Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2013

Subordinate Legislation 2013 No. 37

made under the

Fossicking Act 1994
Geothermal Energy Act 2010
Greenhouse Gas Storage Act 2009
Mineral Resources Act 1989
Petroleum Act 1923
Petroleum and Gas (Production and Safety) Act 2004

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Part 1 Preliminary

1 Short title
This regulation may be cited as the Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2013.

2 Commencement
(1) Part 2 commences immediately after the commencement of the Mining and Other Legislation Amendment Act 2013, part 4, other than sections 22, 25 and 28.

(2) Part 3 commences immediately after the commencement of the Mines Legislation (Streamlining) Amendment Act 2012, section 132.

(3) Part 4 commences immediately after the commencement of the Mines Legislation (Streamlining) Amendment Act 2012, section 146.

(4) Part 5, divisions 2 and 4 commence immediately after the commencement of sections 162, 174, 182 and 216 of the Mines Legislation (Streamlining) Amendment Act 2012.

(5) Part 5, division 3 commences immediately after the commencement of the following provisions of the Mining and Other Legislation Amendment Act 2013—
   (a) part 7, division 3;
   (b) schedule 1.

(6) Part 6 commences immediately after the commencement of the Mines Legislation (Streamlining) Amendment Act 2012, section 256.

(7) Part 7, division 2 commences immediately after the commencement of the Mines Legislation (Streamlining) Amendment Act 2012, section 273.

(8) Part 7, division 3 commences immediately after the commencement of the Mining and Other Legislation Amendment Act 2013, part 10, division 3.
3 Regulation amended
    This part amends the Fossicking Regulation 2009.

4 Amendment of s 17 (Roads, tracks etc.)
    Section 17(a), ‘mining registrar’s’—
    omit, insert—
    chief executive’s

5 Amendment of s 20 (Display of advertisements)
    Section 20(1), ‘mining registrar’s’—
    omit, insert—
    chief executive’s

6 Amendment of s 21 (Other prohibited activities)
    Section 21, ‘mining registrar’s’—
    omit, insert—
    chief executive’s

7 Amendment of sch 7 (Dictionary)
    Schedule 7, definition plan, note, ‘and at an office of a mining registrar’—
    omit.
## Part 3  Amendment of Geothermal Energy Regulation 2012

### 8 Regulation amended

This part amends the *Geothermal Energy Regulation 2012.*

### 9 Amendment of sch 4 (Fees)

1. **Schedule 4, item 8—**
   
   *renumber* as schedule 4, item 12.

2. **Schedule 4, item 7—**
   
   *omit, insert—*

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Fee Amount</th>
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<tr>
<td>Registration of a dealing with a geothermal tenure, other than an assessable transfer—Act, s 282(3)—</td>
<td>42.15</td>
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<td>(a) if the dealing is a change to the geothermal tenure holder’s name.</td>
<td></td>
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<tr>
<td>(b) otherwise</td>
<td>112.80</td>
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<td>Application for indicative approval of an assessable transfer of a geothermal tenure—Act, s 284(2)(b)</td>
<td>318.60</td>
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<td>Application for approval of an assessable transfer of a geothermal tenure—Act, s 285(3)(d)—</td>
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<td>(a) if the Minister has given an indicative approval of the transfer.</td>
<td>150.00</td>
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<tr>
<td>(b) otherwise</td>
<td>468.60</td>
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<td>Registration of an associated agreement for a geothermal tenure—Act, s 289A(3)</td>
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<tr>
<td>Lodging caveat in relation to a geothermal tenure—Act, s 289C(1)(h)</td>
<td>112.80</td>
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</table>
Part 4 Amendment of Greenhouse Gas Storage Regulation 2010

10 Regulation amended
This part amends the *Greenhouse Gas Storage Regulation 2010*.

11 Amendment of sch 3 (Fees)
Schedule 3, part 2, items 3 and 4—

*omit, insert*—

3 Registration of a dealing with a GHG authority, other than an assessable transfer—Act, s 350(3)—
   (a) if the dealing is a change to the GHG authority holder’s name. .............................. 42.15
   (b) otherwise ........................................... 112.80

4 Application for indicative approval of an assessable transfer of a GHG authority—Act, s 352(2)(b) ............ 338.70

5 Application for approval of an assessable transfer of a GHG authority—Act, s 353(3)(d)—
   (a) if the Minister has given an indicative approval of the transfer .................................... 150.00
   (b) otherwise ........................................... 488.70

6 Registration of an associated agreement for a GHG authority—Act, s 355C(3) ..................................... 42.15

7 Lodging caveat in relation to GHG authority—Act, s 355E(1)(h) ............................................. 112.80

12 Amendment of sch 4 (Dictionary)
Schedule 4, definition 6 month period, ‘part 3’—

*omit, insert*—

   part 5
Part 5  Amendment of Mineral Resources Regulation 2003

Division 1  Preliminary

13  Regulation amended

This part amends the Mineral Resources Regulation 2003.

Division 2  Amendments relating to Mines Legislation (Streamlining) Amendment Act 2012

14  References to renumbered provisions

Each provision mentioned in column 1 is amended by omitting the words mentioned in column 2 and inserting the words mentioned in column 3—

<table>
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<th>Column 2 Words omitted</th>
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<td>section 81(1)(m)</td>
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<td>section 141(1)(f)</td>
<td>section 141(1)(e)</td>
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<tr>
<td>section 13B(1)</td>
<td>subsection (1)(f)(i)</td>
<td>subsection (1)(e)(i)</td>
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<td>section 13C(1)</td>
<td>subsection (1)(f)(ii)</td>
<td>subsection (1)(e)(ii)</td>
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<tr>
<td>section 13D(1)</td>
<td>subsection (1)(f)(iii)</td>
<td>subsection (1)(e)(iii)</td>
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<td>sections 14A(1),</td>
<td>section 194(1)(f)</td>
<td>section 194(1)(e)</td>
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<td>14B(1), 14C(1) and 14D(1)</td>
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15 Amendment of pt 11, div 3, hdg (Requirements relating to registration of particular transactions or events)

Part 11, division 3, heading, ‘transactions or’—

*omit.*

16 Omission of ss 60–62

Sections 60 to 62—

*omit.*

17 Amendment of s 63 (Request for transmission by death—no grant of probate or letters of administration)

(1) Section 63, heading, ‘Request for’—

*omit, insert—*

Registration of

(2) Section 63(1)(a), ‘the following person’—

*omit, insert—*

either of the following persons

(3) Section 63(1)—

*insert—*
Note—

See the Act, chapter 7, part 1, division 2 about the registration of dealings with mining tenements generally.

(4) Section 63(2) and (3)—

*omit, insert—*

(2) The chief executive may register the transmission by death only if—

(a) it has been at least 6 months since the person died; and

(b) the Minister is satisfied the value of the estate is not sufficient to justify the expense of an application for a grant of probate or letters of administration.

18 Omission of ss 64–66

Sections 64 to 66—

*omit.*

19 Amendment of s 77 (Additional information required from mortgagee exercising power of sale)

(1) Section 77(1)(b)(ii), ‘an assignment’—

*omit, insert—*

a transfer

(2) Section 77(1), editor’s note—

*omit.*

20 Amendment of section 79 (Survey must be lodged with the chief executive)

Section 79(1)—

*omit, insert—*
(1) This section applies if the Minister has, under section 407 of the Act, asked the applicant for the grant of or the holder of a mining tenement to have the land, to which the application relates or the tenement applies, surveyed or further surveyed.

21 Amendment of sch 6 (Fees)

(1) Schedule 6, part 2, items 3 to 5—

omit.

(2) Schedule 6, part 2, items 6 to 8—

renumber as schedule 6, part 2, items 3 to 5.

(3) Schedule 6, part 2—

insert—

6 Registration of a dealing with a mining tenement that is a mining claim, other than an assessable transfer—Act, s 318AAT(3) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . ..
omit, insert—

3 Registration of a dealing with a mining tenement that is an exploration permit, other than an assessable transfer—Act, s 318AAT(3)—
   (a) if the dealing is a change to the exploration permit holder’s name. ............................. 42.15
   (b) otherwise ........................................ 112.80

4 Application for indicative approval of an assessable transfer of a mining tenement that is an exploration permit—Act, s 318AAV(2)(c)(ii)—
   (a) if the permit is for coal ............................... 316.20
   (b) if the permit is for any mineral other than coal and is
       for 4 or fewer sub-blocks in restricted area 256, 257, 258, 259, 260, 261, 262, 263, 264 or 265 ......... 79.10
   (c) otherwise ........................................ 237.30

5 Application for approval of an assessable transfer of a mining tenement that is an exploration permit—Act, s 318AAW(2)(c)(iv)—
   (a) if the Minister has given an indicative approval of the
       transfer .................................................. 150.00
   (b) otherwise—
       (i) if the permit is for coal ............................ 466.20
       (ii) if the permit is for any mineral other than coal
            and is for 4 or fewer sub-blocks in restricted area
            256, 257, 258, 259, 260, 261, 262, 263, 264 or
            265 .................................................. 229.10
       (iii) for any other mineral ............................... 387.30

6 Registration of an associated agreement for a mining tenement that is an exploration permit—Act, s 318AAZC(3) .................................................. 42.15

7 Lodging caveat in relation to a mining tenement that is an exploration permit—Act, s 318AAZF(1)(h) ............... 112.80
   (5) Schedule 6, part 4, items 3 to 6—
       omit.
   (6) Schedule 6, part 4, items 7 to 9—
renumber as schedule 6, part 4, items 3 to 5.

(7) Schedule 6, part 4—
insert—

6 Registration of a dealing with a mining tenement that is a mineral development licence, other than an assessable transfer—Act, s 318AAT(3)—
(a) if the dealing is a change to the mineral development licence holder’s name ........................................ 42.15
(b) otherwise .......................................................... 112.80

7 Application for indicative approval of an assessable transfer of a mining tenement that is a mineral development licence—Act, s 318AAV(2)(c)(ii) ........... 632.70

8 Application for approval of an assessable transfer of a mining tenement that is a mineral development licence—Act, s 318AAW(2)(c)(iv)—
(a) if the Minister has given an indicative approval of the transfer ....................................................... 150.00
(b) otherwise .......................................................... 782.70

9 Registration of an associated agreement for a mining tenement that is a mineral development licence—Act, s 318AAZC(3) ............................................. 42.15

10 Lodging caveat in relation to a mining tenement that is a mineral development licence—Act, s 318AAZF(1)(h) . . . . . . . . . . . . . . . . . . . . . . . . . . . . 112.80

(8) Schedule 6, part 5, items 1 to 15—

omit, insert—

1 Obtaining copy of mining lease application (s 17(2)) ........ 42.60

2 Application for grant of mining lease (Act, s 245)—
(a) for coal .............................................................. 3 731.00
(b) for corundum, gemstones and other precious stones . 666.00
(c) for elluvial, colluvial and alluvial gold and elluvial, colluvial and alluvial tin ......................................... 666.00
(d) for any other mineral .............................................. 1 332.00

3 Application for renewal of mining lease (Act, s 286)—
(a) for coal .............................................................. 3 731.00
Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2013
Part 5 Amendment of Mineral Resources Regulation 2003

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<th>Fee</th>
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<td>(b) for corundum, gemstones and other precious stones</td>
<td>666.00</td>
</tr>
<tr>
<td>(c) for elluvial, colluvial and alluvial gold and elluvial, colluvial and alluvial tin</td>
<td>666.00</td>
</tr>
<tr>
<td>(d) for any other mineral</td>
<td>1332.00</td>
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<tr>
<td>4 Application for approval to mine specified minerals not specified in mining lease (Act, s 298(2))</td>
<td>533.00</td>
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<td>5 Application to add a purpose (other than mining of minerals) to mining lease granted for purposes other than the mining of minerals (Act, s 298(5))</td>
<td>533.00</td>
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<td>6 Application to add a purpose to mining lease granted for mining of minerals (Act, s 298(7))</td>
<td>533.00</td>
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<td>7 Application for consolidation of mining leases (Act, s 299(2))</td>
<td>533.00</td>
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<td>8 Lodging notice of surrender of mining lease (Act, s 309(2)(c))</td>
<td>159.90</td>
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<td>9 Application for variation of the land used or proposed to be used as access in relation to land the subject of mining lease (Act, s 317(2)(b))</td>
<td>373.10</td>
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<td>10 Registration of a dealing with a mining tenement that is a mining lease, other than an assessable transfer—Act, s 318AAT(3)—</td>
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<td>(a) if the dealing is a change to the lease holder’s name</td>
<td>42.15</td>
</tr>
<tr>
<td>(b) otherwise</td>
<td>112.80</td>
</tr>
<tr>
<td>11 Application for indicative approval of an application transfer—Act, s 318AAV(2)(c)(ii)—</td>
<td></td>
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<tr>
<td>(a) if the application is for coal</td>
<td>107.30</td>
</tr>
<tr>
<td>(b) if the application is for corundum, gemstones and other precious stones</td>
<td>193.15</td>
</tr>
<tr>
<td>(c) if the application is for elluvial, colluvial and alluvial gold and elluvial, colluvial and alluvial tin</td>
<td>193.15</td>
</tr>
<tr>
<td>(d) if the application is for any other mineral</td>
<td>386.25</td>
</tr>
<tr>
<td>12 Application for indicative approval of an assessable transfer of a mining tenement that is a mining lease—Act, s 318AAV(2)(c)(ii)—</td>
<td></td>
</tr>
<tr>
<td>(a) if the lease is for coal</td>
<td>107.30</td>
</tr>
<tr>
<td>(b) if the lease is for corundum, gemstones and other precious stones</td>
<td>193.15</td>
</tr>
</tbody>
</table>
 Amendment of sch 7 (Dictionary)

Schedule 7, definition prescribed document—

omit.
Division 3 Amendments relating to Mining and Other Legislation Amendment Act 2013

23 References to mining registrar

Each provision mentioned in column 1 is amended by omitting the words mentioned in column 2 and inserting the words mentioned in column 3—

<table>
<thead>
<tr>
<th>Column 1 Provision</th>
<th>Column 2 Words omitted</th>
<th>Column 3 Words inserted</th>
</tr>
</thead>
<tbody>
<tr>
<td>section 4(d) and (d)(i)</td>
<td>mining registrar</td>
<td>chief executive</td>
</tr>
<tr>
<td>section 6(1)(d) and (3)(a)</td>
<td>mining registrar</td>
<td>chief executive</td>
</tr>
<tr>
<td>section 9(d)</td>
<td>mining registrar</td>
<td>chief executive</td>
</tr>
<tr>
<td>section 14(d)</td>
<td>mining registrar</td>
<td>chief executive</td>
</tr>
<tr>
<td>section 15(d) and (d)(i)</td>
<td>mining registrar</td>
<td>chief executive</td>
</tr>
<tr>
<td>section 16(1)(d)</td>
<td>mining registrar</td>
<td>chief executive</td>
</tr>
<tr>
<td>section 17(1)</td>
<td>a mining registrar</td>
<td>the chief executive</td>
</tr>
<tr>
<td>section 17(3)</td>
<td>mining registrar</td>
<td>chief executive</td>
</tr>
<tr>
<td>section 18(d)</td>
<td>mining registrar</td>
<td>chief executive</td>
</tr>
<tr>
<td>section 69(2)</td>
<td>chief executive or mining registrar responsible for registering the document</td>
<td>chief executive</td>
</tr>
</tbody>
</table>
 Amendment of s 10 (Prohibited prospecting or hand mining equipment)

(1) Section 10(1), ‘on land to which a mining claim applies’—

_omit, insert_—

in the area of a mining claim

(2) Section 10(3)—

_renumber as section 10(4)._

(3) Section 10—

_insert_—

(3) Also, subsection (1) does not apply to using prohibited machinery in the area of a prescribed mining claim, other than in any part of the area of a prescribed mining claim that is within the boundaries shown on any of the following plans—

(a) MP34341;
(b) MP34342;
(c) MP34343;
(d) MP36464;
(e) MP40825;
(f) MP30692;
(g) MP31027;
(h) MP31028;
(i) MP30955;
(j) MP30971.

(4) Section 10(4), as renumbered—

insert—

*prescribed mining claim* means a mining claim that—

(a) applies to corundum, gemstones or other precious stones, and the area of which has been decided by the Minister under the Act, section 53; or

(b) has been converted from a mining lease under the Act, section 816.

25 Insertion of new pt 12, div 2A
Part 12—

*insert*—

**Division 2A  Small scale mining code**

**79B Small scale mining code—Act, s 391C**

(1) For section 391C(1) of the Act, the small scale mining code consists of—

(a) the guidelines stated in parts 2 and 3 of the document called ‘Small Scale Mining
Code’, dated March 2013 and published by the department (the code document); and

Editor’s note—

The code document may be inspected, free of charge—

(a) on the department’s website at <www.dnrm.qld.gov.au>; or

(b) during the hours prescribed, under section 82, for the conduct of business at one of the department’s mines lodgment offices listed on the department’s website.

(b) schedule 4A.

(2) However, all of the following apply for compiling any copy of the small scale mining code—

(a) schedule 4A must be inserted into the code document;

(b) the schedule heading may be substituted with the heading ‘Part 4—mandatory conditions’;

(c) the reference to the authorising section may be omitted;

(d) the part headings may be omitted;

(e) the division headings may be omitted;

(f) a reference to ‘this schedule’ may be substituted with a reference to ‘this part’;

(g) the compilation may use whatever numbering system the chief executive considers appropriate;

(h) a provision may be relocated to a place the chief executive considers appropriate;

(i) each cross-reference must be amended to ensure a correct reflection of the relocation or numbering system used.
(3) A compilation made under subsection (2) is taken to be the code prescribed under subsection (1).

26 Insertion of new sch 4A

After schedule 4—

insert—

Schedule 4A  Small scale mining code—mandatory conditions

section 79B

Part 1  Preliminary

1 What this schedule is about

(1) This schedule provides for the mandatory conditions for the following (each a small scale mining tenement)—

(a) a mining claim, other than an authorised mining claim, under which a small scale mining activity is carried out (a small scale mining claim);  

(b) an exploration permit, other than an authorised exploration permit, under which a small scale mining activity is carried out (a small scale exploration permit).

(2) In this section—

authorised exploration permit means an exploration permit for a mining activity the subject of an environmental authority.
authorised mining claim means a mining claim for a mining activity the subject of an environmental authority.

environmental authority see the Environmental Protection Act 1994, schedule 4.

mining activity see the Environmental Protection Act 1994, section 110.

2 Definitions

In this schedule—

holder means a person who, under the Act, holds a small scale mining tenement.

relevant person, for a small scale mining tenement, means—

(a) the holder of the tenement; or

(b) a person acting for the holder of the tenement.

small scale mining activity see the Environmental Protection Act 1994, schedule 4.

Part 2 Mandatory conditions

Division 1 Small scale mining tenements

3 Excavation

(1) A relevant person for a small scale mining tenement must, before starting to excavate in the area of a small scale mining tenement—

(a) strip all topsoil and overburden from the part of the area to be excavated; and
(b) keep the topsoil and overburden in a separate part of the area for the purpose of rehabilitating excavated areas for the tenement.

Note—
Under the Environmental Protection Act 1994, section 21A(1), a regulation may, for a small scale mining activity, prescribe a condition about rehabilitating land.

(2) For subsection (1)(a), the topsoil and the overburden must not be mixed during stripping, other than to the extent that is unavoidable as part of the stripping process.

(3) For subsection (1)(b), the topsoil and overburden must not be kept together.

(4) In this section—

excavate means to use machinery to dig, but does not include stripping.

excavated area, for a small scale mining tenement, means a part of the area of the tenement that has been excavated.

stripping means the use of machinery to remove topsoil or overburden from land.

4 General waste

(1) This section applies to all general waste in the area of a small scale mining tenement.

(2) As soon as is reasonably practicable after the waste is generated, a relevant person for the small scale mining tenement must—

(a) bury the waste at least 1 metre underground; or

(b) take the waste to a waste facility at which the waste may be disposed of.
(3) In this section—

*general waste*, for a small scale mining tenement, includes any thing that is left over, or an unwanted by-product, from any activity carried out in the area of the tenement, other than the following—

(a) topsoil, overburden or wash;

(b) regulated waste.

*regulated waste* see the *Environmental Protection Regulation 2008*, section 65.

*wash* means sand or gravel separated from corundum, gemstones or other precious stones during their processing.

*waste facility* see the *Waste Reduction and Recycling Act 2011*, schedule.

5 Fuel storage

(1) A relevant person for a small scale mining tenement must ensure all fuel stored in the area of a small scale mining tenement is stored as required under AS 1940.

(2) In this section—

*AS 1940* means Australian Standard 1940 ‘The storage and handling of flammable and combustible liquids’.

Division 2 Small scale mining claims

6 Dams

A relevant person for a small scale mining claim must not do either of the following to a puddling dam, slimes dam or silt dam in the area of a small scale mining claim unless there is no water in the dam—
(a) re-contour the dam;
(b) cover the dam with topsoil.

7 Chemicals
A relevant person for a small scale mining claim must ensure chemicals are not used for mineral separation or processing in the area of a small scale mining claim.

Division 3 Small scale exploration permits

8 Drilling and sampling
(1) A relevant person for a small scale exploration permit must, as soon as is reasonably practicable after the drilling of a hole in the area of a small scale exploration permit, remove from the area all drill cores, trays and sample bags relating to the drilling of the hole.

(2) A relevant person for a small scale exploration permit must, before the expiry day for the permit ends, ensure all marker pegs are removed from the area of the permit.

27 Amendment of sch 7 (Dictionary)
(1) Schedule 7, definition holder—
    omit.

(2) Schedule 7—
    insert—
    holder—
    (a) for part 9, division 3, subdivision 3, see section 43; and
(b) for schedule 4A, see schedule 4A, section 2.

_relevant person_, for schedule 4A, see schedule 4A, section 2.

_small scale mining activity_, for schedule 4A, see schedule 4A, section 2.

(3) Schedule 7, definition _block identification map_, editor’s note—

    _omit, insert_

    _Editor’s note_

    A copy of each map in the series may be inspected, free of charge, during the hours prescribed, under section 82, for the conduct of business at the department’s Geological Survey of Queensland sales centre at level 10, 119 Charlotte Street, Brisbane.

### Division 4 Miscellaneous amendments

#### 28 Amendment of s 4 (Conditions of prospecting permits—Act, s 25)

Section 4, editor’s note—

    _omit, insert_

    _Note_

    See also part 8.

#### 29 Amendment of s 9 (General conditions)

Section 9, editor’s note—

    _omit, insert_

    _Note_

    See also part 8.
30 Amendment of s 13B (Annual report for exploration permit)
Section 13B(3)(g), ‘section 145’—

*omit, insert—*

schedule 1, section 13

31 Amendment of s 14 (Conditions of exploration permits—Act, s 141)
Section 14, editor’s note—

*omit, insert—*

**Note—**

See also part 8.

32 Amendment of s 14B (Annual report for mineral development licence)
Section 14B(3)(g), ‘section 191’—

*omit, insert—*

schedule 1, section 13

33 Amendment of s 15 (Conditions of mineral development licences)
Section 15, editor’s note—

*omit, insert—*

**Note—**

See also part 8.

34 Amendment of s 18 (Conditions of mining lease)
Section 18, editor’s note—

*omit, insert—*

**Note—**
See also part 8.

35  Amendment of s 33 (Exemption for coal seam gas)
Section 33(1)(b), editor’s note—
  omit, insert—
  
  Note—
  See the Act, sections 318CM and 747.

36  Amendment of s 58 (Other particulars about exploration permits)
Section 58(b), ‘164, 486’—
  omit, insert—
  486

37  Amendment of s 59 (Other particulars about mineral development licences)
Section 59(f), ‘or 212’—
  omit.

38  Omission of pt 11, divs 1, 2 and 4
Part 11, divisions 1, 2 and 4—
  omit.

39  Renumbering of pt 11, divs 3 and 5
Part 11, divisions 3 and 5—
  renumber as part 11, divisions 1 and 2.

40  Amendment of s 83 (Rental payable for mining tenement)
Section 83(1), editor’s note—
omitted, inserted—

Note—
See also the Act, sections 95, 138, 193 and 290.

41 Renumbering of pt 13, div 5 (Transitional provision for Resources Legislation Amendment Regulation (No. 1) 2011)
Part 13, division 5—
renumber as part 13, division 4.

42 Renumbering of pt 13, div 6 (Transitional provisions for Resources Legislation and Another Regulation Amendment Regulation (No. 1) 2012)
Part 13, division 6—
renumber as part 13, division 5.

43 Renumbering of pt 13, div 7 (Transitional provision for Mineral Resources Amendment Regulation (No. 3) 2012)
Part 13, division 7—
renumber as part 13, division 6.

44 Amendment of sch 7 (Dictionary)
Schedule 7, definition return period, editor’s note—
omitted, inserted—

Note—
For paragraph (b), see section 27.
Part 6 Amendment of Petroleum Regulation 2004

45 Regulation amended

This part amends the Petroleum Regulation 2004.

46 Amendment of sch 2 (Fees)

Schedule 2, part 3, items 3 and 4—

*omit, insert*—

3 Registration of a dealing with a 1923 Act petroleum tenure, other than an assessable transfer—Act, s 80J(3)—

(a) if the dealing is a change to the 1923 Act petroleum tenure holder’s name ........................................ 42.15

(b) otherwise .................................................. 112.80

4 Application for indicative approval of an assessable transfer of a 1923 Act petroleum tenure—Act, s 80KA(2)(b)—

(a) if the 1923 Act petroleum tenure is an authority to prospect ......................................................... 632.70

(b) if the 1923 Act petroleum tenure is a lease .......... 1 107.30

(c) otherwise .................................................. 474.60

5 Application for approval of an assessable transfer of a 1923 Act petroleum tenure—Act, s 80KB(2)(d)—

(a) if the Minister has given an indicative approval of the transfer ......................................................... 150.00

(b) otherwise—

(i) if the 1923 Act petroleum tenure is an authority to prospect ......................................................... 782.70

(ii) if the 1923 Act petroleum tenure is a lease .......... 1 257.30

(iii) if the 1923 Act petroleum tenure is a water monitoring authority .................................................... 624.60
Part 7 Amendment of Petroleum and Gas (Production and Safety) Regulation 2004

Division 1 Preliminary

47 Regulation amended

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

Division 2 Amendments relating to Mines Legislation (Streamlining) Amendment Act 2012

48 Amendment of sch 9 (Fees)

(1) Schedule 9, part 5, item 5—

\textit{renumber} as schedule 9, part 5, item 8.

(2) Schedule 9, part 5, items 3 and 4—

\textit{omit}, insert—

3 Registration of a dealing with a petroleum authority, or of a share in a petroleum authority, other than an assessable transfer—Act, s 573(3)—

(a) if the dealing is a change to the petroleum authority holder’s name. ................................. 42.15
Division 3 Amendments relating to Mining and Other Legislation Amendment Act 2013

49 Insertion of new s 58A

Chapter 2, part 2—

insert—
58A Stated pipeline licence incidental activities

(1) This section prescribes a safety requirement for a stated pipeline licence incidental activity.

Note—

(2) A relevant person must not, in the area of the pipeline licence, carry out a stated pipeline licence incidental activity if the activity causes, or is likely to cause, a relevant pipeline to stop being compliant with AS 2885 ‘Pipelines—gas and liquid petroleum’ (2008).

(3) In this section—

relevant person means—
(a) the holder of the pipeline licence; or
(b) a person acting for the holder of the pipeline licence.

relevant pipeline, for a pipeline licence, means either of the following—
(a) an existing pipeline in the area of the licence;
(b) a pipeline in the area of the licence whose construction has started, but is not complete.

Division 4 Miscellaneous amendments

50 Amendment of s 12 (Definitions for div 1)

Section 12, definition prediction period—
omit.

51 Amendment of s 100A (Prescribed persons, installation stage and period for giving gas inspection certificate for installation—Act, s 734)

Section 100A(3)(b), ‘gas system’—

omit, insert—

gas fuel system

52 Insertion of new pt 9

After section 173—

insert—

Part 9 Transitional provisions for Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2013

174 Superseded version of amended mandatory or preferred standard taken to apply until changeover date

(1) This section applies if there is an amended mandatory standard or an amended preferred standard for a safety requirement.

(2) A person is taken, until the changeover date, to comply with an amended mandatory standard for a safety requirement if the person complies with the superseded version of the standard.

(3) For an amended preferred standard for a safety requirement, a person is taken, until the changeover date—
(a) to comply with the standard if the person complies with the superseded version of the standard; and

(b) to comply with the safety requirement without complying with the standard if the person—

(i) gives the chief inspector a notice that the person is not complying with the superseded version of the standard; and

(ii) has written evidence showing the level of risk for the activity or thing to which the safety requirement applies is equal to or less than the level of risk that would be achieved by complying with the superseded version of the standard.

Example of written evidence—

a report setting out a risk assessment carried out by a competent person

(4) If the superseded version of an amended mandatory standard or an amended preferred standard for a safety requirement allows a competent person, or any other person, to grant an exemption from, or in any other way change, the requirements stated in the superseded version, the exemption or change may only be granted or made by the chief inspector.

Example—

The superseded version of an amended preferred standard might provide that a competent person can grant an exemption from provisions of the superseded standard. For the purpose of this regulation, the exemption can only be granted by the chief inspector.

(5) If a safety requirement taken to be complied with under this section is inconsistent with an other safety requirement, the other safety requirement prevails to the extent of the inconsistency.

(6) In this section—
amended mandatory standard means a mandatory standard whose title is amended at the commencement of this section.

amended preferred standard means a preferred standard whose title is amended at the commencement of this section.

changeover date means the day that is 6 months after the commencement of this section.

superseded version, of an amended mandatory standard or an amended preferred standard, means the version of the amended standard stated in schedule 1, column 1, immediately before the commencement of this section.

175 Superseded version of amended transmission pipeline standard applies for pipeline being constructed

(1) This section applies if, at the commencement of this section, the holder of a pipeline licence has started, but has not completed, construction of a pipeline in the area of the licence.

(2) For the pipeline being constructed, the holder, or a person acting for the holder, is taken to comply with the amended transmission pipeline standard for a safety requirement if the person complies with the superseded version of the standard.

(3) In this section—

amended transmission pipeline standard means the transmission pipeline standard, as amended at the commencement of this section.

superseded version, of the amended transmission pipeline standard, means the version of the amended transmission pipeline standard stated in schedule 1, part 2, column 1, immediately before the commencement of this section.
transmission pipeline standard means the standard stated in schedule 1, part 2, column 1 immediately before the commencement of this section.

53 Amendment of sch 1 (Mandatory and preferred standards for safety requirements)

(1) Schedule 1, part 1, entry for APIA code of practice, column 1, ‘version 1.1 (October 2011)’—

omit, insert—
version 2.0 (January 2013)

(2) Schedule 1, part 1, entry for ISO 10414, column 1, ‘(2002)’—

omit, insert—
(2008)

(3) Schedule 1, part 1, entry for ISO 11960, column 1, ‘(2004)’—

omit, insert—
(2011)

(4) Schedule 1, part 1, entry for ISO 15546, column 1, ‘(2007)’—

omit, insert—
(2011)

(5) Schedule 1, part 2, entry for AS 2885, column 1—

omit, insert—

(6) Schedule 1, part 5, entry for AS 61508, column 1—

omit, insert—

(7) Schedule 1, part 6, entry for AS 1210 ‘Pressure vessels’ (1997), column 1, ‘(1997)’—

  omit, insert—

  (2010)

(8) Schedule 1, part 6, entry for AS/NZS 60079 ‘Explosive atmospheres’, column 1—

  omit, insert—


(9) Schedule 1, part 6—
"insert—"

AS 2885 ‘Pipelines—gas and liquid petroleum’
Part 0 ‘General Requirements’ (2008)
Part 2 ‘Welding’ (2007)
Part 3 ‘Operation and maintenance’ (2012)
Part 4 ‘Offshore submarine pipeline systems’ (2010)
Part 5 ‘Field pressure testing’ (2002)

a stated pipeline licence mandatory incidental activity to which the standard applies

54 Amendment of sch 12 (Dictionary)

Schedule 12, definitions affected aquifer, impact report and prediction period—

omit.

ENDNOTES

1 Made by the Governor in Council on 28 March 2013.
2 Notified in the gazette on 28 March 2013.
3 Laid before the Legislative Assembly on . . .
4 The administering agency is the Department of Natural Resources and Mines.

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