



Queensland

Mines and Energy Legislation Amendment Bill 2009



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Contents

		Page
Part 1	Preliminary	
1	Short title	8
2	Commencement	8
Part 2	Amendment of Coal Mining Safety and Health Act 1999	
3	Act amended	8
4	Amendment of s 6 (Objects of Act)	8
5	Amendment of s 7 (How objects are to be achieved)	9
6	Insertion of new pt 5A.	9
	Part 5A Commissioner for Mine Safety and Health	
	Division 1 Establishment and appointment of commissioner	
	73A Appointment of commissioner	9
	73B Qualifications for appointment	9
	73C Commissioner's functions.	10
	73D Commissioner's powers	10
	Division 2 Report by commissioner	
	73E Annual report	10
7	Amendment of s 77 (Annual report)	10
8	Amendment of s 78 (Membership of council)	11
9	Amendment of s 255 (Proceedings for offences)	11
10	Amendment of s 257 (Limitation on time for starting proceedings)	11
11	Insertion of new ss 275AA and 275AB.	12
	275AA Protection from reprisal	12
	275AB Damages entitlement for reprisal	12
12	Amendment of s 276 (Protection from liability)	13

Contents

13	Amendment of sch 3 (Dictionary)	13
Part 3	Amendment of Electricity Act 1994	
14	Act amended	14
15	Omission of ch 4, pt 2, div 1 (Provisions for Mount Isa–Cloncurry supply network)	14
16	Amendment of s 130 (Governor in Council may authorise regulator to take over operation of relevant operations)	14
17	Amendment of s 135AJ (Who are the baseline customers of a power station)	15
18	Amendment of s 135D (Information notice about decision)	15
19	Amendment of s 135DD (Adjustment for other customer transfers)	15
20	Amendment of s 135FR (Operation of sdiv 1)	15
21	Amendment of s 135FS (Retailer)	15
22	Amendment of s 135FT (Special approval holder)	16
23	Amendment of s 135FW (Wholesale purchaser from spot market)	16
24	Amendment of s 135JU (Obligation of State to indemnify particular information-givers)	16
25	Insertion of new ch 14, pt 9	16
	Part 9 Transitional provision for Mines and Energy Legislation Amendment Act 2009	
	326 Existing distribution service pricing for Mount Isa–Cloncurry supply network	16
26	Amendment of sch 5 (Dictionary)	18
Part 4	Amendment of Electricity—National Scheme (Queensland) Act 1997	
27	Act amended	18
28	Amendment of s 3 (Definitions)	19
29	Insertion of new pt 3	19
	Part 3 Mount Isa–Cloncurry supply network	
	10 Economic regulation of Mount Isa–Cloncurry supply network from 1 July 2010	19
	11 Law to be construed not to exceed legislative power of Legislature	20
Part 5	Amendment of Explosives Act 1999	
30	Act amended	21
31	Replacement of s 118 (Proceeding for offence)	21
	118 Proceeding for offence	21

32	Insertion of new ss 126A and 126B	21
	126A Protection from reprisal	21
	126B Damages entitlement for reprisal	22
33	Amendment of s 127 (Protection from liability)	22
34	Amendment of sch 2 (Dictionary)	23
Part 6	Amendment of Gas Supply Act 2003	
35	Act amended	23
36	Amendment of s 3 (Main purposes of Act)	24
37	Amendment of s 57 (Conditions for amendment, cancellation or suspension)	24
38	Amendment of s 181 (Conditions for amendment, cancellation or suspension)	24
39	Amendment of s 204 (Standard retail contract for particular small customers)	25
40	Amendment of s 207 (Ending of standard retail contract)	25
41	Amendment of s 248 (Regulation may provide for scheme)	25
42	Amendment of s 254 (Minister's power to give directions while declaration in force)	25
43	Omission of ch 4A (Gas retail market operator)	25
44	Amendment of s 270B (Specific matters for which code may provide)	26
45	Insertion of new s 289A	26
	289A Restriction on providing gas retail market services	26
46	Amendment of s 315 (Protection from civil liability for particular persons)	26
47	Omission of s 321A (Delegation by QCA)	27
48	Amendment of s 323 (Regulation-making power)	27
49	Replacement of ch 7 hdg (Transitional provisions for Electricity and Other Legislation Amendment Act 2006)	27
50	Amendment of s 324 (Definitions for ch 7)	27
51	Insertion of new ch 7, pt 2	28
	Part 2 Transitional provision for Mines and Energy Legislation Amendment Act 2009	
	334 Continued protection from civil liability for particular persons	28
52	Amendment of sch 2 (Dictionary)	29
Part 7	Amendment of Mineral Resources Act 1989	
53	Act amended	30

Contents

54	Amendment of s 248 (Applicant must obtain consent or views of existing authority holders)	30
55	Amendment of s 249 (Later applicant must obtain consent or views of earlier applicant if same land affected)	31
56	Amendment of s 269 (Land Court's recommendation on hearing)	31
57	Amendment of s 286 (Application for renewal of mining lease) . .	31
58	Amendment of s 290 (Rental payable on mining lease)	31
59	Amendment of s 294 (Variation of conditions of mining lease) . .	31
60	Amendment of s 695 (Applying div 4 for renewal)	32
Part 8	Amendment of Mining and Quarrying Safety and Health Act 1999	
61	Act amended	32
62	Amendment of s 68 (Annual report)	32
63	Amendment of s 69 (Membership of council)	32
64	Amendment of s 234 (Proceedings for offences)	32
65	Amendment of s 235 (Recommendation to prosecute)	33
66	Amendment of s 236 (Limitation on time for starting proceedings)	33
67	Insertion of new ss 254A and 254B	33
	254A Protection from reprisal	34
	254B Damages entitlement for reprisal	34
68	Amendment of s 256 (Protection from liability)	35
69	Amendment of sch 2 (Dictionary)	35
Part 9	Amendment of Petroleum Act 1923	
70	Act amended	36
71	Amendment of s 121 (Additional information may be required about application)	36
Part 10	Amendment of Petroleum And Gas (Production And Safety) Act 2004	
72	Act amended	37
73	Amendment of s 35 (Call for tenders)	37
74	Amendment of s 37 (Requirements for making tender)	37
75	Amendment of s 109 (Exploration, production and storage activities)	38
76	Amendment of s 110 (Petroleum pipeline and water pipeline construction and operation)	38
77	Amendment of s 121 (Requirements for grant)	38
78	Amendment of s 228 (Prohibition on actions preventing access).	39

79	Amendment of s 401 (Construction and operation of pipeline) . .	39
80	Insertion of new ch 9, pt 4A	39
	Part 4A Other safety offences	
	708C Protection from reprisal	39
	708D Damages entitlement for reprisal	40
81	Amendment of s 800 (Restriction on petroleum tenure activities)	40
82	Amendment of s 837 (Offences under Act are summary)	40
83	Amendment of s 843 (Additional information may be required about application)	41
84	Amendment of s 856 (Protection from liability for particular persons)	42
85	Amendment of s 910 (Renewal application provisions apply for making and deciding grant application)	42
86	Amendment of sch 2 (Dictionary)	42

2009

A Bill

for

An Act to amend the Coal Mining Safety and Health Act 1999, Electricity Act 1994, Electricity—National Scheme (Queensland) Act 1997, Explosives Act 1999, Gas Supply Act 2003, Mineral Resources Act 1989, Mining and Quarrying Safety and Health Act 1999, Petroleum Act 1923 and 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 2009*. 4
5

Clause 2 Commencement 6

- (1) Sections 15, 25 and 26(1) commence on 1 July 2010. 7
- (2) The remaining provisions of this Act, other than part 4,
commence on a day to be fixed by proclamation. 8
9

**Part 2 Amendment of Coal Mining
Safety and Health Act 1999** 10
11

Clause 3 Act amended 12

This part amends the *Coal Mining Safety and Health Act
1999*. 13
14

Clause 4 Amendment of s 6 (Objects of Act) 15

Section 6— 16

insert— 17

- ‘(c) to provide a way of monitoring the effectiveness and
administration of provisions relating to safety and health
under this Act and other mining legislation.’. 18
19
20

Clause 5	Amendment of s 7 (How objects are to be achieved)	1
	Section 7—	2
	<i>insert—</i>	3
	‘(1) establishing the office of Commissioner for Mine Safety and Health.’	4 5
Clause 6	Insertion of new pt 5A	6
	After part 5—	7
	<i>insert—</i>	8
‘Part 5A	Commissioner for Mine Safety and Health	9 10
‘Division 1	Establishment and appointment of commissioner	11 12
‘73A	Appointment of commissioner	13
	‘(1) There is to be a Commissioner for Mine Safety and Health.	14
	‘(2) The commissioner is to be appointed by the Governor in Council by gazette notice.	15 16
	‘(3) Despite the <i>Public Service Act 2008</i> , section 8, the commissioner is a public service officer employed under the <i>Public Service Act 2008</i> , and not under this Act.	17 18 19
	‘(4) A person may hold the office of commissioner as well as another position under the <i>Public Service Act 2008</i> .	20 21
‘73B	Qualifications for appointment	22
	‘To be appointed as commissioner, a person must have—	23
	(a) a science or engineering qualification relevant to the mining industry; and	24 25
	(b) professional experience in mine safety.	26

[s 7]

‘73C	Commissioner’s functions	1
	‘The functions of the commissioner are—	2
	(a) to advise the Minister on mine health and safety matters generally; and	3 4
	(b) to fulfil the roles of chairperson of the coal mining safety and health advisory council and chairperson of the mining safety and health advisory council under the <i>Mining and Quarrying Safety and Health Act 1999</i> ; and	5 6 7 8
	(c) to monitor and report to the Minister and to Parliament on the administration of provisions about safety and health under this Act and other mining legislation; and	9 10 11
	(d) to perform the functions given to the commissioner under the provisions of this Act and other mining legislation.	12 13 14
‘73D	Commissioner’s powers	15
	‘The commissioner has the powers necessary or convenient to perform the commissioner’s functions.	16 17
‘Division 2	Report by commissioner	18
‘73E	Annual report	19
	‘(1) As soon as practicable, but within 4 months, after the end of each financial year, the commissioner must prepare and give to the Minister a report on the performance of the department in regulating mine safety.	20 21 22 23
	‘(2) The Minister must table a copy of the report in the Legislative Assembly within 14 sitting days after receiving it.’.	24 25
Clause 7	Amendment of s 77 (Annual report)	26
	Section 77(1), ‘the council’—	27

	<i>omit, insert—</i>	1
	‘the commissioner, as chairperson of the council.’	2
Clause 8	Amendment of s 78 (Membership of council)	3
	Section 78(2)—	4
	<i>omit, insert—</i>	5
	‘(2) The chairperson of the council is the commissioner.’	6
Clause 9	Amendment of s 255 (Proceedings for offences)	7
	Section 255(5), ‘chief executive’—	8
	<i>omit, insert—</i>	9
	‘commissioner’.	10
Clause 10	Amendment of s 257 (Limitation on time for starting proceedings)	11
	(1) Section 257, after ‘start’—	12
	<i>insert—</i>	13
	‘within the latest of the following periods to end’.	14
	(2) Section 257(a)—	15
	<i>omit, insert—</i>	16
	‘(a) 1 year after the commission of the offence;’.	17
	(3) Section 257(b), ‘within’, first mention—	18
	<i>omit.</i>	19
	(4) Section 257—	20
	<i>insert—</i>	21
	‘(c) if the offence involves a breach of an obligation causing	22
	death and the death is investigated by a coroner under	23
	the <i>Coroners Act 2003</i> —2 years after the coroner makes	24
	a finding in relation to the death.’	25
		26

[s 11]

Clause 11	Insertion of new ss 275AA and 275AB	1
	Part 17, division 1—	2
	<i>insert—</i>	3
	‘275AA Protection from reprisal	4
	‘(1) A person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that, the other person—	5 6 7
	(a) has made a complaint, or in any other way has raised, a coal mine safety issue; or	8 9
	(b) has contacted or given help to an official in relation to a coal mine safety issue.	10 11
	Maximum penalty—40 penalty units.	12
	‘(2) An attempt to cause detriment includes an attempt to induce a person to cause detriment.	13 14
	‘(3) A contravention of subsection (1) is a reprisal or the taking of a reprisal.	15 16
	‘(4) A ground mentioned in subsection (1) as the ground for a reprisal is the unlawful ground for the reprisal.	17 18
	‘(5) For the contravention to happen, it is sufficient if the unlawful ground is a substantial ground for the act or omission that is the reprisal, even if there is another ground for the act or omission.	19 20 21 22
	‘(6) This section does not limit or otherwise affect the operation of the <i>Whistleblowers Protection Act 1994</i> , part 5, division 3.	23 24
	‘(7) In this section—	25
	<i>coal mine safety issue</i> means an issue about the safety or health of a person or persons while at a coal mine or as a result of coal mining operations.	26 27 28
	‘275AB Damages entitlement for reprisal	29
	‘(1) A reprisal is a tort and a person who takes a reprisal is liable in damages to anyone who suffers detriment as a result.	30 31

-
- ‘(2) Any appropriate remedy that may be granted by a court for a tort may be granted by a court for the taking of a reprisal. 1
2
- ‘(3) If the claim for the damages goes to trial in the Supreme Court or the District Court, it must be decided by a judge sitting without a jury.’. 3
4
5

Clause 12 Amendment of s 276 (Protection from liability) 6

- (1) Section 276(1)— 7
insert— 8
‘*Example of an act done—* 9
giving information or advice’. 10
- (2) Section 276(3)— 11
omit. 12

Clause 13 Amendment of sch 3 (Dictionary) 13

- Schedule 3— 14
insert— 15
‘**commissioner** means the Commissioner for Mine Safety and 16
Health. 17
official means— 18
- (a) the Minister; or 19
 - (b) the chief executive; or 20
 - (c) the commissioner; or 21
 - (d) the chief inspector; or 22
 - (e) an inspector; or 23
 - (f) an inspection officer; or 24
 - (g) an authorised officer; or 25
 - (h) a person acting under the direction of or helping an 26
inspector, inspection officer or authorised officer; or 27

Clause 17	Amendment of s 135AJ (Who are the <i>baseline customers</i> of a power station)	1 2
	Section 135AJ(2)(b), ‘NEMMCO’—	3
	<i>omit, insert—</i>	4
	‘AEMO’.	5
Clause 18	Amendment of s 135D (Information notice about decision)	6 7
	Section 135D(2), ‘NEMMCO’—	8
	<i>omit, insert—</i>	9
	‘AEMO’.	10
Clause 19	Amendment of s 135DD (Adjustment for other customer transfers)	11 12
	Section 135DD(b), ‘NEMMCO’—	13
	<i>omit, insert—</i>	14
	‘AEMO’.	15
Clause 20	Amendment of s 135FR (Operation of sdiv 1)	16
	Section 135FR(2)(b), ‘NEMMCO’—	17
	<i>omit, insert—</i>	18
	‘AEMO’.	19
Clause 21	Amendment of s 135FS (Retailer)	20
	Section 135FS(2)(a), ‘NEMMCO’—	21
	<i>omit, insert—</i>	22
	‘AEMO’.	23

[s 22]

Clause 22	Amendment of s 135FT (Special approval holder)	1
	Section 135FT(3), ‘NEMMCO’—	2
	<i>omit, insert—</i>	3
	‘AEMO’.	4
Clause 23	Amendment of s 135FW (Wholesale purchaser from spot market)	5
	Section 135FW(a), ‘NEMMCO’—	6
	<i>omit, insert—</i>	7
	‘AEMO’.	8
Clause 24	Amendment of s 135JU (Obligation of State to indemnify particular information-givers)	10
	Section 135JU(3), definition <i>relevant entity</i> , paragraph (a), ‘NEMMCO’—	11
	<i>omit, insert—</i>	12
	‘AEMO’.	13
Clause 25	Insertion of new ch 14, pt 9	14
	Chapter 14—	15
	<i>insert—</i>	16
‘Part 9	Transitional provision for Mines and Energy Legislation Amendment Act 2009	17
		18
		19
		20
		21
‘326	Existing distribution service pricing for Mount Isa–Cloncurry supply network	22
		23
	‘(1) This section applies if, immediately before 1 July 2010—	24

-
- (a) the owner of the Mount Isa–Cloncurry supply network provides customer connection services relating to the supply network; and
 - (b) the pricing regulation made by QCA, under the direction made by the Minister under section 89B(2) to regulate the pricing for the services, is still in force; and
 - (c) the Australian Energy Regulator has not made a distribution determination, within the meaning of the National Electricity Rules, for the supply network for the relevant regulatory control period.

Note—

See the *Electricity—National Scheme (Queensland) Act 1997*, section 10 (Economic regulation of Mount Isa–Cloncurry supply network from 1 July 2010).

- ‘(2) The pricing regulation is taken to be a jurisdictional pricing determination under the National Electricity Rules, clause 11.14.2 for the services.
- ‘(3) For applying the National Electricity Rules—
 - (a) the services are taken to be distribution services for the National Electricity Rules; and
 - (b) the Mount Isa–Cloncurry supply network is taken to be a distribution system.
- ‘(4) The National Electricity Rules apply with any necessary changes to give effect to this section.
- ‘(5) In this section—
 - amending Act*** means the *Mines and Energy Legislation Amendment Act 2009*.
 - Mount Isa–Cloncurry supply network—***
 - (a) means the supply network, other than the 220kV supply network—
 - (i) located in the Mount Isa–Cloncurry region; and
 - (ii) owned by Ergon Energy immediately before the date of assent for the amending Act; and

[s 26]

- (iii) not connected to the national grid; and 1
- (b) includes any increase in the supply network after the 2
date of assent for the amending Act. 3
- relevant regulatory control period* means the regulatory 4
control period, within the meaning of the National Electricity 5
Rules, starting on 1 July 2010.’. 6

- Clause 26 Amendment of sch 5 (Dictionary)** 7
- (1) Schedule 5, definition *Mount Isa-Cloncurry supply network*— 8
omit. 9
- (2) Schedule 5, definition *NEMMCO*— 10
omit. 11
- (3) Schedule 5— 12
insert— 13
‘*AEMO* has the meaning given in the National Electricity 14
(Queensland) Law.’. 15
- (4) Schedule 5, definition *financially responsible retail entity*, 16
paragraph (b)(i), ‘*NEMMCO*’— 17
omit, insert— 18
‘*AEMO*’. 19

Part 4 Amendment of 20
Electricity—National Scheme 21
(Queensland) Act 1997 22

- Clause 27 Act amended** 23
- This part amends the *Electricity—National Scheme* 24
(*Queensland*) Act 1997. 25

Clause 28	Amendment of s 3 (Definitions)	1
	Section 3(1)—	2
	<i>insert—</i>	3
	‘ AER has the meaning given in the National Electricity (Queensland) Law.’.	4
		5
Clause 29	Insertion of new pt 3	6
	After section 9—	7
	<i>insert—</i>	8
‘Part 3	Mount Isa–Cloncurry supply network	9
		10
‘10	Economic regulation of Mount Isa–Cloncurry supply network from 1 July 2010	11
		12
	‘(1) The AER is responsible for the economic regulation under the National Electricity Rules, chapters 6 and 11, for a relevant regulatory control period, of distribution services provided by means of, or in connection with, the Mount Isa–Cloncurry supply network as if the supply network were part of the national grid.	13
		14
		15
		16
		17
		18
	<i>Editor’s note—</i>	19
	National Electricity Rules, chapters 6 (Economic regulation of distribution services) and 11 (Savings and transitional rules)	20
		21
	‘(2) For applying the National Electricity Rules, chapters 6 and 11—	22
		23
	(a) the distribution services are taken to be distribution services for the National Electricity Rules; and	24
		25
	(b) the Mount Isa–Cloncurry supply network is taken to be a distribution system.	26
		27
	‘(3) The chapters apply with any necessary changes to give effect to this section.	28
		29
	‘(4) In this section—	30

[s 29]

- Mount Isa–Cloncurry supply network***— 1
- (a) means the supply network as defined under the 2
Electricity Act 1994, section 8, other than the 220kV 3
supply network— 4
- (i) located in the Mount Isa–Cloncurry region; and 5
- (ii) owned by Ergon Energy at the commencement of 6
this section; and 7
- (iii) not connected to the national grid; and 8
- (b) includes any increase in the supply network after the 9
commencement. 10
- National Electricity Rules*** has the meaning given in the 11
National Electricity (Queensland) Law. 12
- national grid*** has the meaning given in the National 13
Electricity Rules. 14
- relevant regulatory control period*** means— 15
- (a) the regulatory control period, within the meaning of the 16
National Electricity Rules, starting on 1 July 2010; and 17
- (b) any regulatory control period after the regulatory control 18
period mentioned in paragraph (a). 19

- ‘11 Law to be construed not to exceed legislative power 20
of Legislature 21**
- ‘(1) Clause 2 of schedule 2 to the National Electricity 22
(Queensland) Law has effect in relation to the operation of 23
any provision of this Act, or any regulation forming part of the 24
National Electricity (Queensland) Regulations, as if the 25
provision or regulation formed part of the National Electricity 26
(Queensland) Law. 27
- ‘(2) Subsection (1) does not limit the effect that a provision or 28
regulation would validly have apart from the subsection.’. 29

Part 5	Amendment of Explosives Act 1999	1
		2
Clause 30	Act amended	3
	This part amends the <i>Explosives Act 1999</i> .	4
Clause 31	Replacement of s 118 (Proceeding for offence)	5
	Section 118—	6
	<i>omit, insert—</i>	7
	‘118 Proceeding for offence	8
	‘(1) A proceeding for an offence against this Act must be taken in a summary way under the <i>Justices Act 1886</i> on the complaint of the commissioner for mine safety and health.	9 10 11
	‘(2) A proceeding may be started within the latest of the following periods to end—	12 13
	(a) 1 year after the offence is committed;	14
	(b) 1 year after the offence comes to the complainant’s knowledge, but within 2 years after the offence is committed;	15 16 17
	(c) if the offence involves a breach of an obligation causing death and the death is investigated by a coroner under the <i>Coroners Act 2003</i> —2 years after the coroner makes a finding in relation to the death.’	18 19 20 21
Clause 32	Insertion of new ss 126A and 126B	22
	After section 126—	23
	<i>insert—</i>	24
	‘126A Protection from reprisal	25
	‘(1) A person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that, the other person—	26 27 28

[s 33]

(a) has made a complaint, or in any other way has raised, an explosives safety issue; or 1
2

(b) has contacted or given help to an official in relation to an explosives safety issue. 3
4

Maximum penalty—40 penalty units. 5

‘(2) An attempt to cause detriment includes an attempt to induce a person to cause detriment. 6
7

‘(3) A contravention of subsection (1) is a reprisal or the taking of a reprisal. 8
9

‘(4) A ground mentioned in subsection (1) as the ground for a reprisal is the unlawful ground for the reprisal. 10
11

‘(5) For the contravention to happen, it is sufficient if the unlawful ground is a substantial ground for the act or omission that is the reprisal, even if there is another ground for the act or omission. 12
13
14
15

‘(6) This section does not limit or otherwise affect the operation of the *Whistleblowers Protection Act 1994*, part 5, division 3. 16
17

‘(7) In this section— 18

explosives safety issue means an issue about the safety or health of a person or persons while dealing with explosives. 19
20

‘126B Damages entitlement for reprisal 21

‘(1) A reprisal is a tort and a person who takes a reprisal is liable in damages to anyone who suffers detriment as a result. 22
23

‘(2) Any appropriate remedy that may be granted by a court for a tort may be granted by a court for the taking of a reprisal. 24
25

‘(3) If the claim for the damages goes to trial in the Supreme Court or the District Court, it must be decided by a judge sitting without a jury.’. 26
27
28

Clause 33 Amendment of s 127 (Protection from liability) 29

(1) Section 127(1)— 30

insert— 1

‘Example of an act done— 2

giving information or advice’. 3

(2) Section 127(3)— 4

omit. 5

Clause 34 Amendment of sch 2 (Dictionary) 6

Schedule 2— 7

insert— 8

‘commissioner for mine safety and health means the 9
Commissioner for Mine Safety and Health established under 10
the *Coal Mining Safety and Health Act 1999*. 11

official means— 12

(a) the Minister; or 13

(b) the chief executive; or 14

(c) the commissioner for mine safety and health; or 15

(d) an inspector; or 16

(e) a person acting under the direction of an inspector; or 17

(f) a person helping an inspector in a dangerous situation. 18

reprisal see section 126A.’. 19

Part 6 Amendment of Gas Supply Act 2003 20
21

Clause 35 Act amended 22

This part amends the *Gas Supply Act 2003*. 23

[s 36]

Clause 36	Amendment of s 3 (Main purposes of Act)	1
	(1) Section 3(2)(a), ‘markets’—	2
	<i>omit, insert—</i>	3
	‘services’.	4
	(2) Section 3(2)(b)—	5
	<i>omit.</i>	6
	(3) Section 3(2)(c)—	7
	<i>renumber</i> as section 3(2)(b).	8
Clause 37	Amendment of s 57 (Conditions for amendment, cancellation or suspension)	9
	Section 57(2)(b)—	10
	<i>insert—</i>	11
	‘(vi) the gas retail market procedures if AEMO decides	12
	under the <i>National Gas (Queensland) Law</i> , section	13
	91MB, the contravention is a material breach of the	14
	procedures; or	15
	<i>Editor’s note—</i>	16
	<i>National Gas (Queensland) Law</i> , section 91MB	17
	(Compliance with Retail Market Procedures)’.	18
		19
Clause 38	Amendment of s 181 (Conditions for amendment, cancellation or suspension)	20
	Section 181(2)(b)—	21
	<i>insert—</i>	22
	‘(vi) the gas retail market procedures if AEMO decides	23
	under the <i>National Gas (Queensland) Law</i> , section	24
	91MB, the contravention is a material breach of the	25
	procedures; or	26
	<i>Editor’s note—</i>	27
	<i>National Gas (Queensland) Law</i> , section 91MB	28
	(Compliance with Retail Market Procedures)’.	29
		30

Clause 39	Amendment of s 204 (Standard retail contract for particular small customers)	1
	Section 204(3)(b), ‘an industry code’—	2
	<i>omit, insert</i> —	3
	‘the gas retail market procedures’.	4
Clause 40	Amendment of s 207 (Ending of standard retail contract)	5
	Section 207(1)(b), ‘an industry code’—	6
	<i>omit, insert</i> —	7
	‘the gas retail market procedures’.	8
Clause 41	Amendment of s 248 (Regulation may provide for scheme)	9
	Section 248(b), ‘the GRMO’—	10
	<i>omit, insert</i> —	11
	‘AEMO’.	12
Clause 42	Amendment of s 254 (Minister’s power to give directions while declaration in force)	13
	Section 254(1)(c)—	14
	<i>omit, insert</i> —	15
	‘(c) AEMO.’.	16
Clause 43	Omission of ch 4A (Gas retail market operator)	17
	Chapter 4A—	18
	<i>omit.</i>	19
		20
		21
		22

[s 44]

Clause 44	Amendment of s 270B (Specific matters for which code may provide)	1 2
	Section 270B(e) to (g)—	3
	<i>omit.</i>	4
Clause 45	Insertion of new s 289A	5
	After section 289—	6
	<i>insert—</i>	7
	‘289A Restriction on providing gas retail market services	8
	‘(1) A person other than the following must not provide gas retail market services to someone else—	9 10
	(a) AEMO;	11
	(b) a director or other officer of AEMO acting within the scope of the person’s directorship or other office with AEMO;	12 13 14
	(c) an employee of AEMO acting within the course of the employee’s employment with AEMO.	15 16
	Maximum penalty—500 penalty units.	17
	‘(2) In this section—	18
	<i>gas retail market services</i> means services provided by AEMO to others as the operator of the gas retail market.’.	19 20
Clause 46	Amendment of s 315 (Protection from civil liability for particular persons)	21 22
	(1) Section 315(1)(e) to (g)—	23
	<i>omit.</i>	24
	(2) Section 315(1)(h)—	25
	<i>renumber</i> as section 315(1)(e).	26

Clause 47	Omission of s 321A (Delegation by QCA)	1
	Section 321A—	2
	<i>omit.</i>	3
Clause 48	Amendment of s 323 (Regulation-making power)	4
(1)	Section 323(2)(a) and (b)—	5
	<i>renumber</i> as section 323(b) and (c).	6
(2)	Section 323(2)—	7
	<i>insert—</i>	8
	‘(a) any matter that may, under the <i>National Gas (Queensland) Law</i> , be prescribed under jurisdictional gas legislation;’.	9
		10
		11
Clause 49	Replacement of ch 7 hdg (Transitional provisions for Electricity and Other Legislation Amendment Act 2006)	12
	Chapter 7, heading—	13
	<i>omit, insert—</i>	14
		15
	‘Chapter 7 Transitional provisions	16
	‘Part 1 Transitional provisions for Electricity and Other Legislation Amendment Act 2006’.	17
		18
		19
		20
Clause 50	Amendment of s 324 (Definitions for ch 7)	21
(1)	Section 324, heading, ‘ch 7’—	22
	<i>omit, insert—</i>	23
	‘pt 1’.	24
(2)	Section 324, ‘chapter’—	25

[s 51]

omit, insert—

1

‘part’.

2

Clause 51 Insertion of new ch 7, pt 2

3

After section 333—

4

insert—

5

**‘Part 2 Transitional provision for Mines
and Energy Legislation
Amendment Act 2009**

6

7

8

**‘334 Continued protection from civil liability for particular
persons**

9

10

‘(1) This section applies to each of the following persons (a
relevant person)—

11

12

(a) the GRMO;

13

(b) a director or other officer of the GRMO acting within
the scope of the person’s directorship or other office
with the GRMO;

14

15

16

(c) an employee of the GRMO acting within the course of
the employee’s employment with the GRMO.

17

18

‘(2) Section 315(2) to (4) continues to apply to a relevant person.

19

‘(3) In this section—

20

GRMO means a body corporate—

21

(a) appointed by the Minister under section 257A, as in
force immediately before the commencement of this
section, to be the gas retail market operator; and

22

23

24

(b) in existence as the operator immediately before the
commencement of this section.’.

25

26

Clause 52	Amendment of sch 2 (Dictionary)	1
(1)	Schedule 2, definitions <i>advisory committee</i> , <i>Gas Pipelines Access Law</i> , <i>gas retail market services</i> and <i>GRMO</i> —	2
	<i>omit.</i>	3
		4
(2)	Schedule 2—	5
	<i>insert</i> —	6
	‘ AEMO has the meaning given under the <i>National Gas (Queensland) Law</i> .	7
	<i>gas retail market procedures</i> means—	8
		9
(a)	the retail market procedures made under the <i>National Gas (Queensland) Law</i> , section 294A, that regulate the Queensland retail gas market (the <i>initial procedures</i>);	10
	and	11
		12
		13
(b)	the retail market procedures made by AEMO under the <i>National Gas (Queensland) Law</i> , section 91M, that regulate the Queensland retail gas market, including procedures that amend—	14
		15
		16
		17
	(i) the initial procedures; or	18
	(ii) other procedures made by AEMO.	19
	<i>Editor’s note</i> —	20
		21
	• <i>National Gas (Queensland) Law</i> , section 294A (South Australian Minister to make initial Rules and Procedures related to AEMO’s functions under this Law)	22
		23
	• <i>National Gas (Queensland) Law</i> , section 91M (Retail Market Procedures)	24
		25
	<i>National Gas Law</i> means both of the following—	26
(a)	the <i>National Gas (Queensland) Act 2008</i> ;	27
(b)	the <i>National Gas (Queensland) Law</i> .’.	28
(3)	Schedule 2, definition <i>approved access arrangement</i> , ‘Gas Pipelines Access Law’—	29
	<i>omit, insert</i> —	30
		31
	‘National Gas Law’.	32

[s 53]

- (4) Schedule 2, definition *covered pipeline*, from ‘Gas Pipelines Access Law’— 1
2
omit, insert— 3
‘National Gas Law, is a covered pipeline. 4
Editor’s note— 5
See the National Gas (Queensland) Law, section 2, definition *covered pipeline*’. 6
7
- (5) Schedule 2, definition *MIRN*, ‘an industry code’— 8
omit, insert— 9
‘the gas retail market procedures’. 10
- (6) Schedule 2, definition *MIRN premises*, paragraph 1, ‘an industry code’— 11
12
omit, insert— 13
‘the gas retail market procedures’. 14

Part 7 **Amendment of Mineral Resources Act 1989** 15 16

- Clause 53** **Act amended** 17
This part amends the *Mineral Resources Act 1989*. 18
- Clause 54** **Amendment of s 248 (Applicant must obtain consent or views of existing authority holders)** 19
20
Section 248(2), from ‘and is for’— 21
omit, insert— 22
‘and for— 23
(a) the same minerals as the existing authority; or 24
(b) a specific purpose mining lease.’. 25

Clause 55	Amendment of s 249 (Later applicant must obtain consent or views of earlier applicant if same land affected)	1 2 3
	Section 249(2)(b)—	4
	<i>omit, insert—</i>	5
	‘(b) a specific purpose mining lease.’.	6
Clause 56	Amendment of s 269 (Land Court’s recommendation on hearing)	7 8
	Section 269(4)(c), ‘mineralised’—	9
	<i>omit, insert—</i>	10
	‘mineralised.’.	11
Clause 57	Amendment of s 286 (Application for renewal of mining lease)	12 13
	Section 286(1), from ‘apply’—	14
	<i>omit, insert—</i>	15
	‘apply to the Minister for a renewal of the lease by lodging an application with the mining registrar.’.	16 17
Clause 58	Amendment of s 290 (Rental payable on mining lease)	18
	Section 290(8), ‘section 286(8)’—	19
	<i>omit, insert—</i>	20
	‘section 286C’.	21
Clause 59	Amendment of s 294 (Variation of conditions of mining lease)	22 23
	Section 294(2), ‘same, or substantially the same’—	24
	<i>insert—</i>	25
	‘same or substantially the same as’.	26

[s 60]

Clause 60	Amendment of s 695 (Applying div 4 for renewal)	1
	Section 695(5)(d), ‘section 286(3)’—	2
	<i>omit, insert—</i>	3
	‘section 286A(1)’.	4
Part 8	Amendment of Mining and Quarrying Safety and Health Act 1999	5 6 7
Clause 61	Act amended	8
	This part amends the <i>Mining and Quarrying Safety and Health Act 1999</i> .	9 10
Clause 62	Amendment of s 68 (Annual report)	11
	Section 68(1), ‘the council’—	12
	<i>omit, insert—</i>	13
	‘the commissioner, as chairperson of the council,’.	14
Clause 63	Amendment of s 69 (Membership of council)	15
	Section 69(2)—	16
	<i>omit, insert—</i>	17
	‘(2) The chairperson of the council is the commissioner.’.	18
Clause 64	Amendment of s 234 (Proceedings for offences)	19
	Section 234(5), ‘chief executive’—	20
	<i>omit, insert—</i>	21
	‘commissioner’.	22

Clause 65	Amendment of s 235 (Recommendation to prosecute)	1
	(1) Section 235(1), ‘chief executive’—	2
	<i>omit, insert—</i>	3
	‘commissioner’.	4
	(2) Section 235(2), ‘chief executive’s’—	5
	<i>omit, insert—</i>	6
	‘commissioner’s’.	7
Clause 66	Amendment of s 236 (Limitation on time for starting proceedings)	8
	(1) Section 236, after ‘start’—	9
	<i>insert—</i>	10
	‘within the latest of the following periods to end’.	11
	(2) Section 236(a)—	12
	<i>omit, insert—</i>	13
	‘(a) 1 year after the commission of the offence;’.	14
	(3) Section 236(b), ‘within’—	15
	<i>omit.</i>	16
	(4) Section 236—	17
	<i>insert—</i>	18
	‘(c) if the offence involves a breach of an obligation causing death and the death is investigated by a coroner under the <i>Coroners Act 2003</i> —2 years after the coroner makes a finding in relation to the death.’.	19
		20
		21
		22
		23
Clause 67	Insertion of new ss 254A and 254B	24
	Part 16, division 1—	25
	<i>insert—</i>	26

[s 67]

‘254A Protection from reprisal	1
‘(1) A person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that, the other person—	2 3 4
(a) has made a complaint, or in any other way has raised, a mine safety issue; or	5 6
(b) has contacted or given help to an official in relation to a mine safety issue.	7 8
Maximum penalty—40 penalty units.	9
‘(2) An attempt to cause detriment includes an attempt to induce a person to cause detriment.	10 11
‘(3) A contravention of subsection (1) is a reprisal or the taking of a reprisal.	12 13
‘(4) A ground mentioned in subsection (1) as the ground for a reprisal is the unlawful ground for the reprisal.	14 15
‘(5) For the contravention to happen, it is sufficient if the unlawful ground is a substantial ground for the act or omission that is the reprisal, even if there is another ground for the act or omission.	16 17 18 19
‘(6) This section does not limit or otherwise affect the operation of the <i>Whistleblowers Protection Act 1994</i> , part 5, division 3.	20 21
‘(7) In this section—	22
<i>mine safety issue</i> means an issue about the safety or health of a person or persons while at a mine or as a result of mining operations.	23 24 25
‘254B Damages entitlement for reprisal	26
‘(1) A reprisal is a tort and a person who takes a reprisal is liable in damages to anyone who suffers detriment as a result.	27 28
‘(2) Any appropriate remedy that may be granted by a court for a tort may be granted by a court for the taking of a reprisal.	29 30

‘(3) If the claim for the damages goes to trial in the Supreme Court or the District Court, it must be decided by a judge sitting without a jury.’

Clause 68 Amendment of s 256 (Protection from liability)

- (1) Section 256(1)—
insert—
‘*Example of an act done—*
giving information or advice’.
- (2) Section 256(3)—
omit.

Clause 69 Amendment of sch 2 (Dictionary)

- Schedule 2—
insert—
‘**commissioner** means the Commissioner for Mine Safety and Health under the *Coal Mining Safety and Health Act 1999*.
official means—
- (a) the Minister; or
 - (b) the chief executive; or
 - (c) the commissioner; or
 - (d) the chief inspector; or
 - (e) an inspector; or
 - (f) an inspection officer; or
 - (g) an authorised officer; or
 - (h) a person acting under the direction of or helping an inspector, inspection officer or authorised officer; or
 - (i) a member or a substitute member of the council; or

[s 70]

- (j) a district workers' representative or a site safety and health representative. 1
2
reprisal see section 254A.'. 3

Part 9 **Amendment of Petroleum Act 1923** 4
5

Clause 70 **Act amended** 6
This part amends the *Petroleum Act 1923*. 7

Clause 71 **Amendment of s 121 (Additional information may be required about application)** 8
9
(1) Section 121(1)(a)— 10
insert— 11
Example— 12
The application is for the renewal of a lease. The Minister may require a document, prepared by an appropriately qualified person, independently verifying reserve data given in the proposed development plan for the lease.'. 13
14
15
16
(2) Section 121(1)(b)— 17
omit, insert— 18
'(b) an independent report by an appropriately qualified person or a statutory declaration verifying all or any of the following— 19
20
21
(i) any information included in the application; 22
(ii) any additional information required under paragraph (a); 23
24
(iii) if the application is to renew an authority to prospect—that the applicant meets the relevant capability criteria under part 4.'. 25
26
27

-
- (3) Section 121(4)— 1
renumber as section 121(5). 2
- (4) Section 121(3)— 3
omit, insert— 4
- ‘(3) For subsection (1)(b), the notice may require the statutory 5
declaration— 6
- (a) to be made by an appropriately qualified person or by 7
the applicant; or 8
- (b) if the applicant is a corporation—to be made for the 9
applicant by an executive officer of the applicant. 10
- ‘(4) If the applicant does not comply with the requirement, the 11
decider may refuse the application.’. 12

Part 10 **Amendment of Petroleum And** 13
Gas (Production And Safety) 14
Act 2004 15

Clause 72 **Act amended** 16
This part amends the *Petroleum And Gas (Production And* 17
Safety) Act 2004. 18

Clause 73 **Amendment of s 35 (Call for tenders)** 19
Section 35(2)(d)— 20
omit, insert— 21
‘(d) that the tenders must be lodged before the closing time 22
for the call at the place stated in the call; and’. 23

Clause 74 **Amendment of s 37 (Requirements for making tender)** 24
Section 37(b)— 25

[s 75]

omit, insert— 1
'(b) be lodged at the place for lodging tenders for proposed 2
authorities to prospect, as stated in the call; and'. 3

Clause 75 Amendment of s 109 (Exploration, production and storage activities) 4
5

Section 109(1)(b)(iii), 'petroleum storage'— 6
omit, insert— 7
'storage of petroleum or a prescribed storage gas'. 8

Clause 76 Amendment of s 110 (Petroleum pipeline and water pipeline construction and operation) 9
10

(1) Section 110(2)(b)— 11
omit, insert— 12
'(b) the area of 1 or more other petroleum leases contiguous 13
to the lease that— 14
(i) are also held by the holder of the lease; or 15
(ii) are the subject of a coordination arrangement 16
between the holder of the lease and the holder for 17
each contiguous lease.' 18
(2) Section 110(3), 'subsection (2)(b)'— 19
omit, insert— 20
'subsection (2)(b)(i)'. 21

Clause 77 Amendment of s 121 (Requirements for grant) 22

Section 121, 'petroleum storage'— 23
omit, insert— 24
'storage of petroleum or a prescribed storage gas'. 25

Clause 78	Amendment of s 228 (Prohibition on actions preventing access)	1 2
	Section 228(1), ‘petroleum storage’—	3
	<i>omit, insert</i> —	4
	‘storage of petroleum or a prescribed storage gas’.	5
Clause 79	Amendment of s 401 (Construction and operation of pipeline)	6 7
	Section 401(2), ‘subsection (1)(b)’—	8
	<i>omit, insert</i> —	9
	‘subsection (1)’.	10
Clause 80	Insertion of new ch 9, pt 4A	11
	Chapter 9—	12
	<i>insert</i> —	13
‘Part 4A	Other safety offences	14
‘708C	Protection from reprisal	15
	‘(1) A person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that, the other person—	16 17 18
	(a) has made a complaint, or in any other way has raised, an operating plant safety issue; or	19 20
	(b) has contacted or given help to an official, an executive safety manager or a site safety manager in relation to an operating plant safety issue.	21 22 23
	Maximum penalty—40 penalty units.	24
	‘(2) An attempt to cause detriment includes an attempt to induce a person to cause detriment.	25 26
	‘(3) A contravention of subsection (1) is a reprisal or the taking of a reprisal.	27 28

[s 81]

- ‘(4) A ground mentioned in subsection (1) as the ground for a reprisal is the unlawful ground for the reprisal. 1
2
- ‘(5) For the contravention to happen, it is sufficient if the unlawful ground is a substantial ground for the act or omission that is the reprisal, even if there is another ground for the act or omission. 3
4
5
6
- ‘(6) This section does not limit or otherwise affect the operation of the *Whistleblowers Protection Act 1994*, part 5, division 3. 7
8
- ‘(7) In this section— 9
- operating plant safety issue* means an issue about the safety or health of a person or persons while at an operating plant or as a result of operating plant operations. 10
11
12

‘708D Damages entitlement for reprisal 13

- ‘(1) A reprisal is a tort and a person who takes a reprisal is liable in damages to anyone who suffers detriment as a result. 14
15
- ‘(2) Any appropriate remedy that may be granted by a court for a tort may be granted by a court for the taking of a reprisal. 16
17
- ‘(3) If the claim for the damages goes to trial in the Supreme Court or the District Court, it must be decided by a judge sitting without a jury.’. 18
19
20

**Clause 81 Amendment of s 800 (Restriction on petroleum tenure activities) 21
22**

Section 800(3)(b), ‘petroleum storage’— 23

omit, insert— 24

‘storage of petroleum or a prescribed storage gas’. 25

Clause 82 Amendment of s 837 (Offences under Act are summary) 26

- (1) Section 837(2)(b)— 27
- omit, insert—* 28
- ‘(b) can be started only by complaint of the commissioner.’. 29

-
- (2) Section 837(4)— 1
insert— 2
‘(c) if the offence involves a breach of an obligation causing 3
death and the death is investigated by a coroner under 4
the *Coroners Act 2003*—2 years after the coroner makes 5
a finding in relation to the death.’ 6

- Clause 83 Amendment of s 843 (Additional information may be 7
required about application) 8**
- (1) Section 843(1)(a)— 9
insert— 10
‘*Example*— 11
The application is for a petroleum lease. The Minister may 12
require a document, prepared by an appropriately qualified 13
person, independently verifying reserve data given in the 14
proposed development plan for the petroleum lease.’ 15
- (2) Section 843(1)(b)— 16
omit, insert— 17
‘(b) an independent report by an appropriately qualified 18
person or a statutory declaration verifying all or any of 19
the following— 20
(i) any information included in the application; 21
(ii) any additional information required under 22
paragraph (a); 23
(iii) if the application is for a petroleum tenure—that 24
the applicant meets the relevant capability criteria 25
under chapter 2.’ 26
- (3) Section 843(4) and (5)— 27
renumber as section 843(5) and (6). 28
- (4) Section 843(3)— 29
omit, insert— 30

[s 84]

- ‘(3) For subsection (1)(b), the notice may require the statutory declaration— 1
2
(a) to be made by an appropriately qualified person or by 3
4 the applicant; or
(b) if the applicant is a corporation—to be made for the 5
6 applicant by an executive officer of the applicant.
‘(4) If the applicant does not comply with the requirement, the 7
8 decider may refuse the application.’.

Clause 84 Amendment of s 856 (Protection from liability for particular persons) 9
10
Section 856(1)— 11
insert— 12
‘*Example of an act done—* 13
giving information or advice.’ 14

Clause 85 Amendment of s 910 (Renewal application provisions apply for making and deciding grant application) 15
16
Section 910(1)(b)(i)— 17
omit, insert— 18
‘(i) chapter 2, part 2, division 6, other than sections 19
20 161(2) and (3), 162(1)(a) and (h) and 163;’.

Clause 86 Amendment of sch 2 (Dictionary) 21
(1) Schedule 2— 22
insert— 23
‘*commissioner* means the Commissioner for Mine Safety and 24
25 Health under the *Coal Mining Safety and Health Act 1999*.
reprisal see section 708C.’ 26

- (2) Schedule 2, definition *official*, after ‘chief executive,’— 1
insert— 2
‘the commissioner,’. 3

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