



Queensland

Mines and Energy Legislation Amendment Bill 2010



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2010

A Bill

for

An Act to amend the *Clean Energy Act 2008*, *Coal Mining Safety and Health Act 1999*, *Electricity Act 1994*, *Explosives Act 1999*, *Geothermal Exploration Act 2004*, *Greenhouse Gas Storage Act 2009*, *Mineral Resources Act 1989*, *Mining and Quarrying Safety and Health Act 1999*, *Petroleum and Gas (Production and Safety) Act 2004*, *Petroleum (Submerged Lands) Act 1982* and *Queensland Competition Authority Act 1997* 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 2010*. 4
5

Clause 2 Commencement 6

- (1) Sections 37 to 39, 82, 89, to the extent it inserts section 944, 7
and 94 commence on a day to be fixed by proclamation. 8
- (2) Section 42 commences immediately after the commencement 9
of the *Mines and Energy Legislation Amendment Act 2009*, 10
section 31. 11
- (3) Sections 61, 62 and 74(2), to the extent it inserts the definition 12
opal or gem mine, commence on 1 September 2010. 13

Part 2 Amendment of Clean Energy Act 2008 14
15

Clause 3 Act amended 16

This part amends the *Clean Energy Act 2008*. 17

Clause 4 Replacement of ss 6 and 7 18

Sections 6 and 7— 19
omit, insert— 20

‘6	Meaning of <i>participating business</i>	1
‘(1)	A <i>participating business</i> is a person who—	2
(a)	operates a business or carries out another activity at a site that used an amount of energy within the energy use threshold for the most recently completed financial year stated in a notice given to the person under section 9(1);	3 4 5 6
	or	7
(b)	controls a commercial complex that used an amount of energy within the energy use threshold for the most recently completed financial year stated in a notice given to the person under section 9(1).	8 9 10 11
‘(2)	To remove any doubt, it is declared that—	12
(a)	if a person is a participating business for 2 or more sites or commercial complexes, a provision of this Act that applies to a participating business applies to the person separately in relation to each site or complex; and	13 14 15 16
(b)	subsection(1)(b) does not prevent a person who is a tenant in a commercial complex from being a participating business.	17 18 19
‘(3)	Despite subsection (1), each of the following is not a participating business—	20 21
(a)	a person registered under the <i>Energy Efficiency Opportunities Act 2006</i> (Cwlth), part 4;	22 23
(b)	a government entity within the meaning of the <i>Government Owned Corporations Act 1993</i> , section 5, other than a GOC issued with a generation authority under the <i>Electricity Act 1994</i> ;	24 25 26 27
(c)	a department;	28
(d)	an authority or body, whether incorporated or not, established or continued in existence by or under a law of the Commonwealth.	29 30 31
‘(4)	In this section—	32
	<i>commercial complex</i> see section 7B(1).	33

[s 5]

controls, in relation to a commercial complex, see section 7B(2). 1
2

‘7 Meaning of *energy use threshold* 3

‘The *energy use threshold* for a financial year is— 4

- (a) for the financial year ending on 30 June 2010—100 5
terajoules of energy or more, but less than 500 terajoules 6
of energy; or 7
- (b) for a financial year ending on 30 June 2011, 2012, 2013 8
or 2014—30 terajoules of energy or more, but less than 9
500 terajoules of energy; or 10
- (c) for a financial year ending on or after 30 June 2015—10 11
terajoules of energy or more, but less than 500 terajoules 12
of energy.’. 13

Clause 5 Insertion of new ss 7A and 7B 14

Part 2— 15

insert— 16

‘7A Verification year for a business 17

- ‘(1) The first *verification year* for a registered participating 18
business is the 1 year period nominated by the business as its 19
first verification year in its application for registration under 20
section 11. 21
- ‘(2) The second and each subsequent *verification year* for a 22
registered participating business is the 1 year period that ends 23
on the day that is 5 years after the end of the preceding 24
verification year for the business.’. 25

‘7B Commercial complexes 26

- ‘(1) A *commercial complex* is a cluster of premises having all of 27
the following attributes— 28
- (a) the majority of the premises are used wholly or 29
predominantly for commercial purposes; 30

-
- (b) all the premises— 1
- (i) are owned by 1 or more persons; or 2
- (ii) have 1 lessor or head lessor, or, if the premises 3
were leased, would have 1 lessor or head lessor; or 4
- (iii) comprise lots within a single community titles 5
scheme; 6
- (c) all the premises are located in— 7
- (i) 1 building; or 8
- (ii) 2 or more buildings that are adjoining or separated 9
by common areas owned by an owner of the 10
buildings. 11
- Examples—* 12
- conference centre, office block or shopping centre 13
- ‘(2) A person **controls** a commercial complex if the person— 14
- (a) owns or leases the commercial complex and the 15
common areas of the complex; and 16
- (b) is an on-supplier for 1 or more premises in the complex. 17
- ‘(3) For this Act, the amount of energy used at a commercial 18
complex includes all energy used— 19
- (a) by the person in control of the complex; and 20
- (b) at common areas of the complex; and 21
- (c) at premises for which the person who controls the 22
complex is the on-supplier. 23
- ‘(4) In this section— 24
- common areas**, of a commercial complex, means areas in or 25
adjacent to the complex that are used, or intended for use— 26
- (a) by the public; or 27
- (b) in common by the lessees of premises in the complex in 28
relation to the conduct of businesses in premises in the 29
complex. 30
-

[s 6]

<i>Examples—</i>	1
parking areas, toilets, stairways and walkways	2
<i>community titles scheme</i> means a community titles scheme	3
under the <i>Body Corporate and Community Management Act</i>	4
<i>1997</i> .	5
<i>on-supplier</i> see the <i>Electricity Act 1994</i> , section 20.’.	6

Clause 6	Amendment of s 8 (Energy provider must give regulator information about energy use)	7
		8
(1)	Section 8(2) and (3)—	9
	<i>renumber</i> as section 8(3) and (4).	10
(2)	Section 8(1)—	11
	<i>omit, insert—</i>	12
‘(1)	The regulator may give an energy provider a written notice	13
	requiring the provider to give the regulator the name and	14
	address of, and the amount of energy used by, any customer	15
	the energy provider has supplied with 10 terajoules or more of	16
	energy, but less than 500 terajoules of energy, at the site of the	17
	customer, in the 1 year period stated in the notice.	18
‘(2)	The energy provider must give the regulator the information	19
	within 14 days after the end of the period stated in the notice	20
	for that purpose, or 14 days after receiving the notice,	21
	whichever is later.	22
	Maximum penalty—200 penalty units.’.	23
(3)	Section 8(3), as renumbered, ‘(1)—	24
	<i>omit, insert—</i>	25
	‘(2)’.	26

Clause 7	Amendment of s 9 (Obligation to record total energy consumption)	27
		28
(1)	Section 9(1) and note—	29
	<i>omit, insert—</i>	30

-
- ‘(1) The regulator may give a person a written notice requiring the person to give the regulator sufficient information to establish the total amount of energy used by the person in the financial year stated in the notice if —
- (a) the person is a registered participating business; or
 - (b) the regulator decides, on reasonable grounds, that the person is or may be a participating business.’.
- (2) Section 9(2), ‘baseline year’—
omit, insert—
‘financial year stated in the notice’.

- Clause 8 Amendment of s 10 (Smart Energy Savings Register)**
- Section 10(1) to (3)—
omit, insert—
- ‘(1) The regulator must keep a register (the ***Smart Energy Savings Register***) of each participating business that is, or may be, registered under section 11.
- ‘(2) The register must include the following information for each participating business—
- (a) the name of the participating business;
 - (b) the address of the principal place of business of the participating business;
 - (c) a phone number for the participating business;
 - (d) if the participating business is a corporation—
 - (i) the address of the corporation’s registered office; and
 - (ii) the Australian company number for the corporation;
 - (e) the website, if any, of the participating business;

[s 9]

- (f) for a registered participating business—the total amount
of energy used by the participating business in its most
recently completed verification year.’. 1
2
3

**Clause 9 Replacement of s 11 (Registration of a person as
participating business)** 4
5

Section 11— 6

omit, insert— 7

‘11 Registration as a registered participating business 8

‘(1) A person may apply to the regulator for registration under this
section. 9
10

‘(2) The application must— 11

(a) be in writing; and 12

(b) include the information mentioned in section 10(2)(a) to
(e); and 13
14

(c) state a 1 year period of energy use by the applicant that
will be the applicant’s first verification year. 15
16

Note— 17

The 1 year period nominated by the applicant does not need to
be a financial year but would need to enable the applicant to be
able to comply with its obligations under parts 5 and 6. 18
19
20

‘(3) A person, other than a registered participating business, given
a notice under section 9(1) must apply for registration no later
than 3 months after the end of the financial year stated in the
notice if— 21
22
23
24

(a) the person is a participating business; and 25

(b) the person does not have an exemption granted under
section 12. 26
27

Maximum penalty—100 penalty units.’. 28

Clause 10 Amendment of s 12 (Exemption from registration) 29

(1) Section 12(1) to (4)— 30

omit, insert—

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- ‘(1) A participating business given a notice under section 9(1) may apply to the regulator for an exemption from registration under section 11.
- ‘(2) The application must be in writing and include—
- (a) the reason that the participating business is seeking an exemption; and
- (b) sufficient information to enable the regulator to decide the application.
- ‘(3) The application must be made within 3 months after the end of the financial year stated in the notice given to the participating business under section 9(1).
- ‘(4) The regulator may exempt the participating business from registration if the regulator is satisfied—
- (a) the participating business does not ordinarily use an amount of energy within the energy use threshold for the financial year in which the application was made; or
- (b) that in the most recently completed financial year—
- (i) the participating business (the ***primary business***) leased space to another participating business (a ***secondary business***) at the site of, or in the commercial complex controlled by, the primary business; and
- (ii) the total amount of energy used by the primary business, less the total amount of energy used by all secondary businesses, is less than the lowest energy amount in the energy use threshold for the financial year.’.
- (2) Section 12—
- insert—*
- ‘(6) An exemption granted under this section continues until the day the participating business is given another notice under section 9(1).’.

[s 11]

Clause 11	Amendment of s 13 (Deregistration)	1
	(1) Section 13(2)—	2
	<i>omit, insert—</i>	3
	‘(2) The application must be in writing and include—	4
	(a) the reason that the participating business is seeking to be deregistered; and	5
	(b) sufficient information to enable the regulator to decide the application.’.	6
	(2) Section 13(3)(a) and (b)—	7
	<i>omit, insert—</i>	8
	‘(a) the participating business is registered under the <i>Energy Efficiency Opportunities Act 2006</i> (Cwlth), part 4; or	9
	(b) the participating business will not use an amount of energy within the energy use threshold for the current financial year or either of the following 2 financial years; or	10
	(c) that in the most recently completed financial year—	11
	(i) the participating business (the <i>primary business</i>) leased space to another participating business (a <i>secondary business</i>) at the site of, or in the commercial complex controlled by, the primary business; and	12
	(ii) the total amount of energy used by the primary business, less the total amount of energy used by all secondary businesses, is less than the lowest energy amount in the energy use threshold for the financial year.’.	13
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Clause 12	Amendment of s 15 (Participating business must carry out energy use audit)	28
	(1) Section 15(1), ‘within’—	29
	<i>omit, insert—</i>	30
		31

	‘no later than’.	1
	(2) Section 15(1) and note, ‘baseline’—	2
	<i>omit, insert—</i>	3
	‘verification’.	4
Clause 13	Amendment of s 16 (Participating business must give regulator energy savings plan)	5
		6
	(1) Section 16(1), ‘within’—	7
	<i>omit, insert—</i>	8
	‘no later than’.	9
	(2) Section 16(1) and (2)(b), ‘baseline’—	10
	<i>omit, insert—</i>	11
	‘verification’.	12
Clause 14	Amendment of s 18 (Review of energy savings plan)	13
	(1) Section 18(2), ‘financial’—	14
	<i>omit.</i>	15
	(2) Section 18(3), definition <i>5 year period</i> , ‘baseline’—	16
	<i>omit, insert—</i>	17
	‘verification’.	18
Clause 15	Amendment of s 19 (Publication of energy savings plan implementation)	19
		20
	(1) Section 19(2), ‘financial’—	21
	<i>omit.</i>	22
	(2) Section 19(5), definition <i>5 year period</i> , ‘baseline’—	23
	<i>omit, insert—</i>	24
	‘verification’.	25

[s 16]

Clause 16	Amendment of sch 2 (Dictionary)	1
(1)	Schedule 2, definitions <i>baseline year</i> , <i>level 1 threshold</i> , <i>level 2 threshold</i> and <i>level 3 threshold</i> —	2
	<i>omit.</i>	3
		4
(2)	Schedule 2—	5
	<i>insert</i> —	6
	‘approved form means a form approved by the regulator under section 37.	7
		8
	verification year , for a registered participating business, see section 7A.’.	9
		10
(3)	Schedule 2, definition <i>energy use threshold</i> , ‘section 7(1)’—	11
	<i>omit, insert</i> —	12
	‘section 7’.	13
(4)	Schedule 2, definition <i>registered participating business</i> , ‘business that is registered under section 10’—	14
		15
	<i>omit, insert</i> —	16
	‘business, or other person, that is registered under section 11’.	17

Part 3	Amendment of Coal Mining Safety and Health Act 1999	18
		19

Clause 17	Act amended in pt 3 and schedule	20
	This part and the schedule amend the <i>Coal Mining Safety and Health Act 1999</i> .	21
		22

Clause 18	Insertion of new s 73BA	23
	After section 73B—	24
	<i>insert</i> —	25

‘73BA Acting commissioner

- ‘(1) The chief executive may appoint a person who is eligible for appointment as commissioner to act in the office of commissioner during any period or all periods when—
 - (a) the office is vacant; or
 - (b) the person holding the office is absent from duty or is, for another reason, unable to perform the functions of the office.
- ‘(2) The appointment is for the term, and on the conditions, decided by the chief executive.
- ‘(3) The chief executive’s power to appoint a person to act in the office of the commissioner does not limit the Governor in Council’s powers under the *Acts Interpretation Act 1954*, section 25(1)(b)(ii), (iv) or (v).’.

Clause 19 Amendment of s 76 (Functions of council)

- (1) Section 76, heading, ‘council’—
omit, insert—
‘committee’.
- (2) Section 76(1), (3) and (4), ‘council’—
omit, insert—
‘committee’.
- (3) Section 76(2)—
omit, insert—
- ‘(2) Without limiting subsection (1), the committee must discharge its primary function by periodically reviewing—
 - (a) the effectiveness of this Act, regulations and recognised standards; and
 - (b) the effectiveness of the control of risk to any person from coal mining operations.’.

[s 20]

Clause 20	Amendment of s 82 (Conditions of appointment)	1
	Section 82(1)—	2
	<i>omit, insert—</i>	3
	‘(1) A member of the committee is not entitled to any remuneration, other than the reimbursement of reasonable expenses and travel allowance.’.	4 5 6
Clause 21	Amendment of s 83A (Substitute members)	7
	Section 83A(6)(a)—	8
	<i>omit, insert—</i>	9
	‘(a) is not entitled to any remuneration, other than the reimbursement of reasonable expenses and travel allowance; and’.	10 11 12
Clause 22	Replacement of s 91 (Committees)	13
	Section 91—	14
	<i>omit, insert—</i>	15
‘91	Subcommittees	16
	‘The committee may appoint subcommittees to advise it on particular issues.’.	17 18
Clause 23	Amendment of s 185 (Functions of board of examiners)	19
	Section 185—	20
	<i>insert—</i>	21
	‘(e) to perform other functions given to the board under this Act or the <i>Mining and Quarrying Safety and Health Act 1999</i> .’.	22 23 24
Clause 24	Amendment of s 186 (Membership and conduct of board proceedings)	25 26
	Section 186(3) to (6)—	27

-
- omit, insert—* 1
- ‘(3) Each member must— 2
- (a) have at least 10 years practical experience in the mining industry; and 3 4
 - (b) hold a certificate of competency under this Act or the *Mining and Quarrying Safety and Health Act 1999*. 5 6
- ‘(4) At least 2, but no more than 3, members must be inspectors, of whom— 7 8
- (a) at least 1 must hold a first class certificate of competency for an underground coal mine; and 9 10
 - (b) at least 1 must hold a first class certificate of competency for an underground mine under the *Mining and Quarrying Safety and Health Act 1999*. 11 12 13
- ‘(5) At least 6 of the members must be currently engaged in the mining industry, of whom— 14 15
- (a) at least 1 must— 16
 - (i) be employed by a coal mine operator; and 17
 - (ii) hold a first class certificate of competency for an underground coal mine; and 18 19
 - (b) at least 1 must— 20
 - (i) be employed by an operator under the *Mining and Quarrying Safety and Health Act 1999*; and 21 22
 - (ii) hold a first class certificate of competency for an underground mine under that Act. 23 24
- ‘(6) For subsection (5), the following persons are taken to be currently engaged in the mining industry— 25 26
- (a) inspectors; 27
 - (b) industry safety and health representatives; 28
 - (c) district workers’ representatives under the *Mining and Quarrying Safety and Health Act 1999*.’ 29 30
-

[s 25]

Clause 25	Replacement of s 193 (Committees)	1
	Section 193—	2
	<i>omit, insert—</i>	3
‘193	Subcommittees	4
	‘The board may appoint subcommittees to advise it on particular issues.’.	5
		6
Clause 26	Amendment of s 250 (Proof of appointments and authority unnecessary)	7
	Section 250(1)(a) and (b), ‘chief executive’—	8
	<i>omit, insert—</i>	9
	‘commissioner, the chief executive’.	10
		11
Clause 27	Amendment of s 251 (Proof of signatures unnecessary)	12
	Section 251, ‘chief executive’—	13
	<i>omit, insert—</i>	14
	‘commissioner, the chief executive’.	15
Clause 28	Amendment of s 252 (Evidentiary aids)	16
	Section 252(5), definition <i>certificate</i> , ‘chief executive’—	17
	<i>omit, insert—</i>	18
	‘commissioner, the chief executive’.	19
Clause 29	Replacement of pt 20, div 1, hdg (Definitions)	20
	Part 20, division 1, heading—	21
	<i>omit, insert—</i>	22

	‘Division 1	Transitional and repeal provisions for Act No. 39 of 1999	1 2
	‘Subdivision 1	Definitions’.	3
Clause 30	Amendment of s 283 (Definitions for pt 20)		4
	(1)	Section 283, heading, ‘pt 20’— <i>omit, insert—</i> ‘div 1’.	5 6 7
	(2)	Section 283, ‘In this part’— <i>omit, insert—</i> ‘In this division’.	8 9 10
Clause 31	Replacement of pt 20, div 2, hdg (Transitional matters) Part 20, division 2, heading— <i>omit, insert—</i>		11 12 13
	‘Subdivision 2	Transitional matters’.	14
Clause 32	Replacement of pt 20, div 3, hdg (Repeals) Part 20, division 3, heading— <i>omit, insert—</i>		15 16 17
	‘Subdivision 3	Repeals’.	18
Clause 33	Insertion of new pt 20, div 2 Part 20— <i>insert—</i>		19 20 21

[s 33]

‘Division 2	Transitional provisions for Mines and Energy Legislation Amendment Act 2010	1
		2
		3
‘299	Definitions for div 2	4
	‘In this division—	5
	<i>commencement</i> means the day this section commences.	6
	<i>coal mining safety and health advisory committee</i> means the	7
	coal mining safety and health advisory committee under	8
	section 75.	9
	<i>coal mining safety and health advisory council</i> means the	10
	coal mining safety and health advisory council established	11
	under section 75 as in force before the commencement.	12
‘300	References to coal mining safety and health advisory council	13
		14
	‘A reference in an Act or document to the coal mining safety	15
	and health advisory council is, if the context permits, taken to	16
	be a reference to the coal mining safety and health advisory	17
	committee.	18
‘301	Continuation of coal mining safety and health advisory council and appointment of members	19
		20
	‘(1) On the commencement, the coal mining safety and health	21
	advisory council continues as the coal mining safety and	22
	health advisory committee.	23
	‘(2) Subsection (3) applies to a person who, immediately before	24
	the commencement, is a member of the coal mining safety	25
	and health advisory council.	26
	‘(3) On the commencement, the person is taken to be a member of	27
	the coal mining safety and health advisory committee.’.	28

Clause 34	Amendment of sch 3 (Dictionary)	1
	(1) Schedule 3, definition <i>council</i> —	2
	<i>omit.</i>	3
	(2) Schedule 3—	4
	<i>insert</i> —	5
	‘ <i>committee</i> see section 75.’.	6
	(3) Schedule 3, definition <i>official</i> , paragraph (i), ‘council’—	7
	<i>omit, insert</i> —	8
	‘committee’.	9
 Part 4	 Amendment of Electricity Act 1994	 10 11
 Clause 35	 Act amended	 12
	This part amends the <i>Electricity Act 1994</i> .	13
 Clause 36	 Amendment of s 48E (When non-area retail entity must provide the services to an applicant)	 14 15
	(1) Section 48E(1)(b)—	16
	<i>omit, insert</i> —	17
	‘(b) the customer is—	18
	(i) a small customer for the premises; or	19
	(ii) a large market customer for the premises and supply to the premises has been disconnected; and’.	20 21 22
	(2) Section 48E(2), note, ‘small’—	23
	<i>omit.</i>	24

[s 37]

Clause 37	Insertion of new s 55DC	1
	After section 55DB—	2
	<i>insert—</i>	3
	‘55DC Additional condition about credit support	4
	‘(1) It is also a condition of a retail authority that the retail entity must, if asked by a relevant distribution entity, enter into and maintain credit support with, or for the benefit of, the relevant distribution entity.	5 6 7 8
	‘(2) However, the condition applies to a retail entity in relation to a relevant distribution entity only if the credit support requested by the distribution entity—	9 10 11
	(a) is consistent with the credit support guidelines; or	12
	(b) otherwise—is agreed to in writing by the distribution entity and the retail entity.	13 14
	‘(3) In this section—	15
	<i>credit support</i> , in relation to a retail entity and a relevant distribution entity, means an arrangement to mitigate the risk of exposure of the distribution entity to non-payment by the retail entity of distribution non-network charges, network charges or any other charge payable by the retail entity to the distribution entity.	16 17 18 19 20 21
	<i>Example—</i>	22
	bank guarantee, third party guarantee or shareholder guarantee	23
	<i>distribution non-network charges</i> see section 90(10).	24
	<i>network charges</i> see section 90(10).	25
	<i>relevant distribution entity</i> means a distribution entity with which the retail entity has common customers.’.	26 27
Clause 38	Insertion of new ch 5, pt 1B	28
	Chapter 5—	29
	<i>insert—</i>	30

‘Part 1B	Credit support guidelines	1
‘120ZN QCA must make credit support guidelines		2
‘(1) QCA must make guidelines (the <i>credit support guidelines</i>)		3
about the following matters—		4
(a) the circumstances in which a retail entity may be		5
required to enter into and maintain credit support with,		6
or for the benefit of, a distribution entity;		7
(b) the types of credit support QCA considers appropriate;		8
(c) the amount for which credit support should be provided;		9
(d) when and how credit support should be reviewed or		10
revised, including the amount of credit support;		11
(e) any other matter relating to providing credit support that		12
QCA considers relevant.		13
‘(2) Before making the credit support guidelines, QCA must		14
consult with distribution entities and retail entities.		15
‘(3) QCA must publish the credit support guidelines on its		16
website.		17
‘(4) The credit support guidelines take effect on the day stated in		18
the guidelines for that purpose.		19
‘(5) In this section—		20
<i>credit support</i> see section 55DC(3).’.		21
Clause 39	Amendment of sch 5 (Dictionary)	22
	Schedule 5—	23
	<i>insert—</i>	24
	‘ <i>credit support guidelines</i> see section 120ZN(1).’.	25

[s 40]

Part 5	Amendment of Explosives Act 1999	1 2
Clause 40	Act amended	3
	This part amends the <i>Explosives Act 1999</i> .	4
Clause 41	Amendment of s 76 (Report of offences)	5
	Section 76—	6
	<i>insert—</i>	7
	‘(f) the commissioner for mine safety and health.’.	8
Clause 42	Amendment of s 118 (Proceeding for offence)	9
	Section 118(1)—	10
	<i>omit, insert—</i>	11
	‘(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—	12 13 14
	(a) the commissioner for mine safety and health; or	15
	(b) a person authorised for the purpose by the Minister; or	16
	(c) the Attorney-General.’.	17
Clause 43	Amendment of s 133 (Evidentiary provision)	18
	Section 133(3), ‘chief executive’—	19
	<i>omit, insert—</i>	20
	‘commissioner for mine safety and health, the chief executive’.	21 22

Part 6	Amendment of Geothermal Exploration Act 2004	1 2
Clause 44	Act amended	3
	This part amends the <i>Geothermal Exploration Act 2004</i> .	4
Clause 45	Amendment of s 13 (Prohibition on geothermal exploration without permit)	5 6
(1)	Section 13, heading, after ‘permit’—	7
	<i>insert—</i>	8
	‘or authorisation’.	9
(2)	Section 13(a) and (b)—	10
	<i>omit, insert—</i>	11
	‘(a) a geothermal exploration permit for the exploration is in force and the person may, under section 35 or 36, carry out the exploration; or’.	12 13 14
(3)	Section 13(c)—	15
	<i>renumber</i> as section 13(b).	16
Part 7	Amendment of Greenhouse Gas Storage Act 2009	17 18
Clause 46	Act amended	19
	This part amends the <i>Greenhouse Gas Storage Act 2009</i> .	20
Clause 47	Insertion of new s 432A	21
	After section 432—	22
	<i>insert—</i>	23

[s 48]

‘432A Correction of new GHG permit for Zerogen	1
‘(1) Despite section 432, from the commencement of this section,	2
the new GHG permit described in section 432 is taken not to	3
include the following sub-blocks—	4
Clermont block identification map	5
Block	
Sub-blocks	
3436	d and e
‘(2) In this section—	6
<i>block identification map</i> see section 432.’.	7

Part 8	Amendment of Mineral	8
	Resources Act 1989	9

Clause 48	Act amended in pt 8 and schedule	10
	This part and the schedule amend the <i>Mineral Resources Act</i>	11
	1989.	12
Clause 49	Amendment of s 72 (Referral to Land Court of application	13
	and objections)	14
	Section 72(2)(b)—	15
	<i>omit, insert—</i>	16
	‘(b) if an objection is lodged after the last objection day	17
	under section 71(2)—the time for lodging an objection	18
	under that subsection ends.’.	19
Clause 50	Amendment of s 265 (Referral of application and	20
	objections to Land Court)	21
	(1) Section 265(2) to (4)—	22
	<i>renumber</i> as section 265(3) to (5).	23

-
- (2) Section 265(1)— 1
omit, insert— 2
- ‘(1) This section applies if a properly made objection to an 3
application for the grant of a mining lease is lodged. 4
- ‘(2) The mining registrar must, within 5 business days after the 5
later of the following, refer the application and all properly 6
made objections to it to the Land Court for hearing— 7
- (a) the last objection day for the application; 8
- (b) if an objection is lodged after the last objection day 9
under section 260(2)—the time for lodging an objection 10
under that subsection ends.’. 11

**Clause 51 Omission of s 270 (Procedure where no objections 12
lodged) 13**

Section 270— 14

omit. 15

**Clause 52 Replacement of s 271 (Minister to consider 16
recommendation made in respect of application for grant 17
of mining lease) 18**

Section 271— 19

omit, insert— 20

**‘271 Minister to consider application for grant of mining 21
lease 22**

‘(1) Every application for the grant of a mining lease must be 23
considered by the Minister. 24

‘(2) In considering an application, the Minister must take into 25
account for the application— 26

(a) any recommendation made to the Minister by the Land 27
Court; and 28

(b) the matters stated in section 269(4); and 29

[s 53]

- (c) any native title issues decision of the tribunal under part 17, division 4, or any substituted decision made by the Minister under part 17, division 4 in overruling the tribunal's native title issues decision.
- ‘(3) After considering the application, the Minister may—
- (a) recommend to the Governor in Council—
- (i) that a mining lease be granted; and
- (ii) if approval by the Governor in Council for the mining lease is required because of section 238(1)—that the grant of the lease be approved; or
- (b) reject the application; or
- (c) direct the Land Court to hold a hearing or further hearing into the application generally or in relation to particular matters specified by the Minister.
- ‘(4) A recommendation by the Minister under subsection (3)(a) that the mining lease be granted for only part of the land the subject of the application is a rejection by the Minister under subsection (3)(b) of the application for the part of the land that is not included in the recommendation for the grant.
- ‘(5) If the Minister completely or partly rejects an application or, under subsection (3)(c), gives a direction (the *action*)—
- (a) the Minister must promptly give the applicant a written notice stating the action and the reasons for it; and
- (b) the mining registrar must, within 5 business days after receiving notice of the action, give written notice of it to the EPA administering authority.
- ‘(6) Despite section 398, the Minister must not delegate his or her functions under this section.’.

- Clause 53 Amendment of s 279 (Compensation to be settled before grant or renewal of mining lease)**
- (1) Section 279(5)(b)—
- renumber* as section 279(5)(c).

-
- (2) Section 279(5)— 1
insert— 2
‘(b) if paragraph (a) does not apply and no objection to the 3
application is lodged—the last day that an objection to 4
the application could be lodged; or’. 5
- (3) Section 279(5), ‘later’— 6
omit, insert— 7
‘latest’. 8

- Clause 54 Amendment of s 285 (Mining lease may be specified it is not renewable)** 9
10
Section 285(4), after ‘instrument of lease’— 11
insert— 12
‘, if the instrument of lease has been issued’. 13

- Clause 55 Replacement of s 289 (Mining lease where area not surveyed)** 14
15
Section 289— 16
omit, insert— 17
- ‘289 Minister may issue instrument of mining lease** 18
- ‘(1) If the Governor in Council grants or renews a mining lease, 19
the Minister may issue an instrument of lease for the mining 20
lease. 21
- ‘(2) The instrument of lease may be issued even though the 22
boundaries of the land have not been surveyed. 23
- ‘(3) For an instrument of lease mentioned in subsection (2)— 24
- (a) the area and boundaries of the land must be described as 25
accurately as possible; and 26
- (b) a defect in the description of the land does not, of itself, 27
invalidate or otherwise affect the lease.’. 28

[s 56]

Clause 56	Amendment of s 300 (Assignment, mortgage or sublease of mining lease)	1 2
	Section 300(8), from ‘shall be recorded’—	3
	<i>insert—</i>	4
	‘must be—	5
	(a) recorded in the appropriate register; and	6
	(b) if an instrument of lease has been issued—endorsed on the instrument of lease.’.	7 8
Clause 57	Amendment of s 309 (Surrender of mining lease)	9
	Section 309(7)—	10
	<i>omit, insert—</i>	11
	‘(7) If a mining lease is surrendered for only part of the land the subject of the lease—	12 13
	(a) the mining lease continues in force for the land not surrendered; and	14 15
	(b) details of the surrender must be—	16
	(i) recorded in the appropriate register; and	17
	(ii) if an instrument of lease has been issued—endorsed on the instrument of lease.’.	18 19
Clause 58	Amendment of s 671 (Combined hearing)	20
	(1) Section 671(1), from ‘The hearing’ to ‘the following’—	21
	<i>omit, insert—</i>	22
	‘A hearing for the grant of a proposed mining lease referred to the tribunal must include the following’.	23 24
	(2) Section 671(1)(a), ‘the objections’—	25
	<i>omit, insert—</i>	26
	‘any objections’.	27
	(3) Section 671(3)—	28

omit, insert—

- ‘(3) The combined hearing must take place, unless a negotiated agreement has been reached.’.

Clause 59 Insertion of new pt 19, div 12

Part 19—

insert—

‘Division 12 Transitional provision for Mines and Energy Legislation Amendment Act 2010

‘773 Existing application for mining lease

- ‘(1) Subsection (2) applies to an application for a mining lease that—

- (a) was lodged before the commencement; and
- (b) immediately before the commencement, had not been referred by the mining registrar to the Land Court under previous section 265.

- ‘(2) Previous section 265 continues to apply in relation to the application.

- ‘(3) Subsection (4) applies to an application for a mining lease if the mining registrar—

- (a) refers the application to the Land Court because of subsection (2); or
- (b) had, before the commencement, referred the application to the Land Court, and no recommendation about the application had been made by the Land Court to the Minister before the commencement.

- ‘(4) This Act as in force immediately before the commencement applies to the Land Court for dealing with, or continuing to deal with, the application.

- ‘(5) In this section—

[s 60]

commencement means the day this section commences. 1
previous section 265 means section 265 as in force 2
 immediately before the commencement.’. 3

Part 9 Amendment of Mining and Quarrying Safety and Health Act 1999 4 5 6

- Clause 60 Act amended in pt 9 and schedule 7**
 This part and the schedule amend the *Mining and Quarrying Safety and Health Act 1999*. 8
 9
- Clause 61 Amendment of s 38 (Obligations of operators) 10**
 (1) Section 38(3)— 11
omit, insert— 12
 ‘(3) Subsection (1)(d) to (f) and subsection (2) do not apply to an 13
 operator of a mine that is an opal or gem mine, if no more than 14
 10 workers are employed at the mine.’. 15
 (2) Section 38(4), ‘a mine where not more than 10 workers are 16
 employed’— 17
omit, insert— 18
 ‘an opal or gem mine mentioned in subsection (3)’. 19
- Clause 62 Amendment of s 39 (Obligations of site senior executive for mine) 20**
 21
 (1) Section 39(2)— 22
omit, insert— 23

-
- ‘(2) Subsection (1)(c) does not apply to a site senior executive of a mine that is an opal or gem mine, if no more than 10 workers are employed at the mine.’. 1
2
3
- (2) Section 39(3), ‘a mine where not more than 10 workers are employed’— 4
5
omit, insert— 6
‘an opal or gem mine mentioned in subsection (2)’. 7

Clause 63 Amendment of s 65 (Purposes of pt 6) 8

Section 65, ‘council’— 9
omit, insert— 10
‘committee’. 11

Clause 64 Amendment of s 67 (Functions of council) 12

(1) Section 67, heading, ‘council’— 13
omit, insert— 14
‘**committee**’. 15

(2) Section 67(1), (3) and (4), ‘council’— 16
omit, insert— 17
‘committee’. 18

(3) Section 67(2)— 19
omit, insert— 20

‘(2) Without limiting subsection (1), the committee must 21
discharge its primary function by periodically reviewing— 22

(a) the effectiveness of this Act, regulations and guidelines; 23
and 24

(b) the effectiveness of the control of risk to any person 25
from operations.’. 26

[s 65]

Clause 65	Amendment of s 73 (Conditions of appointment)	1
	Section 73(1)—	2
	<i>omit, insert—</i>	3
	‘(1) A member of the committee is not entitled to any remuneration, other than the reimbursement of reasonable expenses and travel allowance.’.	4 5 6
Clause 66	Amendment of s 74A (Substitute members)	7
	Section 74A(6)(a)—	8
	<i>omit, insert—</i>	9
	‘(a) is not entitled to any remuneration, other than the reimbursement of reasonable expenses and travel allowance; and’.	10 11 12
Clause 67	Replacement of s 82 (Committees)	13
	Section 82—	14
	<i>omit, insert—</i>	15
‘82	Subcommittees	16
	‘The committee may appoint subcommittees to advise it on particular issues.’.	17 18
Clause 68	Replacement of pt 10 (Board of examiners)	19
	Part 10—	20
	<i>omit, insert—</i>	21
‘Part 10	Board of examiners	22
‘179	Purpose of pt 10	23
	‘The main purpose of this part is to state the functions under this Act of the board of examiners established under the <i>Coal Mining Safety and Health Act 1999</i> .’.	24 25 26

‘180	Functions of the board of examiners	1
	‘The board of examiners has the following functions—	2
	(a) to decide the competencies necessary for holders of certificates of competency;	3 4
	(b) to assess applicants, or have applicants assessed, for certificates of competency;	5 6
	(c) to grant certificates of competency to persons who have demonstrated to the board’s satisfaction the appropriate competencies necessary to hold the certificates;	7 8 9
	(d) to ensure the competencies under this Act are consistent with the competencies required by other States for the holders of certificates of competency.	10 11 12
‘181	Examiners to be qualified	13
	‘A person must not assess an applicant for a certificate of competency unless the person has appropriate qualifications and experience to assess the applicant.	14 15 16
	Maximum penalty—100 penalty units.	17
‘182	Obtaining certificates of competency by fraud	18
	‘(1) A person must not become, or attempt to become, the holder of a certificate of competency by giving false information to the board of examiners.	19 20 21
	Maximum penalty—400 penalty units.	22
	‘(2) The board of examiners may cancel a certificate of competency by notice to the holder if the board is satisfied that the holder obtained the certificate of competency by giving false information to the board.	23 24 25 26

[s 69]

‘183	Return of certificate of competency	1
	‘The holder of a certificate of competency must, unless the holder has a reasonable excuse, immediately return the certificate to the board of examiners if—	2
	(a) the board has given the holder notice under section 182(2); or	3
	(b) an industrial magistrate suspends or cancels the certificate under section 237.	4
	Maximum penalty—400 penalty units.’.	5
Clause 69	Amendment of s 229 (Proof of appointments and authority unnecessary)	6
	Section 229(1)(a) and (b), ‘chief executive’—	7
	<i>omit, insert—</i>	8
	‘commissioner, the chief executive’.	9
Clause 70	Amendment of s 230 (Proof of signatures unnecessary)	10
	Section 230, ‘chief executive’—	11
	<i>omit, insert—</i>	12
	‘commissioner, the chief executive’.	13
Clause 71	Amendment of s 231 (Evidentiary aids)	14
	Section 231(5), definition <i>certificate</i> , ‘chief executive’—	15
	<i>omit, insert—</i>	16
	‘commissioner, the chief executive’.	17
Clause 72	Replacement of pt 19, hdg (Transitional provisions and repeals)	18
	Part 19, heading—	19
	<i>omit, insert—</i>	20

‘Part 19	Transitional and repeal provisions for Act No. 40 of 1999’.	1 2 3
Clause 73	Insertion of new pt 20	4
	After part 19—	5
	<i>insert—</i>	6
‘Part 20	Transitional provisions for Mines and Energy Legislation Amendment Act 2010	7 8 9
‘274	Definitions for pt 20	10
	‘In this part—	11
	<i>commencement</i> means the day this section commences.	12
	<i>former board</i> means the board of examiners established under previous section 181.	13 14
	<i>mining safety and health advisory committee</i> means the mining safety and health advisory committee under section 66.	15 16 17
	<i>mining safety and health advisory council</i> means the mining safety and health advisory council established under previous section 66.	18 19 20
	<i>previous</i> , in relation to a stated provision that includes a number, means the provision as in force immediately before the commencement.	21 22 23
‘275	Existing certificates of competency	24
	‘A certificate of competency granted by the former board under previous section 182 and in force at the commencement is taken to be a certificate of competency granted by the board of examiners.	25 26 27 28

[s 74]

'276	Existing decisions and assessments of the former board	1 2
	'A decision or assessment made by the former board, and in force or effect immediately before the commencement, is taken to be a decision or assessment made by the board of examiners.	3 4 5 6
'277	References to mining safety and health advisory council	7 8
	'From the commencement, a reference in an Act or document to the mining safety and health advisory council is, if the context permits, taken to be a reference to the mining safety and health advisory committee.	9 10 11 12
'278	Continuation of mining safety and health advisory council and appointment of members	13 14
	'(1) On the commencement, the mining safety and health advisory council continues as the mining safety and health advisory committee.	15 16 17
	'(2) Subsection (3) applies to a person who, immediately before the commencement, is a member of the mining safety and health advisory council.	18 19 20
	'(3) On the commencement, the person is taken to be a member of the mining safety and health advisory committee.'	21 22
Clause 74	Amendment of sch 2 (Dictionary)	23
	(1) Schedule 2, definitions <i>board of examiners, council and inspector</i> —	24 25
	<i>omit.</i>	26
	(2) Schedule 2—	27
	<i>insert—</i>	28

‘board of examiners means the board of examiners
established under the *Coal Mining Safety and Health Act*
1999. 1 2 3

committee see section 66. 4

inspector means a person appointed as an inspector under this
Act. 5 6

opal or gem mine means a mine at which operations are
carried out for opal, gemstones or other semiprecious
minerals.’. 7 8 9

- (3) Schedule 2, definition *official*, paragraph (i), ‘council’— 10
omit, insert— 11
‘committee’. 12

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

Clause 75 Act amended 16
This part amends the *Petroleum and Gas (Production and*
Safety) Act 2004. 17 18

Clause 76 Amendment of s 5 (Application of Act to coastal waters of the State) 19 20
Section 5(2), note— 21
omit. 22

Clause 77 Amendment of s 670 (What is an *operating plant*) 23
(1) Section 670(2)(d) to (g)— 24
renumber as section 670(2)(e) to (h). 25

[s 78]

- | | | |
|-----|---------------------------------|---|
| (2) | Section 670— | 1 |
| | <i>insert—</i> | 2 |
| | ‘(d) a distribution pipeline;’. | 3 |

- | | | |
|------------------|--|----|
| Clause 78 | Amendment of s 675 (Content requirements for safety management plans) | 4 |
| | | 5 |
| | Section 675(1)(q)— | 6 |
| | <i>omit, insert—</i> | 7 |
| | ‘(q) mechanisms for— | 8 |
| | (i) recording, investigating and reviewing incidents at the plant; and | 9 |
| | | 10 |
| | (ii) implementing recommendations from an investigation or review of an incident at the plant;’. | 11 |
| | | 12 |

- | | | |
|------------------|---|----|
| Clause 79 | Amendment of s 706 (Requirement to report prescribed incident) | 13 |
| | | 14 |
| | Section 706(6)— | 15 |
| | <i>omit.</i> | 16 |

- | | | |
|------------------|--|----|
| Clause 80 | Replacement of s 707 (Action to restrict access to incident site) | 17 |
| | | 18 |
| | Section 707— | 19 |
| | <i>omit, insert—</i> | 20 |
| ‘707 | Obligation to restrict access to incident site | 21 |
| | ‘(1) This section applies if— | 22 |
| | (a) a prescribed incident happens at an operating plant; or | 23 |
| | (b) a prescribed incident relating to a gas related device happens at a business other than an operating plant. | 24 |
| | | 25 |
| | ‘(2) If the operator of the operating plant or person carrying on the business is required to immediately report the incident to the chief inspector under section 706, the operator or person must, | 26 |
| | | 27 |
| | | 28 |

until an inspector otherwise directs, take action reasonably
necessary to— 1 2

(a) restrict access to the site at which the prescribed
incident happened or is happening; and 3 4

(b) protect anything at the site from being tampered with. 5

Example of action— 6

erecting barriers or signs prohibiting unauthorised persons from
entering the site 7 8

Maximum penalty—500 penalty units. 9

‘(3) An inspector may take action, or direct the operator of the
operating plant or person carrying on the business to take a
particular action, the inspector considers reasonably necessary
to— 10 11 12 13

(a) restrict access to the site at which the prescribed
incident happened or is happening; and 14 15

(b) protect anything at the site from being tampered with. 16

‘(4) The operator of the operating plant or person carrying on the
business must comply with a direction given to the operator or
person under subsection (3). 17 18 19

Maximum penalty—500 penalty units.’. 20

**Clause 81 Amendment of s 708 (Offence to enter or remain in
incident site if access restricted)** 21 22

Section 708(1), from ‘a site’— 23

omit, insert— 24

‘the site of a prescribed incident.’. 25

Clause 82 Amendment of s 724 (Types of gas device) 26

(1) Section 724(1)— 27

omit, insert— 28

[s 82]

- ‘(1) A **gas device (type A)** is a device used or designed or intended for use for a purpose mentioned in subsection (2), and prescribed under a regulation.’. 1
2
3
- (2) Section 724(3)— 4
omit, insert— 5
- ‘(3) A **gas device (type B)** is any of the following— 6
- (a) a device, or system of devices, other than a gas device (type A), that— 7
8
- (i) is used or designed or intended for use for a purpose mentioned in subsection (2); or 9
10
- (ii) is used or designed or intended for use in a manufacturing process if the device uses fuel gas; or 11
12
13
- (iii) is a fuel gas refrigeration device; 14
- (b) a gas flare; 15
- (c) a thermal oxidiser. 16
- Examples of gas devices (type B)—* 17
- a fuel gas system for a motor vehicle or vessel 18
 - a gas fired boiler at a major industrial plant 19
- ‘(4) To remove any doubt, it is declared that an industrial facility constructed for the purpose of producing liquified gas is not, of itself, a fuel gas refrigeration device. 20
21
22
- ‘(5) In this section— 23
- gas flare** means a device that— 24
- (a) uses combustion to dispose of fuel gas; and 25
- (b) is prescribed under a regulation. 26
- thermal oxidiser** means a device that uses a chemical reaction to reduce or remove gaseous pollutants from a mixture of gases that includes fuel gas, as part of an industrial process.’. 27
28
29

Clause 83	Amendment of s 726 (Gas devices (type A))	1
	(1) Section 726, heading—	2
	<i>omit, insert—</i>	3
'726	Gas work for which licence is required'.	4
	(2) Section 726(1)—	5
	<i>omit, insert—</i>	6
	'(1) A person must not carry out gas work in relation to the following unless the person holds a gas work licence that allows the person to carry out the work—	7
	(a) a gas device (type A);	10
	(b) a fuel gas refrigeration device.	11
	Maximum penalty—500 penalty units.'	12
	(3) Section 726(2) and (3), 'gas device (type A)'—	13
	<i>omit, insert—</i>	14
	'gas device mentioned in subsection (1)'.	15
Clause 84	Amendment of s 727 (Gas devices (type B))	16
	(1) Section 727, heading—	17
	<i>omit, insert—</i>	18
'727	Gas work for which authorisation is required'.	19
	(2) Section 727(2) and (3)—	20
	<i>renumber</i> as section 727(3) and (4).	21
	(3) Section 727—	22
	<i>insert—</i>	23
	'(2) However, subsection (1) does not apply to a fuel gas refrigeration device.'	24
		25
	(4) Section 727(3), as renumbered under this section—	26
	<i>insert—</i>	27

[s 85]

- ‘(c) the gas work is carried out at a facility that has, under
the *Dangerous Goods Safety Management Act 2001*,
been classified as a major hazard facility, if—
- (i) the work is carried out under a safety management
system under that Act; and
- (ii) the person carrying out the work has been
assessed, under the safety management system, as
competent to carry out the work.’.

- Clause 85 Amendment of s 728 (Who may apply)**
- (1) Section 728(1)—
omit, insert—
- ‘(1) An individual may apply to the chief inspector for a gas work
licence to carry out gas work in relation to—
- (a) a gas device (type A) or a type of gas device (type A); or
- (b) a fuel gas refrigeration device or a type of fuel gas
refrigeration device.’.
- (2) Section 728(2), from ‘gas device’, first occurring—
omit, insert—
- ‘gas device (type B) or a type of gas device (type B), other
than a fuel gas refrigeration device.’.

- Clause 86 Replacement of s 733 (Certification of gas device or gas fitting)**
- Section 733—
omit, insert—
- ‘733 Approval of gas devices and gas fittings for supply, installation and use**
- ‘(1) A person must not supply a gas device (type A) or a gas
fitting, or install or use any type of gas device or gas fitting,
unless—
- (a) the supply, installation or use has been approved by—

-
- (i) the chief inspector; or 1
 - (ii) a person or body approved by the chief inspector 2
for the particular type of gas device or gas fitting; 3
and 4
 - (b) if a regulation prescribes a label for the gas device or gas 5
fitting—the gas device or gas fitting complies with any 6
relevant labelling requirements prescribed under the 7
regulation. 8
- Maximum penalty—200 penalty units. 9
- ‘(2) Also, a person must not supply a gas device unless the person 10
gives the person to whom the device is supplied a written 11
notice in the approved form stating that the installation and 12
use of the device must be approved under subsection (1)(a). 13
- Maximum penalty—200 penalty units. 14
- ‘(3) An approval under subsection (1)(a) in relation to a gas device 15
or gas fitting, that has been given by a person or body other 16
than the chief inspector, ceases to have force only if the 17
approval is cancelled or suspended by the approved person or 18
body with the written consent of the chief inspector.’. 19

- Clause 87 Insertion of new s 733A** 20
- After section 733— 21
- insert—* 22
- ‘733A False or misleading labels or records** 23
- ‘A person must not attach or cause to be attached a label or 24
other record to a gas device or gas fitting if the label or record 25
is false or misleading in a material particular. 26
- Example of other record—* 27
- a compliance plate 28
- Maximum penalty—200 penalty units.’. 29

[s 88]

Clause 88	Amendment of s 734 (Requirements for gas system installation)	1 2
	Section 734(3), ‘before making the gas system operational’— <i>omit, insert—</i>	3 4
	‘within the period or at the stage of installation prescribed under a regulation’.	5 6
Clause 89	Insertion of new ch 15, pt 9	7
	Chapter 15— <i>insert—</i>	8 9
‘Part 9	Transitional provisions for Mines and Energy Legislation Amendment Act 2010	10 11 12
‘943	Definitions for pt 9	13
	‘In this part— <i>commencement</i> , for sections 945 and 946, means the day this section commences. <i>previous</i> , in relation to a stated provision that includes a number, means the provision as in force immediately before the commencement.	14 15 16 17 18 19
‘944	Continuation of authorisation to carry out particular gas work—gas device (type A)	20 21
	‘(1) This section applies— (a) to a gas work authorisation or an interim gas work authorisation— (i) in force immediately before the commencement; and (ii) under which an individual is authorised to carry out gas work in relation to a gas device (type B)	22 23 24 25 26 27 28

	under previous section 724(3) (the <i>former type B device</i>); and	1 2
	(b) if, on or after the commencement, the former type B device is or becomes a gas device (type A).	3 4
‘(2)	For this Act, the individual is taken to be authorised, under the gas work authorisation or interim gas work authorisation, to carry out gas work in relation to the gas device (type A) until the earliest of the following to happen—	5 6 7 8
	(a) the day that is 6 months after the commencement;	9
	(b) the day the term of the gas work authorisation or interim gas work authorisation ends;	10 11
	(c) the day the individual is issued with a gas work licence to carry out gas work in relation to the gas device (type A).	12 13 14
‘(3)	For section 726(1) and (2), the individual is taken to hold a gas work licence to carry out gas work in relation to the gas device (type A) while the individual is authorised under subsection (2) to carry out the gas work.	15 16 17 18
‘(4)	In this section—	19
	<i>commencement</i> means the day this section commences.	20
‘945	Continuation of authorisation to carry out particular gas work—fuel gas refrigeration device	21 22
‘(1)	This section applies to a gas work authorisation or an interim gas work authorisation—	23 24
	(a) in force immediately before the commencement; and	25
	(b) under which an individual is authorised to carry out gas work in relation to a gas device or type of gas device that on the commencement is a fuel gas refrigeration device.	26 27 28 29
‘(2)	For this Act, the individual is taken to be authorised, under the gas work authorisation or interim gas work authorisation, to carry out gas work in relation to the fuel gas refrigeration device until the earliest of the following to happen—	30 31 32 33

[s 90]

- (a) the day that is 6 months after the commencement; 1
 - (b) the day the term of the gas work authorisation or interim
gas work authorisation ends; 2
3
 - (c) the day the individual is issued with a gas work licence
to carry out gas work in relation to the fuel gas
refrigeration device. 4
5
6
- ‘(3) For section 726(1) and (2), the individual is taken to hold a 7
gas work licence to carry out gas work in relation to the fuel 8
gas refrigeration device while the individual is authorised 9
under subsection (2) to carry out the gas work. 10

‘946 Application of notice requirement under s 733 11

Section 733(2) does not apply to a person supplying a gas 12
device until the day that is 3 months after the 13
commencement.’. 14

Clause 90 Amendment of sch 2 (Dictionary) 15

(1) Schedule 2— 16

insert— 17

‘fuel gas refrigeration device means a device— 18

- (a) that is used or designed or intended for use for 19
refrigeration; and 20
- (b) for which fuel gas is the refrigerant. 21

gas related device means any of the following— 22

- (a) a gas device; 23
- (b) a gas fitting; 24
- (c) a gas system; 25
- (d) a container of fuel gas; 26
- (e) a device used to transfer fuel gas from one container to
another.’. 27
28

-
- (2) Schedule 2, definition *incident*, paragraph (b)(ii), ‘because of’— 1
2
omit, insert— 3
‘and is associated with a gas related device or’. 4
- (3) Schedule 2, definition *LPG delivery network*, paragraph (b), 5
after ‘supply’— 6
insert— 7
‘, or an activity incidental to the supply.’. 8
- (4) Schedule 2, definition *LPG delivery network*, examples— 9
omit, insert— 10
‘*Examples of an LPG delivery network—*’ 11
- the filling, storing or delivery of cylinders of LPG to a consumer or 12
to a distributor 13
 - the bulk delivery of LPG to a container 14
 - the maintenance of cylinders and storage equipment used for the 15
supply of LPG’. 16

Part 11 Amendment of Petroleum (Submerged Lands) Act 1982 17 18

Clause 91 Act amended 19
This part amends the *Petroleum (Submerged Lands) Act 1982*. 20

Clause 92 Amendment of s 4 (Definitions) 21
Section 4(1), definition *the adjacent area*, from ‘part of 22
Queensland’— 23
omit, insert— 24
‘part of Queensland.’. 25

[s 93]

Part 12	Amendment of Queensland Competition Authority Act 1997	1 2
Clause 93	Act amended	3
	This part amends the <i>Queensland Competition Authority Act 1997</i> .	4 5
Clause 94	Amendment of s 10 (Authority’s functions)	6
	Section 10—	7
	<i>insert—</i>	8
	‘(ka) to make credit support guidelines under the <i>Electricity Act 1994</i> ; and’.	9 10

Schedule	Acts amended	1
	sections 17, 48 and 60	2
Coal Mining Safety and Health Act 1999		3
1	Sections 7(d), 32(2)(a)(i), 56(b), 61(4)(a), 67(6)(a) and (b), 73C(b), 74, 75, 77(1), 78, 79(1), 80(1), (3) and (6), 81, 83, 83A(1) and (6), 84, 85, 86, 87, 88, 89(1) and (3), 90 and 93(3), ‘council’—	4 5 6 7
	<i>omit, insert—</i>	8
	‘committee’.	9
2	Section 75, ‘council’	10
	<i>omit, insert—</i>	11
	‘committee’.	12
3	Sections 77(1) and 87(1), ‘council’s’—	13
	<i>omit, insert—</i>	14
	‘committee’s’.	15
4	Part 6, divisions 2 and 3, headings, ‘council’—	16
	<i>omit, insert—</i>	17
	‘committee’.	18
5	Section 129(b) and 256(1), ‘chief executive’—	19
	<i>omit, insert—</i>	20
	‘commissioner’.	21

Schedule

6	Section 256(2), ‘chief executive’s’—	1
	<i>omit, insert—</i>	2
	‘commissioner’s’.	3
7	Schedule 2, part 2, items 4 and 17, ‘council’—	4
	<i>omit, insert—</i>	5
	‘committee’.	6
	 Mineral Resources Act 1989	 7
1	Section 268(1), ‘any objections’—	8
	<i>omit, insert—</i>	9
	‘objections’.	10
2	Section 268(2), ‘(if any)’—	11
	<i>omit.</i>	12
3	Section 272(1), ‘section 271(1)(c)’—	13
	<i>omit, insert—</i>	14
	‘section 271(3)(c)’.	15
4	Section 299(8), ‘270,’—	16
	<i>omit.</i>	17
5	Section 318AAA(3), ‘270,’—	18
	<i>omit.</i>	19

6	Section 722G(5)(g), note, ‘271(1)’—	1
	<i>omit, insert—</i>	2
	‘271(2)’.	3
7	Section 745(5), definition <i>decided</i>, ‘271(1)(a)’—	4
	<i>omit, insert—</i>	5
	‘271(3)(a)(i)’.	6
	 Mining and Quarrying Safety and Health Act 1999	 7
1	Sections 7(d), 29(2)(a)(i), 51(b), 58(5)(a) and (b), 66, 68(1), 69, 70(1), 71, 72, 74, 74A(1) and (6), 75, 76, 77, 78, 79, 80(1) and (3), 81, 86, 104(c)(ii) and 262(3)(d), ‘council’—	8
	<i>omit, insert—</i>	9
	‘committee’.	10
	<i>omit, insert—</i>	11
	‘committee’.	12
2	Part 6, divisions 2 and 3, headings, ‘council’—	13
	<i>omit, insert—</i>	14
	‘committee’.	15
3	Section 66, ‘<i>council</i>’—	16
	<i>omit, insert—</i>	17
	‘ <i>committee</i> ’.	18
4	Sections 68(1) and 78(1), ‘council’s’—	19
	<i>omit, insert—</i>	20
	‘committee’s’.	21

Schedule

5	Section 99, heading, ‘committee’—	1
	<i>omit, insert—</i>	2
	‘site safety and health committee’.	3
6	Section 99(2) to (4), ‘committee’—	4
	<i>omit, insert—</i>	5
	‘site safety and health committee’.	6
7	Section 100, ‘safety and health committee’—	7
	<i>omit, insert—</i>	8
	‘site safety and health committee’.	9
8	Section 126(b), ‘chief executive’—	10
	<i>omit, insert—</i>	11
	‘commissioner’.	12
9	Section 217, ‘section 192’—	13
	<i>omit, insert—</i>	14
	‘section 182’.	15