



Queensland

Mines and Energy Legislation Amendment Bill (No. 2) 2010



Queensland

Mines and Energy Legislation Amendment Bill (No. 2) 2010

Contents

		Page
Part 1	Preliminary	
1	Short title	10
2	Commencement	10
Part 2	Amendment of Clean Energy Act 2008	
3	Act amended	10
4	Amendment of s 14 (Change of information in register)	10
Part 3	Amendment of Coal Mining Safety and Health Act 1999	
5	Act amended	11
6	Amendment of s 25 (Meaning of site senior executive)	11
7	Amendment of s 42 (Obligations of site senior executive for coal mine)	11
8	Insertion of new s 45A	11
	45A Obligations of designers, constructors and erectors of earthworks	11
9	Amendment of s 61 (Appointment of ventilation officer)	12
10	Amendment of s 67 (Plans of coal mine workings)	13
11	Amendment of s 68 (Mine record)	13
12	Insertion of new s 69A	14
	69A Training and assessment record check	14
13	Amendment of s 141 (Failure to answer questions)	15
14	Amendment of s 154 (Power to require production of documents)	15
15	Amendment of s 155 (Failure to produce document)	15
16	Amendment of s 158 (Failure to comply with requirement about attendance)	16
17	Replacement of s 159 (Person must answer question about serious accident or high potential incident)	16

Contents

	159	Use of particular evidence in proceedings	16
18		Amendment of s 198A (Requirement to give primary information)	17
19		Amendment of s 201 (Action to be taken in relation to site of accident or incident)	17
20		Amendment of s 216 (Offences by witnesses)	17
21		Amendment of s 248 (Powers of court on appeal)	18
22		Amendment of s 252 (Evidentiary aids)	18
23		Insertion of new pt 15A	18
	Part 15A	Injunctions	
	267A	Applying for injunction	18
	267B	Grounds for injunction	18
	267C	Court's powers for injunction	19
	267D	Terms of injunction	19
24		Insertion of new s 272A	20
	272A	Children under 16 not to operate or maintain plant	20
25		Insertion of new s 275AC	20
	275AC	Public statements	20
26		Amendment of s 275A (Disclosure of information)	21
27		Amendment of s 280 (Chief executive to keep records)	21
28		Insertion of new pt 20, div 3	22
	Division 3	Transitional provision for Mines and Energy Legislation Amendment Act (No. 2) 2010	
	302	Application of appeal costs provision to undecided appeals	22
29		Amendment of sch 3 (Dictionary)	22
Part 4		Amendment of Explosives Act 1999	
30		Act amended	23
31		Replacement of s 18 (Compliance with conditions)	23
	18	Compliance with conditions	23
32		Amendment of s 29 (Amendment of authority without application)	23
33		Amendment of s 59 (Person must answer question about explosives incident)	23
34		Amendment of s 72 (Offences by witnesses)	24
35		Amendment of s 89 (General powers after entering places)	24
36		Amendment of s 98 (Failure to comply with requirement about attendance)	24

37	Amendment of s 100 (Power to require production of documents)	25
38	Insertion of new pt 6, div 4	25
	Division 4 Injunctions	
	106A Applying for injunction	25
	106B Grounds for injunction	25
	106C Court's powers for injunction	26
	106D Terms of injunction	26
39	Amendment of s 122 (Recovery of costs from convicted person)	27
40	Insertion of new s 126C	27
	126C Public statements	27
41	Amendment of s 131 (Chief inspector may ask for information) . .	28
42	Amendment of s 132 (Disclosure of information)	28
43	Amendment of s 135 (Regulation-making power)	29
44	Replacement of pt 10, hdg (Transitional provisions for Act No. 15 of 1999)	29
45	Replacement of pt 11, hdg (Transitional provision for Mining and Other Legislation Amendment Act 2007)	29
46	Insertion of new pt 10, div 3	29
	Division 3 Transitional provision for Mines and Energy Legislation Amendment Act (No. 2) 2010	
	145 Application of investigation costs provision to undecided appeals and reviews	30
Part 5	Amendment of Geothermal Energy Act 2010	
47	Act amended	30
48	Amendment of s 40 (Provisions and granting of geothermal permit)	30
49	Amendment of s 62 (Deciding application)	31
50	Amendment of s 74 (Operation of pt 1)	31
51	Amendment of s 97 (Deciding whether to approve proposed plan)	31
52	Amendment of s 141 (Ministerial approval of proposed geothermal coordination arrangement)	31
53	Amendment of s 275 (Arrangements with other departments for copies from geothermal register)	31
54	Amendment of s 397 (Compliance with land access code)	32
Part 6	Amendment of Gladstone Power Station Agreement Act 1993	
55	Act amended	32

Contents

56	Amendment of s 5 (Amendment of State agreement)	32
57	Amendment of s 5A (Approval of proposed further agreement) . .	32
58	Insertion of new s 5B	32
	5B Approval of proposed 2010 further agreement.	33
59	Amendment of sch 2 (Further agreement amending State agreement)	33
60	Insertion of new sch 3	33
	Schedule 3 Proposed 2010 further agreement amending State agreement	
Part 7	Amendment of Greenhouse Gas Storage Act 2009	
61	Act amended	46
62	Amendment of s 34 (Right to tender)	46
63	Amendment of s 126 (Right to tender)	46
Part 8	Amendment of Mineral Resources Act 1989	
64	Act amended	47
65	Amendment of s 285 (Mining lease may be specified it is not renewable)	47
66	Amendment of s 289 (Minister may issue instrument of mining lease)	47
67	Amendment of s 294 (Variation of conditions of mining lease) . .	47
68	Amendment of s 295 (Variation of mining lease for accuracy etc.)	47
69	Amendment of s 296 (Correction of instrument of lease)	48
70	Amendment of s 297 (Replacement instrument of lease)	48
71	Amendment of s 309 (Surrender of mining lease)	48
72	Insertion of new s 327A	48
	327A Minister may require royalty estimate	48
73	Replacement of s 344 (Access to abandoned mine)	49
	Division 2AA Access to abandoned mines	
	344 Definitions for div 2AA	49
	344A Authorised person to carry out rehabilitation activities	49
	344B Entering land to carry out rehabilitation activities.	50
	344C Notice of entry	51
	344D Obligation of authorised person in carrying out rehabilitation activities	51
74	Amendment of s 381B (What is the Collingwood Park State guarantee)	51
75	Amendment of s 416B (Practice manual)	52

Part 9	Amendment of Mining and Quarrying Safety and Health Act 1999	
76	Act amended	52
77	Replacement of s 11 (Meaning of quarry)	52
	11 Meaning of quarry	52
78	Amendment of s 22 (Meaning of site senior executive)	53
79	Amendment of s 39 (Obligations of site senior executive for mine)	54
80	Insertion of new s 42A	54
	42A Obligations of designers, constructors and erectors of earthworks	54
81	Amendment of s 59 (Mine record)	54
82	Amendment of s 138 (Failure to answer questions)	55
83	Amendment of s 151 (Power to require production of documents)	55
84	Amendment of s 152 (Failure to produce document)	56
85	Amendment of s 155 (Failure to comply with requirement about attendance)	56
86	Replacement of s 156 (Person must answer question about serious accident or high potential incident)	56
	156 Use of particular evidence in proceedings	56
87	Amendment of s 195A (Requirement to give primary information)	57
88	Amendment of s 198 (Action to be taken in relation to site of accident or incident)	57
89	Amendment of s 213 (Offences by witnesses)	58
90	Amendment of s 228 (Powers of court on appeal)	58
91	Amendment of s 231 (Evidentiary aids)	58
92	Insertion of new pt 14A	58
	Part 14A Injunctions	
	246A Applying for injunction	58
	246B Grounds for injunction	59
	246C Court's powers for injunction	59
	246D Terms of injunction	60
93	Insertion of new s 250A	60
	250A Underage persons not to operate or maintain plant	60
94	Insertion of new section 254C	60
	254C Public statements	61

Contents

95	Amendment of s 255 (Disclosure of information)	61
96	Amendment of s 260 (Chief executive to keep records)	61
97	Replacement of pt 20, hdg (Transitional provisions for Mines and Energy Legislation Amendment Act 2010)	62
98	Amendment of s 274 (Definitions for pt 20)	62
99	Insertion of new pt 20, div 2	63
	Division 2 Transitional provision for Mines and Energy Legislation Amendment Act (No. 2) 2010	
	279 Application of appeal costs provision to undecided appeals	63
Part 10	Amendment of Petroleum and Gas (Production and Safety) Act 2004	
100	Act amended	63
101	Amendment of s 15 (When petroleum is produced)	64
102	Amendment of s 36 (Right to tender)	64
103	Amendment of s 128 (Right to tender)	64
104	Amendment of s 306 (Content requirements for CSG statement)	64
105	Amendment of s 386 (Requirements for consultation with particular coal or oil shale mining tenement holders)	64
106	Amendment of s 392AG (Content requirements for GHG statement)	65
107	Amendment of s 392BJ (Operation of pt 6)	65
108	Amendment of s 392BO (Requirements for consultation with particular GHG tenure holders)	65
109	Insertion of new s 599A	65
	599A Minister may require royalty estimate	65
110	Amendment of ch 9, pt 1, hdg (Safety requirements and labelling)	66
111	Amendment of s 669A (Labelling)	66
112	Insertion of new s 678A	66
	678A Requirement to have resulting records for safety management plan.	67
113	Insertion of new s 708E	68
	708E Children under 16 not to operate plant or equipment.	68
114	Amendment of s 718 (Witnesses)	68
115	Amendment of s 759 (Failure to produce document)	68
116	Amendment of s 760 (Failure to certify copy of document)	69
117	Amendment of s 834 (Other evidentiary aids)	69
118	Insertion of new ch 13, pt 3	69

	Part 3	Injunctions	
	841A	Applying for injunction	69
	841B	Grounds for injunction	69
	841C	Court's powers for injunction	70
	841D	Terms of injunction	70
119		Insertion of new s 851A	71
	851A	Public statements	71
120		Amendment of sch 2 (Dictionary)	71
121		Amendment to omit footnotes	72
Part 11		Other amendments of Petroleum and Gas (Production and Safety) Act 2004	
122		Act amended	72
Schedule		Minor amendments of the Petroleum and Gas (Production and Safety) Act 2004	73

2010

A Bill

for

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

[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 (No. 2) 2010*. 4
5

Clause 2 Commencement 6

Sections 7 and 80 commence on a day to be fixed by
proclamation. 7
8

**Part 2 Amendment of Clean Energy
Act 2008** 9
10

Clause 3 Act amended 11

This part amends the *Clean Energy Act 2008*. 12

Clause 4 Amendment of s 14 (Change of information in register) 13

Section 14, ‘10(3)’— 14
omit, insert— 15
‘10(2)’. 16

Part 3	Amendment of Coal Mining Safety and Health Act 1999	1 2
Clause 5	Act amended	3
	This part amends the <i>Coal Mining Safety and Health Act 1999</i> .	4 5
Clause 6	Amendment of s 25 (Meaning of <i>site senior executive</i>)	6
	Section 25(1), after ‘employed’—	7
	<i>insert</i> —	8
	‘or otherwise engaged’.	9
Clause 7	Amendment of s 42 (Obligations of site senior executive for coal mine)	10 11
	Section 42(c), ‘safety and health management system for’—	12
	<i>omit, insert</i> —	13
	‘single safety and health management system for all persons at’.	14 15
Clause 8	Insertion of new s 45A	16
	Part 3—	17
	<i>insert</i> —	18
‘45A	Obligations of designers, constructors and erectors of earthworks	19 20
	‘(1) A designer of earthworks at a coal mine has an obligation to ensure the earthworks are designed so that, when used properly, the risk to persons from the use of the earthworks is at an acceptable level.	21 22 23 24
	<i>Examples of earthworks</i> —	25
	tailings dam, berm	26

[s 9]

- ‘(2) A constructor or erector of earthworks at a coal mine has an obligation— 1
2
(a) to construct or erect the earthworks in a way that is safe 3
and does not expose persons to an unacceptable level of 4
risk; and 5
(b) to ensure nothing about the way the earthworks are 6
constructed or erected makes the earthworks unsafe or 7
likely to expose persons to an unacceptable level of risk 8
when used properly.’. 9

Clause 9 Amendment of s 61 (Appointment of ventilation officer) 10

- (1) Section 61(2), from ‘The site’ to ‘the mine’— 11
omit, insert— 12
‘The underground mine manager must appoint an appropriate 13
person as ventilation officer for the mine, unless the manager 14
personally assumes the duties and responsibilities of a 15
ventilation officer for the mine’. 16
- (2) Section 61(3)— 17
omit, insert— 18
- ‘(3) The underground mine manager may assume the duties and 19
responsibilities of a ventilation officer for the mine only if the 20
manager has competencies recognised by the committee as 21
appropriate for the duties and responsibilities of the position.’. 22
- (3) Section 61(6), ‘competent’— 23
omit, insert— 24
‘appropriate’. 25
- (4) Section 61(6), ‘are taken’— 26
omit, insert— 27
‘are, despite any requirement under subsection (3), taken’. 28
- (5) Section 61(7)— 29
omit, insert— 30

‘(7) An inspector may, by notice, require an underground mine manager assuming the duties and responsibilities of a ventilation officer to demonstrate to the inspector’s satisfaction that the manager can effectively carry out the duties and responsibilities of both the underground mine manager and the ventilation officer.’.

(6) Section 61(8), ‘site senior executive’—
omit, insert—
‘underground mine manager’.

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

Section 67(6)(a) and (b)—

omit, insert—

‘(a) for a surface mine—

(i) a person registered, under the *Surveyors Act 2003*, as a surveyor with a registration endorsement of ‘(A)’ or ‘(O)’; or

(ii) a person with other competencies for underground mining surveying the committee considers is at least equivalent to the competencies mentioned in subparagraph (i); or

(b) for an underground mine—

(i) a person registered, under the *Surveyors Act 2003*, as a surveyor with a registration endorsement of ‘(A)’; or

(ii) a person with other competencies for underground mining surveying the committee considers is at least equivalent to the competencies mentioned in subparagraph (i).’.

Clause 11 Amendment of s 68 (Mine record)

(1) Section 68(5)—

[s 12]

renumber as section 68(6). 1

(2) Section 68(4)— 2

omit, insert— 3

‘(4) The coal mine operator must ensure the mine record, relating 4
to at least the previous 6 months, is available at all reasonable 5
times for inspection by each of the following— 6

(a) coal mine workers employed at the mine; 7

(b) the site senior executive. 8

Maximum penalty—200 penalty units. 9

‘(5) If a person (the *former operator*) who is the coal mine 10
operator for a mine is replaced by another person (the *new* 11
operator) as the coal mine operator for the mine, the former 12
operator must give the new operator the mine record for the 13
mine as soon as practicable after being replaced. 14

Maximum penalty—200 penalty units.’. 15

Clause 12 Insertion of new s 69A 16

Part 4, division 4— 17

insert— 18

‘69A Training and assessment record check 19

‘(1) This section applies if— 20

(a) a site senior executive employs a coal mine worker at a 21
coal mine; and 22

(b) the coal mine worker has previously been employed at 23
another coal mine. 24

‘(2) The site senior executive may ask the coal mine operator for 25
the other coal mine to give the site senior executive a copy of 26
that part of the other coal mine’s safety and health 27
management system relating to records of training and 28
assessment given to, and undertaken by, the coal mine 29
worker.

-
- ‘(3) The coal mine operator for the other coal mine must comply with the request within 30 days.
Maximum penalty—200 penalty units.’

- Clause 13 Amendment of s 141 (Failure to answer questions)**
- Section 141(2) and (3)—
omit, insert—
- ‘(2) It is a reasonable excuse for an individual not to comply with the requirement if complying with the requirement might tend to incriminate the individual or make the individual liable to a penalty.
- ‘(3) However, subsection (2) does not apply if the requirement relates to a serious accident or high potential incident.’

- Clause 14 Amendment of s 154 (Power to require production of documents)**
- Section 154—
insert—
- ‘(8) When making a document production requirement or document certification requirement, an officer must warn the person of whom the requirement is made that it is an offence to fail to comply with the requirement unless the person has a reasonable excuse.’

- Clause 15 Amendment of s 155 (Failure to produce document)**
- (1) Section 155(2), ‘the person.’—
omit, insert—
‘the person or make the person liable to a penalty.’
- (2) Section 155(3) and (4)—
omit.

[s 16]

Clause 16	Amendment of s 158 (Failure to comply with requirement about attendance)	1 2
	Section 158(2) and (3)—	3
	<i>omit, insert—</i>	4
	‘(2) It is a reasonable excuse for an individual not to comply with a requirement to answer a question if complying with the requirement might tend to incriminate the individual or make the individual liable to a penalty.	5 6 7 8
	‘(3) However, subsection (2) does not apply if the requirement relates to a serious accident or high potential incident.’.	9 10
Clause 17	Replacement of s 159 (Person must answer question about serious accident or high potential incident)	11 12
	Section 159—	13
	<i>omit, insert—</i>	14
‘159	Use of particular evidence in proceedings	15
	‘(1) Subsection (2) applies in relation to any answer given by an individual in response to a requirement under section 139(3)(g) or 157(1).	16 17 18
	‘(2) Neither the answer nor any information, document or other thing obtained as a direct or indirect result of the answer is admissible in any proceeding against the individual, other than a proceeding in which the falsity or misleading nature of the answer is relevant.	19 20 21 22 23
	‘(3) If a document, produced under a document production requirement, is the personal property of an individual of whom the requirement is made and the document might incriminate the individual or make the individual liable to a penalty—	24 25 26 27 28
	(a) the document is admissible in a proceeding against the individual for an offence under this Act; but	29 30
	(b) neither the document nor anything obtained as a direct or indirect result of the individual producing the	31 32

	document is admissible in any other proceeding against the individual for an offence.’	1 2
Clause 18	Amendment of s 198A (Requirement to give primary information)	3 4
	Section 198A(7), definition <i>involved person</i> , ‘a person’— <i>omit, insert—</i> ‘an individual’.	5 6 7
Clause 19	Amendment of s 201 (Action to be taken in relation to site of accident or incident)	8 9
	Section 201— <i>insert—</i>	10 11
	‘(3) It is not a defence to a proceeding under subsection (1) that the carrying out of an investigation, preparation of a report or forwarding of the report might tend to incriminate the site senior executive or make the executive liable to a penalty.	12 13 14 15
	‘(4) A report prepared or forwarded by the site senior executive under subsection (1) is not admissible in evidence against the site senior executive, or any other coal mine worker mentioned in the report, in any criminal proceeding other than proceedings about the falsity or misleading nature of the report.’	16 17 18 19 20 21
Clause 20	Amendment of s 216 (Offences by witnesses)	22
	(1) Section 216(4), after, ‘excuse’— <i>insert—</i> ‘for an individual’.	23 24 25
	(2) Section 216(4), ‘person’— <i>omit, insert—</i> ‘individual or make the individual liable to a penalty’.	26 27 28

[s 21]

Clause 21	Amendment of s 248 (Powers of court on appeal)	1
	Section 248—	2
	<i>insert—</i>	3
	‘(3) The court may make an order for costs it considers appropriate.’	4 5
Clause 22	Amendment of s 252 (Evidentiary aids)	6
	Section 252(1)—	7
	<i>insert—</i>	8
	‘(f) a stated location is within the boundaries of land that is the subject of a stated mining tenure.’	9 10
Clause 23	Insertion of new pt 15A	11
	After section 267—	12
	<i>insert—</i>	13
	‘Part 15A Injunctions	14
	‘267A Applying for injunction	15
	‘(1) The commissioner or chief inspector may apply to the District Court for an injunction under this part.	16 17
	‘(2) An injunction under this part may be granted by the District Court against a person at any time.	18 19
	‘267B Grounds for injunction	20
	‘The District Court may grant an injunction if the court is satisfied a person has engaged, or is proposing to engage, in conduct that constitutes or would constitute—	21 22 23
	(a) a contravention of this Act; or	24
	(b) attempting to contravene this Act; or	25

-
- (c) aiding, abetting, counselling or procuring a person to contravene this Act; or 1
2
 - (d) inducing or attempting to induce, whether by threats, promises or otherwise, a person to contravene this Act; or 3
4
5
 - (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention of this Act by a person; or 6
7
8
 - (f) conspiring with others to contravene this Act. 9

'267C Court's powers for injunction 10

- '(1) The power of the District Court to grant an injunction restraining a person from engaging in conduct may be exercised— 11
12
13
 - (a) whether or not it appears to the court that the person intends to engage again, or to continue to engage, in conduct of that kind; and 14
15
16
 - (b) whether or not the person has previously engaged in conduct of that kind. 17
18
- '(2) The power of the court to grant an injunction requiring a person to do an act or thing may be exercised— 19
20
 - (a) whether or not it appears to the court that the person intends to fail again, or to continue to fail, to do the act or thing; and 21
22
23
 - (b) whether or not the person has previously failed to do the act or thing. 24
25
- '(3) An interim injunction may be granted under this part until the application is finally decided. 26
27
- '(4) The court may rescind or vary an injunction at any time. 28

'267D Terms of injunction 29

- '(1) The District Court may grant an injunction in the terms the court considers appropriate. 30
31

[s 24]

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

Clause 24 Insertion of new s 272A 10

Part 17— 11

insert— 12

‘272A Children under 16 not to operate or maintain plant 13

‘The site senior executive for a coal mine must not allow a person under the age of 16 to operate or maintain plant at the coal mine. 14
15
16

Maximum penalty—100 penalty units.’. 17

Clause 25 Insertion of new s 275AC 18

Part 17, division 2, before section 275A— 19

insert— 20

‘275AC Public statements 21

- ‘(1) The Minister, chief executive, commissioner or chief inspector may make or issue a public statement identifying, and giving information about, the following— 22
23
24
- (a) the commission of offences against this Act and the persons who commit the offences; 25
26
 - (b) investigations conducted under this Act about serious accidents at a coal mine; 27
28
 - (c) action taken by inspectors, inspection officers or authorised officers to enforce this Act; 29
30

(d) the cancellation of a certificate of competency under section 195(2). 1
2

‘(2) The public statement may identify particular information and persons. 3
4

‘(3) The Minister, chief executive, commissioner or chief inspector must not issue a public statement under this section unless satisfied that it is in the public interest to do so.’. 5
6
7

Clause 26 Amendment of s 275A (Disclosure of information) 8

Section 275A(1)— 9

insert— 10

‘(e) in a public statement made or issued under section 275AC.’. 11
12

Clause 27 Amendment of s 280 (Chief executive to keep records) 13

(1) Section 280(1)(a)(ii), ‘accidents and illnesses’— 14
omit, insert— 15

‘injuries’. 16

(2) Section 280(2)— 17
renumber as section 280(4). 18

(3) Section 280— 19
insert— 20

‘(2) Information about lost time injuries must include the number of days the injured person was unable to work, regardless of the number of hours that would have been worked by the person each day. 21
22
23
24

‘(3) However, the number of days to be recorded does not include the day of the injury.’. 25
26

(4) Section 280— 27
insert— 28

‘(5) In this section— 29

[s 28]

lost time injuries means an injury resulting in an injured person being unable to work the next day or a longer period, whether they are rostered to work or not.’ 1
2
3

Clause 28 Insertion of new pt 20, div 3 4

Part 20— 5

insert— 6

‘Division 3 Transitional provision for Mines and Energy Legislation Amendment Act (No. 2) 2010 7
8
9

‘302 Application of appeal costs provision to undecided appeals 10
11

‘(1) The appeal costs provision applies to any appeal under part 14 started, but not decided, before the commencement of this section. 12
13
14

‘(2) In this section— 15

appeal costs provision means section 248(3) as amended under the *Mines and Energy Legislation Amendment Act (No. 2) 2010*.’ 16
17
18

Clause 29 Amendment of sch 3 (Dictionary) 19

Schedule 3, definition *board of examiners*, ‘sections 184 and 287’— 20
21

omit, insert— 22

‘section 184’. 23

Part 4	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 18 (Compliance with conditions)	5
	Section 18—	6
	<i>omit, insert—</i>	7
'18	Compliance with conditions	8
	'(1) An authority holder must comply with the conditions prescribed under a regulation for each authority issued to the authority holder.	9
	Maximum penalty—200 penalty units.	10
	Maximum penalty—200 penalty units.	11
	'(2) If the chief inspector imposes a condition on an authority, the authority holder must comply with the condition.	12
	Maximum penalty—200 penalty units.'	13
	Maximum penalty—200 penalty units.'	14
	Maximum penalty—200 penalty units.'	15
Clause 32	Amendment of s 29 (Amendment of authority without application)	16
	Section 29(5), 'executive'—	17
	<i>omit, insert—</i>	18
	'inspector'	19
	'inspector'	20
Clause 33	Amendment of s 59 (Person must answer question about explosives incident)	21
	Section 59(3)—	22
	<i>omit, insert—</i>	23
	<i>omit, insert—</i>	24

[s 34]

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

Clause 34 Amendment of s 72 (Offences by witnesses)

- (1) Section 72(3), after ‘excuse’—
insert—
‘for an individual’.
- (2) Section 72(3), ‘person’—
omit, insert—
‘individual or make the individual liable to a penalty’.

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

- (1) Section 89(4), ‘the person to fail to’—
omit, insert—
‘an individual to not’.
- (2) Section 89(4), ‘the person.’—
omit, insert—
‘the individual or make the individual liable to a penalty.’.

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

- (1) Section 98(2), ‘a person to fail’—
omit, insert—
‘an individual not’.
- (2) Section 98(2), ‘the person.’—
omit, insert—
‘the individual or make the individual liable to a penalty.’.

Clause 37	Amendment of s 100 (Power to require production of documents)	1
		2
	Section 100(3), ‘person’—	3
	<i>omit, insert—</i>	4
	‘person or make the person liable to a penalty’.	5
Clause 38	Insertion of new pt 6, div 4	6
	Part 6—	7
	<i>insert—</i>	8
	‘Division 4 Injunctions	9
	‘106A Applying for injunction	10
	‘(1) The commissioner for mine safety and health or the chief inspector may apply to the District Court for an injunction under this division.	11
		12
		13
	‘(2) An injunction under this division may be granted by the District Court against a person at any time.	14
		15
	‘106B Grounds for injunction	16
	‘The District Court may grant an injunction if the court is satisfied that a person has engaged, or is proposing to engage, in conduct that constitutes or would constitute—	17
		18
		19
	(a) a contravention of this Act; or	20
	(b) attempting to contravene this Act; or	21
	(c) aiding, abetting, counselling or procuring a person to contravene this Act; or	22
		23
	(d) inducing or attempting to induce, whether by threats, promises or otherwise, a person to contravene this Act;	24
	or	25
		26

[s 38]

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

‘106C Court’s powers for injunction

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

‘106D Terms of injunction

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

(b) except on stated terms and conditions. 1

‘(3) Also, the court may grant an injunction requiring a person to 2
take stated action, including action to disclose or publish 3
information, to remedy any adverse consequences of the 4
person’s contravention of this Act.’. 5

Clause 39 Amendment of s 122 (Recovery of costs from convicted person) 6
7

Section 122(1), from ‘including’— 8

omit, insert— 9

‘including the following costs— 10

(a) the cost of testing, transporting, storing and disposing of 11
explosives and other evidence; 12

(b) the department’s reasonable costs of investigating the 13
offence; 14

(c) the reasonable costs of preparing for the prosecution of 15
the offence.’. 16

Clause 40 Insertion of new s 126C 17

Part 8— 18

insert— 19

‘126C Public statements 20

‘(1) The section applies to the following persons— 21

(a) the Minister; 22

(b) the chief executive; 23

(c) the commissioner for mine safety and health; 24

(d) the chief inspector. 25

‘(2) The person may make or issue a public statement identifying, 26
and giving information about, the following— 27

(a) the commission of offences against this Act and persons 28
who commit the offences; 29

[s 41]

- (b) investigations and inquiries into explosives incidents conducted under this Act; 1
2
 - (c) the action taken by inspectors to enforce this Act; 3
 - (d) the suspension or cancellation of an authority under section 24 or 25. 4
5
- ‘(3) The statement may identify particular information and persons. 6
7
- ‘(4) The person must not issue a public statement under this section unless satisfied that it is in the public interest to do so.’. 8
9
10

- Clause 41 Amendment of s 131 (Chief inspector may ask for information)** 11
12
- (1) Section 131(3), after ‘excuse’— 13
insert— 14
‘for an individual’. 15
 - (2) Section 131(3)(a) and (b), ‘person’— 16
omit, insert— 17
‘individual’. 18
 - (3) Section 131(3)(c), ‘person’— 19
omit, insert— 20
‘individual or make the individual liable to a penalty’. 21

- Clause 42 Amendment of s 132 (Disclosure of information)** 22
- Section 132(1)(e)— 23
omit, insert— 24
‘(e) in a public statement made or issued under section 126C; or 25
26
 - (f) in the interests of public safety.’. 27

Clause 43	Amendment of s 135 (Regulation-making power)	1
	Section 135(2)(i)—	2
	<i>omit, insert—</i>	3
	‘(i) conditions, and other requirements, that apply to an authority;	4
	’	5
	‘(j) otherwise regulating activities in relation to explosives.’.	6
Clause 44	Replacement of pt 10, hdg (Transitional provisions for Act No. 15 of 1999)	8
	Part 10, heading—	9
	<i>omit, insert—</i>	10
‘Part 10	Transitional provisions	11
‘Division 1	Transitional provisions for Act No. 15 of 1999’.	12
		13
Clause 45	Replacement of pt 11, hdg (Transitional provision for Mining and Other Legislation Amendment Act 2007)	14
	Part 11, heading—	15
	<i>omit, insert—</i>	16
‘Division 2	Transitional provision for Mining and Other Legislation Amendment Act 2007’.	17
		18
		19
		20
Clause 46	Insertion of new pt 10, div 3	21
	Part 10—	22
	<i>insert—</i>	23

[s 47]

‘Division 3	Transitional provision for Mines and Energy Legislation Amendment Act (No. 2) 2010	1 2 3
‘145	Application of investigation costs provision to undecided appeals and reviews	4 5
‘(1)	The investigation costs provision applies to a person being convicted of an offence against this Act regardless of when the offence against this Act was committed.	6 7 8
‘(2)	Subsection (1) applies despite the following provisions—	9
	(a) the Criminal Code, section 11(2);	10
	(b) the <i>Acts Interpretation Act 1954</i> , section 20C.	11
‘(3)	In this section—	12
	<i>investigation costs provision</i> means section 122(1) as amended under the <i>Mines and Energy Legislation Amendment Act (No. 2) 2010</i> .’	13 14 15
Part 5	Amendment of Geothermal Energy Act 2010	16 17
Clause 47	Act amended	18
	This part amends the <i>Geothermal Energy Act 2010</i> .	19
Clause 48	Amendment of s 40 (Provisions and granting of geothermal permit)	20 21
	Section 40(1), ‘grant the the’—	22
	<i>omit, insert</i> —	23
	‘grant the’.	24

Clause 49	Amendment of s 62 (Deciding application)	1
	Section 62(2)(d)(iii), ‘;’—	2
	<i>omit, insert</i> —	3
	‘.’.	4
Clause 50	Amendment of s 74 (Operation of pt 1)	5
	Section 74, note 2, ‘owner’s’—	6
	<i>omit, insert</i> —	7
	‘owners’.	8
Clause 51	Amendment of s 97 (Deciding whether to approve proposed plan)	9
	Section 97(3), ‘were an were an’—	10
	<i>omit, insert</i> —	11
	‘were an’.	12
Clause 52	Amendment of s 141 (Ministerial approval of proposed geothermal coordination arrangement)	13
	Section 141(1)(b), before ‘development plan’—	14
	<i>insert</i> —	15
	‘proposed later’.	16
Clause 53	Amendment of s 275 (Arrangements with other departments for copies from geothermal register)	17
	Section 275(2)(b), before ‘chief executive’s’—	18
	<i>insert</i> —	19
	‘the’.	20
		21
		22
		23

[s 54]

Clause 54	Amendment of s 397 (Compliance with land access code)	1
	Section 397(1), before ‘holder’—	2
	<i>insert</i> —	3
	‘the’.	4
Part 6	Amendment of Gladstone Power Station Agreement Act 1993	5 6 7
Clause 55	Act amended	8
	This part amends the <i>Gladstone Power Station Agreement Act 1993</i> .	9 10
Clause 56	Amendment of s 5 (Amendment of State agreement)	11
	Section 5(3), ‘or regulation’—	12
	<i>omit</i> .	13
Clause 57	Amendment of s 5A (Approval of proposed further agreement)	14 15
	Section 5A, heading, after ‘proposed’—	16
	<i>insert</i> —	17
	‘1997’.	18
Clause 58	Insertion of new s 5B	19
	Part 2—	20
	<i>insert</i> —	21

'5B	Approval of proposed 2010 further agreement	1
	'(1) For section 5, approval is given for the Minister to enter into a further agreement for the State.	2 3
	'(2) The further agreement is to be in, or substantially in, the form set out in schedule 3.'	4 5
Clause 59	Amendment of sch 2 (Further agreement amending State agreement)	6 7
	Schedule 2, heading, 'Further'—	8
	<i>omit, insert</i> —	9
	'Proposed 1997 further'.	10
Clause 60	Insertion of new sch 3	11
	After schedule 2—	12
	<i>insert</i> —	13
'Schedule 3	Proposed 2010 further agreement amending State agreement	14 15 16
	section 5B	17
THIS FURTHER AGREEMENT AMENDING THE STATE AGREEMENT	is made on	18
FOLLOWING PARTIES:	BETWEEN THE	19
		20
1.	##### for and on behalf of the Crown in right of the State of Queensland (" the State ")	21 22
2.	GPS POWER PTY. LIMITED (ACN 009 103 422)	23
	of Level 2, 443 Queen Street, Brisbane, Queensland, 4000	24
	GPS ENERGY PTY LIMITED (ACN 063 207 456)	25
	of Level 2, 443 Queen Street, Brisbane, Queensland, 4000	26

[s 60]

SUNSHINE STATE POWER B.V. (ARBN 062 295 425)	1
of c/- Vedorp, Kleperstraat, 341171, CD Badhoe, Netherlands	2
SUNSHINE STATE POWER (NO. 2) B.V. (ARBN 063 382 829)	3
of c/- Vedorp, Kleperstraat, 341171, CD Badhoe, Netherlands	4
SLMA. GPS PTY LTD (ACN 063 779 028)	5
of c/- Marubeni Aluminium Australia Pty Ltd, Level 19, 367 Collins Street, Melbourne, Victoria, 3000	6 7
RYOWA II GPS PTY. LIMITED (ACN 063 780 058)	8
of Level 36, 120 Collins Street, Melbourne, Victoria, 3000	9
YKK GPS (QUEENSLAND) PTY LIMITED (ACN 062 905 275)	10
of Unit 2, 17-37 Wollongong Road, Arncliffe, New South Wales 2205	11
(the “ Participants ” and each a “ Participant ”)	12
AND	13
3. NRG Gladstone Operating Services Pty Ltd (ACN 061 519 275) of Gladstone Power Station, Hanson Road, Gladstone, Queensland, 4680 (the “ Operator ”)	14 15 16
RECITALS—	17
A. By agreement dated 30 March 1994 (as amended by agreements dated 23 December 1994 and 10 February 1998) between the State, the Participants and the Operator made under sections 3, 5 and 5A of the Agreement Act the State provided certain undertakings and assurances relating to the acquisition by the Participants and future operation by the Participants and the Operator of the Gladstone Power Station (“the State agreement ”).	18 19 20 21 22 23
B. Under section 5(1) of the Agreement Act and with approval given in accordance with the provisions of section 5(3) of that Act, the State agreement may be amended by a further agreement between the Minister responsible for the administration of that Act and the other parties to the State agreement.	25 26 27 28 29
C. The parties have entered into this further agreement made pursuant to section 5 of the Agreement Act.	30 31

IT IS AGREED—	1
PART I—PRELIMINARY	2
‘1 Definitions	3
All words, terms and expressions which have a defined meaning in the State agreement have the same respective meanings when used in this agreement, unless and except as otherwise provided in this agreement.	4 5 6 7
‘2 Interpretation	8
Clause 2 of the State agreement is incorporated into this agreement as if set out in full in this agreement except that the reference to “this Agreement” in clause 2 of the State agreement shall be a reference to this agreement.	9 10 11 12
‘3 Amendment of State agreement	13
This agreement is made under section 5 of the Agreement Act and amends the State agreement.	14 15
‘4 Commencement	16
This agreement takes effect on the date on which amendments to the Interconnection and Power Pooling Agreement between Stanwell Corporation Limited and the Participants made by a Master Deed of Amendment and Restatement of IPPA dated 17 December 2009 become effective pursuant to clause 3 of that Agreement.	17 18 19 20 21 22
‘5 Agreement to have force of law	23
The parties acknowledge that under section 4 of the Agreement Act the State agreement as amended by the provisions of this agreement has effect as if it were part of the Agreement Act.	24 25 26 27

[s 60]

- ‘6 No waiver** 1
- The entering into this agreement by a party does not constitute 2
a waiver of its rights and obligations under the State 3
agreement which have accrued prior to the date of this 4
agreement. 5

PART II—AMENDMENTS 6

- ‘7 The State agreement is amended as follows—** 7
- (a) Amendment of Clause 1 (Definitions)** 8
- In Clause 1— 9
- (i) after the definition of “**Acquirer**” *insert—* 10
“**AEMO**” means Australian Energy Market Operator 11
Limited (ACN 072 010 327); 12
- (ii) *omit* the definition of “**Code**”; 13
- (iii) *omit* the definition of “**First Power Agreement**”; 14
- (iv) *omit* the definition of “**Interconnection and Power** 15
Pooling Agreement” and *insert—* 16
“**Interconnection and Power Pooling Agreement**” or 17
“**IPPA**” means the Agreement entitled 18
“INTERCONNECTION AND POWER POOLING 19
AGREEMENT relating to the Gladstone Power Station” 20
dated 30 March 1994 between QEC and the Participants 21
as amended from time to time including by the QTSC 22
Master Deed of Assignment, Assumption and 23
Amendment of IPPA, Interface Agreement and Deed of 24
Charge dated 23 December 1994 and by the Master 25
Deed of Amendment and Restatement of IPPA dated 17 26
December 2009 between Stanwell and the Participants; 27
- (v) after the definition of “**Minister for Energy**”, *insert—* 28
“**National Electricity (Queensland) Law**” means the 29
National Electricity (Queensland) Law as defined in the 30
Electricity - National Scheme (Queensland) Act 1997; 31

-
- (vi) in the definition of “**QETC**” after the word “Corporation”, *insert* the words “(now known as Queensland Electricity Transmission Corporation Limited ACN 078 849 233)”; 1
2
3
4
- (vii) *omit* the definition of “**QGC**”; 5
- (viii) *omit* the definition of “**Queensland System Operator**”; 6
- (ix) *omit* the definition of “**QTSC**”; 7
- (x) *omit* the definition of “**Refurbishment Works**”; 8
- (xi) after the definition of “**Relevant Percentage**” *insert*— 9
“**Rules**” means the National Electricity Rules under the 10
National Electricity (Queensland) Law; 11
- (xii) after the definition of “**Stamp Act**” *insert*— 12
“**Stanwell**” means Stanwell Corporation Limited (ACN 13
078 848 674) together with its successors and assigns; 14
- (xiii) *omit* the definition of “**State Electricity Entities**”; and 15
- (xiv) *omit* the definition of “**system control entity**”. 16
- (b) Amendment of references to QTSC** 17
- In Clauses 8(b), 16A and 16D(b) *omit* the reference to 18
“QTSC” wherever it appears and replace in each instance with 19
“Stanwell”. 20
- (c) Amendment of Clause 16A** 21
- In Clause 16A *omit* the words “the supply” wherever it 22
appears and replace in each instance with the words “any 23
supply or sale”. 24
- (d) Deletion of Clause 16C** 25
- Omit* Clause 16C. 26
-

[s 60]

(e) Amendment of Clause 16D	1
In the heading of Clause 16D <i>omit</i> ‘Operating Works’ and replace with ‘Relevant Operations’.	2 3
In paragraphs (a) and (b) of Clause 16D <i>omit</i> the references to ‘operating works’ wherever it appears and replace in each instance with ‘relevant operations’.	4 5 6
(f) Deletion of Clause 16E	7
<i>Omit</i> Clause 16E.	8
(g) Amendment of Clause 16G	9
<i>Omit</i> Clause 16G and <i>insert</i> —	10
‘16G Modification of Application of Section 264 of Electricity Act to GPS Arrangements	11 12
Regulations made under section 264 of the Electricity Act in respect of the matters mentioned in paragraph 1 of Schedule 2 to the Electricity Act will not apply to—	13 14 15
(a) the connection of the GPS to the transmission grid (as that term is defined in the Electricity Act) under the Interconnection and Power Pooling Agreement;	16 17 18
(b) the making available of capacity or any supply or sale of electricity by a Participant to Stanwell under the Capacity Purchase Agreement between them;	19 20 21
(c) any supply or sale of electricity by Stanwell to the Participants or by the Participants to Stanwell under the Interconnection and Power Pooling Agreement; and	22 23 24
(d) any supply or sale of electricity by the Participants to the Smelter under the Smelter Power Purchase Agreements.’.	25 27
(h) Deletion of Clause 16H	28
<i>Omit</i> Clause 16H.	29

(i) Amendment of Clause 16I	1
<i>Omit</i> Clause 16I and <i>insert</i> —	2
‘16I Removal of Immunity for Certain Stanwell Breaches of Interconnection and Power Pooling Agreement	3
	4
If as a result of Stanwell or QETC complying with—	5
(a) a provision of the Rules about system control;	6
(b) a direction about system control given by the Ministers under section 299 of the Electricity Act; or	7
(c) a direction about system control given by AEMO under the Rules,	9
	10
Stanwell is prevented or impaired from complying with any of its obligations under the Interconnection and Power Pooling Agreement Stanwell shall not be entitled to claim that the obligation to comply with the direction is a lawful excuse for any default by Stanwell of the Interconnection and Power Pooling Agreement that may arise from or be caused by compliance by Stanwell or QETC with the provision or the direction.’	11
	12
	13
	14
	15
	16
	17
	18
(j) Amendment of Clause 16J	19
<i>Omit</i> paragraphs (a) and (b) of Clause 16J and <i>insert</i> —	20
‘(a) The State must ensure that—	21
(i) a Minister (within the meaning of that term in Section 6 of the National Electricity (Queensland) Law) (the “ NEL Minister ”) appoints and maintains the appointment of a person other than AEMO as jurisdictional system security coordinator for the State of Queensland for the purposes of the National Electricity (Queensland) Law and the Rules;	22
	23
	24
	25
	26
	27
	28
	29
(ii) the jurisdictional system security co-ordinator for Queensland—	30
	31
(A) places and retains the load of the Smelter on the schedule of sensitive loads for	32
	33

[s 60]

- Queensland under the Rules with priority specified on the basis set out in clause 7.4 and clause 7.5 of the Interconnection and Power Pooling Agreement for load shedding and clause 7.11 of the Interconnection and Power Pooling Agreement for load restoration, and as a load for which the approval of the jurisdictional system security coordinator for Queensland must be obtained by AEMO under clause 4.3.2(l) of the Rules before AEMO can interrupt supply to, or prevent reconnection of that load; 1
2
3
4
5
6
7
8
9
10
11
12
- (B) specifies in the priority arrangements in the schedule of sensitive loads the following requirement in relation to the automatic disconnection of the load of the Smelter under clause 4.3.5(a) of the Rules – that the “specified power system frequency” referred to in clause 4.3.2(j)(1) of the Rules must be the frequency specified in clause 7.4(b) of the Interconnection and Power Pooling Agreement, subject to the operation of clause 7.5 of the Interconnection and Power Pooling Agreement; and 13
14
15
16
17
18
19
20
21
22
23
24
- (C) provides that schedule of sensitive loads, together with all amendments to it to AEMO in accordance with the Rules; 25
26
27
- (iii) it uses its best endeavours to procure AEMO to ensure that the load shedding procedures for Queensland, referred to in clause 4.3.2(h) of the Rules— 28
29
30
31
- (A) are consistent with the schedule of sensitive loads for Queensland provided under clause 4.3.2(f) of the Rules; 32
33
34
- (B) include the requirement referred to in clause 16J(a)(ii)(B) in connection with the automatic disconnection of the load of the 35
36
37

Smelter under clause 4.3.5(a) of the Rules;	1
and	2
(C) include a requirement that the load of the	3
Smelter (or any part thereof) which would	4
have been part of a block of interruptible	5
load in an under-frequency band specified in	6
clause 4.3.5(b) of the Rules, must be	7
replaced in that band in relation to	8
Queensland with an equivalent amount of	9
interruptible load nominated by other Market	10
Customers in Queensland; and	11
(iv) the NEL Minister does not—	12
(A) approve AEMO entering into an agreement	13
with a Registered Participant about load	14
shedding in accordance with Section	15
115A(1) of the National Electricity	16
(Queensland) Law; or	17
(B) determine an arrangement about load	18
shedding to apply to a Registered Participant	19
in accordance with section 115A(2) of the	20
National Electricity (Queensland) Law,	21
which will have an adverse affect on the operation	22
of clause 7.4, clause 7.5 or clause 7.11 of the	23
Interconnection and Power Pooling Agreement or	24
the priority of the load of the Smelter on the	25
schedule of sensitive loads.	26
(b) All words and expressions which have a defined	27
meaning in the Rules have the same meanings where	28
used in clause 16J(a) unless the context otherwise	29
requires or indicates.’.	30
(k) New Clause 16K	31
After Clause 16J <i>insert</i> —	32

[s 60]

‘16K Exempted Generation Agreement under Rules	1
The Minister (as defined under clause 9.32.1 of the Rules)	2
shall not, during the term of this Agreement amend or repeal	3
the Minister's determination of Stanwell as the Nominated	4
Generator (as defined in clause 9.34.6(a) of the Rules) for	5
GPS unless the Minister has obtained the prior written	6
agreement of Stanwell and the Participants to the removal or	7
change.’.	8
(l) Deletion of Clause 17	9
<i>Omit</i> Clause 17.	10
(m) Amendment of references to QEC	11
In clause 22, <i>omit</i> the reference to “QEC” wherever it occurs	12
and replace in each instance with “Stanwell”.	13
EXECUTED AS AN AGREEMENT:	14
SIGNED by THE HONOURABLE	15
#####, FOR AND ON BEHALF	16
OF THE CROWN IN RIGHT OF THE	17
STATE OF QUEENSLAND	18
in the presence of:	19
 	20
_____	21
Witness	22
 	23
_____	24
Name (please print)	25
	26

[s 60]

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

Secretary/Director

Director

Name (please print)

Name (please print)

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

Secretary/Director

Director

Name (please print)

Name (please print)

SIGNED FOR AND ON BEHALF OF
SUNSHINE STATE POWER B.V.
(ARBN 062 295 425)
by
its duly constituted attorney in
in the presence of:

Witness

Attorney

[s 60]

Name (please print)

Name (please print)

1
2
3

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

by
its duly constituted attorney in
the presence of:

4
5
6
7
8
9
10

Witness

Attorney

11
12
13

Name (please print)

Name (please print)

14
15
16

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

by
its duly constituted attorney in
the presence of:

17
18
19
20
21
22

Witness

Attorney

23
24
25

Name (please print)

Name (please print)

26
27
28

[s 60]

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

by
its duly constituted attorney in
the presence of:

Witness

Attorney

Name (please print)

Name (please print)

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

by
its duly constituted attorney in
the presence of:

Witness

Attorney

Name (please print)

Name (please print)

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

by
its duly constituted attorney in
the presence of:

Part 8	Amendment of Mineral Resources Act 1989	1
		2
Clause 64	Act amended	3
	This part amends the <i>Mineral Resources Act 1989</i> .	4
Clause 65	Amendment of s 285 (Mining lease may be specified it is not renewable)	5
	Section 285(4), ‘lease, if’—	6
	<i>omit, insert—</i>	7
	‘lease by the mining registrar, if’.	8
Clause 66	Amendment of s 289 (Minister may issue instrument of mining lease)	9
	(1) Section 289, heading ‘Minister’—	10
	<i>omit, insert—</i>	11
	‘ Mining registrar ’.	12
	(2) Section 289(1), ‘Minister’—	13
	<i>omit, insert—</i>	14
	‘mining registrar’.	15
Clause 67	Amendment of s 294 (Variation of conditions of mining lease)	16
	Section 294(5), ‘lease if’—	17
	<i>omit, insert—</i>	18
	‘lease by the mining registrar if’.	19
Clause 68	Amendment of s 295 (Variation of mining lease for accuracy etc.)	20
	Section 295(5), ‘Minister’—	21
		22
		23
		24
		25

[s 69]

omit, insert— 1
'mining registrar'. 2

Clause 69 Amendment of s 296 (Correction of instrument of lease) 3
Section 296(1), 'Minister'— 4
omit, insert— 5
'mining registrar'. 6

Clause 70 Amendment of s 297 (Replacement instrument of lease) 7
Section 297(1), from 'its place, the'— 8
omit, insert— 9
'its place— 10
(a) the Minister must cancel the instrument of lease; and 11
(b) the mining registrar must issue a replacement 12
instrument of lease.'. 13

Clause 71 Amendment of s 309 (Surrender of mining lease) 14
Section 309(7)(b)(ii), 'lease.'— 15
omit, insert— 16
'lease by the mining registrar.' 17

Clause 72 Insertion of new s 327A 18
Part 9— 19
insert— 20
'327A Minister may require royalty estimate 21
'(1) The Minister may, by notice given to a person who is liable to 22
pay a royalty under section 320, require the person to give the 23
Minister a royalty estimate for the person for a stated future 24
period. 25

-
- ‘(2) The royalty estimate must be a written return containing the information prescribed under a regulation about the estimated royalties payable by the person for the future period. 1
2
3
- ‘(3) The person must give the royalty estimate— 4
- (a) in the way prescribed under a regulation; and 5
 - (b) no later than the day stated in the notice for giving the royalty estimate.’. 6
7

Clause 73 Replacement of s 344 (Access to abandoned mine) 8
Section 344— 9
omit, insert— 10

‘Division 2AA Access to abandoned mines 11

‘344 Definitions for div 2AA 12

‘In this division— 13

abandoned mine means a site— 14

- (a) where mining or mining exploration activities have been carried out; and 15
16
- (b) for which no current mining lease or mining claim is granted. 17
18

authorised person means a person authorised by the chief executive, under section 344A, to carry out rehabilitation activities. 19
20
21

rehabilitation activities see section 344A. 22

‘344A Authorised person to carry out rehabilitation activities 23

‘The chief executive may authorise a person to carry out all or any of the following activities (*rehabilitation activities*) at land on which an abandoned mine exists— 24
25
26

- (a) investigate the condition of the land; 27

[s 73]

(b)	cap a mine shaft;	1
(c)	remove, or make safe, structures or equipment at or near the abandoned mine;	2 3
(d)	clean up pollution remaining at or near the abandoned mine;	4 5
(e)	repair erosion, or prevent further erosion, of land or vegetation at or near the abandoned mine;	6 7
(f)	another activity at or near the abandoned mine to make it safe.	8 9
'344B	Entering land to carry out rehabilitation activities	10
'(1)	This section applies to the following land—	11
(a)	land (<i>primary land</i>) on which an abandoned mine exists; and	12 13
(b)	land (<i>adjacent land</i>) that is adjacent to primary land if an authorised person has no other reasonably practicable way of entering the primary land without entering the adjacent land.	14 15 16 17
'(2)	An authorised person may, to carry out rehabilitation activities, enter land—	18 19
(a)	if the carrying out of rehabilitation activities is necessary to preserve life or property—at any time; or	20 21
(b)	otherwise—within a period of 5 business days starting on the earlier of the following days—	22 23
(i)	the day the owner of the land is given notice of the entry under section 344C;	24 25
(ii)	the day the occupier of the land is given notice of the entry under section 344C.	26 27
'(3)	However, subsection (2) does not authorise entry to a part of the land where a person resides.	28 29
'(4)	In this section—	30
	<i>enter</i> includes re-enter.	31

'344C Notice of entry	1
'(1) An authorised person entering land under this division must give the owner and the occupier of the land written notice of the entry—	2 3 4
(a) if the carrying out of rehabilitation activities is necessary to preserve life or property—within 10 business days after the entry is made; or	5 6 7
(b) otherwise—before entering the land.	8
'(2) The written notice must state the following—	9
(a) when the entry was, or is to be, made;	10
(b) the purpose of the entry;	11
(c) that the authorised person is permitted under this Act to enter the land without consent or a warrant;	12 13
(d) the rehabilitation activities carried out or proposed to be carried out.	14 15
'344D Obligation of authorised person in carrying out rehabilitation activities	16 17
'An authorised person who enters land under this division—	18
(a) must not cause, or contribute to, unnecessary damage to any structure or works on the land; and	19 20
(b) must take all reasonable steps to ensure the person causes as little inconvenience, and does as little other damage, as is practicable in the circumstances.'	21 22 23
Clause 74 Amendment of s 381B (What is the Collingwood Park State guarantee)	24 25
(1) Section 381B(1), 'State for'—	26
<i>omit, insert—</i>	27
'State, under this Act, for'.	28
(2) Section 381B(2)—	29

[s 75]

renumber as section 381B(3). 1

(3) Section 381B— 2

insert— 3

‘(2) A decision about the guarantee under subsection (1) is made
under this Act.’. 4
5

Clause 75 Amendment of s 416B (Practice manual) 6

Section 416B(3)(b), example, ‘to the to the’— 7

omit, insert— 8

‘to the’. 9

Part 9 Amendment of Mining and Quarrying Safety and Health Act 1999 10
11
12

Clause 76 Act amended 13

This part amends the *Mining and Quarrying Safety and Health Act 1999*. 14
15

Clause 77 Replacement of s 11 (Meaning of quarry) 16

Section 11— 17

omit, insert— 18

‘11 Meaning of quarry 19

‘(1) A *quarry* is a place on land where operations are carried on,
continuously or from time to time, to produce construction or
road building material. 20
21
22

Examples of construction or road building material— 23

aggregates, road base, manufactured sand, rail ballast, armour rock,
landscaping products 24
25

-
- (2) However, a place on land where operations are carried on, continuously or from time to time, to produce construction or road building material is not a *quarry* if the operations are carried on—
- (a) to produce construction or road building material substantially for use at a construction site at the place, or that adjoins, is adjacent to, or contiguous with, the place; or
 - (b) to excavate building foundations as part of construction work; or
 - (c) to extract, but not crush, river sand or gravel; or
 - (d) to redevelop the place as a place for any of the following—
 - (i) housing;
 - (ii) a shopping complex;
 - (iii) an industrial estate;
 - (iv) a recreation area;
 - (v) a landfill site.
- (3) In this section—
- construction site* means a place on land where construction work is performed.
- construction work* see the *Workplace Health and Safety Act 1995*, section 14.’.

- Clause 78** **Amendment of s 22 (Meaning of *site senior executive*)**
- Section 22(1), after ‘employed’—
- insert*—
- ‘or otherwise engaged’.

[s 79]

Clause 79	Amendment of s 39 (Obligations of site senior executive for mine)	1 2
	Section 39(1)(c), ‘safety and health management system for’—	3 4
	<i>omit, insert—</i>	5
	‘single safety and health management system for all persons at’.	6 7
Clause 80	Insertion of new s 42A	8
	Part 3, division 3—	9
	<i>insert—</i>	10
‘42A	Obligations of designers, constructors and erectors of earthworks	11 12
	‘(1) A designer of earthworks at a mine has an obligation to ensure the earthworks are designed so that, when used properly, the risk to persons from the use of the earthworks is at an acceptable level.	13 14 15 16
	<i>Examples of earthworks—</i>	17
	tailings dam, berm	18
	‘(2) A constructor or erector of earthworks at a mine has an obligation—	19 20
	(a) to construct or erect the earthworks in a way that is safe and does not expose persons to an unacceptable level of risk; and	21 22 23
	(b) to ensure nothing about the way the earthworks are constructed or erected makes the earthworks unsafe or likely to expose persons to an unacceptable level of risk when used properly.’.	24 25 26 27
Clause 81	Amendment of s 59 (Mine record)	28
	(1) Section 59(5)—	29
	<i>renumber</i> as section 59(6).	30

(2)	Section 59(4)—	1
	<i>omit, insert—</i>	2
‘(4)	The operator must ensure the mine record, relating to the previous 6 months at least, is available at all reasonable times for inspection by each of the following—	3 4 5
	(a) workers at the mine;	6
	(b) the site senior executive.	7
	Maximum penalty—200 penalty units.	8
‘(5)	If a person (the <i>former operator</i>) who is the operator for a mine is replaced by another person (the <i>new operator</i>) as the operator for the mine, the former operator must give the new operator the mine record for the mine as soon as practicable after being replaced.	9 10 11 12 13
	Maximum penalty—200 penalty units.’.	14
Clause 82	Amendment of s 138 (Failure to answer questions)	15
	Section 138(2) and (3)—	16
	<i>omit, insert—</i>	17
‘(2)	It is a reasonable excuse for an individual not to comply with the requirement if complying with the requirement might tend to incriminate the individual or make the individual liable to a penalty.	18 19 20 21
‘(3)	However, subsection (2) does not apply if the requirement relates to a serious accident or high potential incident.’.	22 23
Clause 83	Amendment of s 151 (Power to require production of documents)	24 25
	Section 151—	26
	<i>insert—</i>	27
‘(8)	When making a document production requirement or document certification requirement, an officer must warn the person of whom the requirement is made that it is an offence	28 29 30

[s 84]

to fail to comply with the requirement unless the person has a
reasonable excuse.’. 1
2

Clause 84 Amendment of s 152 (Failure to produce document) 3

(1) Section 152(2), ‘the person.’— 4

omit, insert— 5

‘the person or make the person liable to a penalty.’. 6

(2) Section 152(3) and (4)— 7

omit. 8

**Clause 85 Amendment of s 155 (Failure to comply with requirement
about attendance)** 9
10

Section 155(2) and (3)— 11

omit, insert— 12

‘(2) It is a reasonable excuse for an individual not to comply with
a requirement to answer a question if complying with the
requirement might tend to incriminate the individual or make
the individual liable to a penalty. 13
14
15
16

‘(3) However, subsection (2) does not apply if the requirement
relates to a serious accident or high potential incident.’. 17
18

**Clause 86 Replacement of s 156 (Person must answer question
about serious accident or high potential incident)** 19
20

Section 156— 21

omit, insert— 22

‘156 Use of particular evidence in proceedings 23

‘(1) Subsection (2) applies in relation to any answer given by an
individual in response to a requirement under section
136(3)(g) or 154(1). 24
25
26

‘(2) Neither the answer nor any information, document or other
thing obtained as a direct or indirect result of the answer is
admissible in any proceeding against the individual, other 27
28
29

than a proceeding in which the falsity or misleading nature of
the answer is relevant. 1
2

- ‘(3) If a document, produced under a document production 3
requirement, is the personal property of an individual of 4
whom the requirement is made and the document might 5
incriminate the individual or make the individual liable to a 6
penalty— 7
- (a) the document is admissible in a proceeding against the 8
individual for an offence under this Act; but 9
- (b) neither the document nor anything obtained as a direct 10
or indirect result of the individual producing the 11
document is admissible in any other proceeding against 12
the individual for an offence.’. 13

- Clause 87 Amendment of s 195A (Requirement to give primary 14
information) 15**
- Section 195A(7), definition *involved person*, ‘a person’— 16
omit, insert— 17
‘an individual’. 18

- Clause 88 Amendment of s 198 (Action to be taken in relation to site 19
of accident or incident) 20**
- Section 198— 21
insert— 22
- ‘(3) It is not a defence to a proceeding under subsection (1) that 23
the carrying out of an investigation, preparation of a report or 24
forwarding of the report might tend to incriminate the site 25
senior executive or make the executive liable to a penalty. 26
- ‘(4) A report prepared or forwarded by the site senior executive 27
under subsection (1) is not admissible in evidence against the 28
site senior executive, or any other worker mentioned in the 29
report, in any criminal proceeding other than proceedings 30
about the falsity or misleading nature of the report.’. 31

[s 89]

Clause 89	Amendment of s 213 (Offences by witnesses)	1
	(1) Section 213(4), after ‘excuse’—	2
	<i>insert—</i>	3
	‘for an individual’.	4
	(2) Section 213(4), ‘person.’—	5
	<i>omit, insert—</i>	6
	‘individual or make the individual liable to a penalty.’.	7
Clause 90	Amendment of s 228 (Powers of court on appeal)	8
	Section 228—	9
	<i>insert—</i>	10
	‘(3) The court may make an order for costs it considers appropriate.’.	11
		12
Clause 91	Amendment of s 231 (Evidentiary aids)	13
	Section 231(1)—	14
	<i>insert—</i>	15
	‘(f) a stated location is within the boundaries of land that is the subject of a stated mining tenure.’.	16
		17
Clause 92	Insertion of new pt 14A	18
	After section 246—	19
	<i>insert—</i>	20
	‘Part 14A Injunctions	21
	‘246A Applying for injunction	22
	‘(1) The commissioner or chief inspector may apply to the District Court for an injunction under this part.	23
		24

‘(2) An injunction under this part may be granted by the District Court against a person at any time.	1 2
‘246B Grounds for injunction	3
‘The District Court may grant an injunction if the court is satisfied a person has engaged, or is proposing to engage, in conduct that constitutes or would constitute—	4 5 6
(a) a contravention of this Act; or	7
(b) attempting to contravene this Act; or	8
(c) aiding, abetting, counselling or procuring a person to contravene this Act; or	9 10
(d) inducing or attempting to induce, whether by threats, promises or otherwise, a person to contravene this Act; or	11 12 13
(e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention of this Act by a person; or	14 15 16
(f) conspiring with others to contravene this Act.	17
‘246C Court’s powers for injunction	18
‘(1) The power of the District Court to grant an injunction restraining a person from engaging in conduct may be exercised—	19 20 21
(a) whether or not it appears to the court that the person intends to engage again, or to continue to engage, in conduct of that kind; and	22 23 24
(b) whether or not the person has previously engaged in conduct of that kind.	25 26
‘(2) The power of the court to grant an injunction requiring a person to do an act or thing may be exercised—	27 28
(a) whether or not it appears to the court that the person intends to fail again, or to continue to fail, to do the act or thing; and	29 30 31

[s 93]

(b) whether or not the person has previously failed to do the act or thing. 1
2

‘(3) An interim injunction may be granted under this part until the application is finally decided. 3
4

‘(4) The court may rescind or vary an injunction at any time. 5

‘246D Terms of injunction 6

‘(1) The District Court may grant an injunction in the terms the court considers appropriate. 7
8

‘(2) Without limiting the court’s power under subsection (1), an injunction may be granted restraining a person from carrying on particular activities— 9
10
11

(a) for a stated period; or 12

(b) except on stated terms and conditions. 13

‘(3) Also, the court may grant an injunction requiring a person to take stated action, including action to disclose or publish information, to remedy any adverse consequences of the person’s contravention of this Act.’. 14
15
16
17

Clause 93 Insertion of new s 250A 18

Part 16— 19

insert— 20

‘250A Underage persons not to operate or maintain plant 21

‘The site senior executive for a mine must not allow a person under the age of 16 to operate or maintain plant at the mine. 22
23

Maximum penalty—100 penalty units.’. 24

Clause 94 Insertion of new section 254C 25

Part 16, division 2— 26

insert— 27

'254C Public statements	1
'(1) The Minister, chief executive, commissioner or chief inspector may make or issue a public statement identifying, and giving information about, the following—	2 3 4
(a) the commission of offences against this Act and persons who commit the offences;	5 6
(b) investigations conducted under this Act about serious accidents at a mine;	7 8
(c) action taken by inspectors, inspection officers or authorised officers to enforce the Act;	9 10
(d) the cancellation of a certificate of competency under section 182(2).	11 12
'(2) The public statement may identify particular information and persons.	13 14
'(3) The Minister, chief executive, commissioner or chief inspector must not issue a public statement under this section unless satisfied that it is in the public interest to do so.'	15 16 17
Clause 95 Amendment of s 255 (Disclosure of information)	18
Section 255(1)—	19
<i>insert</i> —	20
'(e) in a public statement made or issued under section 254C.'	21 22
Clause 96 Amendment of s 260 (Chief executive to keep records)	23
(1) Section 260(1)(a)(ii), 'accidents and illnesses'—	24
<i>omit, insert</i> —	25
'injuries'.	26
(2) Section 260(2)—	27
<i>renumber</i> as section 260(4).	28
(3) Section 260—	29

[s 97]

insert—

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

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

(4) Section 260—

insert—

‘(5) In this section—

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

Clause 97 Replacement of pt 20, hdg (Transitional provisions for Mines and Energy Legislation Amendment Act 2010)

Part 20, heading—

omit, insert—

‘Part 20 Other transitional provisions

‘Division 1 Transitional provisions for Mines and Energy Legislation Amendment Act 2010’.

Clause 98 Amendment of s 274 (Definitions for pt 20)

(1) Section 274, heading, ‘pt 20’—

omit, insert—

‘div 1’.

(2) Section 274, ‘In this part’—

[s 101]

Clause 101	Amendment of s 15 (When petroleum is <i>produced</i>)	1
	Section 15(1)—	2
	<i>omit, insert</i> —	3
	‘(1) Petroleum is <i>produced</i> when it is—	4
	(a) recovered to ground level from a natural underground reservoir in which it has been contained; or	5 6
	(b) released to ground level from a natural underground reservoir from which it is extracted.’.	7 8
Clause 102	Amendment of s 36 (Right to tender)	9
	Section 36(1), ‘A’—	10
	<i>omit, insert</i> —	11
	‘An eligible’.	12
Clause 103	Amendment of s 128 (Right to tender)	13
	Section 128(1), ‘A’—	14
	<i>omit, insert</i> —	15
	‘An eligible’.	16
Clause 104	Amendment of s 306 (Content requirements for CSG statement)	17 18
	Section 306(1)(b), ‘a proposed’—	19
	<i>omit, insert</i> —	20
	‘an overview of a proposed’.	21
Clause 105	Amendment of s 386 (Requirements for consultation with particular coal or oil shale mining tenement holders)	22 23
	Section 386(7)(a), ‘a copy’—	24

	<i>omit, insert—</i>	1
	‘an overview of the safety management plan’.	2
Clause 106	Amendment of s 392AG (Content requirements for GHG statement)	3
	Section 392AG(1)(b), ‘a proposed’—	4
	<i>omit, insert—</i>	5
	‘an overview of a proposed’.	6
Clause 107	Amendment of s 392BJ (Operation of pt 6)	7
	Section 392BJ(a)—	8
	<i>omit, insert—</i>	9
	‘(a) a proposed initial development plan for a petroleum lease;’.	10
Clause 108	Amendment of s 392BO (Requirements for consultation with particular GHG tenure holders)	11
	(1) Section 392BO(4)(a), ‘a copy’—	12
	<i>omit, insert—</i>	13
	‘an overview’.	14
	(2) Section 392BO(7)(a), ‘a copy’—	15
	<i>omit, insert—</i>	16
	‘an overview of the safety management plan’.	17
Clause 109	Insertion of new s 599A	18
	Chapter 6, part 2—	19
	<i>insert—</i>	20
	‘599A Minister may require royalty estimate	21
	‘(1) The Minister may, by notice given to a petroleum producer who is liable to pay the State petroleum royalty under section	22
		23
		24
		25
		26

[s 110]

590, require the petroleum producer to give the Minister a royalty estimate for the petroleum producer for a stated future period. 1
2
3

‘(2) The royalty estimate must be in a written return containing the information prescribed under a regulation about the estimated royalties payable by the petroleum producer for the future period. 4
5
6
7

‘(3) The petroleum producer must give the royalty estimate— 8
(a) in the way prescribed under a regulation; and 9
(b) no later than the day stated in the notice for giving the royalty estimate.’. 10
11

Clause 110 Amendment of ch 9, pt 1, hdg (Safety requirements and labelling) 12
13
Chapter 9, part 1, heading ‘and labelling’— 14
omit. 15

Clause 111 Amendment of s 669A (Labelling) 16
(1) Section 669A, heading— 17
omit, insert— 18
‘669A Regulation of gas devices and gas fittings’. 19
(2) Section 669A(2)(b) to (d)— 20
omit, insert— 21
‘(b) energy efficiency labelling; 22
(c) approval or registration of labels; 23
(d) minimum energy performance standards;’. 24

Clause 112 Insertion of new s 678A 25
Chapter 9, part 2, division 2— 26
insert— 27

‘678A Requirement to have resulting records for safety management plan	1 2
‘(1) The operator of an operating plant must—	3
(a) ensure resulting records for the safety management plan for the plant are made and kept for a period of 7 years; and	4 5 6
(b) whenever the plant is operating, keep a copy of the resulting records open for inspection—	7 8
(i) at the plant; or	9
(ii) if because of the nature, size or type of the plant it is impracticable to keep the records at the plant—at another place where it is reasonable to have the records open for inspection.	10 11 12 13
Maximum penalty—1500 penalty units.	14
‘(2) In this section—	15
<i>resulting records</i> , for a safety management plan for an operating plant, means all of the following records that are appropriate for the plant, demonstrating that the safety management plan has been implemented and monitored—	16 17 18 19
(a) records about carrying out a formal safety assessment mentioned in section 675(1)(e);	20 21
(b) records about carrying out a skills assessment mentioned in section 675(1)(g);	22 23
(c) records about carrying out a training and supervision program mentioned in section 675(1)(h);	24 25
(d) records about how and when standard operating and maintenance procedures were applied;	26 27
(e) records about the maintenance of machinery and equipment relating to, or that may affect, the safety of the plant;	28 29 30
(f) records about implementing, monitoring and reviewing and auditing safety policies and safety management plans;	31 32 33

[s 113]

- (g) records of investigating and reviewing incidents at the plant; 1
2
- (h) records about the implementation of recommendations from an investigation or review of an incident at the plant; 3
4
5
- (i) records about testing and monitoring control systems; 6
- (j) records, prescribed under a regulation, about a matter prescribed under section 675(1)(u).’ 7
8

Clause 113	Insertion of new s 708E	9
	Chapter 9, part 4A—	10
	<i>insert—</i>	11
	‘708E Children under 16 not to operate plant or equipment	12
	‘The operator of an operating plant must not allow a person under the age of 16 to operate or maintain equipment or machinery at the plant.	13 14 15
	Maximum penalty—100 penalty units.’.	16
Clause 114	Amendment of s 718 (Witnesses)	17
	(1) Section 718(5), after ‘excuse’—	18
	<i>insert—</i>	19
	‘for an individual’.	20
	(2) Section 718(5), ‘witness’—	21
	<i>omit, insert—</i>	22
	‘individual or make the individual liable to a penalty’.	23
Clause 115	Amendment of s 759 (Failure to produce document)	24
	Section 759(1), ‘758(2)’—	25
	<i>omit, insert—</i>	26
	‘758(1)’.	27

Clause 116	Amendment of s 760 (Failure to certify copy of document)	1
	Section 760, ‘758(3) or (4)’—	2
	<i>omit, insert—</i>	3
	‘758(3) or (4)(b)’.	4
Clause 117	Amendment of s 834 (Other evidentiary aids)	5
	Section 834—	6
	<i>insert—</i>	7
	‘(h) a stated location is within the area of a stated petroleum authority.’.	8
		9
Clause 118	Insertion of new ch 13, pt 3	10
	Chapter 13—	11
	<i>insert—</i>	12
‘Part 3	Injunctions	13
‘841A	Applying for injunction	14
	‘(1) The commissioner or chief inspector may apply to the District Court for an injunction under this part.	15
		16
	‘(2) An injunction under this part may be granted by the District Court against a person at any time.	17
		18
‘841B	Grounds for injunction	19
	‘The District Court may grant an injunction if the court is satisfied a person has engaged, or is proposing to engage, in conduct that constitutes or would constitute—	20
		21
		22
	(a) a contravention of a provision of chapter 9; or	23
	(b) attempting to contravene a provision of chapter 9; or	24
	(c) aiding, abetting, counselling or procuring a person to contravene a provision of chapter 9; or	25
		26

[s 118]

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

'841C Court's powers for injunction

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

'841D Terms of injunction

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

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

Clause 119 Insertion of new s 851A 10

Chapter 14, part 3— 11

insert— 12

‘851A Public statements 13

- ‘(1) The Minister, chief executive, commissioner or chief inspector may make or issue a public statement identifying, and giving information about, the following—
- (a) the commission of offences against this Act and the persons who commit the offences; 17
 - (b) investigations conducted under this Act; 18
 - (c) action taken by inspectors or authorised officers to enforce this Act. 19
- ‘(2) The statement may identify particular offences and persons. 20
- ‘(3) The Minister, chief executive, commissioner or chief inspector must not issue a public statement under this section unless satisfied that it is in the public interest to do so.’. 21

Clause 120 Amendment of sch 2 (Dictionary) 26

(1) Schedule 2, definition *safety management plan—* 27

omit, insert— 28

[s 121]

‘safety management plan— 1

1 A safety management plan, for an operating plant, is— 2

(a) the plan made under section 674 as in force from 3
time to time; and 4

(b) an auditable documented system that forms part of 5
an overall management system for the plant. 6

2 If the plant has stages, a reference to the term includes 7
the parts of the safety management plan developed for 8
each stage.’. 9

(2) Schedule 2— 10

insert— 11

‘**overview**, of a safety management plan, means a summary of 12
how each aspect of a safety management plan mentioned in 13
section 675(1) is, or will be, addressed by the plan.’ 14

Clause 121 Amendment to omit footnotes 15

(1) This section applies to a provision of the *Petroleum and Gas* 16
(Production and Safety) Act 2004 that contains a footnote. 17

(2) The provision is amended by omitting the footnote. 18

Part 11 Other amendments of 19
Petroleum and Gas (Production 20
and Safety) Act 2004 21

Clause 122 Act amended 22

The schedule amends the *Petroleum and Gas (Production and* 23
Safety) Act 2004. 24

Schedule	Minor amendments of the Petroleum and Gas (Production and Safety) Act 2004	1 2 3
	section 122	4
1	Section 6(1)—	5
	<i>insert—</i>	6
	<i>‘Note—</i>	7
	See also the Mineral Resources Act, section 3A (Relationship with petroleum legislation).	8 9
	For the relationship between this Act and the Mineral Resources Act in relation to coal or oil shale mining tenements, see chapter 3 (Provisions for coal seam gas).’.	10 11 12
2	Section 20(1)(d)—	13
	<i>insert—</i>	14
	<i>‘Note—</i>	15
	For who may carry out an authorised activity for the holder, see section 563.’.	16 17
3	Section 31(1)—	18
	<i>insert—</i>	19
	<i>‘Note—</i>	20
	For other authorised activities, see part 4, chapter 5, part 2, division 3 and part 8.’.	21 22
4	Section 32(4)—	23
	<i>insert—</i>	24
	<i>‘Note—</i>	25
	For who may exercise the rights for the holder, see section 563.’.	26

Schedule

5	Section 33(1)—	1
	<i>insert—</i>	2
	‘ <i>Note—</i>	3
	See also part 10, section 239, chapter 5 and section 20.’.	4
6	Section 37(d)(i)—	5
	<i>insert—</i>	6
	‘ <i>Note—</i>	7
	See section 74 for obligations about consulting with particular owners and occupiers.’.	8 9
7	Section 42(3)(c)—	10
	<i>insert—</i>	11
	‘ <i>Note—</i>	12
	For the relinquishment condition of an authority to prospect, see section 65.’.	13 14
8	Section 44—	15
	<i>insert—</i>	16
	‘ <i>Note—</i>	17
	See also the <i>Judicial Review Act 1991</i> , section 32 (Request for statement of reasons).’.	18
9	Chapter 2, part 1, division 3, subdivision 3, note—	20
	<i>omit.</i>	21
10	Section 59(1)(a)—	22
	<i>insert—</i>	23
	‘ <i>Note—</i>	24
	See also section 91 (Inclusion of evaluation program in work program).’.	25 26

11	Section 78—	1
	<i>insert—</i>	2
	<i>Note—</i>	3
	For the minimum work commitment, see section 48(1)(b)(i).	4
	See also section 56 (Authority taken to have work program until decision on whether to approve proposed work program).’.	5 6
12	Section 82(1)(f)—	7
	<i>insert—</i>	8
	<i>Note—</i>	9
	See section 74 (Obligation to consult with particular owners and occupiers).’.	10 11
13	Section 84(2)(b)(iii)(A)—	12
	<i>insert—</i>	13
	<i>Note—</i>	14
	See sections 35(2)(e)(iii) (Call for tenders) and 43 (Criteria for decisions).’.	15 16
14	Section 90(1)—	17
	<i>insert—</i>	18
	<i>Note—</i>	19
	See section 85(6)(b) (Provisions and term of renewed authority).’.	20
15	Section 91(1)—	21
	<i>insert—</i>	22
	<i>Note—</i>	23
	For requirements about the evaluation program in later work programs, see section 53.’.	24 25

Schedule

16	Section 92(3)—	1
	<i>insert—</i>	2
	<i>Note—</i>	3
	See also section 102 (Effect of ending of declaration of potential commercial area).’.	4
		5
17	Section 101(2)—	6
	<i>insert—</i>	7
	<i>Note—</i>	8
	See however chapter 3, part 4, division 3 (Exceptions to particular area provisions).’.	9
		10
18	Section 102(3)—	11
	<i>insert—</i>	12
	<i>Note—</i>	13
	If the declaration ends less than 12 years after the authority originally took effect, see section 94.’.	14
		15
19	Section 104(e)—	16
	<i>insert—</i>	17
	<i>Note—</i>	18
	For an additional requirement for the proposed work programs, see section 54.’.	19
		20
20	Section 105(2)(b)(iii)—	21
	<i>insert—</i>	22
	<i>Note—</i>	23
	See sections 35(2)(e)(iii) (Call for tenders) and 43 (Criteria for decisions).’.	24
		25

21	Section 107(1)—	1
	<i>insert—</i>	2
	‘ <i>Note—</i>	3
	For noncompliance action started, or that could have been taken, against the original authority holder, see section 792.’	4 5
22	Section 108(1)—	6
	<i>insert—</i>	7
	‘ <i>Note—</i>	8
	For other authorised activities, see part 4 (Water rights for petroleum tenures) and chapter 5, part 2, division 3 (Access to private land outside area of petroleum authority) and part 8 (General provisions for conditions and authorised activities).’	9 10 11 12
23	Section 109(3)—	13
	<i>insert—</i>	14
	‘ <i>Note—</i>	15
	See also section 800 (Restriction on petroleum tenure activities).	16
	For who may exercise the rights for the holder, see section 563.’	17
24	Section 112(1)—	18
	<i>insert—</i>	19
	‘ <i>Note—</i>	20
	See also part 10 (General provisions for petroleum wells, water supply bores and water observation bores), section 239 (Coordination arrangement overrides relevant leases), chapter 5 (Common petroleum authority provisions) and section 20(2) (What are the <i>conditions</i> of a petroleum authority).’	21 22 23 24 25
25	Section 113—	26
	<i>insert—</i>	27
	‘ <i>Note—</i>	28
	See also section 52A (Application of 2004 Act provisions about coextensive natural underground reservoirs) of the 1923 Act.’	29 30

Schedule

26	Section 114—	1
	<i>insert—</i>	2
	<i>‘Notes—</i>	3
	1 See the Mineral Resources Act, section 318CM (Limited entitlement to mine coal seam gas).	4 5
	2 For the making of coordination arrangements, see part 8.’.	6
27	Section 118(d)(ii)—	7
	<i>insert—</i>	8
	<i>‘Note—</i>	9
	See section 153 (Obligation to consult with particular owners and occupiers).’.	10 11
28	Section 124—	12
	<i>insert—</i>	13
	<i>‘Note—</i>	14
	See however section 829 (Restriction on Land Court’s powers for decision not to grant petroleum lease).’.	15 16
29	Section 135—	17
	<i>insert—</i>	18
	<i>‘Note—</i>	19
	See also the <i>Judicial Review Act 1991</i> , section 32 (Request for statement of reasons).’.	20
30	Section 137—	22
	<i>insert—</i>	23
	<i>‘Note—</i>	24
	For additional requirements for development plans for coal seam gas, see chapter 3, part 6.’.	25 26

31	Section 145(a)—	1
	<i>insert—</i>	2
	‘ <i>Note—</i>	3
	For requirements to lodge a proposed later development plan, see sections 100, 159, 170, 372 and 790, division 6 and division 7, subdivision 2.’.	4 5 6
32	Section 151(5), definition <i>greenhouse abatement scheme</i>, paragraph (a)—	7 8
	<i>insert—</i>	9
	‘ <i>Note—</i>	10
	See, in particular, the <i>Greenhouse Gas Benchmark Rule (Generation) No. 2 of 2003</i> , paragraph 10.1 (Total greenhouse gas emissions), made under the <i>Electricity Supply Act 1995</i> (NSW), part 8A, section 97K.’.	11 12 13 14
33	Section 162(1)(f)—	15
	<i>insert—</i>	16
	‘ <i>Note—</i>	17
	See section 153 (Obligation to consult with particular owners and occupiers).’.	18 19
34	Section 172(e)—	20
	<i>insert—</i>	21
	‘ <i>Note—</i>	22
	For an additional requirement for the proposed development plans, see section 144.’.	23 24
35	Section 173(2)(b)(iv)—	25
	<i>insert—</i>	26
	‘ <i>Note—</i>	27
	See sections 35(2)(e)(iii) (Call for tenders) and 43 (Criteria for decisions).’.	28 29

Schedule

36	Section 175(1)—	1
	<i>insert—</i>	2
	<i>Note—</i>	3
	For noncompliance action started, or that could have been taken, against the original lease holder, see section 792.’.	4 5
37	Section 179—	6
	<i>insert—</i>	7
	<i>Note—</i>	8
	See also the <i>Judicial Review Act 1991</i> , section 32 (Request for statement of reasons).’.	90
38	Chapter 2, part 3, division 2, heading—	11
	<i>insert—</i>	12
	<i>Note—</i>	13
	See also chapter 5 (Common petroleum authority provisions).’.	14
39	Section 184A(1)—	15
	<i>insert—</i>	16
	<i>Note—</i>	17
	See also section 588 (Interest on amounts owing to the State other than for petroleum royalty).’.	18 19
40	Section 185(1)—	20
	<i>insert—</i>	21
	<i>Note—</i>	22
	See part 1, division 1 and part 2, division 1 (Key authorised activities).’.	23

41	Section 186—	1
	<i>insert—</i>	2
	<i>Note—</i>	3
	For taking of associated water for other purposes, see the Water Act, chapter 2, part 6.’.	4 5
42	Section 188—	6
	<i>insert—</i>	7
	<i>Note—</i>	8
	See the Water Act, section 808 (Unauthorised taking, supplying or interfering with water).’.	9 10
43	Section 189—	11
	<i>insert—</i>	12
	<i>Note—</i>	13
	See the Water Act, sections 20 (Authorised taking of water without water entitlement) and 808 (Unauthorised taking, supplying or interfering with water).’.	14 15 16
44	Section 193(1)—	17
	<i>insert—</i>	18
	<i>Note—</i>	19
	For other authorised activities, see chapter 5, part 2, division 3 and part 8.’.	20 21
45	Section 196—	22
	<i>insert—</i>	23
	<i>Note—</i>	24
	See the Water Act, section 808 (Unauthorised taking, supplying or interfering with water).’.	25 26

Schedule

46	Section 197—	1
	<i>insert—</i>	2
	<i>‘Note—</i>	3
	See the Water Act, sections 20 (Authorised taking of water without water entitlement) and 808 (Unauthorised taking, supplying or interfering with water).’.	4 5 6
47	Section 205(1)—	7
	<i>insert—</i>	8
	<i>‘Note—</i>	9
	See also section 220 (Preferred tenderer may make storage agreements).’.	10 11
48	Section 208(2)(c)(ii)—	12
	<i>insert—</i>	13
	<i>‘Note—</i>	14
	Storage capacity mentioned in subparagraph (ii) is commonly called developable capacity.’.	15 16
49	Section 214—	17
	<i>insert—</i>	18
	<i>‘Note—</i>	19
	For property in other petroleum in the reservoir, see section 26.’.	20
50	Section 230(1)(b)(ii)—	21
	<i>insert—</i>	22
	<i>‘Note—</i>	23
	For the relevance of this period, see part 1, division 6.’.	24

51	Section 235(4)—	1
	<i>insert—</i>	2
	<i>‘Note—</i>	3
	See the Mineral Resources Act, section 318ED (Later development plan requirements).’.	4
		5
52	Section 236(1)(c)(ii)—	6
	<i>insert—</i>	7
	<i>‘Note—</i>	8
	See sections 3 (Main purpose of Act) and 295 (Main purposes of ch 3) and the Mineral Resources Act, section 2 (Objectives of Act).’.	9
		10
		11
53	Section 285(1)(b)—	12
	<i>insert—</i>	13
	<i>‘Note—</i>	14
	For the ownership of works mentioned in paragraph (b) generally, see section 542.’.	15
		16
54	Section 287(2)—	17
	<i>insert—</i>	18
	<i>‘Note—</i>	19
	For transfers by the State, see section 294.’.	20
55	Section 294(1)—	21
	<i>insert—</i>	22
	<i>‘Note—</i>	23
	For ownership before decommissioning, see section 542.’.	24

Schedule

56	Section 295(d)—	1
	<i>insert—</i>	2
	‘ <i>Note—</i>	3
	For existing operations, see also the Mineral Resources Act, part 19, division 6.’.	4
		5
57	Section 304(2)—	6
	<i>insert—</i>	7
	‘ <i>Note—</i>	8
	For the circumstances mentioned in subsection (2), see division 2.’.	9
58	Section 306(2)—	10
	<i>insert—</i>	11
	‘ <i>Note—</i>	12
	See also section 385 (Grant of petroleum lease does not affect obligation to make plan).’.	13
		14
59	Section 307(1)—	15
	<i>insert—</i>	16
	‘ <i>Note—</i>	17
	If the coal or oil shale exploration tenement and the coal or oil shale mining lease are held by the same person, see section 344(3).’.	18
		19
60	Section 310(1)(b)—	20
	<i>insert—</i>	21
	‘ <i>Note—</i>	22
	See also part 8 (Confidentiality of information).’.	23

61	Section 314(3)—	1
	<i>insert—</i>	2
	<i>Note—</i>	3
	See also section 386 (Requirements for consultation with particular coal or oil shale mining tenement holders).’	4 5
62	Section 315(2)—	6
	<i>insert—</i>	7
	<i>Note—</i>	8
	See however the Mineral Resources Act, part 7AA, division 4 (Coal mining lease and oil shale mining lease applications in response to Petroleum and Gas (Production and Safety) Act preference decision).	9 10 11
	See also the Mineral Resources Act, section 318AY (Earlier petroleum lease application).’	12 13
63	Section 318(4), definition <i>relevant code</i>, paragraph (a)—	14
	<i>insert—</i>	15
	<i>Editor’s note—</i>	16
	A copy of the document is available on the internet at < www.jorc.org >.’	17 18
64	Section 324(2)—	19
	<i>insert—</i>	20
	<i>Note—</i>	21
	See however the Mineral Resources Act, part 7AA, division 4 (Coal mining lease and oil shale mining lease applications in response to Petroleum and Gas (Production and Safety) Act preference decision).’	22 23 24
65	Section 325(4)—	25
	<i>insert—</i>	26
	<i>Note—</i>	27
	If the petroleum lease application is not amended, see section 350.’	28

Schedule

66	Section 328(2)—	1
	<i>insert—</i>	2
	<i>‘Note—</i>	3
	See sections 104 to 123, 133 and 134.’.	4
67	Section 329(1)—	5
	<i>insert—</i>	6
	<i>‘Note—</i>	7
	See however section 368 (Cessation of relinquishment condition for area not overlapping with coal or oil shale exploration tenement).’.	8
		9
68	Section 329(2)—	10
	<i>insert—</i>	11
	<i>‘Note—</i>	12
	See also section 367 (Requirement for giving of copy of relinquishment report).’.	13
		14
69	Section 331(2)(d)—	15
	<i>insert—</i>	16
	<i>‘Note—</i>	17
	See the Mineral Resources Act, section 318CN (Use that may be made under mining lease of incidental coal seam gas).’.	18
		19
70	Section 333(1)(b)(i)—	20
	<i>insert—</i>	21
	<i>‘Note—</i>	22
	See section 306 (Content requirements for CSG statement).’.	23
		24

71	Section 335(1)(b)—	1
	<i>insert—</i>	2
	‘ <i>Note—</i>	3
	If the coal or oil shale exploration tenement and the coal or oil shale mining lease are held by the same person, see section 344(3).’.	4
		5
		6
72	Section 340(3)(b)(ii)—	7
	<i>insert—</i>	8
	‘ <i>Note—</i>	9
	For when a preference decision under the Mineral Resources Act is required, see section 318BA of that Act.’.	10
		11
73	Section 341(3)—	12
	<i>insert—</i>	13
	‘ <i>Note—</i>	14
	See however section 368 (Cessation of relinquishment condition for area not overlapping with coal or oil shale exploration tenement).’.	15
		16
74	Section 342(1)(b)—	17
	<i>insert—</i>	18
	‘ <i>Note—</i>	19
	If the application is not made within the 6 months, see the Mineral Resources Act, section 318BJ.’.	20
		21
75	Section 344(3)—	22
	<i>insert—</i>	23
	‘ <i>Note—</i>	24
	If the coal or oil shale mining lease and the coal or oil shale exploration tenement are held by different persons, see section 307.’.	25
		26

Schedule

76	Section 345(1)(b)—	1
	<i>insert—</i>	2
	‘ <i>Note—</i>	3
	See section 306 (Content requirements for CSG statement).’.	4
77	Section 348—	5
	<i>insert—</i>	6
	‘ <i>Note—</i>	7
	See also part 8 (Confidentiality of information).’.	8
78	Section 349(1)(b)—	9
	<i>insert—</i>	10
	‘ <i>Note—</i>	11
	For the extent to which coal seam gas production is permitted	12
	under the coal or oil shale mining lease, see the Mineral	13
	Resources Act, part 7AA, division 8, subdivision 1.’.	14
79	Section 350(1)—	15
	<i>insert—</i>	16
	‘ <i>Note—</i>	17
	See also section 386 (Requirements for consultation with particular coal	18
	or oil shale mining tenement holders).’.	19
80	Section 353(1)(b)—	20
	<i>insert—</i>	21
	‘ <i>Note—</i>	22
	See section 306 (Content requirements for CSG statement).’.	23

81	Section 357(3)—	1
	<i>insert—</i>	2
	<i>Note—</i>	3
	See however section 368 (Cessation of relinquishment condition for area not overlapping with coal or oil shale exploration tenement).’.	4
		5
82	Section 360(1)—	6
	<i>insert—</i>	7
	<i>Note—</i>	8
	See also the Mineral Resources Act, section 403 (Offences regarding land subject to mining claim or mining lease).’.	9
		10
83	Section 364(2)—	11
	<i>insert—</i>	12
	<i>Note—</i>	13
	See also section 934 (Substituted restriction for petroleum leases relating to mineral hydrocarbon mining leases).’.	14
		15
84	Section 365(2)—	16
	<i>insert—</i>	17
	<i>Note—</i>	18
	For subleases under a coordination arrangement, see section 238.’.	19
85	Section 371—	20
	<i>insert—</i>	21
	<i>Note—</i>	22
	See also part 8 (Confidentiality of information).’.	23

Schedule

86	Section 376(3)—	1
	<i>insert—</i>	2
	<i>‘Note—</i>	3
	See also part 6, division 2 (Later development plans).’.	4
87	Section 384(2)(b)—	5
	<i>insert—</i>	6
	<i>‘Note—</i>	7
	See also section 148 (Power to require relinquishment).’.	8
88	Section 386(4)—	9
	<i>insert—</i>	10
	<i>‘Note—</i>	11
	For the making of the safety management plan, see section 674.’.	12
89	Section 393—	13
	<i>insert—</i>	14
	<i>‘Note—</i>	15
	For other authorised activities, see chapter 5, part 2, division 3 (Access to private land outside area of petroleum authority) and part 8 (General provisions for conditions and authorised activities).’.	16 17 18
90	Chapter 4, part 2, heading—	19
	<i>insert—</i>	20
	<i>‘Note—</i>	21
	For when a pipeline licence is required for a pipeline, see section 802.’.	22

91	Section 398(1)—	1
	<i>insert—</i>	2
	<i>Note—</i>	3
	For other authorised activities, see chapter 5, part 2, division 3 (Access to private land outside area of petroleum authority) and part 8 (General provisions for conditions and authorised activities).’.	4 5 6
92	Section 401(1)—	7
	<i>insert—</i>	8
	<i>Notes—</i>	9
	1 See also section 802 (Restriction on pipeline construction or operation).	10 11
	2 For who may exercise the rights for the holder, see section 563.	12
	3 For who owns the pipeline, see chapter 5, part 6.’.	13
93	Section 403(2)—	14
	<i>insert—</i>	15
	<i>Note—</i>	16
	See also chapter 5 (Common petroleum authority provisions) and section 20 (What are the <i>conditions</i> of a petroleum authority).’.	17 18
94	Section 409(d)—	19
	<i>insert—</i>	20
	<i>Note—</i>	21
	See section 418 (Obligation to consult with particular owners and occupiers).’.	22 23
95	Section 412(1)(a)—	24
	<i>insert—</i>	25
	<i>Note—</i>	26
	See also section 414 (Provision for reduction of area of licence).’.	27 28

Schedule

96	Section 412(2)(a)(i)—	1
	<i>insert—</i>	2
	‘ <i>Note—</i>	3
	For mandatory conditions, see division 4 (Key mandatory conditions for pipeline licences) and chapter 5, part 8 (General provisions for conditions and authorised activities).’.	4 5 6 7
97	Section 412(2)(b)—	8
	<i>insert—</i>	9
	‘ <i>Note—</i>	10
	For the consequences of a pipeline licence having review days, see division 7.’.	11 12
98	Section 422(2)—	13
	<i>insert—</i>	14
	‘ <i>Note—</i>	15
	See also sections 559 (Obligation to decommission pipelines) and 804 (Duty to avoid interference in carrying out authorised activities).’.	16 17
99	Section 431(1)(b)—	18
	<i>insert—</i>	19
	‘ <i>Note—</i>	20
	See sections 526 (Requirement for entry notice to carry out authorised activities) and 527 (Conditions public land authority may impose).’.	21 22 23
100	Chapter 4, part 3, heading—	24
	<i>insert—</i>	25
	‘ <i>Note—</i>	26
	For when a licence is required for a petroleum facility, see section 803.’.	27

101	Section 438(1)—	1
	<i>insert—</i>	2
	<i>Note—</i>	3
	For other authorised activities, see chapter 5, part 2, division 3 (Access to private land outside area of petroleum authority) and part 8 (General provisions for conditions and authorised activities).’.	4 5 6
102	Section 438(2)—	7
	<i>insert—</i>	8
	<i>Note—</i>	9
	See however the restrictions and requirements under chapter 5, parts 2 (Private land), 3 (Public land) and 5 (Compensation and negotiated access) for carrying out of the activities.’.	10 11 12
103	Section 442(2)—	13
	<i>insert—</i>	14
	<i>Note—</i>	15
	See also chapter 5 (Common petroleum authority provisions) and section 20 (What are the <i>conditions</i> of a petroleum authority).’.	16 17
104	Section 445(e)—	18
	<i>insert—</i>	19
	<i>Note—</i>	20
	See section 451 (Obligation to consult with particular owners and occupiers).’.	21 22
105	Section 447(4)(a)(i)—	23
	<i>insert—</i>	24
	<i>Note—</i>	25
	For mandatory conditions, see division 3 (Key mandatory conditions for petroleum facility licences) and chapter 5, part 8 (General provisions for conditions and authorised activities).’.	26 27 28 29

Schedule

106	Section 458(1)—	1
	<i>insert—</i>	2
	<i>Note—</i>	3
	However, for land where native title exists, see sections 8 and 855.’.	4
107	Section 458(3)—	5
	<i>insert—</i>	6
	<i>Note—</i>	7
	See also section 462 (Disposal of land taken by State).’.	8
108	Section 464(d)—	9
	<i>insert—</i>	10
	<i>Note—</i>	11
	See sections 401 (Construction and operation of pipeline) and 441 (Construction and operation of petroleum facility).’.	12 13
109	Section 469—	14
	<i>insert—</i>	15
	<i>Note—</i>	16
	For the State’s power to take the land, see part 4.’.	17
110	Section 470(2)—	18
	<i>insert—</i>	19
	<i>Note—</i>	20
	For the authorised activities that may be carried out when the part 5 permission takes effect (and, if the licence has not been granted, when it is granted), see sections 401 and 441.	21 22 23
	If the licence has not yet been granted, see also section 802 and 803.’.	24

111	Section 472(2)—	1
	<i>insert—</i>	2
	<i>Note—</i>	3
	See section 458 (Process for taking land) and the <i>Acquisition of Land Act 1967</i> , part 3 (Discontinuance of taking of land).’	4
		5
112	Section 474(2)(a)—	6
	<i>insert—</i>	7
	<i>Note—</i>	8
	See sections 419 (Obligation to construct pipeline) and 452 (Obligation to construct facility).’	9
		10
113	Section 477(2)—	11
	<i>insert—</i>	12
	<i>Note—</i>	13
	See sections 397, 415 and 448 (Criteria for decisions).’	14
114	Chapter 5, heading—	15
	<i>insert—</i>	16
	<i>Note—</i>	17
	See also chapter 1, part 5 (General provisions for petroleum authorities) and chapter 14, part 2 (Miscellaneous provisions for all authorities under Act).’	18
		19
		20
115	Section 501—	21
	<i>insert—</i>	22
	<i>Note—</i>	23
	For land in the area of a mining lease, see section 6 and the Mineral Resources Act, section 403. ’	24
		25

Schedule

116	Section 502(2)—	1
	<i>insert—</i>	2
	<i>Note—</i>	3
	See however section 804 (Duty to avoid interference in carrying out authorised activities).’	4
		5
117	Section 503(2)—	6
	<i>insert—</i>	7
	<i>Note—</i>	8
	See also section 508(3) (Power of Land Court to decide access agreement).’	9
		10
118	Section 506(3)—	11
	<i>insert—</i>	12
	<i>Note—</i>	13
	For the authority holder’s liability to compensate the owner or occupier, see section 532.’	14
		15
119	Chapter 5, part 3, heading—	16
	<i>insert—</i>	17
	<i>Note—</i>	18
	See however section 938 (Exclusion of ch 5, pt 3, div 1 for continuance of particular existing road uses).’	19
		20
120	Section 516(1)—	21
	<i>insert—</i>	22
	<i>Note—</i>	23
	See also section 524 (Compensation to be addressed before carrying out notifiable road use).’	24
		25

121	Section 526(1)—	1
	<i>insert—</i>	2
	<i>Note—</i>	3
	For notifiable road uses see sections 516 and 517.’.	4
122	Section 526(2)—	5
	<i>insert—</i>	6
	<i>Note—</i>	7
	For private land, see part 2.’.	8
123	Section 528(2)—	9
	<i>insert—</i>	10
	<i>Note—</i>	11
	See also section 6 (Relationship with Mineral Resources Act) and the	12
	Mineral Resources Act, section 403 (Offences regarding land subject to	13
	mining claim or mining lease).’.	14
124	Section 530(3)—	15
	<i>insert—</i>	16
	<i>Note—</i>	17
	For overlapping ATP land, see however section 364.’.	18
125	Section 538—	19
	<i>insert—</i>	20
	<i>Note—</i>	21
	See sections 33 (Incidental activities) and 110 (Petroleum pipeline and	22
	water pipeline construction and operation).’.	23

126	Section 541(2)(a)—	1
	<i>insert—</i>	2
	‘ <i>Note—</i>	3
	For pipelines, see sections 539 (General provision about ownership while tenure or licence is in force for pipeline) and 559 (Obligation to decommission pipelines).’.	4 5 6
127	Section 542(1)—	7
	<i>insert—</i>	8
	‘ <i>Note—</i>	9
	See however section 560 (Obligation to remove equipment and improvements).’.	10 11
128	Chapter 5, part 7, division 1, subdivision 1, heading—	12
	<i>insert—</i>	13
	‘ <i>Note—</i>	14
	See also section 367 (Requirement for giving of copy of relinquishment report).’.	15 16
129	Section 545(1)—	17
	<i>insert—</i>	18
	‘ <i>Note—</i>	19
	See chapter 2, part 1, division 4, subdivision 2 (Standard relinquishment condition and related provisions), sections 62(4) (Deciding application), 148 (Power to require relinquishment), 329 (Power to impose relinquishment condition) and 790 (Types of noncompliance action that may be taken).’.	20 21 22 23 24
130	Section 545(2)—	25
	<i>insert—</i>	26
	‘ <i>Note—</i>	27
	See also section 367 (Requirement for giving of copy of relinquishment report).’.	28 29

131	Section 559(1)—	1
	<i>insert—</i>	2
	<i>‘Note—</i>	3
	See also section 539(3) and (4) (General provision about ownership while tenure or licence is in force for pipeline).’.	4
		5
132	Section 560(2)(a)—	6
	<i>insert—</i>	7
	<i>‘Note—</i>	8
	For petroleum wells, water observation bores and water supply bores, see chapter 2, part 10.	9
		10
	For pipelines, see sections 539 (General provision about ownership while tenure or licence is in force for pipeline) and 559 (Obligation to decommission pipelines).’.	11
		12
		13
133	Section 560(4)—	14
	<i>insert—</i>	15
	<i>‘Note—</i>	16
	For ownership of the equipment or improvements, see section 542.’.	17
134	Section 569(1)(b)—	18
	<i>insert—</i>	19
	<i>‘Note—</i>	20
	See also part 6, division 1 (Pipelines).’.	21
135	Section 586(1)—	22
	<i>insert—</i>	23
	<i>‘Note—</i>	24
	See also section 841 (Additional orders that may be made on conviction).’.	25
		26

136	Section 587(6)—	1
	<i>insert—</i>	2
	<i>Note—</i>	3
	See also section 841 (Additional orders that may be made on conviction).’.	4
		5
137	Section 588(1)—	6
	<i>insert—</i>	7
	<i>Note—</i>	8
	For interest on unpaid petroleum royalty, see section 602.’.	9
138	Section 592(1)—	10
	<i>insert—</i>	11
	<i>Note—</i>	12
	See also chapter 8 (Petroleum and fuel gas measurement) and section 801 (Petroleum producer’s measurement obligations).’.	13
		14
139	Section 597(5)—	15
	<i>insert—</i>	16
	<i>Note—</i>	17
	See also section 602 (Interest on unpaid petroleum royalty or additional petroleum royalty).’.	18
		19
140	Section 603—	20
	<i>insert—</i>	21
	<i>Note—</i>	22
	See also section 850 (Joint and several liability for conditions and for debts to State).’.	23
		24

141	Section 621(2)—	1
	<i>insert—</i>	2
	‘ <i>Note—</i>	3
	See however section 437 (Limitation of transmission pipeline licence holder’s liability).’.	4
		5
142	Section 626(2)—	6
	<i>insert—</i>	7
	‘ <i>Note—</i>	8
	See section 669 (Making safety requirement).’.	9
143	Section 636—	10
	<i>insert—</i>	11
	‘ <i>Note—</i>	12
	See also section 801 (Petroleum producer’s measurement obligations).’.	13
144	Section 640—	14
	<i>insert—</i>	15
	‘ <i>Note—</i>	16
	See also section 658 (Authorisation required to install or use pre-payment meters).’.	17
		18
145	Chapter 9, part 2, division 2, heading—	19
	<i>insert—</i>	20
	‘ <i>Note—</i>	21
	See also section 694 (Operator is default site safety manager).’.	22

Schedule

146	Section 674(4)—	1
	<i>insert—</i>	2
	<i>Note—</i>	3
	For coal mining-CSG operating plant, see division 4 (Special provisions for safety management plans for coal mining-CSG operating plant).’.	4
		5
147	Section 675(1)(t)—	6
	<i>insert—</i>	7
	<i>Note—</i>	8
	For what is a major hazard facility under the NOHSC standard, see chapter 4, definition <i>major hazard facility</i> and chapter 5 (Identification and classification of a major hazard facility), section 5.6.’.	9
		10
		11
		12
148	Section 675(4), definition <i>NOHSC standard</i>—	13
	<i>insert—</i>	14
	<i>Editor’s note—</i>	15
	A copy of the standard may be inspected, free of charge, during office hours on business days at the department’s office at 41 George Street, Brisbane.’.	16
		17
		18
149	Section 676(2), definition <i>open for inspection</i>—	19
	<i>insert—</i>	20
	<i>Note—</i>	21
	See also section 836 (Safety management plans).	22
	For coal mining-CSG operating plant, see division 4 (Special provisions for safety management plans for coal mining-CSG operating plant).’.	23
		24
150	Section 678(2), definition <i>revise</i>—	25
	<i>insert—</i>	26
	<i>Note—</i>	27
	For coal mining-CSG operating plant, see division 4 (Special provisions for safety management plans for coal mining-CSG operating plant).’.	28
		29

151	Section 693(a)—	1
	<i>insert—</i>	2
	‘ <i>Note—</i>	3
	See also section 699 (General obligation to keep risk to acceptable level).’.	4
		5
152	Section 695—	6
	<i>insert—</i>	7
	‘ <i>Note—</i>	8
	For coal mining-CSG operating plant, see the Coal Mining Safety and Health Act, sections 43 to 47.’.	9
		10
153	Section 736(3)—	11
	<i>insert—</i>	12
	‘ <i>Note—</i>	13
	See the <i>Police Powers and Responsibilities Act 2000</i> , chapter 1, part 3, division 2 (Helping public officials).’.	14
		15
154	Section 774(1)—	16
	<i>insert—</i>	17
	‘ <i>Note—</i>	18
	See also section 841 (Additional orders that may be made on conviction).’.	19
		20
155	Section 790(1)(e)(i)—	21
	<i>insert—</i>	22
	‘ <i>Note—</i>	23
	See section 796 (Notice of proposed noncompliance action other than immediate suspension).’.	24
		25

Schedule

156	Section 800(2)(b)—	1
	<i>insert—</i>	2
	‘ <i>Note—</i>	3
	See the Mineral Resources Act, section 318CN (Use that may be made under mining lease of incidental coal seam gas).’.	4
		5
157	Section 800(2)(c)—	6
	<i>insert—</i>	7
	‘ <i>Note—</i>	8
	See however the <i>Gas Supply Act 2003</i> , section 257AA (Exemption from Petroleum and Gas (Production and Safety) Act, ss 800, 802 and 803 for person complying with direction).’.	9
		10
		11
158	Section 801(1)(a)—	12
	<i>insert—</i>	13
	‘ <i>Note—</i>	14
	For measurement schemes, see chapter 8, part 2 (Measurement schemes).’.	15
		16
159	Section 803—	17
	<i>insert—</i>	18
	‘ <i>Note—</i>	19
	See however section 876 (Conversion on 2004 Act start day) and the <i>Gas Supply Act 2003</i> , section 257AA (Exemption from Petroleum and Gas (Production and Safety) Act, ss 800, 802 and 803 for person complying with direction).’.	20
		21
		22
		23
160	Section 806(1)—	24
	<i>insert—</i>	25
	‘ <i>Note—</i>	26
	For ownership of water observation bores, see section 542.’.	27

161	Section 837(3)—	1
	<i>insert—</i>	2
	<i>Note—</i>	3
	For appeals from the industrial magistrate’s decision, see the <i>Industrial Relations Act 1999</i> , section 341.’.	4
		5
162	Section 848(4)—	6
	<i>insert—</i>	7
	<i>Note—</i>	8
	See also section 377 (Interests of relevant coal or oil shale mining tenement holder to be considered).’.	9
		10
163	Section 854—	11
	<i>insert—</i>	12
	<i>Note—</i>	13
	For who may exercise a right of a petroleum authority holder to enter a place, see also section 563.’.	14
		15