



Queensland

Mines and Energy Legislation Amendment Bill 2008



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2008

A Bill

for

An Act to amend the Coal Mining Safety and Health Act 1999, Electricity Act 1994, Energy Ombudsman Act 2006, Mineral Resources Act 1989, Mining and Quarrying Safety and Health Act 1999, Petroleum Act 1923 and the Petroleum and Gas (Production and Safety) Act 2004 for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Mines and Energy Legislation
Amendment Act 2008*. 4
5

Clause 2 Commencement 6

Sections 108 and 109 commence on a day to be fixed by
proclamation. 7
8

**Part 2 Amendment of Coal Mining
Safety and Health Act 1999** 9
10

Clause 3 Act amended in pt 2 and schedule 11

This part and the schedule amend the *Coal Mining Safety and
Health Act 1999*. 12
13

**Clause 4 Amendment of s 279 (Notices about coal industry
statistics or information)** 14
15

(1) Section 279(3), penalty, ‘for subsection (3)’— 16
omit. 17

(2) Section 279— 18
insert— 19

‘(4) The chief executive may— 20

[s 8]

‘the premises of a large customer or a street lighting customer’.

		1
		2
Clause 8	Amendment of s 48D (When area retail entity must provide the services to an applicant)	3
		4
	(1) Section 48D(1)(c), after ‘large market customer’—	5
	<i>insert—</i>	6
	‘or street lighting market customer’.	7
	(2) Section 48D(2)(b), after ‘large customer’—	8
	<i>insert—</i>	9
	‘or street lighting customer’.	10
	(3) Section 48D(4)—	11
	<i>insert—</i>	12
	‘ <i>street lighting market customer</i> , for premises, means a street lighting customer for the premises who is also a market customer for the premises.’.	13
		14
		15
Clause 9	Amendment of s 49 (Retail contract types)	16
	Section 49(4), after ‘a large customer’—	17
	<i>insert—</i>	18
	‘or street lighting customer’.	19
Clause 10	Amendment of s 51 (Retail contract with financially responsible retail entity)	20
		21
	Section 51(3), after ‘a large customer’—	22
	<i>insert—</i>	23
	‘or street lighting customer’.	24

Clause 11	Amendment of s 53 (Making or amending terms of standard large customer retail contract)	1 2
(1)	Section 53, heading, after ‘large customer’— <i>insert—</i> ‘or street lighting customer’.	3 4 5
(2)	Section 53(2)(c), after ‘large customers’— <i>insert—</i> ‘and street lighting customers’.	6 7 8
(3)	Section 53(4), ‘large customer of the’— <i>omit, insert—</i> ‘large customer or street lighting customer of the’.	9 10 11
Clause 12	Amendment of s 54 (Required and permitted terms of standard large customer retail contract)	12 13
(1)	Section 53, heading, after ‘large customer’— <i>insert—</i> ‘or street lighting customer’.	14 15 16
(2)	Section 54(2)(a), note— <i>omit.</i>	17 18
(3)	Section 54(2)(a), (4) and (6), ‘large’— <i>omit.</i>	19 20
Clause 13	Amendment of s 135AA (How main purposes are achieved)	21 22
	Section 135AA(3)(c)— <i>omit, insert—</i> ‘(c) liable persons must surrender to the regulator a particular percentage of the electricity sold or used by them for each year from 2008 to 2019; and	23 24 25 26 27

[s 14]

	<i>Note—</i>	1
	For the percentage, see section 135ELA.’.	2
Clause 14	Amendment of s 214 (Who may apply for review etc.)	3
	Section 214(1)(a), after ‘customer’—	4
	<i>insert—</i>	5
	‘or street lighting customer’.	6
Clause 15	Amendment of sch 1 (Appeals against administrative decisions)	7
	Schedule 1, part 3, entry for sections 40A to 40D and entry for sections 48E to 48I, after ‘large customer’—	8
	<i>insert—</i>	9
	‘or a street lighting customer’.	10
Clause 16	Amendment of sch 5 (Dictionary)	11
	Schedule 5—	12
	<i>insert—</i>	13
	‘ <i>street lighting customer</i> see section 23(11).’.	14
Part 4	Amendment of Energy Ombudsman Act 2006	15
		16
Clause 17	Act amended in pt 4	17
	This part amends the <i>Energy Ombudsman Act 2006</i> .	18
Clause 18	Amendment of s 6 (Who is a <i>small customer</i>)	19
	(1) Section 6(2), after ‘the term’—	20

[s 21]

(b) the application does not show whether the proposed holders or assignees are to hold as joint tenants or as tenants in common; and

(c) the application is granted;

the chief executive or a mining registrar must record in the appropriate register that the holders or assignees hold the mining tenement as tenants in common.

‘(3) In this section—

mining tenement includes an interest in a mining tenement.’

Clause 21 Amendment of s 24 (Grant of prospecting permit) 10

Section 24— 11

insert— 12

‘(4) Without limiting subsection (1) or (2), a mining registrar may refuse to grant a prospecting permit if the mining registrar considers the grant is not in the public interest.’ 13
14
15

Clause 22 Amendment of s 25 (Conditions of prospecting permit) 16

Section 25— 17

insert— 18

‘(3A) Without limiting subsection (2) and despite subsection (3), a mining registrar may impose a condition on a prospecting permit if the mining registrar considers the condition is in the public interest.’ 19
20
21
22

Clause 23 Amendment of s 36 (Cancellation of prospecting permit) 23

(1) Section 36(2)— 24

renumber as section 36(3). 25

(2) Section 36— 26

insert— 27

‘(2) Without limiting subsection (1), a mining registrar may cancel
a prospecting permit if the mining registrar considers the
cancellation is in the public interest.’

**Clause 24 Amendment of s 74 (Grant of mining claim to which no
objection is lodged)**

(1) Section 74(3) to (5)—
renumber as section 74(4) to (6).

(2) Section 74—
insert—

‘(3) Without limiting subsection (2), the mining registrar may
refuse to grant the mining claim if the mining registrar
considers the grant is not in the public interest.’

**Clause 25 Amendment of s 78 (Land Court’s determination on
hearing)**

Section 78(2)(d), ‘public right and interest’—
omit, insert—
‘public interest’.

Clause 26 Amendment of s 81 (Conditions of mining claim)

(1) Section 81, after subsection (1)—
insert—

‘(1AA) Without limiting subsection (1), a mining registrar may
impose a condition on a mining claim if the mining registrar
considers the condition is in the public interest.’

(2) Section 81(3), ‘subsections (1), (1A) and (2)’—
omit, insert—
‘subsections (1) to (2)’.

[s 27]

Clause 27	Amendment of s 82 (Variation of conditions of mining claim)	1
		2
(1)	Section 82(3) to (5)—	3
	<i>renumber</i> as section 83(4) to (6).	4
(2)	Section 82—	5
	<i>insert</i> —	6
‘(3)	Without limiting subsection (1), a mining registrar may refuse to vary a condition of a mining claim if the mining registrar considers the variation is not in the public interest.’.	7
		8
		9
Clause 28	Amendment of s 93 (Renewal of mining claim)	10
(1)	Section 93(4) to (9)—	11
	<i>renumber</i> as section 93(6) to (9).	12
(2)	Section 93—	13
	<i>insert</i> —	14
‘(4)	Despite subsection (3), the mining registrar may refuse the renewal if the mining registrar considers the renewal is not in the public interest.	15
		16
		17
‘(5)	Without limiting subsection (3), the mining registrar may determine a condition of the renewed licence if the mining registrar considers the condition is in the public interest.’.	18
		19
		20
Clause 29	Amendment of s 95 (Rental payable on mining claim)	21
(1)	Section 95(1), ‘31 December’—	22
	<i>omit, insert</i> —	23
	‘31 August’.	24
(2)	Section 95(2), ‘yearly rental’—	25
	<i>omit, insert</i> —	26
	‘rental payable for a rental year’.	27
(3)	Section 95(2), ‘for the year’—	28

-
- | | |
|--|----|
| <i>omit, insert—</i> | 1 |
| ‘for the rental year’. | 2 |
| (4) Section 95(3), ‘each year’— | 3 |
| <i>omit, insert—</i> | 4 |
| ‘each rental year’. | 5 |
| (5) Section 95(3), ‘year’s’— | 6 |
| <i>omit, insert—</i> | 7 |
| ‘rental year’s’. | 8 |
| (6) Section 95(3), ‘31 December of the previous year’— | 9 |
| <i>omit, insert—</i> | 10 |
| ‘31 August of the previous rental year’. | 11 |
| (7) Section 95(4), ‘year’s rental’— | 12 |
| <i>omit, insert—</i> | 13 |
| ‘rental payable for a rental year’. | 14 |
| (8) Section 95(4), from ‘amount prescribed’— | 15 |
| <i>omit, insert—</i> | 16 |
| ‘amount prescribed under a regulation for that rental year’. | 17 |
| (9) Section 95(5), after ‘If’— | 18 |
| <i>insert—</i> | 19 |
| ‘, for a particular rental year’. | 20 |
| (10) Section 95(5)(a), ‘31 January of that year’— | 21 |
| <i>omit, insert—</i> | 22 |
| ‘30 September of that rental year’. | 23 |
| (11) Section 95(5)(b), ‘year’s rental’— | 24 |
| <i>omit, insert—</i> | 25 |
| ‘rental payable for the rental year’. | 26 |
| (12) Section 95(5)(b), ‘1 April of that year’— | 27 |

[s 30]

omit, insert— 1

‘1 December of that rental year’. 2

(13) Section 95(5)(b), from ‘prescribed in respect of’ to ‘falls’— 3

omit, insert— 4

‘prescribed under a regulation for that rental year’. 5

(14) Section 95(6), ‘1 January’— 6

omit, insert— 7

‘1 September’. 8

(15) Section 95(7), ‘year’— 9

omit, insert— 10

‘rental year’. 11

(16) Section 95(7), ‘31 December’— 12

omit, insert— 13

‘31 August’. 14

Clause 30 Amendment of s 106 (Contravention by holder of mining claim) 15
16

(1) Section 106(2)(a), ‘year’— 17

omit, insert— 18

‘rental year’. 19

(2) Section 106(2)(a), ‘1 April’— 20

omit, insert— 21

‘1 December’. 22

Clause 31 Amendment of s 133A (Minister may request other information) 23
24

Section 133A, ‘other’— 25

omit. 26

Clause 32	Amendment of s 137 (Grant of exploration permit)	1
	(1) Section 137—	2
	<i>insert—</i>	3
	‘(1A) Without limiting subsection (1), the Minister may refuse to grant an exploration permit if the Minister considers the grant is not in the public interest.’	4 5 6
	(2) Section 137(3)—	7
	<i>omit, insert—</i>	8
	‘(3) The Minister must not grant an exploration permit unless—	9
	(a) the applicant has paid rental for the first year of the term of the permit under section 138; and	10 11
	(b) the Minister has approved the program of work that, under section 133(1)(g)(i), accompanied the application.	12 13
	<i>Note—</i>	14
	Under section 144, an exploration permit can not be granted until the applicant has deposited security decided under that section.’	15 16
	(3) Section 137—	17
	<i>insert—</i>	18
	‘(3B) Without limiting subsection (3A), the Minister may refuse to approve the program of work if the Minister considers the program is not in the public interest.’	19 20 21
	(4) Section 137(5A)—	22
	<i>omit, insert—</i>	23
	‘(5A) The Minister must refuse an exploration permit for land if all or any part of the land is—	24 25
	(a) in a fossicking area; or	26
	(b) subject to an exploration permit for the same mineral.	27
	‘(5B) However subsection (5A)(a) does not apply if the application was made but not decided before the land became a fossicking area.’	28 29 30

[s 33]

Clause 33	Amendment of s 138 (Rental payable on exploration permit)	1 2
	Section 138(1)—	3
	<i>omit, insert—</i>	4
	‘(1) Rental for the first year of the term of an exploration permit (its <i>first rental period</i>) is payable before the granting of the permit under section 137 (the <i>original permit</i>).’.	5 6 7
Clause 34	Amendment of s 141 (Conditions of exploration permit)	8
	(1) Section 141(2) and (3)—	9
	<i>omit.</i>	10
	(2) Section 141(1A)—	11
	<i>renumber</i> as section 141(3).	12
	(3) Section 141—	13
	<i>insert—</i>	14
	‘(2) Without limiting subsection (1), the Minister may determine a condition of an exploration permit if the Minister considers the condition is in the public interest.’.	15 16 17
	(4) Section 141(6), ‘subsections (1), (1A), (2) and (5)’—	18
	<i>omit, insert—</i>	19
	‘subsections (1), (2), (3) and (5)’.	20
Clause 35	Amendment of s 141C (Application to vary conditions of existing permit)	21 22
	(1) Section 141C(4)—	23
	<i>renumber</i> as section 141C(5).	24
	(2) Section 141C—	25
	<i>insert—</i>	26

-
- ‘(4) Without limiting subsection (3), the Minister may refuse to
make a variation mentioned in subsection (3)(a) if the
Minister considers the variation is not in the public interest. 1
2
3
- ‘(6) The chief executive must, within 5 business days after making
a variation under subsection (3), give the EPA administering
authority written notice of the variation.’. 4
5
6

Clause 36 Amendment of s 147AA (Minister may request other information) 7
8
Section 147AA, ‘other’— 9
omit. 10

Clause 37 Amendment of s 147A (Decision on application) 11

(1) Section 147A(1)(d)— 12
omit. 13

(2) Section 147A(4) and (5)— 14
renumber as section 147A(5) and (7) respectively. 15

(3) Section 147A— 16
insert— 17

‘(4) Without limiting subsection (3), the Minister may decide a
condition of the renewed permit if the Minister considers the
condition is in the public interest. 18
19
20

‘(6) Without limiting subsection (5)(b), the Minister may refuse
the renewal if the Minister considers the renewal is not in the
public interest.’. 21
22
23

Clause 38 Replacement of s 147C (Continuation of permit while application being dealt with) 24
25
Section 147C— 26
omit, insert— 27

[s 38]

‘147C Continuation of permit while application being dealt with	1 2
‘(1) This section applies to an application for renewal of an exploration permit if—	3 4
(a) the application is not withdrawn, refused or granted before the permit’s expiry day ends; and	5 6
(b) after the expiry day, the holder—	7
(i) continues to pay rental on the permit and other amounts required to be paid under this Act; and	8 9
(ii) otherwise complies with this Act and the permit conditions.	10 11
‘(2) If the application is a properly made application, the permit continues in force subject to the rights, entitlements and obligations in effect immediately before the end of the expiry day until the application is withdrawn, refused or granted.	12 13 14 15
‘(3) If the application is an outstanding request application, the permit continues in force subject to the rights, entitlements and obligations in effect immediately before the end of the expiry day until either of the following days, whichever happens first—	16 17 18 19 20
(a) the application is withdrawn;	21
(b) the period in which the information that must be given under section 147AA(2) ends.	22 23
‘(4) In this section—	24
<i>outstanding request application</i> , for renewal of an exploration permit, means an application—	25 26
(a) that complies with section 147(2)(a) and (b), but does not comply with all or part of section 147(2)(c); and	27 28
(b) for which—	29
(i) the Minister has requested information, under section 147AA; and	30 31

	(ii) the period to give the information to the Minister under section 147AA(2) ends after the permit's expiry day; and	1 2 3
	(iii) the information has not been given to the Minister.	4
	<i>properly made application</i> , for renewal of an exploration permit, means an application that complies with all of section 147(2).'	5 6 7
Clause 39	Amendment of s 151 (Assignment of exploration permit)	8
	(1) Section 151—	9
	<i>insert—</i>	10
	'(4A) The Minister must not approve the assignment unless the Minister is satisfied the assignee has the human, technical and financial resources to comply with the conditions of the exploration permit under section 141.'	11 12 13 14
	(2) Section 151(6), from 'complied with'—	15
	<i>omit, insert—</i>	16
	'complied with if—	17
	(a) the holder has made an application for approval of the assignment in the approved form; and	18 19
	(b) the application is accompanied by—	20
	(i) a signed statement by the proposed assignee agreeing to the conditions of the exploration permit; and	21 22 23
	(ii) the fee prescribed under a regulation; and	24
	(c) the Minister is satisfied the Minister would have approved the exercise of the power if the subsections had been complied with.'	25 26 27
Clause 40	Amendment of s 183 (Application for mineral development licence)	28 29
	(1) Section 183(1)(m)—	30

[s 40]

<i>omit, insert—</i>	1
‘(m) be accompanied by a statement—	2
(i) giving a detailed description and technical particulars of the mineral occurrence for which the mineral development licence is sought together with any necessary supporting documents; and	3 4 5 6
(ii) stating any activities proposed to be carried out under the mineral development licence, including, for example, work programs, amounts to be spent and studies to be performed; and	7 8 9 10
(iii) stating the estimated human, technical and financial resources proposed to be committed to authorised activities for the mineral development licence during each year of the licence, if granted; and	11 12 13 14 15
(n) be accompanied by—	16
(i) a statement, separate from the statement mentioned in paragraph (m), detailing the applicant’s financial and technical resources; and	17 18 19
(ii) proof of the applicant’s identity; and	20
(iii) the application fee prescribed under a regulation.’.	21
(2) Section 183(2) and (3)—	22
<i>renumber</i> as section 183(3) and (4).	23
(3) Section 183—	24
<i>insert—</i>	25
‘(2) Only an eligible person may apply for a mineral development licence.’.	26 27
(4) Section 183(4), as renumbered, ‘Subsection (2)’—	28
<i>omit, insert—</i>	29
‘Subsection (3)’.	30

Clause 41	Insertion of new s 183A	1
	After section 183—	2
	<i>insert—</i>	3
	‘183A Minister may request information	4
	‘(1) The Minister may give an applicant for a mineral development licence a notice requiring the applicant to give the Minister information the Minister reasonably requires to assess the application.	5 6 7 8
	‘(2) If the information is not given to the Minister within the reasonable period stated in the notice, the Minister may refuse the application.’.	9 10 11
Clause 42	Replacement of s 186 (Minister may grant or reject application for mineral development licence)	12 13
	Section 186—	14
	<i>omit, insert—</i>	15
	‘186 Minister may grant or refuse application	16
	‘(1) The Minister may—	17
	(a) grant a mineral development licence, with or without conditions, for all or part of the land the subject of an application (the <i>relevant land</i>) for the licence; or	18 19 20
	(b) refuse the application.	21
	‘(2) Without limiting subsection (1), the Minister may refuse to grant a mineral development licence if the Minister considers the grant is not in the public interest.	22 23 24
	‘(3) The Minister may grant the mineral development licence only if—	25 26
	(a) the Minister is satisfied—	27
	(i) the requirements of this Act have been complied with; and	28 29
	(ii) the applicant is an eligible person; and	30

[s 42]

- (iii) the applicant has paid rental for the first year of the term of the licence under section 193(1); and
- (b) the Minister has approved the statements that, under section 183(1), accompanied the application.
- Note—*
- Under section 190, a mineral development licence can not be granted until the applicant has deposited security decided under that section.
- ‘(4) The Minister must refuse to grant a mineral development licence for land if any part of the land is—
- (a) in a fossicking area; or
- (b) subject to a mineral development licence for the same mineral.
- ‘(5) However, subsection (4)(a) does not apply if the application was made but not decided before the land became a fossicking area.
- ‘(6) In deciding whether to approve the statements mentioned in subsection (3)(b), the Minister must have regard to—
- (a) whether there exists to a high degree of definition on or in the land a significant mineral occurrence of possible economic potential; and
- (b) whether the area of land applied for is appropriate to further investigation of that occurrence; and
- (c) whether the applicant has the financial and technical capability to comply with the conditions of the mineral development licence under section 194.
- ‘(7) If a mineral development licence is only granted for part of the relevant land—
- (a) the application is taken to be refused for the rest of the relevant land; and
- (b) the Minister must give the applicant written notice of the reasons for the refusal.
- ‘(8) The chief executive must, within 5 business days after granting a mineral development licence or refusing an

application under this section, give the EPA administering
authority written notice of the grant or refusal. 1
2

‘(9) If the Minister refuses the mineral development licence the
Minister may decide whether all or part of the application fee
that accompanied the application will be retained.’. 3
4
5

**Clause 43 Amendment of s 193 (Rental payable on mineral
development licence) 6
7**

(1) Section 193(1)— 8
omit, insert— 9

‘(1) Rental for the first year of the term of a mineral development
licence (its *first rental period*) is payable before the granting
of the licence under section 186.’. 10
11
12

(2) Section 193(2), ‘yearly rental’— 13
omit, insert— 14
‘rental payable for a rental year’. 15

(3) Section 193(2), ‘for the year’— 16
omit, insert— 17
‘for the rental year’. 18

(4) Section 193(3), ‘each year’— 19
omit, insert— 20
‘each rental year’. 21

(5) Section 193(3), ‘year’s’— 22
omit, insert— 23
‘rental year’s’. 24

(6) Section 193(3), ‘31 December of the previous year’— 25
omit, insert— 26
‘31 August of the previous rental year’. 27

(7) Section 193(4), ‘year’s rental’— 28

[s 43]

- | | |
|---|----|
| <i>omit, insert—</i> | 1 |
| ‘rental payable for a rental year’. | 2 |
| (8) Section 193(4), from ‘amount prescribed’— | 3 |
| <i>omit, insert—</i> | 4 |
| ‘amount prescribed under a regulation for that rental year’. | 5 |
| (9) Section 193(5), after ‘If’— | 6 |
| <i>insert—</i> | 7 |
| ‘, for a particular rental year’. | 8 |
| (10) Section 193(5)(a), ‘31 January of that year’— | 9 |
| <i>omit, insert—</i> | 10 |
| ‘30 September of that rental year’. | 11 |
| (11) Section 193(5)(b), ‘year’s rental’— | 12 |
| <i>omit, insert—</i> | 13 |
| ‘rental payable for the rental year’. | 14 |
| (12) Section 193(5)(b), ‘1 April of that year’— | 15 |
| <i>omit, insert—</i> | 16 |
| ‘1 December of that rental year’. | 17 |
| (13) Section 193(5)(b), from ‘prescribed in respect of’ to ‘falls’— | 18 |
| <i>omit, insert—</i> | 19 |
| ‘prescribed under a regulation for that rental year’. | 20 |
| (14) Section 193(6), ‘1 January’— | 21 |
| <i>omit, insert—</i> | 22 |
| ‘1 September’. | 23 |
| (15) Section 193(7), ‘year’— | 24 |
| <i>omit, insert—</i> | 25 |
| ‘rental year’. | 26 |
| (16) Section 193(7), ‘31 December’— | 27 |

	<i>omit, insert—</i>	1
	‘31 August’.	2
Clause 44	Amendment of s 194 (Conditions of mineral development licence)	3 4
(1)	Section 194(1)(f)—	5
	<i>omit, insert—</i>	6
	‘(f) a condition that the holder must give the following reports to the Minister, in the way and containing the information prescribed under a regulation—	7 8 9
	(i) a report for each year of the term of the mineral development licence, given within 1 month after each day that is an anniversary of the day the mineral development licence takes effect;	10 11 12 13
	(ii) a report about a reduction in the area of the mineral development licence, given within 2 months after the reduction takes effect;	14 15 16
	(iii) a report summarising the results of activities carried out under the mineral development licence during all of its term, given within 2 months after the mineral development licence ends; and	17 18 19 20
	‘(fa) a condition that the holder must, when and in the way the Minister requires, give to the Minister—	21 22
	(i) a report about the mineral development licence, that is in addition to any report mentioned in paragraph (f); and	23 24 25
	(ii) materials obtained because of the holder’s activities under the mineral development licence; and’.	26 27 28
(2)	Section 194(2) and (3)—	29
	<i>omit.</i>	30
(3)	Section 194(1A)—	31
	<i>renumber</i> as section 194(3).	32

[s 45]

- (4) Section 194— 1
insert— 2
- ‘(2) Without limiting subsection (1), the Minister may determine a 3
condition of a mineral development licence if the Minister 4
considers the condition is in the public interest.’ 5
- (5) Section 194(6), ‘subsections (1), (1A), (2) and (5)’— 6
omit, insert— 7
‘subsections (1), (2), (3) and (5)’ 8

- Clause 45 Amendment of s 194AC (Application to vary conditions of 9
existing licence) 10**
- (1) Section 194AC(4)— 11
renumber as section 194AC(5). 12
- (2) Section 194AC— 13
insert— 14
- ‘(4) Without limiting subsection (3), the Minister may refuse to 15
make a variation mentioned in subsection (3)(a) if the 16
Minister considers the variation is not in the public interest. 17
- ‘(6) The chief executive must, within 5 business days after making 18
a variation under subsection (3), give the EPA administering 19
authority written notice of the variation.’ 20

- Clause 46 Amendment of s 197 (Application for renewal of mineral 21
development licence) 22**
- Section 197(2)— 23
omit, insert— 24
- ‘(2) The application must be— 25
- (a) made in the approved form; and 26
- (b) accompanied by the fee prescribed under a regulation; 27
and 28
- (c) accompanied by a statement— 29

	(i) describing the program of work proposed to be carried out under the authority of the mineral development licence, if renewed; and	1 2 3
	(ii) detailing the estimated human, technical and financial resources to be used to carry out activities under the mineral development licence during each year of the term of the mineral development licence, if renewed; and	4 5 6 7 8
	(iii) detailing the applicant's financial and technical resources for carrying out the activities under the mineral development licence, if renewed.'	9 10 11
Clause 47	Insertion of new s 197AA	12
	After section 197—	13
	<i>insert—</i>	14
	'197AA Minister may request information	15
	'(1) The Minister may give an applicant for renewal of a mineral development licence a notice requiring the applicant to give the Minister information the Minister reasonably requires to assess the application.	16 17 18 19
	'(2) If the information is not given to the Minister within the reasonable period stated in the notice, the Minister may refuse the application.'	20 21 22
Clause 48	Amendment of s 197A (Decision on application)	23
	(1) Section 197A(1)(e)—	24
	<i>omit.</i>	25
	(2) Section 197A(4) and (5)—	26
	<i>renumber</i> as section 197A(5) and (7) respectively.	27
	(3) Section 197A—	28
	<i>insert—</i>	29

[s 49]

- ‘(4) Without limiting subsection (3), the Minister may decide a condition of the renewed licence if the Minister considers the condition is in the public interest. 1
2
3
- ‘(6) Without limiting subsection (5)(b), the Minister may refuse the renewal if the Minister considers the renewal is not in the public interest.’. 4
5
6

- Clause 49 Replacement of s 197C (Continuation of licence while application being dealt with) 7
8**
- Section 197C— 9
omit, insert— 10
- ‘197C Continuation of licence while application being dealt with 11
12**
- ‘(1) This section applies to an application for renewal of a mineral development licence if— 13
14
- (a) the application is not withdrawn, refused or granted before the licence’s expiry day ends; and 15
16
- (b) after the expiry day, the holder— 17
- (i) continues to pay rental on the licence and other amounts required to be paid under this Act; and 18
19
- (ii) otherwise complies with this Act and the licence conditions. 20
21
- ‘(2) If the application is a properly made application, the licence continues in force subject to the rights, entitlements and obligations in effect immediately before the end of the expiry day until the application is withdrawn, refused or granted. 22
23
24
25
- ‘(3) If the application is an outstanding request application, the licence continues in force subject to the rights, entitlements and obligations in effect immediately before the end of the expiry day until either of the following days, whichever happens first— 26
27
28
29
30
- (a) the application is withdrawn; 31

-
- (b) the period in which the information that must be given under section 197AA(2) ends. 1
2
- ‘(4) In this section— 3
- outstanding request application*, for renewal of a mineral development licence, means an application— 4
5
- (a) that complies with section 197(2)(a) and (b), but does not comply with all or part of section 197(2)(c); and 6
7
- (b) for which— 8
- (i) the Minister has requested information under section 197AA; and 9
10
- (ii) the period to give the information to the Minister under section 197AA(2) ends after the licence expiry day; and 11
12
13
- (iii) the information has not been given to the Minister. 14
- properly made application*, for renewal of a licence, means an application that complies with all of section 197(2).’ 15
16

- Clause 50 Amendment of s 198 (Assignment or mortgage of mineral development licence)** 17
18
- (1) Section 198— 19
- insert—* 20
- ‘(5A) If the application is for an assignment, the Minister must not approve the assignment unless the Minister is satisfied the assignee has the human, technical and financial resources to comply with the conditions of the mineral development licence under section 194.’ 21
22
23
24
25
- (2) Section 198(7), from ‘complied with’— 26
- omit, insert—* 27
- ‘complied with if— 28
- (a) the holder has made an application for approval of the assignment or mortgage in the approved form; and 29
30
- (b) the application is accompanied by— 31

[s 51]

- (i) for an assignment, a signed statement by the proposed assignee agreeing to the conditions of the mineral development licence; and
- (ii) the fee prescribed under a regulation; and
- (c) the Minister is satisfied the Minister would have approved the exercise of the power if the subsections had been complied with.’.

Clause 51	Amendment of s 208 (Adding other minerals to licence)	8
	Section 208—	9
	<i>insert</i> —	10
	‘(3B) Without limiting the grounds on which the Minister may reject the application, the Minister may reject it if the Minister considers that approving it is not in the public interest.	11 12 13
	‘(4A) Without limiting subsection (4), the Minister may decide a condition for the giving of the approval if the Minister considers the condition is in the public interest.’.	14 15 16
Clause 52	Amendment of s 209 (Contravention by holder of mineral development licence)	17 18
	(1) Section 209(2)(a), ‘year’—	19
	<i>omit, insert</i> —	20
	‘rental year’.	21
	(2) Section 209(2)(a), ‘1 April’—	22
	<i>omit, insert</i> —	23
	‘1 December’.	24
Clause 53	Amendment of s 231 (Variation of access to mineral development licence land)	25 26
	(1) Section 231(4) to (6)—	27
	<i>renumber</i> as section 231(7) to (9).	28

-
- (2) Section 231— 1
insert— 2
- ‘(4) Without limiting subsection (3), the Minister may reject the 3
application if the Minister considers the variation is not in the 4
public interest. 5
- ‘(5) If the Minister grants the application, the Minister may 6
impose conditions on the variation. 7
- ‘(6) Without limiting subsection (5), the Minister may impose a 8
condition on the variation if the Minister considers the 9
condition is in the public interest.’. 10

**Clause 54 Amendment of s 231E (Minister may grant or reject 11
application for mineral development licence (186)) 12**

- (1) Section 231E(3), (4), (5) and (6)— 13
renumber as section 231(4), (5), (6), and (8) respectively. 14
- (2) Section 231E— 15
insert— 16
- ‘(3) Without limiting subsection (2), the Minister may reject the 17
application if the Minister considers the mineral development 18
licence is not in the public interest. 19
- ‘(7) Without limiting subsection (6), the Minister may decide a 20
condition to which the licence is subject if the Minister 21
considers the condition is in the public interest.’. 22

**Clause 55 Amendment of s 231G (Conditions of mineral 23
development licence (194)) 24**

- (1) Section 231G(2), (3), (4), (5) and (6)— 25
renumber as section 231G(3), (5), (6), (7) and (8) respectively. 26
- (2) Section 231G— 27
insert— 28

[s 56]

- ‘(2) Without limiting subsection (1), the Minister may decide a condition of the licence if the Minister considers the condition is in the public interest. 1
2
3
- ‘(4) Without limiting subsection (3), the Minister may decide not to make a variation of the condition proposed by the holder if the Minister considers the variation is not in the public interest.’. 4
5
6
7
- (3) Section 231G(5) as renumbered, ‘subsection (2)’— 8
omit, insert— 9
‘subsection (3)’. 10
- (4) Section 231G(8) as renumbered, ‘subsections (1), (2) and (5)’— 11
12
omit, insert— 13
‘subsections (1) to (4) and (7)’. 14

Clause 56 Amendment of s 231H (Renewal of licence (197A)) 15

- (1) Section 231H(1)(e)— 16
omit. 17
- (2) Section 231H(3), after ‘the licence’— 18
insert— 19
‘and to any other conditions decided by the Minister’. 20
- (3) Section 231H— 21
insert— 22
- ‘(3A) Without limiting subsection (3), the Minister may decide a condition to which the licence is subject if the Minister considers the condition is in the public interest. 23
24
25
- ‘(4A) Without limiting subsection (1) or (5), the Minister may refuse the renewal if the Minister considers the renewal is not in the public interest.’. 26
27
28
- (4) Section 231H(3A) to (6)— 29
renumber as section 231H(4) to (8). 30

Clause 57	Amendment of s 234 (Governor in Council may grant mining lease)	1 2
	Section 234(1), ‘and cause to be issued’—	3
	<i>omit.</i>	4
Clause 58	Insertion of new s 245A	5
	After section 245—	6
	<i>insert—</i>	7
	‘245A Mining registrar may request information	8
	‘(1) The mining registrar may give an applicant for a mining lease a notice requiring the applicant to give the mining registrar information the mining registrar reasonably requires to assess the application.	9 10 11 12
	‘(2) If the information is not given to the mining registrar within the reasonable period stated in the notice, the mining registrar may refuse the application.’.	13 14 15
Clause 59	Amendment of s 276 (General conditions of mining lease)	16
	Section 276—	17
	<i>insert—</i>	18
	‘(1A) Without limiting subsection (1), the Governor in Council may determine a condition of a mining lease if the Governor in Council considers the condition is in the public interest.’.	19 20 21
Clause 60	Amendment of s 286AA (Mining registrar may request other information)	22 23
	Section 286AA, ‘other’—	24
	<i>omit.</i>	25
Clause 61	Amendment of s 286A (Decision on application)	26
	(1) Section 286A(5) and (6)—	27

[s 62]

renumber as section 286A(6) and (8) respectively. 1

(2) Section 286A— 2

insert— 3

‘(5) Without limiting subsection (4), the Governor in Council may 4
decide a condition of the renewed lease if the Governor in 5
Council considers the condition is in the public interest. 6

‘(7) Without limiting subsection (6)(b), the Minister may refuse 7
the renewal if the Minister considers the renewal is not in the 8
public interest.’. 9

Clause 62 Amendment of s 290 (Rental payable on mining lease) 10

(1) Section 290(1), ‘31 December’— 11

omit, insert— 12

‘31 August’. 13

(2) Section 290(2), ‘yearly rental’— 14

omit, insert— 15

‘rental payable for a rental year’. 16

(3) Section 290(2), ‘for the year’— 17

omit, insert— 18

‘for the rental year’. 19

(4) Section 290(3), ‘each year’— 20

omit, insert— 21

‘each rental year’. 22

(5) Section 290(3), ‘year’s’— 23

omit, insert— 24

‘rental year’s’. 25

(6) Section 290(3), ‘31 December of the previous year’— 26

omit, insert— 27

‘31 August of the previous rental year’. 28

-
- | | | |
|------|--|----|
| (7) | Section 290(4), ‘year’s rental’— | 1 |
| | <i>omit, insert—</i> | 2 |
| | ‘rental payable for a rental year’. | 3 |
| (8) | Section 290(4), from ‘amount prescribed’— | 4 |
| | <i>omit, insert—</i> | 5 |
| | ‘amount prescribed under a regulation for that rental year’. | 6 |
| (9) | Section 290(5), after ‘If’— | 7 |
| | <i>insert—</i> | 8 |
| | ‘, for a particular rental year,’. | 9 |
| (10) | Section 290(5)(a), ‘31 January of that year’— | 10 |
| | <i>omit, insert—</i> | 11 |
| | ‘30 September of that rental year’. | 12 |
| (11) | Section 290(5)(b), ‘year’s rental’— | 13 |
| | <i>omit, insert—</i> | 14 |
| | ‘rental payable for the rental year’. | 15 |
| (12) | Section 290(5)(b), ‘1 April of that year’— | 16 |
| | <i>omit, insert—</i> | 17 |
| | ‘1 December of that rental year’. | 18 |
| (13) | Section 290(5)(b), from ‘prescribed in respect of’ to ‘falls’— | 19 |
| | <i>omit, insert—</i> | 20 |
| | ‘prescribed under a regulation for that rental year’. | 21 |
| (14) | Section 290(6), ‘1 January’— | 22 |
| | <i>omit, insert—</i> | 23 |
| | ‘1 September’. | 24 |
| (15) | Section 290(7), ‘year’— | 25 |
| | <i>omit, insert—</i> | 26 |
| | ‘rental year’. | 27 |
-

[s 63]

	(16) Section 290(7), ‘31 December’—	1
	<i>omit, insert</i> —	2
	‘31 August’.	3
Clause 63	Amendment of s 294 (Variation of conditions of mining lease)	4
		5
	(1) Section 294(3) to (5)—	6
	<i>renumber</i> as section 294(4) to (6).	7
	(2) Section 294—	8
	<i>insert</i> —	9
	‘(3) Without limiting subsection (1), the Governor in Council may refuse to vary a condition of a mining lease if the Governor in Council considers the variation is not in the public interest.’	10
		11
		12
Clause 64	Amendment of s 298 (Mining other minerals or use for other purposes)	13
		14
	(1) Section 298(9), (10), (11) and (12)—	15
	<i>renumber</i> as section 298(10), (12), (13) and (14) respectively.	16
	(2) Section 298—	17
	<i>insert</i> —	18
	‘(9) Without limiting subsection (8), the Minister may reject the application if the Minister considers the addition is not in the public interest.	19
		20
		21
	‘(11) Without limiting subsection (12)(a), a condition may be imposed on the approval of the Minister if the Minister considers the condition is in the public interest.’	22
		23
		24
Clause 65	Amendment of s 300 (Assignment, mortgage or sublease of mining lease)	25
		26
	(1) Section 300—	27
	<i>insert</i> —	28

-
- (6A) If the application is for an assignment, the Minister must not approve the assignment unless the Minister is satisfied the assignee has the human, technical and financial resources to comply with the conditions of the mining lease under section 276.’. 1
2
3
4
5
- (2) Section 300(9), from ‘if the Minister is satisfied’— 6
omit, insert— 7
‘if— 8
- (a) the holder has made an application for approval of the assignment, mortgage or sublease in the approved form; 9
and 10
11
- (b) the application is accompanied by— 12
- (i) the fee prescribed under a regulation; and 13
- (ii) for an assignment, a signed statement by the proposed assignee agreeing to the conditions of the mining lease; and 14
15
16
- (c) the Minister is satisfied the Minister would have approved the exercise of the power if the subsections had been complied with.’. 17
18
19

Clause 66 Amendment of s 308 (Contravention by holder of mining lease) 20
21

- (1) Section 308(2)(a), ‘year’— 22
omit, insert— 23
‘rental year’. 24
- (2) Section 308(2)(a), ‘1 April’— 25
omit, insert— 26
‘1 December’. 27

Clause 67 Amendment of s 317 (Variation of access to mining lease land) 28
29

Section 317— 30

[s 68]

insert—

‘(5A) Without limiting subsection (5), the Land Court may determine that consent to the proposed variation should not be given if the court considers the variation is not in the public interest.’

‘(9A) Without limiting subsection (9)(a)(ii), the Land Court may impose terms and conditions to be complied with before consent is given if the court considers the condition is in the public interest.’

Clause 68 Amendment of s 318AAH (General conditions of mining lease (276))

(1) Section 318AAH(2) to (4)—

renumber as section 231G(3) to (5).

(2) Section 318AAH—

insert—

‘(2) Without limiting subsection (1), the Governor in Council may decide a condition of the mining lease if the Governor in Council considers the condition is in the public interest.’

(3) Section 318AAH(5), as renumbered, ‘subsections (1) to (3)’—

omit, insert—

‘subsections (1) to (4)’.

Clause 69 Amendment of s 318CN (Use that may be made under mining lease of incidental coal seam gas)

(1) Section 318CN(1)—

insert—

‘(c) give it to a petroleum lease holder if—

(i) the mining lease is over land that is in an area of a petroleum lease (the *overlapping land*); and

	(ii) the incidental coal seam gas has been mined in the overlapping land; and	1 2
	(iii) the mining lease holder has given the petroleum lease holder written notice (an <i>availability notice</i>) that the gas is available to the petroleum lease holder; and	3 4 5 6
	(iv) the petroleum lease holder has given the mining lease holder written notice (an <i>acceptance notice</i>) accepting the gas within 20 business days after being given the availability notice.’.	7 8 9 10
(2)	Section 318CN— <i>insert</i> —	11 12
‘(1A)	An availability notice or acceptance notice may be given for incidental coal seam gas proposed to be mined under section 318CM(1).’.	13 14 15
(3)	Section 318CN(2), after ‘for mining under the mining lease’— <i>insert</i> — ‘or for giving it to a petroleum lease holder under subsection (1)(c).’.	16 17 18 19 20
Clause 70	Amendment of section 318CO (Restriction on flaring or venting of incidental coal seam gas)	21 22
(1)	Section 318CO(5)— <i>renumber</i> as section 318CO(7).	23 24
(2)	Section 318CO— <i>insert</i> —	25 26
‘(5)	Subsection (6) applies, despite subsections (2) to (4), if—	27
(a)	a mining lease is over land in an area of a petroleum lease (the <i>overlapping land</i>); and	28 29
(b)	incidental coal seam gas is, under section 318CM(1), mined from the overlapping land.	30 31

[s 71]

- ‘(6) Flaring or venting is authorised only if the mining lease holder has—
- (a) given the petroleum lease holder written notice that the gas is available to the petroleum lease holder; and
 - (b) the petroleum lease holder has either not responded or has refused to accept the gas within 20 business days after receiving the notice.’.

Clause 71	Insertion of new pt 7AAB	8
	After section 318EL—	9
	<i>insert—</i>	10
‘Part 7AAB	Provisions for McFarlane oil shale deposit	11
		12
‘Division 1	Preliminary	13
‘318ELAA	Application of pt 7AAB	14
‘(1)	Subject to subsection (3), this part applies to all of the following land from when this section commences to August 2028 (the <i>moratorium period</i>)—	15 16 17
(a)	land in the area of mineral development licence 202;	18
(b)	land in the area of exploration permits 3520 and 16668;	19
(c)	land the subject of exploration permit application 16748;	20 21
(d)	land (<i>prescribed land</i>) in the area of an oil shale mining tenement prescribed under a regulation.	22 23
‘(2)	An oil shale mining tenement may be prescribed under subsection (1)(d) only if the land to which this section applies is a contiguous parcel of land.	24 25 26

‘(3) This part applies to prescribed land only from the commencement of the regulation prescribing the oil shale mining tenement.	1 2 3
‘318ELAB What is an <i>oil shale mining tenement</i>	4
‘(1) An <i>oil shale mining tenement</i> is a mining tenement granted for oil shale.	5 6
‘(2) Subsection (1) applies whether or not the mining tenement is also granted for another mineral.	7 8
‘318ELAC Relationship with other provisions of this Act	9
‘(1) This part applies despite any other provision of this Act and the conditions or other provisions of an oil shale mining tenement.	10 11 12
‘(2) If a provision of this part conflicts with another provision of this Act, the provision of this part prevails to the extent of the inconsistency.	13 14 15
‘Division 2 Moratorium provisions	16
‘318ELAD Prohibition on granting oil shale mining tenements	17
‘(1) During the moratorium period an oil shale mining tenement can not be granted for the land.	18 19
‘(2) To remove any doubt, it is declared that subsection (1) does not apply for a renewal that takes place because of section 318ELAK.	20 21 22
‘318ELAE Suspension of oil shale activities	23
‘(1) This section applies to an activity relating to oil shale (an <i>oil shale activity</i>) that would, other than for this section, have been an authorised activity for an oil shale mining tenement for the land.	24 25 26 27

[s 71]

‘(2) Subject to section 318ELAF—	1
(a) during the moratorium period, any right to carry out the oil shale activity is suspended; and	2 3
(b) during the suspension—	4
(i) the oil shale activity is not an authorised activity for the mining tenement; and	5 6
(ii) for section 402, the oil shale activity is taken not to be authorised under this Act or any other Act relating to mining.	7 8 9
‘318ELAF Access rights for particular activities	10
‘(1) During the moratorium period, the holder of an oil shale mining tenement for the land may—	11 12
(a) enter the area of the mining tenement to carry out rehabilitation or environmental management mentioned in section 391B; and	13 14 15
(b) if the mining tenement is not a prospecting permit or exploration permit—enter the area to carry out low impact environmental monitoring; and	16 17 18
<i>Examples—</i>	19
the monitoring of air, ecology, fauna, hydrology, soil or water	20
(c) enter the area to do all or any of the following—	21
(i) move, remove or maintain equipment, machinery or plant;	22 23
(ii) carry out improvement restoration for the mining tenement;	24 25
(iii) carry out care and maintenance of disturbed areas;	26
(iv) carry out low impact track construction or maintenance;	27 28
(v) put in place or maintain low impact infrastructure for a purpose mentioned in subparagraphs (i) to (iv).	29 30 31

‘(2)	However, if the mining tenement is a prospecting permit or exploration permit, an activity mentioned in subsection (1)(c)(iv) or (v) may be carried out only if it is reasonably necessary because of rehabilitation or environmental management carried out under subsection (1)(a).	1 2 3 4 5
‘(3)	The holder’s rights and obligations under the rest of this Act continue to apply for an entry and the carrying out of an activity authorised under subsection (1).	6 7 8
‘(4)	Without limiting subsection (3), a requirement under the rest of this Act that, other than for this part, would apply for an entry of a type authorised under subsection (1) applies for an entry authorised under subsection (1).	9 10 11 12
‘(5)	In this section—	13
	<i>low impact</i> means of low impact on the environment and of low impact for land disturbance.	14 15
	<i>rest of this Act</i> means the provisions of this Act other than this part.	16 17
‘318ELAG	Ministerial power to suspend rental obligation	18
‘(1)	This section applies if the Minister is satisfied that, because of section 318ELAE, the holder of an oil shale mining tenement for the land is not able to, or will not be able to, carry out any authorised activity for the mining tenement.	19 20 21 22
‘(2)	The Minister may decide to suspend the holder’s rental obligation for all or any part of the current term of the mining tenement.	23 24 25
‘(3)	However, the suspension can not take effect before 1 January 2009.	26 27
‘(4)	During the suspension the holder’s rental obligation does not apply.	28 29
‘(5)	In this section—	30
	<i>holder’s rental obligation</i> means the holder’s obligation under this Act or a condition of the mining tenement to pay rent for the mining tenement.	31 32 33

[s 71]

‘318ELAH Suspension or waiver of reporting obligations	1
‘(1) During the moratorium period a reporting obligation of the holder of an oil shale mining tenement for the land is suspended to the extent it relates to oil shale activities.	2 3 4
‘(2) Subsection (3) applies if the Minister is satisfied authorised activities have not been, or will not be, carried out for the mining tenement during all or any part of the current term of the mining tenement.	5 6 7 8
‘(3) The Minister may, by written notice to the holder, waive the reporting obligation of the holder for all or any part of the current term of the mining tenement.	9 10 11
‘(4) In this section—	12
<i>reporting obligation</i> means an obligation under this Act or a condition of the mining tenement to submit reports to the Minister about authorised activities for the mining tenement.	13 14 15
‘318ELAI Suspension or waiver of performance requirements	16
‘(1) During the moratorium period a performance requirement of the holder of an oil shale mining tenement for the land is suspended to the extent it relates to oil shale activities.	17 18 19
‘(2) The Minister may, by written notice to the holder, waive or reduce a performance requirement of the holder during all or any part of the current term of the mining tenement to take account of the effect of section 318ELAE.	20 21 22 23
‘(3) In this section—	24
<i>performance requirement</i> means a requirement under this Act or a condition of a mining tenement about performance.	25 26
‘318ELAJ Assignments	27
‘(1) During the moratorium period the following may be assigned only if the conditions mentioned in subsection (2) have been complied with—	28 29 30
(a) an oil shale mining tenement for the land;	31

(b)	an interest in an oil shale mining tenement for the land;	1
(c)	an application for an oil shale mining tenement for the land.	2 3
‘(2)	For subsection (1), the conditions are—	4
(a)	the Minister has given written consent to the assignment; and	5 6
(b)	the assignment is made in the approved form and lodged with the mining registrar; and	7 8
(c)	the lodgement is accompanied by the fee prescribed under a regulation.	9 10
‘(3)	The Minister may, if asked in writing by the holder of, or the applicant for, the mining tenement and the proposed assignee, give written consent to the assignment.	11 12 13
‘(4)	However, if there is an approved form for the making of the request, the request may be made only if it is in that form.	14 15
‘318ELAK	Renewals	16
‘(1)	This section applies if, during the moratorium period, an oil shale mining tenement for the land reaches its expiry day.	17 18
‘(2)	The mining tenement is taken to have been renewed.	19
‘(3)	The term of the renewed mining tenement starts on the day after the expiry day and has the same duration as the mining tenement’s term that ended on the expiry day.	20 21 22
‘(4)	The renewed mining tenement has the same conditions that the mining tenement had immediately before the expiry day.	23 24
‘318ELAL	Rights and obligations under other Acts not affected	25
‘To remove any doubt, it is declared that this division does not limit or otherwise affect or suspend rights or obligations of the holder of an oil shale mining tenement under—		26 27 28
(a)	the Environmental Protection Act; or	29

[s 72]

- (b) a relevant environmental condition for the mining tenement; or 1
2
- (c) the Petroleum and Gas (Production and Safety) Act, chapter 3; or 3
4
- Editor's note—* 5
- Petroleum and Gas (Production and Safety) Act, chapter 3 (Provisions for coal seam gas) 6
7
- (d) another Act relevant to mining tenements.’. 8

Clause 72 Insertion of new pt 10AA 9

After section 381— 10

insert— 11

‘Part 10AA Collingwood Park State guarantee 12
13

‘381A Definitions for pt 10AA 14

‘In this part— 15

affected land means land used for any purpose in the suburb designated in the Gazetteer of Place Names under the *Place Names Act 1994* as Collingwood Park. 16
17
18

Collingwood Park State guarantee or *guarantee* see section 381B. 19
20

registrar means the registrar of titles under the *Land Title Act 1994*. 21
22

‘381B What is the Collingwood Park State guarantee 23

‘(1) The *Collingwood Park State guarantee* or *guarantee* is a guarantee given by the State for affected land— 24
25

- (a) to pay for any works necessary to stabilise the affected land if subsidence damage to the land occurs; or 26
27

-
- (b) to repair any subsidence damage to the affected land if, in the chief executive’s opinion, it is cost-effective for the State to repair the damage; or
- (c) to purchase the affected land at market value if—
- (i) the land is affected by subsidence damage; and
- (ii) in the chief executive’s opinion, it is not cost-effective for the State to repair the damage.
- ‘(2) In this section—
- mining activity* means an activity for the purpose of extracting coal by underground mining.
- subsidence damage*, for affected land, means damage to the affected land, or any buildings or structures on the land that were in existence at the beginning of 25 April 2008, caused by or related to subsidence resulting from mining activity.

‘381C Registering guarantee in freehold land register

- ‘(1) An owner of affected land may, in writing, ask the chief executive to have a record of the guarantee for the land included on the freehold land register.
- ‘(2) If a request is made under subsection (1), the chief executive must, as soon as practicable, give the registrar written notice asking the registrar to keep a record of the guarantee for the land.
- ‘(3) On receiving the notice, the registrar must keep a record so that a search of the freehold land register will show the guarantee for the affected land.

‘381D Removing guarantee from registrar’s records

- ‘(1) An owner of affected land may, in writing, ask the chief executive to have a record of the guarantee for the land removed from the freehold land register.
- ‘(2) If a request is made under subsection (1), the chief executive must give the registrar written notice asking the registrar to

[s 73]

remove the record of the guarantee for the affected land from
the registrar's records. 1
2

'(3) As soon as practicable after receiving the notice, the registrar
must remove the record of the guarantee for the affected land
from the registrar's records. 3
4
5

'(4) The guarantee for the affected land may not be removed other
than under this section. 6
7

'381E No fee payable 8

'No fee is payable to the registrar for keeping or removing,
under this part, a record of the guarantee for affected land.' 9
10

Clause 73 Amendment of s 391 (Restriction on grants etc.) 11

Section 391— 12

insert— 13

'(3) A restriction or requirement under subsection (1) that applies
to an area does not affect the granting or renewal of any of the
following mining tenements for all or part of the area— 14
15
16

(a) a mining tenement applied for before the restriction took
effect (the *prerequisite tenement*); 17
18

(b) a mining tenement of the same type as the prerequisite
tenement applied for in the area of the prerequisite
mining tenement; 19
20
21

(c) a higher level of mining tenement to the prerequisite
tenement applied for in the area of the prerequisite
mining tenement. 22
23
24

'(4) More than 1 mining tenement may be granted for the area of a
prerequisite tenement under subsection (3). 25
26

'(5) However, a mining tenement mentioned in subsection (3) can
not be granted for land outside the area of the prerequisite
tenement. 27
28
29

'(6) In this section— 30

	<i>higher level</i> , of mining tenement to the prerequisite tenement, means—	1 2
	(a) if the prerequisite tenement is a prospecting permit—a mining claim or mining lease; or	3 4
	(b) if the prerequisite tenement is a mining claim—a mining lease; or	5 6
	(c) if the prerequisite tenement is an exploration permit—a mineral development licence or mining lease; or	7 8
	(d) if the prerequisite tenement is a mineral development licence—a mining lease.’.	9 10
Clause 74	Amendment of s 404C (Information requirements for holders of mining tenements)	11 12
	Section 404C(1), ‘information about the tenement and activities carried on under the tenement’—	13 14
	<i>omit, insert—</i>	15
	‘information about the tenement, activities carried out under the tenement or production or sales information relating to the tenement’.	16 17 18
Clause 75	Insertion of new pt 19, div 1AA	19
	Part 19, before division 1—	20
	<i>insert—</i>	21
	‘Division 1AA Transitional provisions for Act No. 10 of 1998	22 23
	‘Subdivision 1 Preliminary	24
	‘722H Definitions for div 1AA	25
	‘In this division—	26
	<i>Act commencement</i> means 1 September 1990.	27

[s 75]

<i>Note—</i>	1
1 September 1990 was the day on which all the provisions of this Act, other than provisions for its citation and commencement, commenced.	2 3
<i>repealed transitional schedule</i> means the former schedule to this Act that was repealed by the <i>Offshore Minerals Act 1998</i> .	4 5
<i>Editor’s note—</i>	6
For access to the schedule, see reprint 4 of this Act.	7
<i>special agreement Act</i> means an Act mentioned in the table to section 3(1) of the repealed transitional schedule.	8 9
<i>special agreement Act lease</i> means a lease mentioned in section 3(1)(b) of the repealed transitional schedule.	10 11
‘722I Relationship with special agreement Acts and repealed transitional schedule	12 13
‘If a provision of this division conflicts with a provision of a special agreement Act or a provision of the repealed transitional schedule, the provision of this division prevails to the extent of the inconsistency.	14 15 16 17
‘Subdivision 2 Continuance of repealed transitional schedule	18 19
‘722J Schedule continues in effect	20
‘(1) The repealed transitional schedule is a law to which the <i>Acts Interpretation Act 1954</i> , section 20A applies, and is taken to have always applied.	21 22 23
‘(2) This section does not limit or otherwise affect the application of the <i>Acts Interpretation Act 1954</i> , section 20 to the repealed transitional schedule.	24 25 26
<i>Note—</i>	27
However, under section 771 (Application of this Act to payment of rent under special agreement Act leases), the repealed transitional schedule no longer has effect for the payment of rent.	28 29 30

‘Subdivision 3	Provisions for special agreement	1
	Act leases	2
‘722K Purpose of sdiv 3		3
	‘The purpose of this subdivision is to provide for—	4
	(a) how a lease that was a special agreement Act lease on	5
	the Act commencement may be renewed; and	6
	(b) the application of this Act to a special agreement Act	7
	lease once it has been renewed.	8
‘722L Future renewals only under this Act		9
	‘A special agreement Act lease that has not been renewed	10
	since the Act commencement may only be renewed under this	11
	Act.	12
	<i>Note—</i>	13
	Under section 3(1) of the repealed transitional schedule, special	14
	agreement act leases were taken to be mining leases granted for the	15
	balance of their current term at the Act commencement.	16
‘722M Status on renewal		17
	‘If a special agreement Act lease is renewed under this Act,	18
	the lease is subject only to—	19
	(a) the provisions of this Act; and	20
	(b) any conditions that apply to the renewed lease because	21
	of section 286A(4).	22
‘722N Leases renewed under special agreement Act		23
	‘(1) This section applies to a renewal of a special agreement Act	24
	lease under a special agreement Act after the Act	25
	commencement and before this section commences.	26
	‘(2) The renewal is taken to be a renewal of the lease under this	27
	Act.	28

[s 76]

- ‘(3) Any action relating to the renewed lease before this section commences is taken to have been done under this Act. 1
2
- ‘(4) Section 722M applies to the renewed lease.’. 3

Clause 76	Amendment of s 741 (Unfinished special coal mining lease applications)	4 5
(1)	Section 741(1) and (3)— <i>omit.</i>	6 7
(2)	Section 741(2), ‘Subject to subsection (3), an’— <i>omit, insert—</i> ‘An’.	8 9 10
(3)	Section 741(5), definition <i>applied for</i> — <i>omit.</i>	11 12
(4)	Section 741(2), (4) and (5)— <i>renumber</i> as section 741(1), (2) and (3).	13 14

Clause 77	Insertion of new pt 19, div 11	15
	Part 19— <i>insert—</i>	16 17

‘Division 11	Transitional provision for Mines and Energy Legislation Amendment Act 2008	18 19 20
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‘Subdivision 1	Provisions for amendments to due dates and reminder dates	21 22
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‘768	Application of div 11	23
	‘This division applies to a mining tenement granted before 1 January 2009 if it is a mining claim, mineral development licence or mining lease.	24 25 26

‘769 Transitional provision for rental	1
‘(1) Subject to subsections (2) and (3), the unamended rental provision continues to apply to the mining tenement up to 31 August 2009.	2 3 4
‘(2) The amended rental provision applies to the mining tenement for any rental year starting on or after 1 September 2009.	5 6
‘(3) However, for applying subsection (4) and (5)(b) of the unamended rental provision, the period from 1 January 2009 to 31 August 2009 (the <i>nominal year</i>) is taken to be a whole rental year.	7 8 9 10
‘(4) The amount of the rental prescribed for the nominal year is taken to be two-thirds of the amount of the rental prescribed for 2009.	11 12 13
‘(5) In this section—	14
<i>amended rental provision</i> means the following as in force on the date of assent of the amending Act—	15 16
(a) if the mining tenement is a mining claim—section 95;	17
(b) if the mining tenement is a mineral development licence—section 193;	18 19
(c) if the mining tenement is a mining lease—section 290.	20
<i>amending Act</i> means the <i>Mines and Energy Legislation Amendment Act 2008</i> .	21 22
<i>unamended rental provision</i> means the following as in force before the date of assent of the amending Act—	23 24
(a) if the mining tenement is a mining claim—section 95;	25
(b) if the mining tenement is a mineral development licence—section 193;	26 27
(c) if the mining tenement is a mining lease—section 290.	28
‘770 Transitional provision for contravention provisions	29
‘(1) For applying section 95(5)(a), 193(5)(a) or 290(5)(a) to the mining tenement before 2 April 2009, the reference in that	30 31

[s 77]

provision to 30 September is taken to be a reference to 31 January.	1 2
‘(2) For applying section 106(2)(a), 209(2)(a) or 308(2)(a) to the mining tenement before 2 April 2009, the reference in that provision to 1 December is taken to be a reference to 1 April.	3 4 5
‘Subdivision 2 Provision for special agreement Acts	6 7
‘771 Application of this Act to payment of rent for special agreement Act leases	8 9
‘(1) From the commencement of this section—	10
(a) section 290 applies for the payment of rent under any special agreement Act lease; and	11 12
(b) a provision of any of the following ceases to apply to the extent the provision conflicts with section 290—	13 14
(i) a special agreement Act;	15
(ii) an agreement mentioned in a special agreement Act;	16 17
(iii) a special agreement Act lease.	18
<i>Note—</i>	19
For the application of this Act to special agreement Act leases, see the repealed transitional schedule and division 1AA (Transitional provisions for Act No. 10 of 1998).	20 21 22
‘(2) The application of section 290 under subsection (1) is subject to subdivision 1.	23 24
‘(3) To remove any doubt, it is declared that subsection (1) applies—	25 26
(a) even though the special agreement Act lease has not been renewed as mentioned in the repealed transitional schedule; and	27 28 29
(b) despite—	30

(i)	a special agreement Act; and	1
(ii)	the repealed transitional schedule; and	2
(iii)	division 1AA, subdivision 2.	3
	<i>Editor's note—</i>	4
	division 1AA, subdivision 2 (Continuance of repealed transitional schedule)	5 6
'(4)	This section does not affect or otherwise limit the application of section 290A to a special agreement Act lease.	7 8
'(5)	In this section—	9
	<i>repealed transitional schedule</i> means the former schedule to this Act that was repealed by the <i>Offshore Minerals Act 1998</i> .	10 11
	<i>Editor's note—</i>	12
	For access to the schedule, see reprint 4 of this Act.	13
	<i>special agreement Act</i> means an Act mentioned in the table to section 3(1) of the repealed transitional schedule.	14 15
	<i>special agreement Act lease</i> means a lease mentioned in section 3(1)(b) of the repealed transitional schedule.'	16 17
Clause 78	Amendment of schedule (Dictionary)	18
	Schedule—	19
	<i>insert—</i>	20
	' <i>affected land</i> , for part 10AA, see section 381A.	21
	<i>Collingwood Park State guarantee</i> or <i>guarantee</i> , for part 10AA, see section 381B.	22 23
	<i>moratorium period</i> , for part 7AAB, see section 318ELAA (1).	24 25
	<i>oil shale activity</i> see section 318ELAE(1).	26
	<i>oil shale mining tenement</i> see section 318ELAB.	27
	<i>registrar</i> , for part 10AA, see section 381A.	28
	<i>rental year</i> means each 12 month period that starts on 1 September and ends on 31 August.'	29 30

[s 79]

Part 6	Amendment of Mining and Quarrying Safety and Health Act 1999	1 2 3
Clause 79	Act amended in pt 6 and schedule This part and the schedule amend the <i>Mining and Quarrying Safety and Health Act 1999</i> .	4 5 6
Clause 80	Amendment of s 259 (Notices about industry statistics or information) (1) Section 259(3), penalty, ‘for subsection (3)’— <i>omit.</i> (2) Section 259— <i>insert—</i> (4) The chief executive may— (a) use the information to produce statistics and other data; and (b) publish the statistics and other data produced under paragraph (a).’.	7 8 9 10 11 12 13 14 15 16 17
Part 7	Amendment of Petroleum Act 1923	18 19
Clause 81	Act amended in pt 7 and schedule This part and the schedule amend the <i>Petroleum Act 1923</i> .	20 21
Clause 82	Amendment of s 2 (Definitions) (1) Section 2, definition <i>permitted dealing</i> —	22 23

	<i>omit.</i>	1
(2)	Section 2—	2
	<i>insert—</i>	3
	‘ <i>dealing</i> see section 80E.’.	4
Clause 83	Amendment of s 7AA (Qualification of 1923 Act petroleum tenure holders)	5
	Section 7AA(b)—	6
	<i>omit, insert—</i>	7
	‘(b) a company or registered body under the Corporations Act;’.	8
		9
		10
Clause 84	Omission of s 19 (Variation of authority to prospect)	11
	Section 19—	12
	<i>omit.</i>	13
Clause 85	Amendment of s 75Q (Transfer of water observation bore or water supply bore to landowner)	14
	Section 75Q(2)(b)—	15
(1)	Section 75Q(2)(b)—	16
	<i>omit.</i>	17
(2)	Section 75Q(2)(c) and (d)—	18
	<i>renumber</i> as section 75Q(2)(b) and (c).	19
Clause 86	Amendment of s 76B (Requirement to lodge records and samples)	20
	Section 76B(2), ‘copy of the record and’—	21
(1)	Section 76B(2), ‘copy of the record and’—	22
	<i>omit.</i>	23
(2)	Section 76B(2) to (6)—	24
	<i>renumber</i> as section 76B(4) to (8).	25

[s 87]

- | | |
|--|----|
| (3) Section 76B— | 1 |
| <i>insert</i> — | 2 |
| ‘(2) The copy of the record must— | 3 |
| (a) be lodged electronically using the system for | 4 |
| submission of reports made or approved by the chief | 5 |
| executive; and | 6 |
| (b) be in the digital format made or approved by the chief | 7 |
| executive. | 8 |
| ‘(3) The chief executive must ensure the system and a document | 9 |
| detailing the digital format made or approved by the chief | 10 |
| executive are available for inspection on the department’s | 11 |
| website.’. | 12 |
| (4) Section 76B(7)(b), as renumbered, ‘subsection (3)’— | 13 |
| <i>omit, insert</i> — | 14 |
| ‘subsection (5).’. | 15 |

- | | | |
|------------------|---|----|
| Clause 87 | Amendment of s 80B (Keeping of register) | 16 |
| | Section 80B(2)(b)(ii), ‘permitted dealing’— | 17 |
| | <i>omit, insert</i> — | 18 |
| | ‘dealing approved under part 6N’. | 19 |

- | | | |
|---|---|----|
| Clause 88 | Amendment of s 80E (What is a permitted dealing) | 20 |
| (1) Section 80E, heading and subsection (1), ‘permitted | 21 | |
| dealing’— | 22 | |
| <i>omit, insert</i> — | 23 | |
| ‘ <i>dealing</i> ’. | 24 | |
| (2) Section 80E(1)(b), ‘share in a mortgage of’— | 25 | |
| <i>omit, insert</i> — | 26 | |
| ‘share in’. | 27 | |
| (3) Section 80E(1)(c), ‘, or a share in a mortgage,’— | 28 | |

<i>omit.</i>	1
(4) Section 80E(1)(e), ‘, as provided for under the coordination arrangement’—	2 3
<i>omit.</i>	4
(5) Section 80E(2), from ‘However’ to ‘permitted dealing.’—	5
<i>omit, insert—</i>	6
‘However, a transfer that has the effect of transferring a divided part of the area of a 1923 Act petroleum tenure is not a dealing.’.	7 8 9
(6) Section 80E(2), ‘is not a permitted dealing’—	10
<i>omit.</i>	11

Clause 89	Amendment of s 80J (Deciding application)	12
(1)	Section 80J, ‘permitted dealing’—	13
	<i>omit, insert—</i>	14
	‘dealing’.	15
(2)	Section 80J(3), ‘must be granted’—	16
	<i>omit, insert—</i>	17
	‘is taken to have been granted’.	18
(3)	Section 80J(3)(a)(i), ‘share in a mortgage of’—	19
	<i>omit, insert—</i>	20
	‘share in’.	21
(4)	Section 80J(3)(a)(ii), ‘, or a share in mortgage,’—	22
	<i>omit.</i>	23
(5)	Section 80J(3)(a), ‘, as provided for under a coordination arrangement’—	24 25
	<i>omit.</i>	26
(6)	Section 80J(3)(a)(iv), ‘, as provided for under the coordination arrangement’—	27 28

[s 90]

omit. 1

(7) Section 80J(3)(b)— 2

omit, insert— 3

‘(b) all of the following apply— 4

(i) subsection (2) does not prevent the granting of the approval; 5
6

(ii) under section 80H, an indication of the approval has been given for the proposed dealing; 7
8

(iii) if, under that section, an indication of likely conditions was given—the conditions are complied with within 6 months after the giving of the indication.’. 9
10
11
12

(8) Section 80J(4), ‘may be refused’— 13

omit, insert— 14

‘is taken not to have been granted’. 15

Clause 90 Amendment of s 80K (Criteria for decision) 16

(1) Section 80K(1)(a), ‘must be granted’— 17

omit, insert— 18

‘is taken to have been granted’. 19

(2) Section 80K(2)— 20

omit, insert— 21

‘(2) The matters that must be considered in deciding whether to approve the dealing include— 22
23

(a) the application and any additional information given for the application; and 24
25

(b) for a transfer—the capability criteria; and 26

(c) whether, in relation to the 1923 Act petroleum tenure— 27

(i) any petroleum royalty is payable and unpaid by its holder; or 28
29

	(ii) the holder has failed to comply with the 2004 Act, section 594, 595, 599 or 602; and	1 2
	(d) the public interest.’.	3
Clause 91	Insertion of new pt 12	4
	After section 184—	5
	<i>insert—</i>	6
‘Part 12	Transitional provision for Mines and Energy Legislation Amendment Act 2008	7 8 9
‘185	Provision for repeal of section 19	10
	‘(1) This section applies to an application for variation of an authority to prospect under former section 19 made but not decided before the repeal of that section.	11 12 13
	‘(2) The application is taken to be an application for approval of an amendment to the work program for the authority, made under sections 25H and 25I.	14 15 16
	‘(3) Sections 25G, 25J and 25K apply to the deciding of the application, with necessary changes.	17 18
	‘(4) In this section—	19
	<i>former section 19</i> means section 19 as in force before the commencement of this section.’.	20 21

[s 92]

Part 8	Amendment of Petroleum and Gas (Production and Safety) Act 2004	1
		2
		3
Clause 92	Act amended in pt 8 and schedule	4
	This part and the schedule amend the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	5
		6
Clause 93	Insertion of new s 30A	7
	Chapter 1, part 5—	8
	<i>insert—</i>	9
‘30A	Joint holders of a petroleum authority	10
	‘(1) A petroleum authority may be held by 2 or more persons as joint tenants or as tenants in common.	11
		12
	‘(2) If, under this Act—	13
	(a) an application is made for, or for approval to transfer, a petroleum authority for more than 1 proposed holder or transferee; and	14
		15
		16
	(b) the application does not show whether the proposed holders or transferees are to hold as joint tenants or as tenants in common; and	17
		18
		19
	(c) the application is granted;	20
	the chief executive must record in the petroleum register that the applicants hold the authority as tenants in common.	21
		22
	‘(3) In this section—	23
	<i>petroleum authority</i> includes a share in a petroleum authority.’.	24
		25
Clause 94	Amendment of s 236 (Ministerial approval of proposed coordination arrangement)	26
		27
	Section 236(1)(a)—	28

insert— 1
‘(iv) the spatial relationship between the relevant leases 2
for the arrangement is appropriate.’. 3

Clause 95 Amendment of s 288 (Transfer of water observation bore or water supply bore to landowner) 4
5
Section 288(3)(b), (c) and (d)— 6
omit, insert— 7
‘(a) a notice in the approved form; 8
(b) the transfer fee prescribed under a regulation.’. 9

Clause 96 Amendment of s 419A (Notice to chief inspector before construction starts) 10
11
Section 419A— 12
insert— 13
‘(3) An applicant for a pipeline licence may give a notice under 14
subsection (1). 15
‘(4) The day stated for construction to start may be stated as the 16
day the applicant becomes the holder of the licence.’. 17

Clause 97 Amendment of s 548 (Requirement to lodge records and samples) 18
19
(1) Section 548(2), ‘copy of the record and’— 20
omit. 21
(2) Section 548(2) to (6)— 22
renumber as section 548(4) to (8). 23
(3) Section 548— 24
insert— 25
‘(2) The copy of the record must— 26

[s 98]

(a) be lodged electronically using the system for
submission of reports made or approved by the chief
executive; and 1
2
3

(b) be in the digital format made or approved by the chief
executive. 4
5

‘(3) The chief executive must ensure the system and a document
detailing the digital format made or approved by the chief
executive are available for inspection on the department’s
website.’. 6
7
8
9

(4) Section 548(7)(b), as renumbered, subsection (3)’— 10
omit, insert— 11
‘subsection (5)’. 12

Clause 98 Amendment of s 565 (Keeping of register) 13

Section 565(2)(b)(ii), ‘permitted dealing’— 14
omit, insert— 15
‘dealing approved under part 10’. 16

Clause 99 Amendment of s 568 (What is a *permitted dealing*) 17

(1) Section 568, heading and subsection (1), ‘permitted
dealing’— 18
19

omit, insert— 20
‘*dealing*’. 21

(2) Section 568(1)(b), ‘share in a mortgage of’— 22
omit, insert— 23
‘share in’. 24

(3) Section 568(1)(c), ‘, or a share in a mortgage,’— 25
omit. 26

(4) Section 568(1)(e), ‘, as provided for under the coordination
arrangement’— 27
28

omit. 1

(5) Section 568(2)— 2

omit, insert— 3

‘(2) However, a *dealing* with a petroleum authority does not
include a prohibited dealing mentioned in section 569(1).’ 4
5

Clause 100 Amendment of s 573 (Deciding application) 6

(1) Section 573, ‘permitted dealing’— 7

omit, insert— 8

‘dealing’. 9

(2) Section 573(3), ‘must be granted’— 10

omit, insert— 11

‘is taken to have been granted’. 12

(3) Section 573(3)(a)(i), ‘share in a mortgage of’— 13

omit, insert— 14

‘share in’. 15

(4) Section 573(3)(a)(ii), ‘, or a share in mortgage,’— 16

omit. 17

(5) Section 573(3)(a), ‘, as provided for under a coordination
arrangement’— 18
19

omit. 20

(6) Section 573(3)(a)(iv), ‘, as provided for under the
coordination arrangement’— 21
22

omit. 23

(7) Section 573(3)(b)— 24

omit, insert— 25

‘(b) all of the following apply— 26

(i) subsection (2) does not prevent the granting of the
approval; 27
28

[s 101]

- (ii) under section 571, an indication of the approval has been given for the proposed dealing; 1
2
 - (iii) if, under that section, an indication of likely conditions was given—the conditions are complied with within 3 months after the giving of the indication.’. 3
4
5
6
- (8) Section 573(4), ‘may be refused’— 7
omit, insert— 8
‘is taken not to have been granted’. 9

Clause 101 Amendment of s 574 (Criteria for decision) 10

- (1) Section 574(1)(a), ‘must be granted’— 11
omit, insert— 12
‘is taken to have been granted’. 13
- (2) Section 574(2)— 14
omit, insert— 15
- ‘(2) The matters that must be considered in deciding whether to approve the dealing include— 16
17
 - (a) the application and any additional information given for the application; and 18
19
 - (b) for a transfer of a petroleum authority—the relevant criteria under chapter 2 or 4 to obtain the authority; and 20
21
 - (c) if the petroleum authority is a petroleum tenure, whether, in relation to the tenure— 22
23
 - (i) any petroleum royalty is payable and unpaid by its holder; or 24
25
 - (ii) the holder has failed to comply with section 594, 595, 599 or 602; and 26
27
 - (d) the public interest.’. 28

Clause 102	Amendment of s 590 (Imposition of petroleum royalty on petroleum producers)	1
	Section 590(1), after ‘produces’—	2
	<i>insert</i> —	3
	‘or that the producer accepts from an overlapping mining lease holder, under the Mineral Resources Act, section 318CN’.	4
		5
		6
		7
Clause 103	Replacement of ch 9, pt 1, hdg (Safety requirements)	8
	Chapter 9, part 1, heading—	9
	<i>omit, insert</i> —	10
‘Part 1	Safety requirements and labelling’.	11
		12
Clause 104	Insertion of new s 669A	13
	Chapter 9, part 1—	14
	<i>insert</i> —	15
‘669A Labelling		16
‘(1)	Without limiting sections 669 and 859, a regulation may provide for the certification or labelling of gas devices or gas fittings.	17
		18
		19
‘(2)	A regulation under subsection (1), may also provide for all or any of the following for gas devices or gas fittings—	20
		21
	(a) labelling for certification;	22
	(b) labelling for minimum energy performance standards;	23
	(c) efficiency labelling;	24
	(d) approval or registration of labels;	25
	(e) selling or hiring;	26
	(f) offering, exposing or advertising for sale or hire.’.	27

[s 105]

Clause 105	Amendment of s 726 (Gas devices (type A))	1
	(1) Section 726(3), definition <i>worker</i> —	2
	<i>relocate</i> to schedule 2.	3
	(2) Section 726(3), as amended—	4
	<i>omit, insert</i> —	5
	‘(3) A person must not direct a worker at a place to carry out gas work relating to a gas device (type A) in a way that contravenes a relevant safety requirement.	6
	Maximum penalty—500 penalty units.	7
	8	8
	(4) A person does not commit an offence against subsection (1) if the gas work is only the connection or disconnection of a gas cylinder to an existing gas fitting or gas device.’	9
		10
		11
		12
Clause 106	Amendment of s 727 (Gas devices (type B))	13
	Section 727—	14
	<i>insert</i> —	15
	‘(3) A person must not direct a worker at a place to carry out gas work relating to a gas device (type B) in a way that contravenes a relevant safety requirement.	16
	Maximum penalty—500 penalty units.’	17
		18
		19
Clause 107	Amendment of s 733 (Certification of gas device or gas fitting)	20
	(1) Section 733(1)—	21
	<i>omit, insert</i> —	22
	23	23
	‘(1) A person must not offer for sale, install or use a gas device (type A), gas device (type B) or gas fitting unless—	24
	(a) the offer for sale, installation or use has been approved by the chief inspector or a person or body approved by the chief inspector; and	25
		26
		27
		28

(b) if a regulation prescribes a label for the gas device or gas fitting—the gas device or gas fitting complies with any relevant labelling requirements prescribed under the regulation.

Maximum penalty—200 penalty units.’

(2) Section 733(3), definition *gas fitting*, ‘gas device (type A) or (type B)’—

omit, insert—

‘gas device (type A) or gas device (type B)’.

(3) Section 733(3), definition *gas fitting*—
relocate to schedule 2.

(4) Section 733(3), as amended—
omit.

Clause 108 Amendment of s 734 (Safety obligations of gas system installer)

(1) Section 734, heading—
omit, insert—

‘734 Requirements for gas system installation’.

(2) Section 734(2) and (3)—
omit, insert—

‘(3) If a person installs all or part of a gas system, the person must, before making the gas system operational—

(a) give, to the person prescribed under a regulation, a certificate in the approved form about the installation and the gas system; and

(b) if a regulation prescribes a compliance plate for the installation—the compliance plate is attached in the way prescribed under the regulation.

Maximum penalty—300 penalty units.

[s 109]

Note—

See also part 6, division 2 (Restrictions).’.

Clause 109 Insertion of new s 734A

Chapter 9—

insert—

‘734A Safety obligations of gas system installer

‘(1) This section applies if—

(a) a person installs all or part of, or carries out gas work relating to, a gas system; and

(b) the person has a safety concern relating to the gas system.

‘(2) For subsection (1), the person has a *safety concern* relating to the gas system if the person knows or suspects, or ought reasonably to know or suspect that—

(a) the gas system does not or may not comply with all relevant safety requirements; or

(b) an imminent risk of material harm to persons or property is likely if action is not taken to avoid, eliminate or minimise the risk.

‘(3) The person must give the owner, operator or proposed operator of the gas system notice of the noncompliance or risk, in the approved form.

Maximum penalty—300 penalty units.

‘(4) Subsections (5) and (6) apply if the safety concern relates to a risk mentioned in subsection (2)(b).

‘(5) The person must take appropriate measures to avoid, eliminate or minimise the risk.

Maximum penalty—300 penalty units.

Example of an appropriate measure—

The risk is fuel gas leaking from a gas device that forms part of the gas system. An appropriate measure is to isolate fuel gas supply to the device.

(6) The person must, by telephone, immediately report details of the following to an inspector and the operator of the distribution system or LPG delivery network that supplies fuel gas to the gas system—

(a) the risk;

(b) the measures taken under subsection (5).

Maximum penalty—100 penalty units.

(7) In this section—

operator, of a distribution system or LPG delivery network, means the person responsible for the management and safe operation of the system or network.’.

Clause 110 Amendment of s 844 (Amending applications)

(1) Section 844(3)—

renumber as section 844(4).

(2) Section 844—

insert—

(3) However, subsection (2)(b) does not apply if—

(a) the tenderer is a corporation; and

(b) the change is only a change of name of the tenderer; and

(c) the tenderer’s Australian company number and Australian registered business name have not changed.’.

Clause 111 Amendment of s 877 (Exclusion from area of land in area of coal mining lease or oil shale mining lease)

Section 877(1)(b), ‘coal or oil shale mining tenement’—

[s 112]

omit, insert— 1
'coal or oil shale mining lease'. 2

Clause 112 Insertion of new ch 15, pt 3, div 5, sdiv 3 3

After section 901— 4

insert— 5

'Subdivision 3 Conversion provision inserted 6
under Mines and Energy Legislation 7
Amendment Act 2008 for PL 200 8

'901A Application of sdivs 1 and 2 9

'(1) This section applies to the 1923 Act lease numbered 200. 10

'(2) Subdivisions 1 and 2 apply to the lease as if the reference in 11
the subdivisions to 31 December 2004 were a reference to the 12
day this section commences. 13

'(3) For applying any other provision of this part, the lease is taken 14
to be a converted lease.' 15

Clause 113 Amendment of s 903 (Applications for CSG-related 1923 16
Act ATPs) 17

Section 903(1)(b), 'coal or oil shale mining tenement—'— 18

omit, insert— 19

'coal or oil shale mining lease—'. 20

Clause 114 Insertion of new ch 15, pt 8 21

Chapter 15— 22

insert— 23

'Part 8	Transitional provision for Mines and Energy Legislation Amendment Act 2008	1
		2
		3
'942	Provision for amendment of s 877	4
	'Section 877 applies as if the amendment of that section under the <i>Petroleum and Other Legislation Amendment Act 2005</i> , section 105, schedule had never been made.'	5
		6
		7
Clause 115	Amendment of sch 2 (Dictionary)	8
	(1) Schedule 2, definition <i>permitted dealing</i> —	9
	<i>omit.</i>	10
	(2) Schedule 2—	11
	<i>insert—</i>	12
	' <i>dealing</i> see section 568.'	13

Schedule	Minor amendments	1
	sections 3, 19, 79, 81 and 92	2
	Coal Mining Safety and Health Act 1999	3
1	Section 255(5), ‘prosecution’—	4
	<i>omit, insert—</i>	5
	‘proceeding’.	6
	Mineral Resources Act 1989	7
1	Section 245(1)(o)(iii)(C), ‘each year’—	8
	<i>omit, insert—</i>	9
	‘the term’.	10
2	Section 318AO(2)(d), footnote—	11
	<i>omit, insert—</i>	12
	‘Notes—	13
	1 For the circumstances mentioned in subsection (2)(a) to (c), see	14
	division 3 (Obtaining coal or oil shale mining lease over land in	15
	area of authority to prospect (by or jointly with, or with the consent	16
	of, authority to prospect holder)).	17
	2 For the circumstance mentioned in subsection (2)(d), see division 6	18
	(Obtaining coal or oil shale mining lease over land in area of	19
	petroleum lease (by or jointly with petroleum lease holder), and	20
	section 318CC (Application of div 6).	21
	3 See however section 318CE(2) (Requirement for separate	22
	application for other land).’.	23

3	Section 318CH(1), after ‘in the area’—	1
	<i>insert—</i>	2
	‘of’.	3
4	Section 318DI(4), ‘that’, first mention—	4
	<i>omit, insert—</i>	5
	‘than’.	6
5	Section 318DJ(2)(d), ‘section 318BQ;’—	7
	<i>omit, insert—</i>	8
	‘sections 318BQ and 318BR;’.	9
6	Section 318EG(2)(b), ‘petroleum’—	10
	<i>omit, insert—</i>	11
	‘mining’.	12
7	Section 318EI(1)(b), ‘petroleum’—	13
	<i>omit, insert—</i>	14
	‘mining’.	15
	Mining and Quarrying Safety and Health Act 1999	16
1	Section 234(5), ‘prosecution’—	17
	<i>omit, insert—</i>	18
	‘proceeding’.	19

Petroleum Act 1923	1
1 Sections 75AA(1), note, 78T, 79X(3)(c), 80G, 80H and 80I and part 6N, division 2, heading and schedule, entry for section 80J(1), ‘permitted dealing’—	2 3 4
<i>omit, insert—</i>	5
‘dealing’.	6
2 Section 80I(2)(b)(i), ‘permitted dealings’—	7
<i>omit, insert—</i>	8
‘dealings’.	9
3 Part 6N, division 1, heading—	10
<i>omit, insert—</i>	11
‘Division 1 Dealings’.	12
 Petroleum and Gas (Production and Safety) Act 2004	 13
1 Section 50, footnote—	14
<i>omit, insert—</i>	15
‘Note—	16
For the requirements to lodge a proposed later work program, see	17
sections 79 (Obligation to lodge proposed later work program), 100	18
(Minister may add excluded land), 104 (Requirements for making	19
application) and 790 (Types of noncompliance action that may be	20
taken).’.	21
2 Section 142, footnote—	22
<i>omit, insert—</i>	23
‘Note—	24
For the requirements to lodge a proposed later development plan, see	25
sections 159 (Obligation to lodge proposed later development plan), 170	26

	(Minister may add excluded land), 372 (Requirements for making application) and 790 (Types of noncompliance action that may be taken).’.	1 2 3
3	Sections 238, 511, 558A(1), note, 570, 571 and 572(1) and chapter 5, part 10, division 2, heading, and schedule 1, table 2, entry for section 573(1), ‘permitted dealing’— <i>omit, insert—</i> ‘dealing’.	4 5 6 7 8
4	Section 339(a), after ‘area of the petroleum’— <i>insert—</i> ‘lease’.	9 10 11
5	Section 476(3), ‘section 444’— <i>omit, insert—</i> ‘section 445A’.	12 13 14
6	Chapter 5, part 10, division 1, heading— <i>omit, insert—</i> ‘Division 1 Dealings’.	15 16 17
7	Section 570, heading, ‘permitted dealings’— <i>omit, insert—</i> ‘dealings’.	18 19 20
8	Section 572(2)(b)(i), ‘permitted dealings’— <i>omit, insert—</i> ‘dealings’.	21 22 23

Schedule

9	Chapter 15, part 3, division 8, heading, ‘1923 Act start day’—	1
	<i>omit, insert—</i>	2
	‘31 December 2004’.	3
		4
10	Schedule 2, definition <i>mineable oil shale deposit</i>—	5
	<i>omit.</i>	6

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