28 Insertion of new pt 20, div 3

Part 20—

insert—

‘Division 3 Transitional provision for Mines and Energy Legislation Amendment Act 2011

‘302 Application of appeal costs provision to undecided appeals

‘(1) The appeal costs provision applies to any appeal under part 14 started, but not decided, before the commencement of this section.

‘(2) In this section—

appeal costs provision means section 248(3) as amended under the *Mines and Energy Legislation Amendment Act 2011*.’.

29 Amendment of sch 3 (Dictionary)

Schedule 3, definition *board of examiners*, ‘sections 184 and 287’—

omit, insert—

‘section 184’.

Part 4 Amendment of Explosives Act 1999

30 Act amended

This part amends the *Explosives Act 1999*.

31 Replacement of s 18 (Compliance with conditions)

Section 18—

omit, insert—

‘18 Compliance with conditions

‘(1) An authority holder must comply with the conditions prescribed under a regulation for each authority issued to the authority holder.

Maximum penalty—200 penalty units.

‘(2) If the chief inspector imposes a condition on an authority, the authority holder must comply with the condition.

Maximum penalty—200 penalty units.’

32 Amendment of s 29 (Amendment of authority without application)

Section 29(5), ‘executive’—

omit, insert—

‘inspector’

33 Amendment of s 59 (Person must answer question about explosives incident)

Section 59(3)—

omit, insert—

[s 34]

- ‘(3) It is a reasonable excuse for an individual to not answer the question that answering the question might tend to incriminate the individual or make the individual liable to a penalty.’.

34 Amendment of s 72 (Offences by witnesses)

- (1) Section 72(3), after ‘excuse’—

insert—

‘for an individual’.

- (2) Section 72(3), ‘person’—

omit, insert—

‘individual or make the individual liable to a penalty’.

35 Amendment of s 89 (General powers after entering places)

- (1) Section 89(4), ‘the person to fail to’—

omit, insert—

‘an individual to not’.

- (2) Section 89(4), ‘the person.’—

omit, insert—

‘the individual or make the individual liable to a penalty.’.

36 Amendment of s 98 (Failure to comply with requirement about attendance)

- (1) Section 98(2), ‘a person to fail’—

omit, insert—

‘an individual not’.

- (2) Section 98(2), ‘the person.’—

omit, insert—

‘the individual or make the individual liable to a penalty.’.

37 Amendment of s 100 (Power to require production of documents)

Section 100(3), ‘person’—

omit, insert—

‘person or make the person liable to a penalty’.

38 Insertion of new pt 6, div 4

Part 6—

insert—

‘Division 4 Injunctions

‘106A Applying for injunction

- ‘(1) The commissioner for mine safety and health or the chief inspector may apply to the District Court for an injunction under this division.
- ‘(2) An injunction under this division may be granted by the District Court against a person at any time.

‘106B Grounds for injunction

‘The District Court may grant an injunction if the court is satisfied that a person has engaged, or is proposing to engage, in conduct that constitutes or would constitute—

- (a) a contravention of this Act; or
- (b) attempting to contravene this Act; or
- (c) aiding, abetting, counselling or procuring a person to contravene this Act; or
- (d) inducing or attempting to induce, whether by threats, promises or otherwise, a person to contravene this Act;
or

[s 38]

- (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention of this Act by a person; or
- (f) conspiring with others to contravene this Act.

‘106C Court’s powers for injunction

- ‘(1) The power of the District Court to grant an injunction restraining a person from engaging in conduct may be exercised—
 - (a) whether or not it appears to the court that the person intends to engage again, or to continue to engage, in conduct of that kind; and
 - (b) whether or not the person has previously engaged in conduct of that kind.
- ‘(2) The power of the court to grant an injunction requiring a person to do an act or thing may be exercised—
 - (a) whether or not it appears to the court that the person intends to fail again, or to continue to fail, to do the act or thing; and
 - (b) whether or not the person has previously failed to do the act or thing.
- ‘(3) An interim injunction may be granted under this part until the application is finally decided.
- ‘(4) The court may rescind or vary an injunction at any time.

‘106D Terms of injunction

- ‘(1) The District Court may grant an injunction in the terms the court considers appropriate.
- ‘(2) Without limiting the court’s power under subsection (1), an injunction may be granted restraining a person from carrying on particular activities—
 - (a) for a stated period; or

- (b) except on stated terms and conditions.
- ‘(3) Also, the court may grant an injunction requiring a person to take stated action, including action to disclose or publish information, to remedy any adverse consequences of the person’s contravention of this Act.’.

39 Amendment of s 122 (Recovery of costs from convicted person)

Section 122(1), from ‘including’—

omit, insert—

‘including the following costs—

- (a) the cost of testing, transporting, storing and disposing of explosives and other evidence;
- (b) the department’s reasonable costs of investigating the offence;
- (c) the reasonable costs of preparing for the prosecution of the offence.’.

40 Insertion of new s 126C

Part 8—

insert—

‘126C Public statements

- ‘(1) The section applies to the following persons—
 - (a) the Minister;
 - (b) the chief executive;
 - (c) the commissioner for mine safety and health;
 - (d) the chief inspector.
- ‘(2) The person may make or issue a public statement identifying, and giving information about, the following—
 - (a) the commission of offences against this Act and persons who commit the offences;

[s 41]

- (b) investigations and inquiries into explosives incidents conducted under this Act;
 - (c) the action taken by inspectors to enforce this Act;
 - (d) the suspension or cancellation of an authority under section 24 or 25.
- ‘(3) The statement may identify particular information and persons.
- ‘(4) The person must not issue a public statement under this section unless satisfied that it is in the public interest to do so.’.

41 Amendment of s 131 (Chief inspector may ask for information)

- (1) Section 131(3), after ‘excuse’—
insert—
‘for an individual’.
- (2) Section 131(3)(a) and (b), ‘person’—
omit, insert—
‘individual’.
- (3) Section 131(3)(c), ‘person’—
omit, insert—
‘individual or make the individual liable to a penalty’.

42 Amendment of s 132 (Disclosure of information)

- Section 132(1)(e)—
omit, insert—
- ‘(e) in a public statement made or issued under section 126C; or
 - (f) in the interests of public safety.’.

43 Amendment of s 135 (Regulation-making power)

Section 135(2)(i)—

omit, insert—

‘(i) conditions, and other requirements, that apply to an authority;

‘(j) otherwise regulating activities in relation to explosives.’.

44 Replacement of pt 10, hdg (Transitional provisions for Act No. 15 of 1999)

Part 10, heading—

omit, insert—

‘Part 10 Transitional provisions

‘Division 1 Transitional provisions for Act No. 15 of 1999’.

45 Replacement of pt 11, hdg (Transitional provision for Mining and Other Legislation Amendment Act 2007)

Part 11, heading—

omit, insert—

‘Division 2 Transitional provision for Mining and Other Legislation Amendment Act 2007’.

46 Insertion of new pt 10, div 3

Part 10—

insert—

[s 47]

‘Division 3 Transitional provision for Mines and Energy Legislation Amendment Act 2011

‘145 Application of investigation costs provision to undecided appeals and reviews

- ‘(1) The investigation costs provision applies to a person being convicted of an offence against this Act regardless of when the offence against this Act was committed.
- ‘(2) Subsection (1) applies despite the following provisions—
- (a) the Criminal Code, section 11(2);
 - (b) the *Acts Interpretation Act 1954*, section 20C.
- ‘(3) In this section—
- investigation costs provision* means section 122(1) as amended under the *Mines and Energy Legislation Amendment Act 2011*.’.

Part 5 Amendment of Geothermal Energy Act 2010

47 Act amended

This part amends the *Geothermal Energy Act 2010*.

48 Amendment of s 40 (Provisions and granting of geothermal permit)

Section 40(1), ‘grant the the’—
omit, insert—
‘grant the’.

49 Amendment of s 62 (Deciding application)

Section 62(2)(d)(iii), ‘;’—

omit, insert—

‘.’.

50 Amendment of s 74 (Operation of pt 1)

Section 74, note 2, ‘owner’s’—

omit, insert—

‘owners’.

51 Amendment of s 97 (Deciding whether to approve proposed plan)

Section 97(3), ‘were an were an’—

omit, insert—

‘were an’.

52 Amendment of s 141 (Ministerial approval of proposed geothermal coordination arrangement)

Section 141(1)(b), before ‘development plan’—

insert—

‘proposed later’.

53 Amendment of s 275 (Arrangements with other departments for copies from geothermal register)

Section 275(2)(b), before ‘chief executive’s’—

insert—

‘the’.

[s 54]

54 Amendment of s 397 (Compliance with land access code)

Section 397(1), before ‘holder’—

insert—

‘the’.

**Part 6 Amendment of Gladstone
Power Station Agreement Act
1993**

55 Act amended

This part amends the *Gladstone Power Station Agreement Act 1993*.

56 Amendment of s 5 (Amendment of State agreement)

Section 5(3), ‘or regulation’—

omit.

57 Amendment of s 5A (Approval of proposed further agreement)

Section 5A, heading, after ‘proposed’—

insert—

‘1997’.

58 Insertion of new s 5B

Part 2—

insert—

‘5B Approval of proposed 2010 further agreement

- ‘(1) For section 5, approval is given for the Minister to enter into a further agreement for the State.
- ‘(2) The further agreement is to be in, or substantially in, the form set out in schedule 3.’

59 Amendment of sch 2 (Further agreement amending State agreement)

Schedule 2, heading, ‘Further’—

omit, insert—

‘Proposed 1997 further’.

60 Insertion of new sch 3

After schedule 2—

insert—

‘Schedule 3 Proposed 2010 further agreement amending State agreement

section 5B

THIS FURTHER AGREEMENT AMENDING THE STATE AGREEMENT is made on **BETWEEN THE FOLLOWING PARTIES:**

1. ##### for and on behalf of the Crown in right of the State of Queensland (“**the State**”)
2. **GPS POWER PTY. LIMITED** (ACN 009 103 422)
of Level 2, 443 Queen Street, Brisbane, Queensland, 4000
GPS ENERGY PTY LIMITED (ACN 063 207 456)
of Level 2, 443 Queen Street, Brisbane, Queensland, 4000

[s 60]

SUNSHINE STATE POWER B.V. (ARBN 062 295 425)
of c/- Vedorp, Kleperstraat, 341171, CD Badhoe, Netherlands

SUNSHINE STATE POWER (NO. 2) B.V. (ARBN 063 382 829)
of c/- Vedorp, Kleperstraat, 341171, CD Badhoe, Netherlands

SLMA. GPS PTY LTD (ACN 063 779 028)
of c/- Marubeni Aluminium Australia Pty Ltd, Level 19, 367 Collins Street, Melbourne, Victoria, 3000

RYOWA II GPS PTY. LIMITED (ACN 063 780 058)
of Level 36, 120 Collins Street, Melbourne, Victoria, 3000

YKK GPS (QUEENSLAND) PTY LIMITED (ACN 062 905 275)
of Unit 2, 17-37 Wollongong Road, Arncliffe, New South Wales 2205
(the “**Participants**” and each a “**Participant**”)

AND

3. NRG Gladstone Operating Services Pty Ltd (ACN 061 519 275) of Gladstone Power Station, Hanson Road, Gladstone, Queensland, 4680 (the “**Operator**”)

RECITALS—

- A. By agreement dated 30 March 1994 (as amended by agreements dated 23 December 1994 and 10 February 1998) between the State, the Participants and the Operator made under sections 3, 5 and 5A of the Agreement Act the State provided certain undertakings and assurances relating to the acquisition by the Participants and future operation by the Participants and the Operator of the Gladstone Power Station (“the **State agreement**”).
- B. Under section 5(1) of the Agreement Act and with approval given in accordance with the provisions of section 5(3) of that Act, the State agreement may be amended by a further agreement between the Minister responsible for the administration of that Act and the other parties to the State agreement.
- C. The parties have entered into this further agreement made pursuant to section 5 of the Agreement Act.

IT IS AGREED—

PART I—PRELIMINARY

‘1 Definitions

All words, terms and expressions which have a defined meaning in the State agreement have the same respective meanings when used in this agreement, unless and except as otherwise provided in this agreement.

‘2 Interpretation

Clause 2 of the State agreement is incorporated into this agreement as if set out in full in this agreement except that the reference to “this Agreement” in clause 2 of the State agreement shall be a reference to this agreement.

‘3 Amendment of State agreement

This agreement is made under section 5 of the Agreement Act and amends the State agreement.

‘4 Commencement

This agreement takes effect on the date on which amendments to the Interconnection and Power Pooling Agreement between Stanwell Corporation Limited and the Participants made by a Master Deed of Amendment and Restatement of IPPA dated 17 December 2009 become effective pursuant to clause 3 of that Agreement.

‘5 Agreement to have force of law

The parties acknowledge that under section 4 of the Agreement Act the State agreement as amended by the provisions of this agreement has effect as if it were part of the Agreement Act.

[s 60]

‘6 No waiver

The entering into this agreement by a party does not constitute a waiver of its rights and obligations under the State agreement which have accrued prior to the date of this agreement.

PART II—AMENDMENTS

‘7 The State agreement is amended as follows—

(a) Amendment of Clause 1 (Definitions)

In Clause 1—

- (i) after the definition of “**Acquirer**” *insert—*
“**AEMO**” means Australian Energy Market Operator Limited (ACN 072 010 327);
- (ii) *omit* the definition of “**Code**”;
- (iii) *omit* the definition of “**First Power Agreement**”;
- (iv) *omit* the definition of “**Interconnection and Power Pooling Agreement**” and *insert—*
“**Interconnection and Power Pooling Agreement**” or “**IPPA**” means the Agreement entitled “**INTERCONNECTION AND POWER POOLING AGREEMENT** relating to the Gladstone Power Station” dated 30 March 1994 between QEC and the Participants as amended from time to time including by the QTSC Master Deed of Assignment, Assumption and Amendment of IPPA, Interface Agreement and Deed of Charge dated 23 December 1994 and by the Master Deed of Amendment and Restatement of IPPA dated 17 December 2009 between Stanwell and the Participants;
- (v) after the definition of “**Minister for Energy**”, *insert—*
“**National Electricity (Queensland) Law**” means the National Electricity (Queensland) Law as defined in the Electricity - National Scheme (Queensland) Act 1997;

-
- (vi) in the definition of “**QETC**” after the word “Corporation”, *insert* the words “(now known as Queensland Electricity Transmission Corporation Limited ACN 078 849 233)”;
 - (vii) *omit* the definition of “**QGC**”;
 - (viii) *omit* the definition of “**Queensland System Operator**”;
 - (ix) *omit* the definition of “**QTSC**”;
 - (x) *omit* the definition of “**Refurbishment Works**”;
 - (xi) after the definition of “**Relevant Percentage**” *insert*—
“**Rules**” means the National Electricity Rules under the National Electricity (Queensland) Law;
 - (xii) after the definition of “**Stamp Act**” *insert*—
“**Stanwell**” means Stanwell Corporation Limited (ACN 078 848 674) together with its successors and assigns;
 - (xiii) *omit* the definition of “**State Electricity Entities**”; and
 - (xiv) *omit* the definition of “**system control entity**”.

(b) Amendment of references to QTSC

In Clauses 8(b), 16A and 16D(b) *omit* the reference to “QTSC” wherever it appears and replace in each instance with “Stanwell”.

(c) Amendment of Clause 16A

In Clause 16A *omit* the words “the supply” wherever it appears and replace in each instance with the words “any supply or sale”.

(d) Deletion of Clause 16C

Omit Clause 16C.

[s 60]

(e) Amendment of Clause 16D

In the heading of Clause 16D *omit* ‘Operating Works’ and replace with ‘Relevant Operations’.

In paragraphs (a) and (b) of Clause 16D *omit* the references to ‘operating works’ wherever it appears and replace in each instance with ‘relevant operations’.

(f) Deletion of Clause 16E

Omit Clause 16E.

(g) Amendment of Clause 16G

Omit Clause 16G and *insert*—

‘16G Modification of Application of Section 264 of Electricity Act to GPS Arrangements

Regulations made under section 264 of the Electricity Act in respect of the matters mentioned in paragraph 1 of Schedule 2 to the Electricity Act will not apply to—

- (a) the connection of the GPS to the transmission grid (as that term is defined in the Electricity Act) under the Interconnection and Power Pooling Agreement;
- (b) the making available of capacity or any supply or sale of electricity by a Participant to Stanwell under the Capacity Purchase Agreement between them;
- (c) any supply or sale of electricity by Stanwell to the Participants or by the Participants to Stanwell under the Interconnection and Power Pooling Agreement; and
- (d) any supply or sale of electricity by the Participants to the Smelter under the Smelter Power Purchase Agreements.’.

(h) Deletion of Clause 16H

Omit Clause 16H.

(i) **Amendment of Clause 16I**

Omit Clause 16I and *insert*—

‘16I Removal of Immunity for Certain Stanwell Breaches of Interconnection and Power Pooling Agreement

If as a result of Stanwell or QETC complying with—

- (a) a provision of the Rules about system control;
- (b) a direction about system control given by the Ministers under section 299 of the Electricity Act; or
- (c) a direction about system control given by AEMO under the Rules,

Stanwell is prevented or impaired from complying with any of its obligations under the Interconnection and Power Pooling Agreement Stanwell shall not be entitled to claim that the obligation to comply with the direction is a lawful excuse for any default by Stanwell of the Interconnection and Power Pooling Agreement that may arise from or be caused by compliance by Stanwell or QETC with the provision or the direction.’.

(j) **Amendment of Clause 16J**

Omit paragraphs (a) and (b) of Clause 16J and *insert*—

‘(a) The State must ensure that—

- (i) a Minister (within the meaning of that term in Section 6 of the National Electricity (Queensland) Law) (the “**NEL Minister**”) appoints and maintains the appointment of a person other than AEMO as jurisdictional system security coordinator for the State of Queensland for the purposes of the National Electricity (Queensland) Law and the Rules;
- (ii) the jurisdictional system security co-ordinator for Queensland—
 - (A) places and retains the load of the Smelter on the schedule of sensitive loads for

[s 60]

- Queensland under the Rules with priority specified on the basis set out in clause 7.4 and clause 7.5 of the Interconnection and Power Pooling Agreement for load shedding and clause 7.11 of the Interconnection and Power Pooling Agreement for load restoration, and as a load for which the approval of the jurisdictional system security coordinator for Queensland must be obtained by AEMO under clause 4.3.2(l) of the Rules before AEMO can interrupt supply to, or prevent reconnection of that load;
- (B) specifies in the priority arrangements in the schedule of sensitive loads the following requirement in relation to the automatic disconnection of the load of the Smelter under clause 4.3.5(a) of the Rules – that the “specified power system frequency” referred to in clause 4.3.2(j)(1) of the Rules must be the frequency specified in clause 7.4(b) of the Interconnection and Power Pooling Agreement, subject to the operation of clause 7.5 of the Interconnection and Power Pooling Agreement; and
- (C) provides that schedule of sensitive loads, together with all amendments to it to AEMO in accordance with the Rules;
- (iii) it uses its best endeavours to procure AEMO to ensure that the load shedding procedures for Queensland, referred to in clause 4.3.2(h) of the Rules—
- (A) are consistent with the schedule of sensitive loads for Queensland provided under clause 4.3.2(f) of the Rules;
- (B) include the requirement referred to in clause 16J(a)(ii)(B) in connection with the automatic disconnection of the load of the

Smelter under clause 4.3.5(a) of the Rules;
and

- (C) include a requirement that the load of the Smelter (or any part thereof) which would have been part of a block of interruptible load in an under-frequency band specified in clause 4.3.5(b) of the Rules, must be replaced in that band in relation to Queensland with an equivalent amount of interruptible load nominated by other Market Customers in Queensland; and

(iv) the NEL Minister does not—

- (A) approve AEMO entering into an agreement with a Registered Participant about load shedding in accordance with Section 115A(1) of the National Electricity (Queensland) Law; or
- (B) determine an arrangement about load shedding to apply to a Registered Participant in accordance with section 115A(2) of the National Electricity (Queensland) Law,

which will have an adverse affect on the operation of clause 7.4, clause 7.5 or clause 7.11 of the Interconnection and Power Pooling Agreement or the priority of the load of the Smelter on the schedule of sensitive loads.

- (b) All words and expressions which have a defined meaning in the Rules have the same meanings where used in clause 16J(a) unless the context otherwise requires or indicates.’.

(k) New Clause 16K

After Clause 16J *insert*—

[s 60]

‘16K Exempted Generation Agreement under Rules

The Minister (as defined under clause 9.32.1 of the Rules) shall not, during the term of this Agreement amend or repeal the Minister's determination of Stanwell as the Nominated Generator (as defined in clause 9.34.6(a) of the Rules) for GPS unless the Minister has obtained the prior written agreement of Stanwell and the Participants to the removal or change.’.

(l) Deletion of Clause 17

Omit Clause 17.

(m) Amendment of references to QEC

In clause 22, *omit* the reference to “QEC” wherever it occurs and replace in each instance with “Stanwell”.

EXECUTED AS AN AGREEMENT:

SIGNED by THE HONOURABLE
#####, FOR AND ON BEHALF
OF THE CROWN IN RIGHT OF THE
STATE OF QUEENSLAND
in the presence of:

Witness

Name (please print)

[s 60]

THE COMMON SEAL of
GPS POWER PTY. LIMITED (ACN 009 103 422)
was hereunto affixed in accordance
with its Articles of Association
in the presence of:

Secretary/Director

Director

Name (please print)

Name (please print)

THE COMMON SEAL of
GPS ENERGY PTY LIMITED (ACN 063 207 456)
was hereunto affixed in accordance with its articles of association
in the presence of:

Secretary/Director

Director

Name (please print)

Name (please print)

SIGNED FOR AND ON BEHALF OF
SUNSHINE STATE POWER B.V.
(ARBN 062 295 425)

by
its duly constituted attorney in
in the presence of:

Witness

Attorney

[s 60]

Name (please print)

Name (please print)

SIGNED FOR AND ON BEHALF OF
SUNSHINE STATE POWER (NO. 2) B.V.
(ARBN 062 295 425)

by
its duly constituted attorney in
the presence of:

Witness

Attorney

Name (please print)

Name (please print)

SIGNED FOR AND ON BEHALF OF
SLMA. GPS PTY LTD (ACN 063 779 028)

by
its duly constituted attorney in
the presence of:

Witness

Attorney

Name (please print)

Name (please print)

[s 60]

SIGNED FOR AND ON BEHALF OF
RYOWA II GPS PTY. LIMITED (ACN 063 780 058)

by
its duly constituted attorney in
the presence of:

Witness

Attorney

Name (please print)

Name (please print)

SIGNED FOR AND ON BEHALF OF
YKK GPS (QUEENSLAND) PTY LIMITED
(ACN 062 905 275)

by
its duly constituted attorney in
the presence of:

Witness

Attorney

Name (please print)

Name (please print)

SIGNED FOR AND ON BEHALF OF
NRG GLADSTONE OPERATING SERVICES PTY LTD (ACN 061 519
275)

by
its duly constituted attorney in
the presence of:

[s 69]

omit, insert—
'mining registrar'.

69 Amendment of s 296 (Correction of instrument of lease)

Section 296(1), 'Minister'—

omit, insert—
'mining registrar'.

70 Amendment of s 297 (Replacement instrument of lease)

Section 297(1), from 'its place, the'—

omit, insert—

'its place—

- (a) the Minister must cancel the instrument of lease; and
- (b) the mining registrar must issue a replacement instrument of lease.'

71 Amendment of s 309 (Surrender of mining lease)

Section 309(7)(b)(ii), 'lease.'—

omit, insert—

'lease by the mining registrar.'

72 Insertion of new s 327A

Part 9—

insert—

'327A Minister may require royalty estimate

- '(1) The Minister may, by notice given to a person who is liable to pay a royalty under section 320, require the person to give the Minister a royalty estimate for the person for a stated future period.

-
- ‘(2) The royalty estimate must be a written return containing the information prescribed under a regulation about the estimated royalties payable by the person for the future period.
- ‘(3) The person must give the royalty estimate—
- (a) in the way prescribed under a regulation; and
 - (b) no later than the day stated in the notice for giving the royalty estimate.’.

73 Replacement of s 344 (Access to abandoned mine)

Section 344—

omit, insert—

‘Division 2AA Access to abandoned mines

‘344 Definitions for div 2AA

‘In this division—

abandoned mine means a site—

- (a) where mining or mining exploration activities have been carried out; and
- (b) for which no current mining lease or mining claim is granted.

authorised person means a person authorised by the chief executive, under section 344A, to carry out rehabilitation activities.

rehabilitation activities see section 344A.

‘344A Authorised person to carry out rehabilitation activities

‘The chief executive may authorise a person to carry out all or any of the following activities (*rehabilitation activities*) at land on which an abandoned mine exists—

- (a) investigate the condition of the land;

[s 73]

- (b) cap a mine shaft;
- (c) remove, or make safe, structures or equipment at or near the abandoned mine;
- (d) clean up pollution remaining at or near the abandoned mine;
- (e) repair erosion, or prevent further erosion, of land or vegetation at or near the abandoned mine;
- (f) another activity at or near the abandoned mine to make it safe.

‘344B Entering land to carry out rehabilitation activities

- ‘(1) This section applies to the following land—
 - (a) land (*primary land*) on which an abandoned mine exists; and
 - (b) land (*adjacent land*) that is adjacent to primary land if an authorised person has no other reasonably practicable way of entering the primary land without entering the adjacent land.
- ‘(2) An authorised person may, to carry out rehabilitation activities, enter land—
 - (a) if the carrying out of rehabilitation activities is necessary to preserve life or property—at any time; or
 - (b) otherwise—within a period of 5 business days starting on the earlier of the following days—
 - (i) the day the owner of the land is given notice of the entry under section 344C;
 - (ii) the day the occupier of the land is given notice of the entry under section 344C.
- ‘(3) However, subsection (2) does not authorise entry to a part of the land where a person resides.
- ‘(4) In this section—
enter includes re-enter.

‘344C Notice of entry

- ‘(1) An authorised person entering land under this division must give the owner and the occupier of the land written notice of the entry—
- (a) if the carrying out of rehabilitation activities is necessary to preserve life or property—within 10 business days after the entry is made; or
 - (b) otherwise—before entering the land.
- ‘(2) The written notice must state the following—
- (a) when the entry was, or is to be, made;
 - (b) the purpose of the entry;
 - (c) that the authorised person is permitted under this Act to enter the land without consent or a warrant;
 - (d) the rehabilitation activities carried out or proposed to be carried out.

‘344D Obligation of authorised person in carrying out rehabilitation activities

‘An authorised person who enters land under this division—

- (a) must not cause, or contribute to, unnecessary damage to any structure or works on the land; and
- (b) must take all reasonable steps to ensure the person causes as little inconvenience, and does as little other damage, as is practicable in the circumstances.’.

74 Amendment of s 381B (What is the Collingwood Park State guarantee)

- (1) Section 381B(1), ‘State for’—
omit, insert—
‘State, under this Act, for’.
- (2) Section 381B(2)—

[s 75]

renumber as section 381B(3).

(3) Section 381B—

insert—

‘(2) A decision about the guarantee under subsection (1) is made under this Act.’.

75 Amendment of s 416B (Practice manual)

Section 416B(3)(b), example, ‘to the to the’—

omit, insert—

‘to the’.

Part 9 Amendment of Mining and Quarrying Safety and Health Act 1999

76 Act amended

This part amends the *Mining and Quarrying Safety and Health Act 1999*.

77 Replacement of s 11 (Meaning of quarry)

Section 11—

omit, insert—

‘11 Meaning of quarry

‘(1) A *quarry* is a place on land where operations are carried on, continuously or from time to time, to produce construction or road building material.

Examples of construction or road building material—

aggregates, road base, manufactured sand, rail ballast, armour rock, landscaping products

- ‘(2) However, a place on land where operations are carried on, continuously or from time to time, to produce construction or road building material is not a *quarry* if the operations are carried on—
- (a) to produce construction or road building material substantially for use at a construction site at the place, or that adjoins, is adjacent to, or contiguous with, the place; or
 - (b) to excavate building foundations as part of construction work; or
 - (c) to extract, but not crush, river sand or gravel; or
 - (d) to redevelop the place as a place for any of the following—
 - (i) housing;
 - (ii) a shopping complex;
 - (iii) an industrial estate;
 - (iv) a recreation area;
 - (v) a landfill site.

‘(3) In this section—

construction site means a place on land where construction work is performed.

construction work see the *Workplace Health and Safety Act 1995*, section 14.’.

78 Amendment of s 22 (Meaning of *site senior executive*)

Section 22(1), after ‘employed’—

insert—

‘or otherwise engaged’.

[s 79]

79 Amendment of s 39 (Obligations of site senior executive for mine)

Section 39(1)(c), ‘safety and health management system for’—

omit, insert—

‘single safety and health management system for all persons at’.

80 Insertion of new s 42A

Part 3, division 3—

insert—

‘42A Obligations of designers, constructors and erectors of earthworks

‘(1) A designer of earthworks at a mine has an obligation to ensure the earthworks are designed so that, when used properly, the risk to persons from the use of the earthworks is at an acceptable level.

Examples of earthworks—

tailings dam, berm

‘(2) A constructor or erector of earthworks at a mine has an obligation—

(a) to construct or erect the earthworks in a way that is safe and does not expose persons to an unacceptable level of risk; and

(b) to ensure nothing about the way the earthworks are constructed or erected makes the earthworks unsafe or likely to expose persons to an unacceptable level of risk when used properly.’.

81 Amendment of s 59 (Mine record)

(1) Section 59(5)—

renumber as section 59(6).

(2) Section 59(4)—

omit, insert—

‘(4) The operator must ensure the mine record, relating to the previous 6 months at least, is available at all reasonable times for inspection by each of the following—

- (a) workers at the mine;
- (b) the site senior executive.

Maximum penalty—200 penalty units.

‘(5) If a person (the *former operator*) who is the operator for a mine is replaced by another person (the *new operator*) as the operator for the mine, the former operator must give the new operator the mine record for the mine as soon as practicable after being replaced.

Maximum penalty—200 penalty units.’.

82 Amendment of s 138 (Failure to answer questions)

Section 138(2) and (3)—

omit, insert—

‘(2) It is a reasonable excuse for an individual not to comply with the requirement if complying with the requirement might tend to incriminate the individual or make the individual liable to a penalty.

‘(3) However, subsection (2) does not apply if the requirement relates to a serious accident or high potential incident.’.

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

Section 151—

insert—

‘(8) When making a document production requirement or document certification requirement, an officer must warn the person of whom the requirement is made that it is an offence

[s 84]

to fail to comply with the requirement unless the person has a reasonable excuse.’.

84 Amendment of s 152 (Failure to produce document)

(1) Section 152(2), ‘the person.’—

omit, insert—

‘the person or make the person liable to a penalty.’.

(2) Section 152(3) and (4)—

omit.

85 Amendment of s 155 (Failure to comply with requirement about attendance)

Section 155(2) and (3)—

omit, insert—

‘(2) It is a reasonable excuse for an individual not to comply with a requirement to answer a question if complying with the requirement might tend to incriminate the individual or make the individual liable to a penalty.

‘(3) However, subsection (2) does not apply if the requirement relates to a serious accident or high potential incident.’.

86 Replacement of s 156 (Person must answer question about serious accident or high potential incident)

Section 156—

omit, insert—

‘156 Use of particular evidence in proceedings

‘(1) Subsection (2) applies in relation to any answer given by an individual in response to a requirement under section 136(3)(g) or 154(1).

‘(2) Neither the answer nor any information, document or other thing obtained as a direct or indirect result of the answer is admissible in any proceeding against the individual, other

than a proceeding in which the falsity or misleading nature of the answer is relevant.

- ‘(3) If a document, produced under a document production requirement, is the personal property of an individual of whom the requirement is made and the document might incriminate the individual or make the individual liable to a penalty—
- (a) the document is admissible in a proceeding against the individual for an offence under this Act; but
 - (b) neither the document nor anything obtained as a direct or indirect result of the individual producing the document is admissible in any other proceeding against the individual for an offence.’.

87 Amendment of s 195A (Requirement to give primary information)

Section 195A(7), definition *involved person*, ‘a person’—
omit, insert—
‘an individual’.

88 Amendment of s 198 (Action to be taken in relation to site of accident or incident)

Section 198—
insert—

- ‘(3) It is not a defence to a proceeding under subsection (1) that the carrying out of an investigation, preparation of a report or forwarding of the report might tend to incriminate the site senior executive or make the executive liable to a penalty.
- ‘(4) A report prepared or forwarded by the site senior executive under subsection (1) is not admissible in evidence against the site senior executive, or any other worker mentioned in the report, in any criminal proceeding other than proceedings about the falsity or misleading nature of the report.’.

[s 89]

89 Amendment of s 213 (Offences by witnesses)

(1) Section 213(4), after ‘excuse’—

insert—

‘for an individual’.

(2) Section 213(4), ‘person.’—

omit, insert—

‘individual or make the individual liable to a penalty.’.

90 Amendment of s 228 (Powers of court on appeal)

Section 228—

insert—

‘(3) The court may make an order for costs it considers appropriate.’.

91 Amendment of s 231 (Evidentiary aids)

Section 231(1)—

insert—

‘(f) a stated location is within the boundaries of land that is the subject of a stated mining tenure.’.

92 Insertion of new pt 14A

After section 246—

insert—

‘Part 14A Injunctions

‘246A Applying for injunction

‘(1) The commissioner or chief inspector may apply to the District Court for an injunction under this part.

-
- ‘(2) An injunction under this part may be granted by the District Court against a person at any time.

‘246B Grounds for injunction

‘The District Court may grant an injunction if the court is satisfied a person has engaged, or is proposing to engage, in conduct that constitutes or would constitute—

- (a) a contravention of this Act; or
- (b) attempting to contravene this Act; or
- (c) aiding, abetting, counselling or procuring a person to contravene this Act; or
- (d) inducing or attempting to induce, whether by threats, promises or otherwise, a person to contravene this Act; or
- (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention of this Act by a person; or
- (f) conspiring with others to contravene this Act.

‘246C Court’s powers for injunction

- ‘(1) The power of the District Court to grant an injunction restraining a person from engaging in conduct may be exercised—

- (a) whether or not it appears to the court that the person intends to engage again, or to continue to engage, in conduct of that kind; and
- (b) whether or not the person has previously engaged in conduct of that kind.

- ‘(2) The power of the court to grant an injunction requiring a person to do an act or thing may be exercised—

- (a) whether or not it appears to the court that the person intends to fail again, or to continue to fail, to do the act or thing; and

[s 93]

- (b) whether or not the person has previously failed to do the act or thing.
- ‘(3) An interim injunction may be granted under this part until the application is finally decided.
- ‘(4) The court may rescind or vary an injunction at any time.

‘246D Terms of injunction

- ‘(1) The District Court may grant an injunction in the terms the court considers appropriate.
- ‘(2) Without limiting the court’s power under subsection (1), an injunction may be granted restraining a person from carrying on particular activities—
 - (a) for a stated period; or
 - (b) except on stated terms and conditions.
- ‘(3) Also, the court may grant an injunction requiring a person to take stated action, including action to disclose or publish information, to remedy any adverse consequences of the person’s contravention of this Act.’.

93 Insertion of new s 250A

Part 16—

insert—

‘250A Underage persons not to operate or maintain plant

‘The site senior executive for a mine must not allow a person under the age of 16 to operate or maintain plant at the mine.

Maximum penalty—100 penalty units.’.

94 Insertion of new section 254C

Part 16, division 2—

insert—

‘254C Public statements

- ‘(1) The Minister, chief executive, commissioner or chief inspector may make or issue a public statement identifying, and giving information about, the following—
- (a) the commission of offences against this Act and persons who commit the offences;
 - (b) investigations conducted under this Act about serious accidents at a mine;
 - (c) action taken by inspectors, inspection officers or authorised officers to enforce the Act;
 - (d) the cancellation of a certificate of competency under section 182(2).
- ‘(2) The public statement may identify particular information and persons.
- ‘(3) The Minister, chief executive, commissioner or chief inspector must not issue a public statement under this section unless satisfied that it is in the public interest to do so.’.

95 Amendment of s 255 (Disclosure of information)

Section 255(1)—

insert—

- ‘(e) in a public statement made or issued under section 254C.’.

96 Amendment of s 260 (Chief executive to keep records)

- (1) Section 260(1)(a)(ii), ‘accidents and illnesses’—

omit, insert—

‘injuries’.

- (2) Section 260(2)—

renumber as section 260(4).

- (3) Section 260—

[s 97]

insert—

- ‘(2) Information about lost time injuries must include the number of days the injured person was unable to work, regardless of the number of hours that would have been worked by the person each day.
- ‘(3) However, the number of days to be recorded does not include the day of the injury.
- (4) Section 260—

insert—

- ‘(5) In this section—

lost time injuries means an injury resulting in the injured person being unable to work the next day or a longer period, whether they are rostered to work or not.’.

97 Replacement of pt 20, hdg (Transitional provisions for Mines and Energy Legislation Amendment Act 2011)

Part 20, heading—

omit, insert—

‘Part 20 Other transitional provisions

‘Division 1 Transitional provisions for Mines and Energy Legislation Amendment Act 2011’.

98 Amendment of s 274 (Definitions for pt 20)

- (1) Section 274, heading, ‘pt 20’—

omit, insert—

‘div 1’.

- (2) Section 274, ‘In this part’—

omit, insert—

‘In this division’.

99 Insertion of new pt 20, div 2

Part 20—

insert—

‘Division 2 Transitional provision for Mines and Energy Legislation Amendment Act 2011

‘279 Application of appeal costs provision to undecided appeals

‘(1) The appeal costs provision applies to any appeal under part 13 started, but not decided, before the commencement of this section.

‘(2) In this section—

appeal costs provision means section 228(3) as amended under the *Mines and Energy Legislation Amendment Act 2011*.’.

Part 10 Amendment of Petroleum and Gas (Production and Safety) Act 2004

100 Act amended

This part amends the *Petroleum and Gas (Production and Safety) Act 2004*.

Note—

See also the schedule.

[s 101]

101 Amendment of s 15 (When petroleum is *produced*)

Section 15(1)—

omit, insert—

‘(1) Petroleum is *produced* when it is—

- (a) recovered to ground level from a natural underground reservoir in which it has been contained; or
- (b) released to ground level from a natural underground reservoir from which it is extracted.’.

102 Amendment of s 36 (Right to tender)

Section 36(1), ‘A’—

omit, insert—

‘An eligible’.

103 Amendment of s 128 (Right to tender)

Section 128(1), ‘A’—

omit, insert—

‘An eligible’.

104 Amendment of s 306 (Content requirements for CSG statement)

Section 306(1)(b), ‘a proposed’—

omit, insert—

‘an overview of a proposed’.

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

Section 386(7)(a), ‘a copy’—

omit, insert—

‘an overview of the safety management plan’.

106 Amendment of s 392AG (Content requirements for GHG statement)

Section 392AG(1)(b), ‘a proposed’—

omit, insert—

‘an overview of a proposed’.

107 Amendment of s 392BJ (Operation of pt 6)

Section 392BJ(a)—

omit, insert—

‘(a) a proposed initial development plan for a petroleum lease;’.

108 Amendment of s 392BO (Requirements for consultation with particular GHG tenure holders)

(1) Section 392BO(4)(a), ‘a copy’—

omit, insert—

‘an overview’.

(2) Section 392BO(7)(a), ‘a copy’—

omit, insert—

‘an overview of the safety management plan’.

109 Insertion of new s 599A

Chapter 6, part 2—

insert—

‘599A Minister may require royalty estimate

‘(1) The Minister may, by notice given to a petroleum producer who is liable to pay the State petroleum royalty under section

[s 110]

590, require the petroleum producer to give the Minister a royalty estimate for the petroleum producer for a stated future period.

- ‘(2) The royalty estimate must be in a written return containing the information prescribed under a regulation about the estimated royalties payable by the petroleum producer for the future period.
- ‘(3) The petroleum producer must give the royalty estimate—
 - (a) in the way prescribed under a regulation; and
 - (b) no later than the day stated in the notice for giving the royalty estimate.’.

110 Amendment of ch 9, pt 1, hdg (Safety requirements and labelling)

Chapter 9, part 1, heading ‘and labelling’—
omit.

111 Amendment of s 669A (Labelling)

- (1) Section 669A, heading—
omit, insert—

‘669A Regulation of gas devices and gas fittings’.

- (2) Section 669A(2)(b) to (d)—
omit, insert—
 - ‘(b) energy efficiency labelling;
 - (c) approval or registration of labels;
 - (d) minimum energy performance standards;’.

112 Insertion of new s 678A

Chapter 9, part 2, division 2—
insert—

678A Requirement to have resulting records for safety management plan

- (1) The operator of an operating plant must—
- (a) ensure resulting records for the safety management plan for the plant are made and kept for a period of 7 years; and
 - (b) whenever the plant is operating, keep a copy of the resulting records open for inspection—
 - (i) at the plant; or
 - (ii) if because of the nature, size or type of the plant it is impracticable to keep the records at the plant—at another place where it is reasonable to have the records open for inspection.

Maximum penalty—1500 penalty units.

- (2) In this section—
- resulting records**, for a safety management plan for an operating plant, means all of the following records that are appropriate for the plant, demonstrating that the safety management plan has been implemented and monitored—
- (a) records about carrying out a formal safety assessment mentioned in section 675(1)(e);
 - (b) records about carrying out a skills assessment mentioned in section 675(1)(g);
 - (c) records about carrying out a training and supervision program mentioned in section 675(1)(h);
 - (d) records about how and when standard operating and maintenance procedures were applied;
 - (e) records about the maintenance of machinery and equipment relating to, or that may affect, the safety of the plant;
 - (f) records about implementing, monitoring and reviewing and auditing safety policies and safety management plans;

[s 113]

- (g) records of investigating and reviewing incidents at the plant;
- (h) records about the implementation of recommendations from an investigation or review of an incident at the plant;
- (i) records about testing and monitoring control systems;
- (j) records, prescribed under a regulation, about a matter prescribed under section 675(1)(u).'

113 Insertion of new s 708E

Chapter 9, part 4A—

insert—

'708E Children under 16 not to operate plant or equipment

'The operator of an operating plant must not allow a person under the age of 16 to operate or maintain equipment or machinery at the plant.

Maximum penalty—100 penalty units.'

114 Amendment of s 718 (Witnesses)

- (1) Section 718(5), after 'excuse'—

insert—

'for an individual'.

- (2) Section 718(5), 'witness'—

omit, insert—

'individual or make the individual liable to a penalty'.

115 Amendment of s 759 (Failure to produce document)

Section 759(1), '758(2)'—

omit, insert—

'758(1)'.

116 Amendment of s 760 (Failure to certify copy of document)

Section 760, ‘758(3) or (4)’—

omit, insert—

‘758(3) or (4)(b)’.

117 Amendment of s 834 (Other evidentiary aids)

Section 834—

insert—

‘(h) a stated location is within the area of a stated petroleum authority.’.

118 Insertion of new ch 13, pt 3

Chapter 13—

insert—

‘Part 3 Injunctions

‘841A Applying for injunction

- ‘(1) The commissioner or chief inspector may apply to the District Court for an injunction under this part.
- ‘(2) An injunction under this part may be granted by the District Court against a person at any time.

‘841B Grounds for injunction

‘The District Court may grant an injunction if the court is satisfied a person has engaged, or is proposing to engage, in conduct that constitutes or would constitute—

- (a) a contravention of a provision of chapter 9; or
- (b) attempting to contravene a provision of chapter 9; or
- (c) aiding, abetting, counselling or procuring a person to contravene a provision of chapter 9; or

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- (d) inducing or attempting to induce, whether by threats, promises or otherwise, a person to contravene a provision of chapter 9; or
- (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention of a provision of chapter 9 by a person; or
- (f) conspiring with others to contravene a provision of chapter 9.

‘841C Court’s powers for injunction

- ‘(1) The power of the District Court to grant an injunction restraining a person from engaging in conduct may be exercised—
 - (a) whether or not it appears to the court that the person intends to engage again, or to continue to engage, in conduct of that kind; and
 - (b) whether or not the person has previously engaged in conduct of that kind.
- ‘(2) The power of the court to grant an injunction requiring a person to do an act or thing may be exercised—
 - (a) whether or not it appears to the court that the person intends to fail again, or to continue to fail, to do the act or thing; and
 - (b) whether or not the person has previously failed to do the act or thing.
- ‘(3) An interim injunction may be granted under this part until the application is finally decided.
- ‘(4) The court may rescind or vary an injunction at any time.

‘841D Terms of injunction

- ‘(1) The District Court may grant an injunction in the terms the court considers appropriate.

-
- ‘(2) Without limiting the court’s power under subsection (1), an injunction may be granted restraining a person from carrying on particular activities—
- (a) for a stated period; or
 - (b) except on stated terms and conditions.
- ‘(3) Also, the court may grant an injunction requiring a person to take stated action, including action to disclose or publish information, to remedy any adverse consequences of the person’s contravention of this Act.’.

119 Insertion of new s 851A

Chapter 14, part 3—

insert—

‘851A Public statements

- ‘(1) The Minister, chief executive, commissioner or chief inspector may make or issue a public statement identifying, and giving information about, the following—
- (a) the commission of offences against this Act and the persons who commit the offences;
 - (b) investigations conducted under this Act;
 - (c) action taken by inspectors or authorised officers to enforce this Act.
- ‘(2) The statement may identify particular offences and persons.
- ‘(3) The Minister, chief executive, commissioner or chief inspector must not issue a public statement under this section unless satisfied that it is in the public interest to do so.’.

120 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *safety management plan*—
- omit, insert—*

[s 121]

‘safety management plan—

- 1 A safety management plan, for an operating plant, is—
 - (a) the plan made under section 674 as in force from time to time; and
 - (b) an auditable documented system that forms part of an overall management system for the plant.
- 2 If the plant has stages, a reference to the term includes the parts of the safety management plan developed for each stage.’.

- (2) Schedule 2—

insert—

‘overview, of a safety management plan, means a summary of how each aspect of a safety management plan mentioned in section 675(1) is, or will be, addressed by the plan.’

121 Amendment to omit footnotes

- (1) This section applies to a provision of the *Petroleum and Gas (Production and Safety) Act 2004* that contains a footnote.
- (2) The provision is amended by omitting the footnote.

**Part 11 Other amendments of
Petroleum and Gas (Production
and Safety) Act 2004**

122 Act amended

The schedule amends the *Petroleum and Gas (Production and Safety) Act 2004*.

Schedule

Minor amendments of the Petroleum and Gas (Production and Safety) Act 2004

section 122

1 Section 6(1)—

*insert—**Note—*

See also the Mineral Resources Act, section 3A (Relationship with petroleum legislation).

For the relationship between this Act and the Mineral Resources Act in relation to coal or oil shale mining tenements, see chapter 3 (Provisions for coal seam gas).’.

2 Section 20(1)(d)—

*insert—**Note—*

For who may carry out an authorised activity for the holder, see section 563.’.

3 Section 31(1)—

*insert—**Note—*

For other authorised activities, see part 4, chapter 5, part 2, division 3 and part 8.’.

4 Section 32(4)—

*insert—**Note—*

For who may exercise the rights for the holder, see section 563.’.

5 Section 33(1)—

insert—

‘Note—

See also part 10, section 239, chapter 5 and section 20.’.

6 Section 37(d)(i)—

insert—

‘Note—

See section 74 for obligations about consulting with particular owners and occupiers.’.

7 Section 42(3)(c)—

insert—

‘Note—

For the relinquishment condition of an authority to prospect, see section 65.’.

8 Section 44—

insert—

‘Note—

See also the *Judicial Review Act 1991*, section 32 (Request for statement of reasons).’.

9 Chapter 2, part 1, division 3, subdivision 3, note—

omit.

10 Section 59(1)(a)—

insert—

‘Note—

See also section 91 (Inclusion of evaluation program in work program).’.

11 Section 78—

insert—

Note—

For the minimum work commitment, see section 48(1)(b)(i).

See also section 56 (Authority taken to have work program until decision on whether to approve proposed work program).’.

12 Section 82(1)(f)—

insert—

Note—

See section 74 (Obligation to consult with particular owners and occupiers).’.

13 Section 84(2)(b)(iii)(A)—

insert—

Note—

See sections 35(2)(e)(iii) (Call for tenders) and 43 (Criteria for decisions).’.

14 Section 90(1)—

insert—

Note—

See section 85(6)(b) (Provisions and term of renewed authority).’.

15 Section 91(1)—

insert—

Note—

For requirements about the evaluation program in later work programs, see section 53. ’.

16 Section 92(3)—

insert—

Note—

See also section 102 (Effect of ending of declaration of potential commercial area).’.

17 Section 101(2)—

insert—

Note—

See however chapter 3, part 4, division 3 (Exceptions to particular area provisions).’.

18 Section 102(3)—

insert—

Note—

If the declaration ends less than 12 years after the authority originally took effect, see section 94.’.

19 Section 104(e)—

insert—

Note—

For an additional requirement for the proposed work programs, see section 54.’.

20 Section 105(2)(b)(iii)—

insert—

Note—

See sections 35(2)(e)(iii) (Call for tenders) and 43 (Criteria for decisions).’.

21 Section 107(1)—

insert—

Note—

For noncompliance action started, or that could have been taken, against the original authority holder, see section 792.’.

22 Section 108(1)—

insert—

Note—

For other authorised activities, see part 4 (Water rights for petroleum tenures) and chapter 5, part 2, division 3 (Access to private land outside area of petroleum authority) and part 8 (General provisions for conditions and authorised activities).’.

23 Section 109(3)—

insert—

Note—

See also section 800 (Restriction on petroleum tenure activities).

For who may exercise the rights for the holder, see section 563.’.

24 Section 112(1)—

insert—

Note—

See also part 10 (General provisions for petroleum wells, water supply bores and water observation bores), section 239 (Coordination arrangement overrides relevant leases), chapter 5 (Common petroleum authority provisions) and section 20(2) (What are the *conditions* of a petroleum authority).’.

25 Section 113—

insert—

Note—

See also section 52A (Application of 2004 Act provisions about coextensive natural underground reservoirs) of the 1923 Act.’.

26 Section 114—

insert—

Notes—

- 1 See the Mineral Resources Act, section 318CM (Limited entitlement to mine coal seam gas).
- 2 For the making of coordination arrangements, see part 8.

27 Section 118(d)(ii)—

insert—

Note—

See section 153 (Obligation to consult with particular owners and occupiers).

28 Section 124—

insert—

Note—

See however section 829 (Restriction on Land Court's powers for decision not to grant petroleum lease).

29 Section 135—

insert—

Note—

See also the *Judicial Review Act 1991*, section 32 (Request for statement of reasons).

30 Section 137—

insert—

Note—

For additional requirements for development plans for coal seam gas, see chapter 3, part 6.

31 Section 145(a)—

insert—

‘Note—

For requirements to lodge a proposed later development plan, see sections 100, 159, 170, 372 and 790, division 6 and division 7, subdivision 2.’.

32 Section 151(5), definition *greenhouse abatement scheme*, paragraph (a)—

insert—

‘Note—

See, in particular, the *Greenhouse Gas Benchmark Rule (Generation) No. 2 of 2003*, paragraph 10.1 (Total greenhouse gas emissions), made under the *Electricity Supply Act 1995* (NSW), part 8A, section 97K.’.

33 Section 162(1)(f)—

insert—

‘Note—

See section 153 (Obligation to consult with particular owners and occupiers).’.

34 Section 172(e)—

insert—

‘Note—

For an additional requirement for the proposed development plans, see section 144.’.

35 Section 173(2)(b)(iv)—

insert—

‘Note—

See sections 35(2)(e)(iii) (Call for tenders) and 43 (Criteria for decisions).’.

36 Section 175(1)—

insert—

‘Note—

For noncompliance action started, or that could have been taken, against the original lease holder, see section 792.’.

37 Section 179—

insert—

‘Note—

See also the *Judicial Review Act 1991*, section 32 (Request for statement of reasons).’.

38 Chapter 2, part 3, division 2, heading—

insert—

‘Note—

See also chapter 5 (Common petroleum authority provisions).’.

39 Section 184A(1)—

insert—

‘Note—

See also section 588 (Interest on amounts owing to the State other than for petroleum royalty).’.

40 Section 185(1)—

insert—

‘Note—

See part 1, division 1 and part 2, division 1 (Key authorised activities).’.

41 Section 186—*insert—**Note—*

For taking of associated water for other purposes, see the Water Act, chapter 2, part 6.’.

42 Section 188—*insert—**Note—*

See the Water Act, section 808 (Unauthorised taking, supplying or interfering with water).’.

43 Section 189—*insert—**Note—*

See the Water Act, sections 20 (Authorised taking of water without water entitlement) and 808 (Unauthorised taking, supplying or interfering with water).’.

44 Section 193(1)—*insert—**Note—*

For other authorised activities, see chapter 5, part 2, division 3 and part 8.’.

45 Section 196—*insert—**Note—*

See the Water Act, section 808 (Unauthorised taking, supplying or interfering with water).’.

46 Section 197—

insert—

‘Note—

See the Water Act, sections 20 (Authorised taking of water without water entitlement) and 808 (Unauthorised taking, supplying or interfering with water).’.

47 Section 205(1)—

insert—

‘Note—

See also section 220 (Preferred tenderer may make storage agreements).’.

48 Section 208(2)(c)(ii)—

insert—

‘Note—

Storage capacity mentioned in subparagraph (ii) is commonly called developable capacity.’.

49 Section 214—

insert—

‘Note—

For property in other petroleum in the reservoir, see section 26.’.

50 Section 230(1)(b)(ii)—

insert—

‘Note—

For the relevance of this period, see part 1, division 6.’.

51 Section 235(4)—*insert—**‘Note—*

See the Mineral Resources Act, section 318ED (Later development plan requirements).’.

52 Section 236(1)(c)(ii)—*insert—**‘Note—*

See sections 3 (Main purpose of Act) and 295 (Main purposes of ch 3) and the Mineral Resources Act, section 2 (Objectives of Act).’.

53 Section 285(1)(b)—*insert—**‘Note—*

For the ownership of works mentioned in paragraph (b) generally, see section 542.’.

54 Section 287(2)—*insert—**‘Note—*

For transfers by the State, see section 294.’.

55 Section 294(1)—*insert—**‘Note—*

For ownership before decommissioning, see section 542.’.

56 Section 295(d)—

insert—

‘Note—

For existing operations, see also the Mineral Resources Act, part 19, division 6.’.

57 Section 304(2)—

insert—

‘Note—

For the circumstances mentioned in subsection (2), see division 2.’.

58 Section 306(2)—

insert—

‘Note—

See also section 385 (Grant of petroleum lease does not affect obligation to make plan).’.

59 Section 307(1)—

insert—

‘Note—

If the coal or oil shale exploration tenement and the coal or oil shale mining lease are held by the same person, see section 344(3).’.

60 Section 310(1)(b)—

insert—

‘Note—

See also part 8 (Confidentiality of information).’.

61 Section 314(3)—

insert—

‘Note—

See also section 386 (Requirements for consultation with particular coal or oil shale mining tenement holders).’.

62 Section 315(2)—

insert—

‘Note—

See however the Mineral Resources Act, part 7AA, division 4 (Coal mining lease and oil shale mining lease applications in response to Petroleum and Gas (Production and Safety) Act preference decision).

See also the Mineral Resources Act, section 318AY (Earlier petroleum lease application).’.

63 Section 318(4), definition *relevant code*, paragraph (a)—

insert—

‘Editor’s note—

A copy of the document is available on the internet at <www.jorc.org>.’.

64 Section 324(2)—

insert—

‘Note—

See however the Mineral Resources Act, part 7AA, division 4 (Coal mining lease and oil shale mining lease applications in response to Petroleum and Gas (Production and Safety) Act preference decision).’.

65 Section 325(4)—

insert—

‘Note—

If the petroleum lease application is not amended, see section 350.’.

66 Section 328(2)—

insert—

‘Note—

See sections 104 to 123, 133 and 134.’.

67 Section 329(1)—

insert—

‘Note—

See however section 368 (Cessation of relinquishment condition for area not overlapping with coal or oil shale exploration tenement).’.

68 Section 329(2)—

insert—

‘Note—

See also section 367 (Requirement for giving of copy of relinquishment report).’.

69 Section 331(2)(d)—

insert—

‘Note—

See the Mineral Resources Act, section 318CN (Use that may be made under mining lease of incidental coal seam gas).’.

70 Section 333(1)(b)(i)—

insert—

‘Note—

See section 306 (Content requirements for CSG statement).’.

71 Section 335(1)(b)—

insert—

‘Note—

If the coal or oil shale exploration tenement and the coal or oil shale mining lease are held by the same person, see section 344(3).’.

72 Section 340(3)(b)(ii)—

insert—

‘Note—

For when a preference decision under the Mineral Resources Act is required, see section 318BA of that Act.’.

73 Section 341(3)—

insert—

‘Note—

See however section 368 (Cessation of relinquishment condition for area not overlapping with coal or oil shale exploration tenement).’.

74 Section 342(1)(b)—

insert—

‘Note—

If the application is not made within the 6 months, see the Mineral Resources Act, section 318BJ.’.

75 Section 344(3)—

insert—

‘Note—

If the coal or oil shale mining lease and the coal or oil shale exploration tenement are held by different persons, see section 307.’.

76 Section 345(1)(b)—

insert—

‘Note—

See section 306 (Content requirements for CSG statement).’.

77 Section 348—

insert—

‘Note—

See also part 8 (Confidentiality of information).’.

78 Section 349(1)(b)—

insert—

‘Note—

For the extent to which coal seam gas production is permitted under the coal or oil shale mining lease, see the Mineral Resources Act, part 7AA, division 8, subdivision 1.’.

79 Section 350(1)—

insert—

‘Note—

See also section 386 (Requirements for consultation with particular coal or oil shale mining tenement holders).’.

80 Section 353(1)(b)—

insert—

‘Note—

See section 306 (Content requirements for CSG statement).’.

81 Section 357(3)—

insert—

Note—

See however section 368 (Cessation of relinquishment condition for area not overlapping with coal or oil shale exploration tenement).’.

82 Section 360(1)—

insert—

Note—

See also the Mineral Resources Act, section 403 (Offences regarding land subject to mining claim or mining lease).’.

83 Section 364(2)—

insert—

Note—

See also section 934 (Substituted restriction for petroleum leases relating to mineral hydrocarbon mining leases).’.

84 Section 365(2)—

insert—

Note—

For subleases under a coordination arrangement, see section 238.’.

85 Section 371—

insert—

Note—

See also part 8 (Confidentiality of information).’.

86 Section 376(3)—

insert—

‘Note—

See also part 6, division 2 (Later development plans).’.

87 Section 384(2)(b)—

insert—

‘Note—

See also section 148 (Power to require relinquishment).’.

88 Section 386(4)—

insert—

‘Note—

For the making of the safety management plan, see section 674.’.

89 Section 393—

insert—

‘Note—

For other authorised activities, see chapter 5, part 2, division 3 (Access to private land outside area of petroleum authority) and part 8 (General provisions for conditions and authorised activities).’.

90 Chapter 4, part 2, heading—

insert—

‘Note—

For when a pipeline licence is required for a pipeline, see section 802.’.

91 Section 398(1)—

insert—

‘Note—

For other authorised activities, see chapter 5, part 2, division 3 (Access to private land outside area of petroleum authority) and part 8 (General provisions for conditions and authorised activities).’

92 Section 401(1)—

insert—

‘Notes—

- 1 See also section 802 (Restriction on pipeline construction or operation).
- 2 For who may exercise the rights for the holder, see section 563.
- 3 For who owns the pipeline, see chapter 5, part 6.’

93 Section 403(2)—

insert—

‘Note—

See also chapter 5 (Common petroleum authority provisions) and section 20 (What are the *conditions* of a petroleum authority).’

94 Section 409(d)—

insert—

‘Note—

See section 418 (Obligation to consult with particular owners and occupiers).’

95 Section 412(1)(a)—

insert—

‘Note—

See also section 414 (Provision for reduction of area of licence).’

96 Section 412(2)(a)(i)—

insert—

‘Note—

For mandatory conditions, see division 4 (Key mandatory conditions for pipeline licences) and chapter 5, part 8 (General provisions for conditions and authorised activities).’.

97 Section 412(2)(b)—

insert—

‘Note—

For the consequences of a pipeline licence having review days, see division 7.’.

98 Section 422(2)—

insert—

‘Note—

See also sections 559 (Obligation to decommission pipelines) and 804 (Duty to avoid interference in carrying out authorised activities).’.

99 Section 431(1)(b)—

insert—

‘Note—

See sections 526 (Requirement for entry notice to carry out authorised activities) and 527 (Conditions public land authority may impose).’.

100 Chapter 4, part 3, heading—

insert—

‘Note—

For when a licence is required for a petroleum facility, see section 803.’.

101 Section 438(1)—

insert—

‘Note—

For other authorised activities, see chapter 5, part 2, division 3 (Access to private land outside area of petroleum authority) and part 8 (General provisions for conditions and authorised activities).’.

102 Section 438(2)—

insert—

‘Note—

See however the restrictions and requirements under chapter 5, parts 2 (Private land), 3 (Public land) and 5 (Compensation and negotiated access) for carrying out of the activities.’.

103 Section 442(2)—

insert—

‘Note—

See also chapter 5 (Common petroleum authority provisions) and section 20 (What are the *conditions* of a petroleum authority).’.

104 Section 445(e)—

insert—

‘Note—

See section 451 (Obligation to consult with particular owners and occupiers).’.

105 Section 447(4)(a)(i)—

insert—

‘Note—

For mandatory conditions, see division 3 (Key mandatory conditions for petroleum facility licences) and chapter 5, part 8 (General provisions for conditions and authorised activities).’.

106 Section 458(1)—

insert—

‘Note—

However, for land where native title exists, see sections 8 and 855.’.

107 Section 458(3)—

insert—

‘Note—

See also section 462 (Disposal of land taken by State).’.

108 Section 464(d)—

insert—

‘Note—

See sections 401 (Construction and operation of pipeline) and 441 (Construction and operation of petroleum facility).’.

109 Section 469—

insert—

‘Note—

For the State’s power to take the land, see part 4.’.

110 Section 470(2)—

insert—

‘Note—

For the authorised activities that may be carried out when the part 5 permission takes effect (and, if the licence has not been granted, when it is granted), see sections 401 and 441.

If the licence has not yet been granted, see also section 802 and 803.’.

111 Section 472(2)—

insert—

Note—

See section 458 (Process for taking land) and the *Acquisition of Land Act 1967*, part 3 (Discontinuance of taking of land).’.

112 Section 474(2)(a)—

insert—

Note—

See sections 419 (Obligation to construct pipeline) and 452 (Obligation to construct facility).’.

113 Section 477(2)—

insert—

Note—

See sections 397, 415 and 448 (Criteria for decisions).’.

114 Chapter 5, heading—

insert—

Note—

See also chapter 1, part 5 (General provisions for petroleum authorities) and chapter 14, part 2 (Miscellaneous provisions for all authorities under Act).’.

115 Section 501—

insert—

Note—

For land in the area of a mining lease, see section 6 and the Mineral Resources Act, section 403. ’.

116 Section 502(2)—

insert—

Note—

See however section 804 (Duty to avoid interference in carrying out authorised activities).’.

117 Section 503(2)—

insert—

Note—

See also section 508(3) (Power of Land Court to decide access agreement).’.

118 Section 506(3)—

insert—

Note—

For the authority holder’s liability to compensate the owner or occupier, see section 532.’.

119 Chapter 5, part 3, heading—

insert—

Note—

See however section 938 (Exclusion of ch 5, pt 3, div 1 for continuance of particular existing road uses).’.

120 Section 516(1)—

insert—

Note—

See also section 524 (Compensation to be addressed before carrying out notifiable road use).’.

121 Section 526(1)—*insert—**Note—*

For notifiable road uses see sections 516 and 517.’.

122 Section 526(2)—*insert—**Note—*

For private land, see part 2.’.

123 Section 528(2)—*insert—**Note—*

See also section 6 (Relationship with Mineral Resources Act) and the Mineral Resources Act, section 403 (Offences regarding land subject to mining claim or mining lease).’.

124 Section 530(3)—*insert—**Note—*

For overlapping ATP land, see however section 364.’.

125 Section 538—*insert—**Note—*

See sections 33 (Incidental activities) and 110 (Petroleum pipeline and water pipeline construction and operation).’.

126 Section 541(2)(a)—

insert—

‘Note—

For pipelines, see sections 539 (General provision about ownership while tenure or licence is in force for pipeline) and 559 (Obligation to decommission pipelines).’.

127 Section 542(1)—

insert—

‘Note—

See however section 560 (Obligation to remove equipment and improvements).’.

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

insert—

‘Note—

See also section 367 (Requirement for giving of copy of relinquishment report).’.

129 Section 545(1)—

insert—

‘Note—

See chapter 2, part 1, division 4, subdivision 2 (Standard relinquishment condition and related provisions), sections 62(4) (Deciding application), 148 (Power to require relinquishment), 329 (Power to impose relinquishment condition) and 790 (Types of noncompliance action that may be taken).’.

130 Section 545(2)—

insert—

‘Note—

See also section 367 (Requirement for giving of copy of relinquishment report).’.

131 Section 559(1)—

insert—

‘Note—

See also section 539(3) and (4) (General provision about ownership while tenure or licence is in force for pipeline).’.

132 Section 560(2)(a)—

insert—

‘Note—

For petroleum wells, water observation bores and water supply bores, see chapter 2, part 10.

For pipelines, see sections 539 (General provision about ownership while tenure or licence is in force for pipeline) and 559 (Obligation to decommission pipelines).’.

133 Section 560(4)—

insert—

‘Note—

For ownership of the equipment or improvements, see section 542.’.

134 Section 569(1)(b)—

insert—

‘Note—

See also part 6, division 1 (Pipelines).’.

135 Section 586(1)—

insert—

‘Note—

See also section 841 (Additional orders that may be made on conviction).’.

136 Section 587(6)—

insert—

Note—

See also section 841 (Additional orders that may be made on conviction).’.

137 Section 588(1)—

insert—

Note—

For interest on unpaid petroleum royalty, see section 602.’.

138 Section 592(1)—

insert—

Note—

See also chapter 8 (Petroleum and fuel gas measurement) and section 801 (Petroleum producer’s measurement obligations).’.

139 Section 597(5)—

insert—

Note—

See also section 602 (Interest on unpaid petroleum royalty or additional petroleum royalty).’.

140 Section 603—

insert—

Note—

See also section 850 (Joint and several liability for conditions and for debts to State).’.

141 Section 621(2)—*insert—**Note—*

See however section 437 (Limitation of transmission pipeline licence holder's liability).'

142 Section 626(2)—*insert—**Note—*

See section 669 (Making safety requirement).'

143 Section 636—*insert—**Note—*

See also section 801 (Petroleum producer's measurement obligations).'

144 Section 640—*insert—**Note—*

See also section 658 (Authorisation required to install or use pre-payment meters).'

145 Chapter 9, part 2, division 2, heading—*insert—**Note—*

See also section 694 (Operator is default site safety manager).'

146 Section 674(4)—

insert—

Note—

For coal mining-CSG operating plant, see division 4 (Special provisions for safety management plans for coal mining-CSG operating plant).’.

147 Section 675(1)(t)—

insert—

Note—

For what is a major hazard facility under the NOHSC standard, see chapter 4, definition *major hazard facility* and chapter 5 (Identification and classification of a major hazard facility), section 5.6.’.

148 Section 675(4), definition *NOHSC standard*—

insert—

Editor’s note—

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.’.

149 Section 676(2), definition *open for inspection*—

insert—

Note—

See also section 836 (Safety management plans).

For coal mining-CSG operating plant, see division 4 (Special provisions for safety management plans for coal mining-CSG operating plant).’.

150 Section 678(2), definition *revise*—

insert—

Note—

For coal mining-CSG operating plant, see division 4 (Special provisions for safety management plans for coal mining-CSG operating plant).’.

151 Section 693(a)—*insert—**‘Note—*

See also section 699 (General obligation to keep risk to acceptable level).’.

152 Section 695—*insert—**‘Note—*

For coal mining-CSG operating plant, see the Coal Mining Safety and Health Act, sections 43 to 47.’.

153 Section 736(3)—*insert—**‘Note—*

See the *Police Powers and Responsibilities Act 2000*, chapter 1, part 3, division 2 (Helping public officials).’.

154 Section 774(1)—*insert—**‘Note—*

See also section 841 (Additional orders that may be made on conviction).’.

155 Section 790(1)(e)(i)—*insert—**‘Note—*

See section 796 (Notice of proposed noncompliance action other than immediate suspension).’.

156 Section 800(2)(b)—

insert—

‘Note—

See the Mineral Resources Act, section 318CN (Use that may be made under mining lease of incidental coal seam gas).’.

157 Section 800(2)(c)—

insert—

‘Note—

See however the *Gas Supply Act 2003*, section 257AA (Exemption from Petroleum and Gas (Production and Safety) Act, ss 800, 802 and 803 for person complying with direction).’.

158 Section 801(1)(a)—

insert—

‘Note—

For measurement schemes, see chapter 8, part 2 (Measurement schemes).’.

159 Section 803—

insert—

‘Note—

See however section 876 (Conversion on 2004 Act start day) and the *Gas Supply Act 2003*, section 257AA (Exemption from Petroleum and Gas (Production and Safety) Act, ss 800, 802 and 803 for person complying with direction).’.

160 Section 806(1)—

insert—

‘Note—

For ownership of water observation bores, see section 542.’.

161 Section 837(3)—

insert—

Note—

For appeals from the industrial magistrate's decision, see the *Industrial Relations Act 1999*, section 341.'

162 Section 848(4)—

insert—

Note—

See also section 377 (Interests of relevant coal or oil shale mining tenement holder to be considered).'

163 Section 854—

insert—

Note—

For who may exercise a right of a petroleum authority holder to enter a place, see also section 563.'