



Queensland

Mines Legislation (Streamlining) Amendment Act 2012

Act No. 20 of 2012



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Queensland

Mines Legislation (Streamlining) Amendment Act 2012

Act No. 20 of 2012

An Act to amend the Acquisition of Land Act 1967, the Environmental Protection Act 1994, the Geothermal Energy Act 2010, the Greenhouse Gas Storage Act 2009, the Land Act 1994, the Mineral Resources Act 1989, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004 and the Work Health and Safety Act 2011 for particular purposes, and to make consequential amendments of the Aboriginal Cultural Heritage Act 2003, the City of Brisbane Act 2010, the Coal Mining Safety and Health Act 1999, the Land Court Act 2000, the Local Government Act 2009, the State Development and Public Works Organisation Act 1971, the Torres Strait Islander Cultural Heritage Act 2003 and the Wild Rivers Act 2005

[Assented to 29 August 2012]

[s 1]

The Parliament of Queensland enacts—

Chapter 1 Preliminary

1 Short title

This Act may be cited as the *Mines Legislation (Streamlining) Amendment Act 2012*.

2 Commencement

The following provisions commence on a day to be fixed by proclamation—

- (a) chapters 3 and 4;
- (b) schedules 2 and 3.

Chapter 2 Amendments commencing on assent

Part 1 Amendment of Acquisition of Land Act 1967

3 Act amended

This part amends the *Acquisition of Land Act 1967*.

4 Amendment of s 5 (Purposes for which land may be taken)

Section 5(3), editor's note—

omit, insert—

‘Note—

See the *Land Act 1994*, chapter 5, part 3 for the resumption of leases or easements under that Act.’

5 Amendment of s 7 (Notice of intention to take land)

- (1) Section 7(3)(g), editor’s note, ‘Editor’s note—’—

omit, insert—

‘Note—’.

- (2) Section 7(3)—

insert—

‘Note—

See also—

- (a) the *Geothermal Energy Act 2010*, section 350A(8) for additional requirements if geothermal interests under that Act are to be wholly or partially extinguished; and
- (b) the *Greenhouse Gas Storage Act 2009*, section 369A(8) for additional requirements if GHG interests under that Act are to be wholly or partially extinguished; and
- (c) the *Mineral Resources Act 1989*, section 10AAA(8) for additional requirements if mining tenement interests under that Act are to be wholly or partially extinguished; and
- (d) the *Petroleum Act 1923*, section 124A(8) for additional requirements if 1923 Act petroleum interests under that Act are to be wholly or partially extinguished; and
- (e) the *Petroleum and Gas (Production and Safety) Act 2004*, section 30AA(8) for additional requirements if petroleum interests under that Act are to be partially or wholly extinguished.’

6 Amendment of s 12 (Effect of gazette resumption notice)

Section 12(5)—

insert—

‘Note—

[s 7]

See, however—

- (a) the *Geothermal Energy Act 2010*, sections 350A and 350B in relation to geothermal interests under that Act; and
- (b) the *Greenhouse Gas Storage Act 2009*, sections 369A and 369B in relation to GHG interests under that Act; and
- (c) the *Mineral Resources Act 1989*, sections 10AAA and 10AAB in relation to mining tenement interests under that Act; and
- (d) the *Petroleum Act 1923*, sections 124A and 124B in relation to 1923 Act petroleum interests under that Act; and
- (e) the *Petroleum and Gas (Production and Safety) Act 2004*, sections 30AA and 30AB in relation to petroleum interests under that Act.’.

7 Amendment of s 20 (Assessment of compensation)

Section 20(1)—

insert—

‘Note—

See, however—

- (a) the *Geothermal Energy Act 2010*, section 350D in relation to geothermal interests under that Act; and
- (b) the *Greenhouse Gas Storage Act 2009*, section 369D in relation to GHG interests under that Act; and
- (c) the *Mineral Resources Act 1989*, section 10AAD in relation to mining tenement interests under that Act; and
- (d) the *Petroleum Act 1923*, section 124C in relation to 1923 Act petroleum interests under that Act; and
- (e) the *Petroleum and Gas (Production and Safety) Act 2004*, section 30AD in relation to petroleum interests under that Act.’.

[s 12]

‘3 The carrying out of particular activities on particular land in the geothermal permit’s area may not be authorised following the taking of the land under a resumption law. See section 350B.’.

12 Amendment of s 39 (Deciding whether to grant geothermal permit)

Section 39(2)—

insert—

‘*Note—*

If the application relates to acquired land, see also section 350C.’.

13 Amendment of s 74 (Operation of pt 1)

Section 74, after note 2—

insert—

‘3 The carrying out of particular activities on particular land in the geothermal lease’s area may not be authorised following the taking of the land under a resumption law. See section 350B.’.

14 Amendment of s 77 (Who may apply)

Section 77(1), note—

omit, insert—

‘*Notes—*

- 1 For restrictions on what land may be included in a geothermal tenure, see sections 33, 35 and 184.
- 2 For inclusion of acquired land that was previously in the relevant geothermal permit’s area, see section 350C(3).’.

15 Amendment of s 80 (Deciding whether to grant geothermal lease)

Section 80—

insert—

‘*Note—*

If the application relates to acquired land that was previously in the relevant geothermal permit's area, see also section 350C.'

16 Amendment of s 184 (Area of geothermal tenure)

Section 184(2) and (5)—

insert—

'Note—

See also section 350B(3) if land in the geothermal tenure's area is taken under a resumption law.'

17 Amendment of s 185 (References to blocks of geothermal tenure)

Section 185(2)—

insert—

'Note—

See also section 350B(3) if land in the geothermal tenure's area is taken under a resumption law.'

18 Amendment of s 272 (Geothermal register)

Section 272(e)—

omit, insert—

'(e) dealings with geothermal tenures; and

(f) acquired land.'

19 Amendment of s 290 (General conditions for renewal application)

Section 290(2)(c)—

insert—

'Note—

[s 20]

See, however, section 350C(3) in relation to acquired land that was previously in the area of the geothermal tenure being renewed.’.

20 Amendment of s 294 (Deciding application)

Section 294(2)—

insert—

‘Note—

If the application relates to acquired land that was previously in the area of the geothermal tenure being renewed, see also section 350C.’.

21 Insertion of new ss 350A–350D

After section 350—

insert—

‘350A Extinguishing geothermal interests on the taking of land in a geothermal tenure’s area (other than by an easement)

- ‘(1) This section applies to the taking of land, other than by taking or otherwise creating an easement, under a resumption law.
- ‘(2) Despite any other Act, the taking of land does not extinguish geothermal interests other than to the extent, if any, provided for in the resumption notice for the taking of the land.
- ‘(3) The resumption notice for the taking of land may provide for the extinguishment of a geothermal interest on the taking only to the extent the relevant Minister for the taking is satisfied the interest is incompatible with the purpose for which the land is taken.
- ‘(4) Without limiting the application of subsection (3), the relevant Minister may be satisfied a geothermal interest is incompatible with the purpose for which the land is taken if, for that purpose, it is necessary to extinguish all interests in the land, including native title rights and interests.
- ‘(5) A geothermal interest may be—

- (a) wholly extinguished; or
 - (b) partially extinguished by—
 - (i) excluding land from the land the subject of the interest; or
 - (ii) prohibiting the carrying out of activities by the holder of the interest.
- ‘(6) The resumption notice for the taking of land may provide for the extinguishment of geothermal interests by reference to either or both of the following—
- (a) stated land, which—
 - (i) may be all or part of the land that is taken; and
 - (ii) if the stated land is only part of the land that is taken—may be described in the resumption notice in any way, including, for example—
 - (A) as a shape that does not constitute a block or sub-block; or
 - (B) by using 3 dimensionally located points to identify the position, shape and dimensions of each boundary;
 - (b) stated geothermal interests, which may be all geothermal interests or geothermal interests of a particular type.
- ‘(7) For the taking of land for which geothermal interests are extinguished as provided by this section—
- (a) each person’s interest in an extinguished geothermal interest is converted into a right to claim compensation under the resumption law; and
 - (b) the resumption law applies with necessary and convenient changes and with the changes mentioned in subsections (8) and (9) and section 350D.

[s 21]

- ‘(8) The notice of intention to resume for the proposed taking of the land must state the extent to which the geothermal interests are proposed to be extinguished.
- ‘(9) The entity taking the land must give the chief executive a notice that—
- (a) states the details of the extinguishment; and
 - (b) asks for the extinguishment to be recorded in the geothermal register; and
 - (c) is accompanied by a certified copy of the resumption notice.
- ‘(10) In this section—
- certified copy*, of the resumption notice, means a copy of the original of the notice that has been certified by a justice of the peace as being a correct copy of the original notice.
- relevant Minister*, for the taking of land under a resumption law, means—
- (a) if the land is taken under the process stated in the ALA (whether the land is taken under the ALA or another resumption law)—the Minister to whom the application that the land be taken is made under section 9 of that Act; or
 - (b) otherwise—the Minister administering the resumption law under which the land is, or is to be, taken.

‘350B Effect of extinguishment of geothermal interests on the taking of land in a geothermal tenure’s area (other than by an easement)

- ‘(1) This section applies if, under section 350A, the resumption notice for the taking of land (other than by taking or otherwise creating an easement) under a resumption law provides for the extinguishment of geothermal interests for stated land.
- ‘(2) If the resumption notice states that all geothermal interests relating to the stated land are extinguished and a geothermal

interest relates only to the stated land, the interest is wholly extinguished.

- ‘(3) If the resumption notice states that all geothermal interests relating to the stated land are extinguished and a geothermal interest relates to the stated land and other land—
- (a) the stated land is no longer the subject of the interest; and
 - (b) without limiting paragraph (a)—
 - (i) the stated land is excluded from the area of the geothermal tenure comprising the interest, or under or in relation to which the interest exists; and
 - (ii) this Act applies in relation to the area of the geothermal tenure with necessary and convenient changes to allow for the exclusion of the stated land, including, for example—
 - (A) to allow the area to include a part of a block or sub-block if the part is what is left after the stated land is excluded from the area; and
 - (B) if the stated land, or a part of it, is within a potential geothermal commercial area for a geothermal permit—to exclude the stated land or part from the potential geothermal commercial area.
- ‘(4) If the resumption notice states that the carrying out of stated activities on the stated land by holders of stated geothermal interests is prohibited, the holder of a stated geothermal interest is not, or is no longer, authorised to carry out the stated activities on the stated land.
- ‘(5) However, subsections (3) and (4) do not apply in relation to a geothermal interest that comprises, or exists under or in relation to, a new or renewed geothermal tenure granted after the land is taken.

[s 21]

‘350C Applications relating to land taken under a resumption law for which geothermal interests were extinguished

- ‘(1) The Minister may, under a grant provision, grant a new geothermal tenure for an area that includes acquired land only if the Minister, after consulting the entity that took the land, is satisfied the grant of the tenure is compatible with the purpose for which the land is being or is to be used.
- ‘(2) If there are 2 or more applications under this Act for the grant, under a grant provision, of a new geothermal tenure for an area that includes the same acquired land, the applications are to be dealt with as follows—
- (a) the applications must be considered and decided according to the day on which they are made;
 - (b) if the applications were made on the same day—
 - (i) they take the priority the Minister decides, after considering the relative merits of each application; and
 - (ii) the Minister must give each applicant a notice stating there is competition for priority between the applicant’s application and another application, or other applications, made on the same day as the day on which the applicant’s application was made.
- ‘(3) If a grant provision provides for the grant of a new geothermal tenure (the *new tenure*) over land in the area of an existing geothermal tenure (the *existing tenure*)—
- (a) the application under this Act for the new tenure may include acquired land that was, immediately before the taking of the land, in the existing tenure’s area; and
 - (b) subject to subsections (1) and (2), the Minister may grant the new tenure for an area that includes the acquired land as if the acquired land were in the existing tenures’s area.

‘(4) To remove any doubt, it is declared that this section does not affect the operation of the provisions of this Act about the application for, and grant of, a new geothermal tenure other than to the extent provided for in subsections (1) to (3).

‘(5) In this section—

grant provision means a provision of this Act providing for the grant of a new geothermal tenure.

new geothermal tenure includes a renewed geothermal tenure.

‘350D Compensation for effect of taking of land in a geothermal tenure’s area on geothermal interests

‘(1) This section applies if land in a geothermal tenure’s area is taken under a resumption law (including by taking or otherwise creating an easement).

‘(2) In assessing any compensation to be paid to the holder of a geothermal interest in relation to the taking of the land, allowance can not be made for the value of geothermal energy, or geothermal resources from which geothermal energy may be extracted, known or supposed to be on or below the surface of the land.’.

22 Amendment of ch 9, pt 2, hdg (Transitional provisions)

Chapter 9, part 2, heading, after ‘provisions’—

insert—

‘for Act No. 31 of 2010’.

23 Insertion of new ch 9, pt 3

Chapter 9—

insert—

‘Part 3 Transitional provisions for Mines Legislation (Streamlining) Amendment Act 2012

‘Division 1 Preliminary

‘404 Definitions for pt 3

‘In this part—

amending Act means the *Mines Legislation (Streamlining) Amendment Act 2012*.

commencement means the commencement of the section in which the term is used.

former, in relation to a provision, means the provision as in force before the commencement of the section in which the term is used.

‘Division 2 Transitional provisions for amendments in amending Act commencing on assent

‘405 Land in a geothermal tenure’s area taken before the commencement

‘(1) This section applies if—

- (a) land in a geothermal tenure’s area was taken under a resumption law before the commencement; and
- (b) at the commencement, the entity taking the land has not taken action indicating the geothermal tenure was extinguished (wholly or partly) when the land was taken.

Examples of action for paragraph (b)—

- serving a copy of the resumption notice for the taking of the land on the geothermal tenure holder (in the holder's capacity as the holder of the tenure)
 - entering into an agreement under the ALA, section 15 with the geothermal tenure holder for the taking of the land
 - negotiating, or taking other action relating to, the compensation payable to the geothermal tenure holder for the taking of the land
 - paying compensation to the geothermal tenure holder for the taking of the land
 - arranging for the taking of the land to be recorded in the geothermal register against the geothermal tenure
- ‘(2) The taking of the land did not extinguish (wholly or partly) the geothermal tenure or any other geothermal interest relating to the tenure.
- ‘(3) Subsection (2) does not affect the ending of a geothermal interest (wholly or partly) in any other way, including, for example—
- (a) by the entity taking the land acquiring the geothermal interest (wholly or partly) under a separate commercial agreement or other arrangement with the holder of the interest; or
 - (b) by the geothermal interest holder surrendering the interest (wholly or partly) under this Act.

‘406 Land in a geothermal tenure's area for which notice of intention to resume given before the commencement

- ‘(1) This section applies if—
- (a) before the commencement, an entity gave a notice of intention to resume for the proposed taking, under a resumption law, of land in a geothermal tenure's area; and
 - (b) at the commencement, the land had not been taken under the resumption law.

[s 24]

- ‘(2) If the land is taken other than by taking or otherwise creating an easement, sections 350A to 350D apply in relation to the taking, except that the resumption notice for the taking may provide for the extinguishment of a geothermal interest on the taking even if the notice of intention to resume does not comply with section 350A(8).
- ‘(3) If the land is taken by taking or otherwise creating an easement, section 350D applies in relation to the taking.’.

24 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘acquired land—

- 1 Land is *acquired land* if—
- (a) it was taken under a resumption law, other than by taking or otherwise creating an easement; and
 - (b) under section 350A, all geothermal interests relating to the land were extinguished on the taking.
- 2 However, land mentioned in paragraph 1 stops being *acquired land* if it is included in the area of a new or renewed geothermal tenure granted under this Act.

ALA means the *Acquisition of Land Act 1967*.

geothermal interest means—

- (a) a geothermal tenure; or
- (b) a right existing under, or in relation to, a geothermal tenure.

notice of intention to resume, for the proposed taking of land under a resumption law, means—

- (a) if the land is taken under the process stated in the ALA (whether the land is taken under the ALA or another

resumption law)—the notice of intention to resume under the ALA; or

- (b) otherwise—the notice, however named, required to be given under the resumption law to notify persons of the proposed taking.

resumption law—

- (a) means a law that provides for the compulsory acquisition of land, including, for example, the following—

- (i) the ALA, including as applied by another law providing for an entity to take land under the ALA as if the entity were a constructing authority under the ALA;

Examples of other laws for subparagraph (i)—

- *Electricity Act 1994*, section 116
- *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, section 53AY

- (ii) the *Land Act 1994*, chapter 5, part 3, division 3;

- (iii) the *Petroleum and Gas (Production and Safety) Act 2004*, sections 456 to 458;

- (iv) the *Queensland Reconstruction Authority Act 2011*, section 99;

- (v) the *State Development and Public Works Organisation Act 1971*, section 82 or 125;

- (vi) the *Transport Planning and Coordination Act 1994*, section 25 or 26; but

- (b) does not include the *Land Act 1994*, chapter 5, part 3, divisions 1 and 2.

resumption notice, for the taking of land under a resumption law, means—

- (a) if the land is taken under the process stated in the ALA (whether the land is taken under the ALA or another

28 Amendment of s 40 (Deciding whether to grant GHG permit)

Section 40(2)—

insert—

‘Note—

If a tender relates to acquired land, see also section 369C.’.

29 Amendment of s 44 (Area of GHG permit)

Section 44(2) and (5)—

insert—

‘Note—

See also section 369B(3) if land in the GHG permit’s area is taken under a resumption law.’.

30 Amendment of s 45 (References to sub-blocks of GHG permit)

Section 45(2)—

insert—

‘Note—

See also section 369B(3) if land in the GHG permit’s area is taken under a resumption law.’.

31 Amendment of s 96 (Deciding application)

Section 96(2)—

insert—

‘Note—

If the application relates to acquired land, see also section 369C.’.

[s 32]

32 Amendment of s 97 (Provisions and term of renewed GHG permit)

Section 97(3)—

insert—

Note—

See, however, section 369C in relation to acquired land that was previously in the area of the GHG permit being renewed.’.

33 Amendment of s 109 (Operation of pt 1)

Section 109, after note 2—

insert—

‘3 The carrying out of particular activities on particular land in the GHG lease’s area may not be authorised following the taking of the land under a resumption law. See section 369B.’.

34 Amendment of s 113 (Who may apply)

Section 113(1)—

insert—

Note—

For inclusion of acquired land that was previously in the GHG permit’s area, see section 369C(3).’.

35 Amendment of s 117 (Deciding whether to grant GHG lease)

Section 117(1)—

insert—

Note—

If the application relates to acquired land that was previously in the relevant GHG permit’s area, see also section 369C.’.

36 Amendment of s 130 (Deciding whether to grant GHG lease)

Section 130(2)—

insert—

Note—

If a tender relates to acquired land, see also section 369C.’.

37 Amendment of s 135 (Area of GHG lease)

Section 135(2) and (5)—

insert—

Note—

See also section 369B(3) if land in the GHG lease’s area is taken under a resumption law.’.

38 Amendment of s 136 (References to sub-blocks of GHG lease)

Section 136(2)—

insert—

Note—

See also section 369B(3) if land in the GHG lease’s area is taken under a resumption law.’.

39 Amendment of s 235 (Deciding application)

Section 235(2)—

insert—

Note—

If the application relates to acquired land, see also section 369C.’.

40 Amendment of s 238 (Key authorised activities)

Section 238, after note 2—

[s 41]

insert—

- ‘3 The carrying out of particular activities on particular land in the GHG data acquisition authority’s area may not be authorised following the taking of the land under a resumption law. See section 369B.’.

41 Amendment of s 339 (GHG register)

Section 339(1)—

insert—

- ‘(d) acquired land.’.

42 Insertion of new ss 369A–369D

After section 369—

insert—

‘369A Extinguishing GHG interests on the taking of land in a GHG authority’s area (other than by an easement)

- ‘(1) This section applies to the taking of land, other than by taking or otherwise creating an easement, under a resumption law.
- ‘(2) Despite any other Act, the taking of land does not extinguish GHG interests other than to the extent, if any, provided for in the resumption notice for the taking of the land.
- ‘(3) The resumption notice for the taking of land may provide for the extinguishment of a GHG interest on the taking only to the extent the relevant Minister for the taking is satisfied the interest is incompatible with the purpose for which the land is taken.
- ‘(4) Without limiting the application of subsection (3), the relevant Minister may be satisfied a GHG interest is incompatible with the purpose for which the land is taken if, for that purpose, it is necessary to extinguish all interests in the land, including native title rights and interests.
- ‘(5) A GHG interest may be—

-
- (a) wholly extinguished; or
 - (b) partially extinguished by—
 - (i) excluding land from the land the subject of the interest; or
 - (ii) prohibiting the carrying out of activities by the holder of the interest.
- ‘(6) The resumption notice for the taking of land may provide for the extinguishment of GHG interests by reference to either or both of the following—
- (a) stated land, which—
 - (i) may be all or part of the land that is taken; and
 - (ii) if the stated land is only part of the land that is taken—may be described in the resumption notice in any way, including, for example—
 - (A) as a shape that does not constitute a block or sub-block; or
 - (B) by using 3 dimensionally located points to identify the position, shape and dimensions of each boundary;
 - (b) stated GHG interests, which may be all GHG interests or GHG interests of a particular type.
- ‘(7) For the taking of land for which GHG interests are extinguished as provided by this section—
- (a) each person’s interest in an extinguished GHG interest is converted into a right to claim compensation under the resumption law; and
 - (b) the resumption law applies with necessary and convenient changes and with the changes mentioned in subsections (8) and (9) and section 369D.
- ‘(8) The notice of intention to resume for the proposed taking of the land must state the extent to which the GHG interests are proposed to be extinguished.

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- ‘(9) The entity taking the land must give the chief executive a notice that—
- (a) states the details of the extinguishment; and
 - (b) asks for the extinguishment to be recorded in the GHG register; and
 - (c) is accompanied by a certified copy of the resumption notice.

- ‘(10) In this section—

certified copy, of the resumption notice, means a copy of the original of the notice that has been certified by a justice of the peace as being a correct copy of the original notice.

relevant Minister, for the taking of land under a resumption law, means—

- (a) if the land is taken under the process stated in the ALA (whether the land is taken under the ALA or another resumption law)—the Minister to whom the application that the land be taken is made under section 9 of that Act; or
- (b) otherwise—the Minister administering the resumption law under which the land is, or is to be, taken.

‘369B Effect of extinguishment of GHG interests on the taking of land in a GHG authority’s area (other than by taking an easement)

- ‘(1) This section applies if, under section 369A, the resumption notice for the taking of land (other than by taking or otherwise creating an easement) under a resumption law provides for the extinguishment of GHG interests for stated land.
- ‘(2) If the resumption notice states that all GHG interests relating to the stated land are extinguished and a GHG interest relates only to the stated land, the interest is wholly extinguished.

-
- ‘(3) If the resumption notice states that all GHG interests relating to the stated land are extinguished and a GHG interest relates to the stated land and other land—
- (a) the stated land is no longer the subject of the interest; and
 - (b) without limiting paragraph (a)—
 - (i) the stated land is excluded from the area of the GHG authority comprising the interest, or under or in relation to which the interest exists; and
 - (ii) this Act applies, in relation to the area of the GHG authority, with necessary and convenient changes to allow for the exclusion of the stated land, including, for example, to allow the area to include a part of a block or sub-block if the part is what is left after the stated land is excluded from the area.
- ‘(4) If the resumption notice states that the carrying out of stated activities on the stated land by holders of stated GHG interests is prohibited, the holder of a stated GHG interest is not, or is no longer, authorised to carry out the stated activities on the stated land.
- ‘(5) However, subsections (3) and (4) do not apply in relation to a GHG interest that comprises, or exists under or in relation to, a new or renewed GHG authority granted after the land is taken.

‘369C Applications relating to land taken under a resumption law for which GHG interests were extinguished

- ‘(1) The Minister may, under a grant provision, grant a new GHG authority for an area that includes acquired land only if the Minister, after consulting the entity that took the land, is satisfied the grant of the authority is compatible with the purpose for which the land is being or is to be used.
- ‘(2) If there are 2 or more applications under this Act for the grant, under a grant provision, of a new GHG authority for an area

[s 42]

that includes the same acquired land, the applications are to be dealt with as follows—

- (a) the applications must be considered and decided according to the day on which they are made;
- (b) if the applications were made on the same day—
 - (i) they take the priority the Minister decides, after considering the relative merits of each application; and
 - (ii) the Minister must give each applicant a notice stating there is competition for priority between the applicant's application and another application, or other applications, made on the same day as the day on which the applicant's application was made.

‘(3) If a grant provision provides for the grant of a new GHG authority (the *new authority*) over land in the area of an existing GHG authority (the *existing authority*)—

- (a) the application under this Act for the new authority may include acquired land that was, immediately before the taking of the land, in the existing authority's area; and
- (b) subject to subsections (1) and (2), the Minister may grant the new authority for an area that includes the acquired land as if the acquired land were in the existing authority's area.

‘(4) To remove any doubt, it is declared that this section does not affect the operation of the provisions of this Act about the application for, and grant of, a new GHG authority other than to the extent provided for in subsections (1) to (3).

‘(5) In this section—

grant provision means a provision of this Act providing for the grant of a new GHG authority.

new GHG authority includes a renewed GHG authority.

‘369D Compensation for effect of taking of land in a GHG authority’s area on GHG interests

- ‘(1) This section applies if land in a GHG authority’s area is taken under a resumption law (including by taking or otherwise creating an easement).
- ‘(2) In assessing any compensation to be paid to the holder of a GHG interest in relation to the taking of the land, allowance can not be made for the value of a GHG storage reservoir known or supposed to be in the land.’.

43 Insertion of new ch 8, pt 3

Chapter 8—

insert—

**‘Part 3 Transitional provisions for
Mines Legislation
(Streamlining) Amendment Act
2012**

‘Division 1 Preliminary

‘441 Definitions for pt 3

‘In this part—

amending Act means the *Mines Legislation (Streamlining) Amendment Act 2012*.

commencement means the commencement of the section in which the term is used.

former, in relation to a provision, means the provision as in force before the commencement of the section in which the term is used.

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‘Division 2 Transitional provisions for amendments in amending Act commencing on assent

‘442 Land in a GHG authority’s area taken before the commencement

- ‘(1) This section applies if—
- (a) land in a GHG authority’s area was taken under a resumption law before the commencement; and
 - (b) at the commencement, the entity taking the land has not taken action indicating the GHG authority was extinguished (wholly or partly) when the land was taken.

Examples of action for paragraph (b)—

- serving a copy of the resumption notice for the taking of the land on the GHG authority holder (in the holder’s capacity as the holder of the authority)
 - entering into an agreement under the ALA, section 15 with the GHG authority holder for the taking of the land
 - negotiating, or taking other action relating to, the compensation payable to the GHG authority holder for the taking of the land
 - paying compensation to the GHG authority holder for the taking of the land
 - arranging for the taking of the land to be recorded in the GHG register against the GHG authority
- ‘(2) The taking of the land did not extinguish (wholly or partly) the GHG authority or any other GHG interest relating to the authority.
- ‘(3) Subsection (2) does not affect the ending of a GHG interest (wholly or partly) in any other way, including, for example—
- (a) by the entity taking the land acquiring the GHG interest (wholly or partly) under a separate commercial

agreement or other arrangement with the holder of the interest; or

- (b) by the GHG interest holder surrendering the interest (wholly or partly) under this Act.

‘443 Land in a GHG authority’s area for which notice of intention to resume given before the commencement

- ‘(1) This section applies if—
 - (a) before the commencement, an entity gave a notice of intention to resume for the proposed taking, under a resumption law, of land in a GHG authority’s area; and
 - (b) at the commencement, the land had not been taken under the resumption law.
- ‘(2) If the land is taken other than by taking or otherwise creating an easement, sections 369A to 369D apply in relation to the taking, except that the resumption notice for the taking may provide for the extinguishment of a GHG interest on the taking even if the notice of intention to resume does not comply with section 369A(8).
- ‘(3) If the land is taken by taking or otherwise creating an easement, section 369D applies in relation to the taking.’

44 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘acquired land—

- 1 Land is *acquired land* if—
 - (a) it was taken under a resumption law, other than by taking or otherwise creating an easement; and
 - (b) under section 369A, all GHG interests relating to the land were extinguished on the taking.

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- 2 However, land mentioned in paragraph 1 stops being *acquired land* if it is included in the area of a new or renewed GHG tenure granted under this Act.

ALA means the *Acquisition of Land Act 1967*.

GHG interest means—

- (a) a GHG authority; or
- (b) a right existing under, or in relation to, a GHG authority.

notice of intention to resume, for the proposed taking of land under a resumption law, means—

- (a) if the land is taken under the process stated in the ALA (whether the land is taken under the ALA or another resumption law)—the notice of intention to resume under the ALA; or
- (b) otherwise—the notice, however named, required to be given under the resumption law to notify persons of the proposed taking.

resumption law—

- (a) means a law that provides for the compulsory acquisition of land, including, for example, the following—
 - (i) the ALA, including as applied by another law providing for an entity to take land under the ALA as if the entity were a constructing authority under the ALA;

Examples of other laws for subparagraph (i)—

- *Electricity Act 1994*, section 116
- *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, section 53AY
- (ii) the *Land Act 1994*, chapter 5, part 3, division 3;
- (iii) the *Petroleum and Gas (Production and Safety) Act 2004*, sections 456 to 458;

-
- ‘(2) Despite any other Act, the taking of land does not extinguish mining tenement interests other than to the extent, if any, provided for in the resumption notice for the taking of the land.
- ‘(3) The resumption notice for the taking of land may provide for the extinguishment of a mining tenement interest on the taking only to the extent the relevant Minister for the taking is satisfied the interest is incompatible with the purpose for which the land is taken.
- ‘(4) Without limiting the application of subsection (3), the relevant Minister may be satisfied a mining tenement interest is incompatible with the purpose for which the land is taken if, for that purpose, it is necessary to extinguish all interests in the land, including native title rights and interests.
- ‘(5) A mining tenement interest may be—
- (a) wholly extinguished; or
 - (b) partially extinguished by—
 - (i) excluding land from the land the subject of the interest; or
 - (ii) prohibiting the carrying out of activities by the holder of the interest.
- ‘(6) The resumption notice for the taking of land may provide for the extinguishment of mining tenement interests by reference to either or both of the following—
- (a) stated land, which—
 - (i) may be all or part of the land that is taken; and
 - (ii) if the stated land is only part of the land that is taken—may be described in the resumption notice in any way, including, for example—
 - (A) as a shape that does not constitute a block or sub-block; or

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- (B) by using 3 dimensionally located points to identify the position, shape and dimensions of each boundary;
- (b) stated mining tenement interests, which may be all mining tenement interests or mining tenement interests of a particular type.
- ‘(7) For the taking of land for which mining tenement interests are extinguished as provided by this section—
- (a) each person’s interest in an extinguished mining tenement interest is converted into a right to claim compensation under the resumption law; and
- (b) the resumption law applies with necessary and convenient changes and with the changes mentioned in subsections (8) and (9) and section 10AAD.
- ‘(8) The notice of intention to resume for the proposed taking of the land must state the extent to which the mining tenement interests are proposed to be extinguished.
- ‘(9) The entity taking the land must give the chief executive a written notice that—
- (a) states the details of the extinguishment; and
- (b) asks for the extinguishment to be recorded in the register; and
- (c) is accompanied by a certified copy of the resumption notice.
- ‘(10) In this section—
- certified copy***, of the resumption notice, means a copy of the original of the notice that has been certified by a justice of the peace as being a correct copy of the original notice.
- relevant Minister***, for the taking of land under a resumption law, means—
- (a) if the land is taken under the process stated in the ALA (whether the land is taken under the ALA or another resumption law)—the Minister to whom the application

that the land be taken is made under section 9 of that Act; or

- (b) otherwise—the Minister administering the resumption law under which the land is, or is to be, taken.

‘10AAB Effect of extinguishment of mining tenement interests on the taking of land in a mining tenement’s area (other than by an easement)

- ‘(1) This section applies if, under section 10AAA, the resumption notice for the taking of land (other than by taking or otherwise creating an easement) under a resumption law provides for the extinguishment of mining tenement interests for stated land.
- ‘(2) If the resumption notice states that all mining tenement interests relating to the stated land are extinguished and a mining tenement interest relates only to the stated land, the interest is wholly extinguished.
- ‘(3) If the resumption notice states that all mining tenement interests relating to the stated land are extinguished and a mining tenement interest relates to the stated land and other land—
- (a) the stated land is no longer the subject of the interest; and
- (b) without limiting paragraph (a)—
- (i) the stated land is excluded from the area of the mining tenement comprising the interest, or under or in relation to which the interest exists; and
- (ii) this Act applies in relation to the area of the mining tenement with necessary and convenient changes to allow for the exclusion of the stated land, including, for example, to allow the area—
- (A) to include a part of a block or sub-block if the part is what is left after the stated land is excluded from the area; or
- (B) to comprise land that is not contiguous; and

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- (iii) for this Act, land in the area of the mining tenement is taken to be contiguous if the land would be contiguous but for the exclusion of the stated land.
- ‘(4) If the resumption notice states that the carrying out of stated activities on the stated land by holders of stated mining tenement interests is prohibited, the holder of a stated mining tenement interest is not, or is no longer, authorised to carry out the stated activities on the stated land.
- ‘(5) However, subsections (3) and (4) do not apply in relation to a mining tenement interest that comprises, or exists under or in relation to, a new or renewed mining tenement granted after the land is taken.

‘10AAC Applications relating to land taken under a resumption law for which mining tenement interests were extinguished

- ‘(1) The decision-maker for an application for a new mining tenement may, under a grant provision, grant a new mining tenement for an area that includes acquired land only if the decision-maker, after consulting the entity that took the land, is satisfied the grant of the tenement is compatible with the purpose for which the land is being or is to be used.
- ‘(2) If there are 2 or more applications under this Act for the grant, under a grant provision, of a new mining tenement for an area that includes the same acquired land, the applications are to be dealt with as follows—
 - (a) the applications must be considered and decided according to the day on which they are lodged;
 - (b) if the applications were lodged on the same day—
 - (i) they take the priority the decision-maker decides, after considering the relative merits of each application; and
 - (ii) the mining registrar must give each applicant a written notice stating there is competition for

priority between the applicant's application and another application, or other applications, lodged on the same day as the day on which the applicant's application was lodged.

'(3) If a grant provision provides for the grant of a new mining tenement (the *new tenement*) over land in the area of an existing mining tenement (the *existing tenement*)—

- (a) the application under this Act for the new tenement may include acquired land that was, immediately before the taking of the land, in the existing tenement's area; and
- (b) subject to subsections (1) and (2), the decision-maker for the application may grant a new tenement for an area that includes the acquired land as if the acquired land were in the existing tenement's area.

'(4) To remove any doubt, it is declared that this section does not affect the operation of the provisions of this Act about the application for, and grant of, a new mining tenement other than to the extent provided for in subsections (1) to (3).

'(5) In this section—

decision-maker, for an application for a new mining tenement, means the entity responsible for granting the tenement.

grant provision means a provision of this Act providing for the grant of a new mining tenement.

new mining tenement includes a renewed mining tenement.

'10AAD Compensation for effect of taking of land in a mining tenement's area on mining tenement interests

'(1) This section applies if land in a mining tenement's area is taken under a resumption law (including by taking or otherwise creating an easement).

'(2) In assessing any compensation to be paid to the holder of a mining tenement interest in relation to the taking of the land, allowance can not be made for the value of minerals known or

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supposed to be on or below the surface of, or mined from, the land.’.

49 Amendment of s 24 (Grant of prospecting permit)

Section 24(1)—

insert—

‘*Note—*

If the application relates to acquired land, see also section 10AAC.’.

50 Amendment of s 48 (Land subject to mining claim)

(1) Section 48(1)—

insert—

‘*Note—*

For inclusion of acquired land that was previously in the area of a prospecting permit or prospecting permits, see section 10AAC(3).’.

(2) Section 48(2)—

insert—

‘*Note—*

However, see section 10AAB(3) if land in the area of the mining claim is taken under a resumption law.’.

51 Amendment of s 74 (Grant of mining claim to which no objection is lodged)

Section 74(2)—

insert—

‘*Note—*

If the application relates to acquired land, see also section 10AAC.’.

52 Amendment of s 80 (Grant of mining claim at instruction of Land Court or with consent of Governor in Council)

Section 80(1)—

insert—

‘Note—

However, if the application relates to acquired land, see also section 10AAC.’.

53 Amendment of s 93 (Renewal of mining claim)

Section 93(4)—

insert—

‘Note—

If the application relates to acquired land, see also section 10AAC.’.

54 Amendment of s 137 (Grant of exploration permit)

Section 137(3), note—

omit, insert—

‘Notes—

- 1 Under section 144, an exploration permit can not be granted until the applicant has deposited security decided under that section.
- 2 If the application relates to acquired land, see also section 10AAC.’.

55 Amendment of s 139 (Periodic reduction in land covered by exploration permit)

Section 139(2)—

insert—

‘Note—

See, however, section 10AAB(3) if land in the exploration permit is taken under a resumption law.’.

[s 56]

56 Amendment of s 140 (Voluntary reduction in land covered by exploration permit)

Section 140(2)—

insert—

Note—

See, however, section 10AAB(3) if land in the exploration permit is taken under a resumption law.’.

57 Amendment of s 186 (Minister may grant or refuse application)

Section 186(3), note—

omit, insert—

Notes—

- 1 Under section 190, a mineral development licence can not be granted until the applicant has deposited security decided under that section.
- 2 If the application relates to acquired land, see also section 10AAC.’.

58 Amendment of s 197A (Decision on application)

Section 197A(1)—

insert—

Note—

However, if the application relates to acquired land, see also section 10AAC.’.

59 Amendment of s 232 (Land subject to mining lease)

Section 232(1)—

insert—

Notes—

- 1 See section 10AAB(3) if land in the relevant mining tenement is not contiguous following the taking of land under a resumption law.

- 2 For inclusion of acquired land that was previously in the relevant mining tenement's area, see section 10AAC(3).'

60 Amendment of s 271 (Minister to consider application for grant of mining lease)

Section 271(3)—

insert—

Note—

However, if the application relates to acquired land, see section 10AAC.'

61 Amendment of s 286A (Decision on application)

Section 286A(1)—

insert—

Note—

If the application relates to acquired land, see also section 10AAC.'

62 Amendment of s 387 (Registers to be maintained)

Section 387(2)—

insert—

'(f) acquired land.'

63 Insertion of new pt 19, div 16

Part 19—

insert—

[s 63]

**‘Division 16 Transitional provisions for Mines
Legislation (Streamlining)
Amendment Act
2012—amendments commencing
on assent**

‘788 Definitions for div 16

‘In this division—

amending Act means the *Mines Legislation (Streamlining) Amendment Act 2012*.

commencement means the commencement of this section.

**‘789 Particular land in a mining tenement’s area taken
before the commencement**

‘(1) This section applies if—

- (a) land in the area of a mining tenement was taken under a resumption law before the commencement; and
- (b) at the commencement, the entity taking the land has not taken action indicating the mining tenement was extinguished (wholly or partly) when the land was taken.

Examples of action for paragraph (b)—

- serving a copy of the resumption notice for the taking of the land on the mining tenement holder (in the holder’s capacity as the holder of the tenement)
- entering into an agreement under the ALA, section 15 with the mining tenement holder for the taking of the land
- negotiating, or taking other action relating to, the compensation payable to the mining tenement holder for the taking of the land
- paying compensation to the mining tenement holder for the taking of the land

-
- arranging for the taking of the land to be recorded in the register against the mining tenement
- ‘(2) However, this section does not apply in relation to the taking of land in the area of a mining lease for a transport infrastructure purpose.
- ‘(3) The taking of the land did not extinguish (wholly or partly) the mining tenement or any other mining tenement interest relating to the tenement.
- ‘(4) Subsection (3) does not affect the ending of a mining tenement interest (wholly or partly) in any other way, including, for example—
- (a) by the entity taking the land acquiring the mining tenement interest (wholly or partly) under a separate commercial agreement or other arrangement with the holder of the interest; or
 - (b) by the mining tenement interest holder surrendering the interest (wholly or partly) under this Act.
- ‘(5) In this section—

transport infrastructure purpose means a purpose relating to transport infrastructure within the meaning of the *Transport Infrastructure Act 1994*.

‘790 Land in a mining tenement’s area for which notice of intention to resume given before the commencement

- ‘(1) This section applies if—
- (a) before the commencement, an entity gave a notice of intention to resume for the proposed taking, under a resumption law, of land in a mining tenement’s area; and
 - (b) at the commencement, the land had not been taken under the resumption law.
- ‘(2) If the land is taken other than by taking or otherwise creating an easement, sections 10AAA to 10AAD apply in relation to the taking, except that the resumption notice for the taking

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may provide for the extinguishment of a mining tenement interest on the taking even if the notice of intention to resume does not comply with section 10AAA(8).

- ‘(3) If the land is taken by taking or otherwise creating an easement, section 10AAD applies in relation to the taking.’

64 Amendment of sch 2 (Dictionary)

- (1) Schedule 2—

insert—

‘acquired land—

- 1 Land is *acquired land* if—

- (a) it was taken under a resumption law, other than by taking or otherwise creating an easement; and
- (b) under section 10AAA, all mining tenement interests relating to the land were extinguished on the taking.

- 2 However, land mentioned in paragraph 1 stops being *acquired land* if it is included in the area of a new or renewed mining tenement granted under this Act.

ALA means the *Acquisition of Land Act 1967*.

mining tenement interest means—

- (a) a mining tenement; or
- (b) a right existing under, or in relation to, a mining tenement.

notice of intention to resume, for the proposed taking of land under a resumption law, means—

- (a) if the land is taken under the process stated in the ALA (whether the land is taken under the ALA or another resumption law)—the notice of intention to resume under the ALA; or

-
- (b) otherwise—the notice, however named, required to be given under the resumption law to notify persons of the proposed taking.

resumption law—

- (a) means a law that provides for the compulsory acquisition of land, including, for example, the following—

- (i) the ALA, including as applied by another law providing for an entity to take land under the ALA as if the entity were a constructing authority under the ALA;

Examples of other laws for subparagraph (i)—

- *Electricity Act 1994*, section 116
- *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, section 53AY

- (ii) the *Land Act 1994*, chapter 5, part 3, division 3;

- (iii) the *Petroleum and Gas (Production and Safety) Act 2004*, sections 456 to 458;

- (iv) the *Queensland Reconstruction Authority Act 2011*, section 99;

- (v) the *State Development and Public Works Organisation Act 1971*, section 82 or 125;

- (vi) the *Transport Planning and Coordination Act 1994*, section 25 or 26; but

- (b) does not include the *Land Act 1994*, chapter 5, part 3, divisions 1 and 2.

resumption notice, for the taking of land under a resumption law, means—

- (a) if the land is taken under the process stated in the ALA (whether the land is taken under the ALA or another resumption law)—the gazette resumption notice under the ALA for the taking; or

- (b) otherwise—the instrument giving effect to the taking.

[s 65]

take, in relation to land, includes acquire.’.

- (2) Schedule 2, definition *area*, paragraph 1—

insert—

‘*Note—*

See, however, section 10AAB in relation to the exclusion of land from a mining tenement’s area following the taking of the land under a resumption law.’.

- (3) Schedule 2, definition *authorised activity*, paragraph 1—

insert—

‘*Note—*

The carrying out of particular activities on particular land in a mining tenement’s area may not be authorised following the taking of the land under a resumption law. See section 10AAB.’.

Part 6 Amendment of Petroleum Act 1923

65 Act amended

This part amends the *Petroleum Act 1923*.

Note—

See also the amendments in—

- (a) chapter 3, part 5; and
- (b) schedules 1 to 3.

66 Amendment of s 2 (Definitions)

- (1) Section 2—

insert—

‘*1923 Act petroleum interest* means—

-
- (a) a 1923 Act petroleum tenure; or
 - (b) a right existing under, or in relation to, a 1923 Act petroleum tenure.

acquired land means land that was taken under a resumption law, other than by taking or otherwise creating an easement, if all petroleum interests relating to the land were extinguished under section 124A.

ALA means the *Acquisition of Land Act 1967*.

notice of intention to resume, for the proposed taking of land under a resumption law, means—

- (a) if the land is taken under the process stated in the ALA (whether the land is taken under the ALA or another resumption law)—the notice of intention to resume under the ALA; or
- (b) otherwise—the notice, however named, required to be given under the resumption law to notify persons of the proposed taking.

resumption law—

- (a) means a law that provides for the compulsory acquisition of land, including, for example, the following—
 - (i) the ALA, including as applied by another law providing for an entity to take land under the ALA as if the entity were a constructing authority under the ALA;

Examples of other laws for subparagraph (i)—

- *Electricity Act 1994*, section 116
- *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, section 53AY
- (ii) the *Land Act 1994*, chapter 5, part 3, division 3;
- (iii) the *Petroleum and Gas (Production and Safety) Act 2004*, sections 456 to 458;

[s 66]

- (iv) the *Queensland Reconstruction Authority Act 2011*, section 99;
 - (v) the *State Development and Public Works Organisation Act 1971*, section 82 or 125;
 - (vi) the *Transport Planning and Coordination Act 1994*, section 25 or 26; but
- (b) does not include the *Land Act 1994*, chapter 5, part 3, divisions 1 and 2.

resumption notice, for the taking of land under a resumption law, means—

- (a) if the land is taken under the process stated in the ALA (whether the land is taken under the ALA or another resumption law)—the gazette resumption notice under the ALA for the taking; or
- (b) otherwise—the instrument giving effect to the taking.

take, in relation to land, includes acquire.’.

- (2) Section 2, definition *area*, paragraph 2—

insert—

‘*Note—*

See also section 124B in relation to the exclusion of land from a 1923 Act petroleum tenure’s area following the taking of the land under a resumption law.’.

- (3) Section 2, definition *authorised activity*, paragraph 1—

insert—

‘*Note—*

The carrying out of particular activities on particular land in a 1923 Act petroleum tenure’s area may not be authorised following the taking of the land under a resumption law. See section 124B.’.

- (4) Section 2, definition *petroleum register*, ‘section 80C’—

omit, insert—

‘section 80A’.

67 Amendment of s 18 (Authority to prospect)

Section 18(4)—

insert—

‘Note—

The carrying out of particular activities on particular land in an authority to prospect’s area may not be authorised following the taking of the land under a resumption law. See section 124B.’.

68 Amendment of s 20 (Area of authority to prospect reduced on grant of lease)

Section 20(2)—

insert—

‘Note—

See also section 124B in relation to the exclusion of land from an authority to prospect’s area following the taking of the land under a resumption law.’.

69 Amendment of s 40 (Lease to holder of authority to prospect)

Section 40—

insert—

‘(6A) However, the approval mentioned in subsection (6) is not required if the land in the authority to prospect’s area is not contiguous only because of the exclusion of acquired land from the area.’.

70 Amendment of s 44 (Form etc. of lease)

Section 44(1)—

insert—

‘Note—

[s 71]

The carrying out of particular activities on particular land in a lease's area may not be authorised following the taking of the land under a resumption law. See section 124B.'

71 Amendment of s 75D (General restriction on carrying out authorised activities)

Section 75D—

insert—

Note—

The carrying out of particular activities on particular land in a 1923 Act petroleum tenure's area may not be authorised following the taking of the land under a resumption law. See section 124B.'

72 Amendment of s 80A (Petroleum register)

Section 80A(1)—

insert—

'(d) acquired land.'

73 Insertion of new ss 124A–124C

Part 9, division 2—

insert—

'124A Extinguishing 1923 Act petroleum interests on the taking of land in a 1923 Act petroleum tenure's area (other than by an easement)

- '(1) This section applies to the taking of land, other than by taking or otherwise creating an easement, under a resumption law.
- '(2) Despite any other Act, the taking of land does not extinguish 1923 Act petroleum interests other than to the extent, if any, provided for in the resumption notice for the taking of the land.
- '(3) The resumption notice for the taking of land may provide for the extinguishment of a 1923 Act petroleum interest on the

taking only to the extent the relevant Minister for the taking is satisfied the interest is incompatible with the purpose for which the land is taken.

- ‘(4) Without limiting the application of subsection (3), the relevant Minister may be satisfied a 1923 Act petroleum interest is incompatible with the purpose for which the land is taken if, for that purpose, it is necessary to extinguish all interests in the land, including native title rights and interests.
- ‘(5) A 1923 Act petroleum interest may be—
- (a) wholly extinguished; or
 - (b) partially extinguished by—
 - (i) excluding land from the land the subject of the interest; or
 - (ii) prohibiting the carrying out of activities by the holder of the interest.
- ‘(6) The resumption notice for the taking of land may provide for the extinguishment of 1923 Act petroleum interests by reference to either or both of the following—
- (a) stated land, which—
 - (i) may be all or part of the land that is taken; and
 - (ii) if the stated land is only part of the land that is taken—may be described in the resumption notice in any way, including, for example—
 - (A) as a shape that does not constitute a block or sub-block; or
 - (B) by using 3 dimensionally located points to identify the position, shape and dimensions of each boundary;
 - (b) stated 1923 Act petroleum interests, which may be all 1923 Act petroleum interests or 1923 Act petroleum interests of a particular type.

[s 73]

- ‘(7) For the taking of land for which 1923 Act petroleum interests are extinguished as provided by this section—
- (a) each person’s interest in an extinguished 1923 Act petroleum interest is converted into a right to claim compensation under the resumption law; and
 - (b) the resumption law applies with necessary and convenient changes and with the changes mentioned in subsections (8) and (9) and section 124C.
- ‘(8) The notice of intention to resume for the proposed taking of the land must state the extent to which the 1923 Act petroleum interests are proposed to be extinguished.
- ‘(9) The entity taking the land must give the chief executive a notice that—
- (a) states the details of the extinguishment; and
 - (b) asks for the extinguishment to be recorded in the petroleum register; and
 - (c) is accompanied by a certified copy of the resumption notice.
- ‘(10) In this section—
- certified copy***, of the resumption notice, means a copy of the original of the notice that has been certified by a justice of the peace as being a correct copy of the original notice.
- relevant Minister***, for the taking of land under a resumption law, means—
- (a) if the land is taken under the process stated in the ALA (whether the land is taken under the ALA or another resumption law)—the Minister to whom the application that the land be taken is made under section 9 of that Act; or
 - (b) otherwise—the Minister administering the resumption law under which the land is, or is to be, taken.

‘124B Effect of extinguishment of 1923 Act petroleum interests on the taking of land in a 1923 Act petroleum tenure’s area (other than by an easement)

- ‘(1) This section applies if, under section 124A, the resumption notice for the taking of land (other than by taking or otherwise creating an easement) under a resumption law provides for the extinguishment of 1923 Act petroleum interests for stated land.
- ‘(2) If the resumption notice states that all 1923 Act petroleum interests relating to the stated land are extinguished and a 1923 Act petroleum interest relates only to the stated land, the interest is wholly extinguished.
- ‘(3) If the resumption notice states that all 1923 Act petroleum interests relating to the stated land are extinguished and a 1923 Act petroleum interest relates to the stated land and other land—
- (a) the stated land is no longer the subject of the interest; and
 - (b) without limiting paragraph (a)—
 - (i) the stated land is excluded from the area of the 1923 Act petroleum tenure comprising the interest, or under or in relation to which the interest exists; and
 - (ii) this Act applies in relation to the area of the petroleum tenure with necessary and convenient changes to allow for the exclusion of the stated land, including, for example, to allow the area—
 - (A) to include a part of a block or sub-block if the part is what is left after the stated land is excluded from the area; and
 - (B) to comprise land that is not contiguous.
- ‘(4) If the resumption notice states that the carrying out of stated activities on the stated land by holders of stated 1923 Act petroleum interests is prohibited, the holder of a stated 1923

[s 74]

Act petroleum interest is not, or is no longer, authorised to carry out the stated activities on the stated land.

- ‘(5) However, subsection (4) does not apply in relation to a 1923 Act petroleum interest that comprises, or exists under or in relation to, a new or renewed 1923 Act petroleum tenure granted after the land is taken.

‘124C Compensation for effect of taking of land in a 1923 Act petroleum tenure’s area on 1923 Act petroleum interests

- ‘(1) This section applies if land in a 1923 Act petroleum tenure’s area is taken under a resumption law (including by taking or otherwise creating an easement).
- ‘(2) In assessing any compensation to be paid to the holder of a 1923 Act petroleum interest in relation to the taking of the land, allowance can not be made for the value of petroleum known or supposed to be on or below the surface of, or produced from, the land.’.

74 Insertion of new pt 14

After part 13—

insert—

**‘Part 14 Transitional provisions for
Mines Legislation
(Streamlining) Amendment Act
2012**

‘Division 1 Preliminary

‘190 Definitions for pt 14

‘In this part—

amending Act means the *Mines Legislation (Streamlining) Amendment Act 2012*.

commencement means the commencement of the section in which the term is used.

former, in relation to a provision, means the provision as in force before the commencement of the section in which the term is used.

‘Division 2 Transitional provisions for amendments in amending Act commencing on assent

‘191 Land in a 1923 Act petroleum tenure’s area taken before the commencement

‘(1) This section applies if—

- (a) land in a 1923 Act petroleum tenure’s area was taken under a resumption law before the commencement; and
- (b) at the commencement, the entity taking the land has not taken action indicating the 1923 Act petroleum tenure was extinguished (wholly or partly) when the land was taken.

Examples of action for paragraph (b)—

- serving a copy of the resumption notice for the taking of the land on the 1923 Act petroleum tenure holder (in the holder’s capacity as the holder of the tenure)
- entering into an agreement under the ALA, section 15 with the 1923 Act petroleum tenure holder for the taking of the land
- negotiating, or taking other action relating to, the compensation payable to the 1923 Act petroleum tenure holder for the taking of the land
- paying compensation to the 1923 Act petroleum tenure holder for the taking of the land

[s 74]

- arranging for the taking of the land to be recorded in the petroleum register against the 1923 Act petroleum tenure
- ‘(2) The taking of the land did not extinguish (wholly or partly) the 1923 Act petroleum tenure or any other 1923 Act petroleum interest relating to the tenure.
- ‘(3) Subsection (2) does not affect the ending of a 1923 Act petroleum interest (wholly or partly) in any other way, including, for example—
- (a) by the entity taking the land acquiring the 1923 Act petroleum interest (wholly or partly) under a separate commercial agreement or other arrangement with the holder of the interest; or
 - (b) by the 1923 Act petroleum interest holder surrendering the interest (wholly or partly) under this Act.

‘192 Land in a 1923 Act petroleum tenure’s area for which notice of intention to resume given before the commencement

- ‘(1) This section applies if—
- (a) before the commencement, an entity gave a notice of intention to resume for the proposed taking, under a resumption law, of land in a 1923 Act petroleum tenure’s area; and
 - (b) at the commencement, the land had not been taken under the resumption law.
- ‘(2) If the land is taken other than by taking or otherwise creating an easement, sections 124A to 124C apply in relation to the taking, except that the resumption notice for the taking may provide for the extinguishment of a 1923 Act petroleum interest on the taking even if the notice of intention to resume does not comply with section 124A(8).
- ‘(3) If the land is taken by taking or otherwise creating an easement, section 124C applies in relation to the taking.’

[s 78]

78 Amendment of s 22 (What is an *authorised activity*)

(1) Section 22(1), note 3—

renumber as section 22(1), note 4.

(2) Section 22(1), after note 2—

insert—

‘3 The carrying out of particular activities on particular land in a petroleum authority’s area may not be authorised following the taking of the land under a resumption law. See section 30AB.’.

79 Insertion of new ss 30AA–30AD

After section 30—

insert—

‘30AA Extinguishing petroleum interests on the taking of land in a petroleum authority’s area (other than by an easement)

‘(1) This section applies to the taking of land, other than by taking or otherwise creating an easement, under a resumption law.

‘(2) Despite any other Act, the taking of land does not extinguish petroleum interests other than to the extent, if any, provided for in the resumption notice for the taking of the land.

‘(3) The resumption notice for the taking of land may provide for the extinguishment of a petroleum interest on the taking only to the extent the relevant Minister for the taking is satisfied the interest is incompatible with the purpose for which the land is taken.

‘(4) Without limiting the application of subsection (3), the relevant Minister may be satisfied a petroleum interest is incompatible with the purpose for which the land is taken if, for that purpose, it is necessary to extinguish all interests in the land, including native title rights and interests.

‘(5) A petroleum interest may be—

(a) wholly extinguished; or

- (b) partially extinguished by—
 - (i) excluding land from the land the subject of the interest; or
 - (ii) prohibiting the carrying out of activities by the holder of the interest.
- ‘(6) The resumption notice for the taking of land may provide for the extinguishment of petroleum interests by reference to either or both of the following—
 - (a) stated land, which—
 - (i) may be all or part of the land that is taken; and
 - (ii) if the stated land is only part of the land that is taken—may be described in the resumption notice in any way, including, for example—
 - (A) as a shape that does not constitute a block or sub-block; or
 - (B) by using 3 dimensionally located points to identify the position, shape and dimensions of each boundary;
 - (b) stated petroleum interests, which may be all petroleum interests or petroleum interests of a particular type.
- ‘(7) For the taking of land for which petroleum interests are extinguished as provided by this section—
 - (a) each person’s interest in an extinguished petroleum interest is converted into a right to claim compensation under the resumption law; and
 - (b) the resumption law applies with necessary and convenient changes and with the changes mentioned in subsections (8) and (9) and section 30AD.
- ‘(8) The notice of intention to resume for the proposed taking of the land must state the extent to which the petroleum interests are proposed to be extinguished.

[s 79]

- ‘(9) The entity taking the land must give the chief executive a notice that—
- (a) states the details of the extinguishment; and
 - (b) asks for the extinguishment to be recorded in the petroleum register; and
 - (c) is accompanied by a certified copy of the resumption notice.

- ‘(10) In this section—

certified copy, of the resumption notice, means a copy of the original of the notice that has been certified by a justice of the peace as being a correct copy of the original notice.

relevant Minister, for the taking of land under a resumption law, means—

- (a) if the land is taken under the process stated in the ALA (whether the land is taken under the ALA or another resumption law)—the Minister to whom the application that the land be taken is made under section 9 of that Act; or
- (b) otherwise—the Minister administering the resumption law under which the land is, or is to be, taken.

‘30AB Effect of extinguishment of petroleum interests on the taking of land in a petroleum authority’s area (other than by an easement)

- ‘(1) This section applies if, under section 30AA, the resumption notice for the taking of land (other than by taking or otherwise creating an easement) under a resumption law provides for the extinguishment of petroleum interests for stated land.
- ‘(2) If the resumption notice states that all petroleum interests relating to the stated land are extinguished and a petroleum interest relates only to the stated land, the interest is wholly extinguished.

-
- ‘(3) If the resumption notice states that all petroleum interests relating to the stated land are extinguished and a petroleum interest relates to the stated land and other land—
- (a) the stated land is no longer the subject of the interest; and
 - (b) without limiting paragraph (a)—
 - (i) the stated land is excluded from the area of the petroleum authority comprising the interest, or under or in relation to which the interest exists; and
 - (ii) this Act applies, in relation to the area of the petroleum authority, with necessary and convenient changes to allow for the exclusion of the stated land, including, for example—
 - (A) to allow the area to include a part of a block or sub-block if the part is what is left after the stated land is excluded from the area; and
 - (B) if the stated land, or a part of it, is within a potential commercial area for an authority to prospect—to exclude the stated land or part from the potential commercial area.
- ‘(4) If the resumption notice states that the carrying out of stated activities on the stated land by holders of stated petroleum interests is prohibited, the holder of a stated petroleum interest is not, or is no longer, authorised to carry out the stated activities on the stated land.
- ‘(5) However, subsections (3) and (4) do not apply in relation to a petroleum interest that comprises, or exists under or in relation to, a new or renewed petroleum authority granted after the land is taken.

‘30AC Applications relating to land taken under a resumption law for which petroleum interests were extinguished

- ‘(1) The Minister may, under a grant provision, grant a petroleum authority for an area that includes acquired land only if the

[s 79]

Minister, after consulting the entity that took the land, is satisfied the grant of the authority is compatible with the purpose for which the land is being or is to be used.

- ‘(2) If there are 2 or more applications under this Act for the grant, under a grant provision, of a new petroleum authority for an area that includes the same acquired land, the applications are to be dealt with as follows—
- (a) the applications must be considered and decided according to the day on which they are lodged;
 - (b) if the applications were lodged on the same day—
 - (i) they take the priority the Minister decides, after considering the relative merits of each application; and
 - (ii) the Minister must give each applicant a notice stating there is competition for priority between the applicant’s application and another application, or other applications, lodged on the same day as the day on which the applicant’s application was lodged.
- ‘(3) If a grant provision provides for the grant of a new petroleum authority (the *new authority*) over land in the area of an existing petroleum authority or 1923 Act ATP (the *existing authority*)—
- (a) the application under this Act for the new authority may include acquired land that was, immediately before the taking of the land, in the existing authority’s area; and
 - (b) subject to subsections (1) and (2), the Minister may grant a new authority for an area that includes the acquired land as if the acquired land were in the existing authority’s area.
- ‘(4) To remove any doubt, it is declared that this section does not affect the operation of the provisions of this Act about the application for, and grant of, a new petroleum authority other than to the extent provided for in subsections (1) to (3).

‘(5) In this section—

grant provision means a provision of this Act providing for the grant of a new petroleum authority.

new petroleum authority includes a renewed petroleum authority.

‘30AD Compensation for effect of taking of land in a petroleum authority’s area on petroleum interests

‘(1) This section applies if land in a petroleum authority’s area is taken (including by taking or otherwise creating an easement) under a resumption law other than sections 456 to 458 of this Act.

‘(2) In assessing any compensation to be paid to the holder of a petroleum interest in relation to the taking of the land, allowance can not be made for the value of petroleum known or supposed to be in, or produced from, the land.

Note—

See section 458(3) in relation to land in a petroleum authority’s area taken under sections 456 to 458 of this Act.’.

80 Amendment of s 31 (Operation of div 1)

Section 31(1), note—

omit, insert—

Notes—

- 1 For other authorised activities, see part 4, chapter 5, part 2, division 3 and part 8.
- 2 The carrying out of particular activities on particular land in an authority to prospect’s area may not be authorised following the taking of the land under a resumption law. See section 30AB.’.

81 Amendment of s 33 (Incidental activities)

Section 33(1), ‘section 32(1)’—

[s 82]

omit, insert—

‘section 32(1) for the authority or another authority to prospect’.

82 Amendment of s 41 (Deciding whether to grant authority to prospect)

Section 41(2)—

insert—

‘*Note—*

If a tender relates to acquired land, see also section 30AC.’.

83 Amendment of s 84 (Deciding application)

Section 84(2)—

insert—

‘*Note—*

If the application relates to acquired land, see also section 30AC.’.

84 Amendment of s 85 (Provisions and term of renewed authority)

Section 85(3)—

insert—

‘*Note—*

See, however, section 30AC(3) in relation to acquired land that was previously in the area of the authority to prospect being renewed.’.

85 Amendment of s 98 (Area of authority to prospect)

Section 98(2) and (6)—

insert—

‘*Note—*

See also section 30AB(3) if land in the authority to prospect's area is taken under a resumption law.'

86 Amendment of s 108 (Operation of s div 1)

Section 108(1), note—

omit, insert—

Notes—

- 1 For other authorised activities, see part 4, chapter 5, part 2, division 3 and part 8.
- 2 The carrying out of particular activities on particular land in a petroleum lease's area may not be authorised following the taking of the land under a resumption law. See section 30AB.'

87 Replacement of s 110 (Petroleum pipeline and water pipeline construction and operation)

Section 110—

omit, insert—

'110 Construction and operation of petroleum pipelines

- '(1) The lease holder may construct and operate petroleum pipelines in the area of the lease.
- '(2) However, if a petroleum pipeline extends beyond the area of the lease, subsection (1) applies only if the pipeline is completely within—
- (a) the area of the lease; and
 - (b) the area of 1 or more other petroleum leases that—
 - (i) are also held by the holder of the lease; or
 - (ii) are the subject of a coordination arrangement between the holder of the lease and the holder of each other lease.

'(3) In this section—

petroleum pipeline means a pipeline as defined under section 16 other than a pipeline for transporting a GHG stream.

[s 88]

Notes—

- 1 See also the GHG storage Act, section 386 (Restriction on GHG storage activities).
- 2 For the granting of licences under this Act for pipelines for GHG streams, see sections 16, 394, 400 and 402.’.

88 Insertion of new s 111A

After section 111—

insert—

‘111A Processing produced water

- ‘(1) The lease holder may do each of the following in the area of the lease—
- (a) carry out the processing of produced water;
 - (b) construct and operate a facility for the processing and storage of produced water.
- ‘(2) Subsection (1) applies for produced water—
- (a) produced in or outside the area of the lease; and
 - (b) whether or not it is produced by the lease holder.
- ‘(3) In this section—
- processing*** of produced water includes—
- (a) treating produced water; and
 - (b) applying mechanical or chemical processes, or energy, to produced water.’.

89 Amendment of s 112 (Incidental activities)

Section 112(1), from ‘incidental to’ to ‘the lease.’—

omit, insert—

‘incidental to—

- (a) another authorised activity for the lease; or

- (b) an authorised activity for another petroleum lease or an authority to prospect.’

90 Amendment of s 117 (Who may apply)

Section 117(1)—

insert—

‘*Note—*

For inclusion of acquired land that was previously in the authority to prospect’s or 1923 Act ATP’s area, see section 30AC(3).’.

91 Amendment of s 120 (Right to grant if requirements for grant met)

Section 120(1)—

insert—

‘*Note—*

If the application relates to acquired land that was previously in the relevant authority to prospect’s or 1923 Act ATP’s area, see also section 30AC.’.

92 Amendment of s 132 (Deciding whether to grant petroleum lease)

Section 132(2)—

insert—

‘*Note—*

If a tender relates to acquired land, see also section 30AC.’.

93 Amendment of s 164 (Deciding application)

Section 164(2)—

insert—

‘*Note—*

If the application relates to acquired land, see also section 30AC.’.

[s 94]

94 Amendment of s 165 (Provisions and term of renewed lease)

Section 165(3)—

insert—

Note—

See, however, section 30AC(3) in relation to acquired land that was previously in the area of the petroleum lease being renewed.’.

95 Amendment of s 168 (Area of petroleum lease)

Section 168(2) and (7)—

insert—

Note—

See also section 30AB(3) if land in the petroleum lease’s area is taken under a resumption law.’.

96 Amendment of s 178 (Deciding application for data acquisition authority)

Section 178(2)—

insert—

Note—

If the application relates to acquired land, see also section 30AC.’.

97 Amendment of s 180 (Key authorised activities)

Section 180(3)—

insert—

Note—

Also, the carrying out of particular activities on particular land in a data acquisition authority’s area may not be authorised following the taking of the land under a resumption law. See section 30AB.’.

98 Amendment of s 192 (Deciding application for water monitoring authority)

Section 192(2)—

insert—

Note—

If the application relates to acquired land, see also section 30AC.’.

99 Amendment of s 193 (Operation of div 2)

Section 193(1), note—

omit, insert—

Notes—

- 1 For other authorised activities, see chapter 5, part 2, division 3 and part 8.
- 2 The carrying out of particular activities on particular land in a water monitoring authority’s area may not be authorised following the taking of the land under a resumption law. See section 30AB.’.

100 Amendment of s 394 (Surveying activities)

Section 394(2)—

insert—

Note—

Also, the carrying out of particular activities on particular land in a survey licence’s area may not be authorised following the taking of the land under a resumption law. See section 30AB.’.

101 Amendment of s 396 (Deciding application)

Section 396(2)—

insert—

Note—

If the application relates to acquired land, see also section 30AC.’.

[s 102]

102 Amendment of s 398 (Operation of div 1)

Section 398(1), note—

omit, insert—

‘Notes—

- 1 For other authorised activities, see chapter 5, part 2, division 3 and part 8.
- 2 The carrying out of particular activities on particular land in a pipeline licence’s area may not be authorised following the taking of the land under a resumption law. See section 30AB.’.

103 Insertion of new s 399A

Chapter 4, part 2, division 1, subdivision 1—

insert—

‘399A Written permission binds owner’s successors and assigns

- ‘(1) This section applies if a pipeline licence holder obtains the written permission of the owner of land to enter the land to construct and operate a pipeline the subject of the licence.
- ‘(2) The permission is—
- (a) for the benefit of anyone who holds the licence from time to time; and
 - (b) taken to have been given by, and is binding on, each of the owner’s successors and assigns for the land.
- ‘(3) However, subsection (2)(b) does not apply to a person who is a successor or assignee for the land if—
- (a) an easement over the land is not registered as mentioned in section 437A within 9 months after the pipeline licence holder gives notice of completion of the pipeline under section 420; and
 - (b) the person became the owner of the land after the end of the 9 months.
- ‘(4) This section does not limit section 537E(1).’.

104 Amendment of s 401 (Construction and operation of pipeline)

Section 401(3), from ‘authorise’—

omit, insert—

‘authorise—

- (a) the construction or operation of a pipeline on other land in the area of the licence; or
- (b) taking, interfering with or using produced water.’.

105 Amendment of s 410 (Deciding whether to grant licence)

Section 410(1)—

insert—

‘*Note—*

If the application relates to acquired land, see also section 30AC.’.

106 Amendment of s 419A (Notice to chief inspector before construction starts)

Section 419A—

insert—

- ‘(5) This section does not apply to the holder of a pipeline licence if the pipeline to be constructed is for transporting produced water.’.

107 Amendment of s 422 (Obligations in operating pipeline)

Section 422(1)(a), ‘or fuel gas’—

omit, insert—

‘, fuel gas or produced water’.

[s 108]

108 Insertion of new s 422A

After section 422—

insert—

‘422A Obligation to hold relevant environmental authority and water licence

‘The holder of a pipeline licence for transporting produced water must, for the term of the licence, be the holder of—

- (a) a relevant environmental authority for the licence; and
- (b) any water licence required under the Water Act for taking or interfering with produced water.’

109 Insertion of new s 437A

Chapter 4, part 2, division 8—

insert—

‘437A Creation of easement by registration

- ‘(1) An easement over pipeline land or public land may be created for a pipeline licence holder by registering a document creating the easement under the *Land Act 1994* or an instrument of easement under the *Land Title Act 1994*.
- ‘(2) Subsection (1)—
 - (a) applies even though the easement is not attached to, or used or enjoyed with, other land; and
 - (b) is subject to—
 - (i) the *Land Act 1994*, other than section 369(2); and
 - (ii) the *Land Title Act 1994*, other than section 89(2).
- ‘(3) The *Land Act 1994*, chapter 6, part 4, division 8 or the *Land Title Act 1994*, part 6, division 4 applies to the easement as if—
 - (a) it were a public utility easement; and

- (b) the pipeline licence holder were a public utility provider; and
- (c) if the land is forest land—
 - (i) a reference in the *Land Act 1994*, sections 362(1), 363(1)(c) and 369A(1) to the Minister were a reference to the Minister administering the *Forestry Act 1959*, part 4; and
 - (ii) the owner of the land were the chief executive of the department administering the *Forestry Act 1959*, part 4.

Note—

Under the *Land Act 1994*, section 363(4), the owner of a reserve or of unallocated State land for the purpose of consenting to the creation of an easement is the State.

‘(4) This section applies despite the *Forestry Act 1959*, section 26(1A).

‘(5) In this section—

forest land means land that is a State forest or timber reserve under the *Forestry Act 1959*.’

110 Amendment of s 438 (Operation of div 1)

Section 438(1), note—

omit, insert—

Notes—

- 1 For other authorised activities, see chapter 5, part 2, division 3 and part 8.
- 2 The carrying out of particular activities on particular land in a petroleum facility licence’s area may not be authorised following the taking of the land under a resumption law. See section 30AB.’

111 Amendment of s 446 (Deciding whether to grant licence)

Section 446(1)—

[s 112]

insert—

‘Note—

If the application relates to acquired land, see also section 30AC.’.

112 Amendment of s 482 (Deciding application)

Section 482(2)—

insert—

‘Note—

See also section 30AC in relation to acquired land that was previously in the area of the licence being renewed.’.

113 Amendment of s 564 (Petroleum register)

Section 564(1)—

insert—

‘(d) acquired land.’.

114 Amendment of s 670 (What is an *operating plant*)

Section 670(2)(d), after ‘authority’—

insert—

‘, other than a pipeline that transports produced water’.

115 Amendment of s 672 (What is a *stage* of an operating plant)

Section 672(2)—

insert—

‘(c) the work is the process called ‘rigging up and down’ of a drill rig and any associated plant or equipment required for the operation of the rig.’.

116 Amendment of s 802 (Restriction on pipeline construction or operation)

Section 802(1), after ‘distribution pipeline’—

insert—

‘or a pipeline for transporting produced water’.

117 Amendment of s 809 (Unlawful taking of petroleum or fuel gas prohibited)

Section 809, ‘or fuel gas’—

omit, insert—

‘, fuel gas or produced water’.

118 Amendment of s 889 (Other applications made before introduction of Petroleum and Other Legislation Amendment Bill 2004)

Section 889—

insert—

‘(2) The closing time for the call is taken to be the day on which this subsection commenced.’.

119 Amendment of s 910 (Renewal application provisions apply for making and deciding grant application)

Section 910(1)(b)(i), ‘and 163’—

omit, insert—

‘, 163 and 165(4)’.

120 Amendment of s 912 (Restrictions on term and renewed terms)

Section 912(5)(b)—

omit, insert—

[s 121]

‘(b) a day decided by the Minister.’.

121 Insertion of new ch 15, pt 13

Chapter 15—

insert—

‘Part 13 Transitional provisions for Mines Legislation (Streamlining) Amendment Act 2012

‘Division 1 Preliminary

‘957 Definitions for pt 13

‘In this part—

amending Act means the *Mines Legislation (Streamlining) Amendment Act 2012*.

commencement means the commencement of the section in which the term is used.

former, for a provision of this Act, means the provision as in force before the commencement of the section in which the term is used.

‘Division 2 Transitional provisions for amendments in amending Act commencing on assent

‘958 Land in a petroleum authority’s area taken before the commencement

‘(1) This section applies if—

-
- (a) land in a petroleum authority's area was taken under a resumption law before the commencement; and
- (b) at the commencement, the entity taking the land has not taken action indicating the petroleum authority was extinguished (wholly or partly) when the land was taken.

Examples of action for paragraph (b)—

- serving a copy of the resumption notice for the taking of the land on the petroleum authority holder (in the holder's capacity as the holder of the authority)
 - entering into an agreement under the ALA, section 15 with the petroleum authority holder for the taking of the land
 - negotiating, or taking other action relating to, the compensation payable to the petroleum authority holder for the taking of the land
 - paying compensation to the petroleum authority holder for the taking of the land
 - arranging for the taking of the land to be recorded in the petroleum register against the petroleum authority
- ‘(2) The taking of the land did not extinguish (wholly or partly) the petroleum authority or any other petroleum interest relating to the authority.
- ‘(3) Subsection (2) does not affect the ending of a petroleum interest (wholly or partly) in any other way, including, for example—
- (a) by the entity taking the land acquiring the petroleum interest (wholly or partly) under a separate commercial agreement or other arrangement with the holder of the interest; or
- (b) by the petroleum interest holder surrendering the interest (wholly or partly) under this Act.

‘959 Land in a petroleum authority's area for which notice of intention to resume given before the commencement

- ‘(1) This section applies if—

[s 121]

- (a) before the commencement, an entity gave a notice of intention to resume for the proposed taking, under a resumption law, of land in a petroleum authority's area; and
 - (b) at the commencement, the land had not been taken under the resumption law.
- ‘(2) If the land is taken other than by taking or otherwise creating an easement, sections 30AA to 30AD apply in relation to the taking, except that the resumption notice for the taking may provide for the extinguishment of a petroleum interest on the taking even if the notice of intention to resume does not comply with section 30AA(8).
- ‘(3) If the land is taken by taking or otherwise creating an easement, section 30AD applies in relation to the taking.

‘960 Existing water pipeline for petroleum lease

- ‘(1) This section applies if, before the commencement, the holder of a petroleum lease had started constructing or operating a water pipeline under former section 110.
- ‘(2) Former section 110 continues to apply to the holder of the relevant lease until 1 year after the commencement as if the amending Act had not commenced.

‘961 Existing written permission to enter land to construct and operate pipeline

- ‘(1) This section applies if, before the commencement, a pipeline licence holder has obtained the written permission of the owner of land to enter the land to construct and operate a pipeline the subject of the licence.
- ‘(2) Section 399A(2)(b) does not apply to the owner's successors and assigns for the land.

‘962 Authority to prospect taken to be properly granted

- ‘(1) This section applies to a 1923 Act ATP application mentioned in section 889.
- ‘(2) An authority to prospect granted under chapter 2, part 1, division 2 before the commencement is taken to be, and to have always been, validly granted as if the closing time for the call for tenders for the authority was the day before the authority was granted.

‘963 Grant applications

- ‘(1) Sections 910 and 912, as amended under the amending Act, apply to a grant application that was made, but not decided, before the commencement.
- ‘(2) In this section—
grant application see section 908.’.

122 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *occupier*—
omit.
- (2) Schedule 2—
insert—
‘acquired land—
 - 1 Land is *acquired land* if—
 - (a) it was taken under a resumption law, other than by taking or otherwise creating an easement; and
 - (b) on the taking—
 - (i) all petroleum interests relating to the land were extinguished under section 30AA; or
 - (ii) all 1923 Act petroleum interests under the 1923 Act relating to the land were extinguished under section 124A of that Act.

[s 122]

2 However, land mentioned in paragraph 1 stops being *acquired land* if it is included in the area of a new or renewed petroleum tenure granted under this Act.

ALA means the *Acquisition of Land Act 1967*.

CSG water means underground water brought to the surface of the earth in connection with exploring for or producing coal seam gas under a petroleum tenure.

notice of intention to resume, for the proposed taking of land under a resumption law, means—

- (a) if the land is taken under the process stated in the ALA (whether the land is taken under the ALA or another resumption law)—the notice of intention to resume under the ALA; or
- (b) otherwise—the notice, however named, required to be given under the resumption law to notify persons of the proposed taking.

occupier, of a place, means a person—

- (a) who, under an Act, or, for freehold land, a lease registered under the *Land Title Act 1994*, has a right to occupy the place, other than under a mining interest, petroleum tenure, licence, GHG authority or geothermal tenure; or
- (b) to whom an occupier under paragraph (a) has given the right to occupy the place.

petroleum interest means—

- (a) a petroleum authority; or
- (b) a right existing under, or in relation to, a petroleum authority.

produced water see section 15A.

resumption law—

(a) means a law that provides for the compulsory acquisition of land, including, for example, the following—

(i) the ALA, including as applied by another law providing for an entity to take land under the ALA as if the entity were a constructing authority under the ALA;

Examples of other laws for subparagraph (i)—

- *Electricity Act 1994*, section 116
- *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, section 53AY

(ii) the *Land Act 1994*, chapter 5, part 3, division 3;

(iii) sections 456 to 458 of this Act;

(iv) the *Queensland Reconstruction Authority Act 2011*, section 99;

(v) the *State Development and Public Works Organisation Act 1971*, section 82 or 125;

(vi) the *Transport Planning and Coordination Act 1994*, section 25 or 26; but

(b) does not include the *Land Act 1994*, chapter 5, part 3, divisions 1 and 2.

resumption notice, for the taking of land under a resumption law, means—

(a) if the land is taken under the process stated in the ALA (whether the land is taken under the ALA or another resumption law)—the gazette resumption notice under the ALA for the taking; or

(b) otherwise—the instrument giving effect to the taking.

take, in relation to land, includes acquire.’.

(3) Schedule 2, definition *operate*, first mention, paragraph 2(a), ‘or fuel gas’—

omit, insert—

[s 123]

‘, fuel gas or produced water’.

Part 8 Amendment of Work Health and Safety Act 2011

123 Act amended

This part amends the *Work Health and Safety Act 2011*.

124 Amendment of sch 1 (Application of Act)

Schedule 1, part 2, division 1—

omit, insert—

‘Division 1 Mining safety and related matters

‘1 Definition for div 1

‘In this division—

P&G Act means the *Petroleum and Gas (Production and Safety) Act 2004*.

‘2 Relationship with mining Acts

‘(1) This Act does not apply to—

- (a) a coal mine to which the *Coal Mining Safety and Health Act 1999* applies; or
- (b) a mine to which the *Mining and Quarrying Safety and Health Act 1999* applies; or
- (c) subject to subsections (2) and (3), operating plant under the P&G Act, other than specified P&G Act authorised activity, for any of the following—

-
- (i) a 1923 Act petroleum tenure under the *Petroleum Act 1923*;
 - (ii) a petroleum authority under the P&G Act;
 - (iii) a GHG authority under the *Greenhouse Gas Storage Act 2009*;
 - (iv) a geothermal tenure under the *Geothermal Energy Act 2010*;
 - (v) a mining tenement under the *Mineral Resources Act 1989*.
- ‘(2) Despite subsection (1)(c)—
- (a) this Act applies to construction work for operating plant under the P&G Act, unless the work is—
 - (i) the commissioning of an operating plant; or
 - (ii) the process called ‘rigging up and down’ of a drill rig; and
 - (b) both this Act and the P&G Act apply to construction work for a stage of operating plant or proposed operating plant mentioned in section 672(2) of that Act, unless the work is work mentioned in paragraph (a)(i) or (ii).
- ‘(3) Despite subsection (1)(c), a regulation under this Act applying in relation to a hazardous chemical or major hazard facility applies in relation to the chemical or facility even though it is at, or is, operating plant excluded from the application of this Act by subsection (1)(c).
- ‘(4) Subject to subsection (3), if this Act, for a health and safety matter, conflicts with the P&G Act, that Act prevails to the extent of the inconsistency.
- ‘(5) In this section—
- hazardous chemical*** means a hazardous chemical under a regulation.

[s 125]

major hazard facility means a major hazard facility under a regulation.

specified P&G Act authorised activity means an authorised activity mentioned in the P&G Act, section 670(6) that is not operating plant under the P&G Act, because of section 670(7)(b) of that Act.

‘3 Relationship with P&G Act relating to design or manufacture of operating plant

- ‘(1) This section applies if—
- (a) this Act, in the absence of this section, would have application to a matter, relating to the design or construction of proposed operating plant under the P&G Act, that impacts on the integrity or safe use of the plant; and
 - (b) the P&G Act also has application to the matter.
- ‘(2) This Act does not have application to the matter to the extent that the P&G Act has application to the matter.’

Part 9 Amendment of other Acts

125 Acts amended

Schedule 1 amends the Acts it mentions.

Chapter 3 Amendments commencing by proclamation other than amendments for the restructure of the Mineral Resources Act 1989

Part 1 Amendment of Environmental Protection Act 1994

126 Act amended

This part amends the *Environmental Protection Act 1994*.

Note—

See also the amendments in schedules 2 and 3.

127 Insertion of new s 309A

Chapter 5, part 12, division 3, subdivision 1—

insert—

‘309A Particular requirement for annual return for existing petroleum tenure under P&G Act

‘(1) This section applies if—

- (a) immediately before the commencement of this section, an authority to prospect or petroleum lease is in effect; and
- (b) an environmental authority for the authority to prospect or lease has been issued; and
- (c) after the commencement, the holder of the authority to prospect or lease carries out an incidental activity under the P&G Act in the area of the authority or lease that is reasonably necessary for, or incidental to, an authorised

-
- ‘(d) land that has been in a geothermal tenure’s area and less than 2 months has passed since the end of the month in which the land ceased to be in—
- (i) the geothermal tenure; or
 - (ii) if the geothermal tenure has ended—the former geothermal tenure’s area; or
- (e) land that has been the subject of an earlier geothermal tenure application that has been refused or withdrawn and less than 2 months has passed since the end of the month in which the earlier geothermal tenure application was refused or withdrawn.’.

130 Amendment of s 39 (Deciding whether to grant geothermal permit)

Section 39(3) and (4)—

omit, insert—

- ‘(3) The Minister can not grant a geothermal permit unless the applicant—
- (a) has paid the annual rent for the first year of the geothermal permit; and
 - (b) if the Minister requires the applicant to give security under section 204—has given the security.’.

131 Amendment of s 190 (Relinquishment report for partial relinquishment)

Section 190(3)—

omit, insert—

- ‘(3) The report must—
- (a) be—
 - (i) given electronically using the system for submission of reports made or approved by the chief executive; and

- (ii) in the digital format made or approved by the chief executive; or
- (b) if a way of giving the report is prescribed under a regulation—be given in that way.’.

132 Replacement of ch 6, pt 11 (Dealings)

Chapter 6, part 11—

omit, insert—

‘Part 11 Dealings

‘Division 1 Preliminary

‘277 Definitions for pt 11

‘In this part—

assessable transfer see section 280(2).

non-assessable transfer see section 280(1).

‘278 What is a *dealing* with a geothermal tenure

- ‘(1) Each of the following is a *dealing* with a geothermal tenure—
- (a) a transfer of the geothermal tenure or of a share in the geothermal tenure;
 - (b) a mortgage over the geothermal tenure or over a share in the geothermal tenure;
 - (c) a release, transfer or surrender of a mortgage mentioned in paragraph (b);
 - (d) a change to the geothermal tenure holder’s name even if the holder continues to be the same person after the change;
 - (e) if the geothermal tenure is a geothermal lease—

-
- (i) a sublease of the geothermal lease; or
 - (ii) a transfer of a sublease of the geothermal lease or of a share in a sublease of the geothermal lease.
- ‘(2) To remove any doubt, it is declared that any transaction or commercial agreement not mentioned in subsection (1) is not a dealing with a geothermal tenure.

‘279 Prohibited dealings

‘A dealing with a geothermal tenure, other than a dealing mentioned in section 278(1)(e), that has the effect of transferring a divided part of the area of the geothermal tenure is prohibited.

Examples of a divided part of the area of a geothermal tenure—

- a particular part of the surface of the area
- a particular strata beneath the surface of the area

‘280 Types of transfers

- ‘(1) The following transfers (each a *non-assessable transfer*) do not require assessment before being registered—
- (a) a transfer of a geothermal tenure or of a share in a geothermal tenure if—
 - (i) the transferee is an entity having the same Australian Business Number as the entity comprising all or part of the transferor; or
 - (ii) part of one holder’s share in the geothermal tenure will be transferred to another holder of the geothermal tenure;
 - (b) a transmission by death of a geothermal tenure or of a share in a geothermal tenure;
 - (c) a transfer of a geothermal tenure or of a share in a geothermal tenure by operation of law;

- (d) a transfer of a mortgage over a geothermal tenure or over a share in a geothermal tenure;
 - (e) a transfer of a sublease of a geothermal lease or of a share in a sublease of a geothermal lease.
- ‘(2) A transfer of a geothermal tenure or of a share in a geothermal tenure not mentioned in subsection (1) is an *assessable transfer* and must be approved by the Minister under division 3 before it can be registered.

‘Division 2 Registration of dealings generally

‘281 Registration required for all dealings

- ‘(1) A dealing with a geothermal tenure has no effect until it is registered.
- ‘(2) A registered dealing takes effect on—
- (a) for a dealing that is an assessable transfer—the day the transfer was approved under division 3; or
 - (b) for any other dealing—the day notice of the dealing was given to the chief executive under section 282.

‘282 Obtaining registration

- ‘(1) Registration of a dealing with a geothermal tenure, other than an assessable transfer, may be sought by giving the chief executive a notice of the dealing in the approved form.
- ‘(2) However, a dealing with a geothermal tenure prohibited under section 279 can not be registered and is of no effect.
- ‘(3) The approved form must be accompanied by the fee prescribed under a regulation.
- ‘(4) Registration of an assessable transfer must be carried out by the chief executive.

‘283 Effect of approval and registration

‘The registration of a dealing with a geothermal tenure, or an approval of an assessable transfer under division 3, allows the dealing or transfer to have effect according to its terms but does not of itself give the dealing any more effect or validity than it would otherwise have.

‘Division 3 Approval of assessable transfers

‘284 Indicative approval

- ‘(1) The holder of a geothermal tenure may, before applying for approval of an assessable transfer relating to the tenure, apply to the Minister—
- (a) for an indication whether the Minister is likely to approve the transfer (an *indicative approval*); and
 - (b) if the Minister is likely to impose conditions on the giving of the approval—for an indication what the conditions are likely to be.
- ‘(2) The application must be made to the Minister in the approved form and be accompanied by—
- (a) the information the Minister requires to make a decision; and
 - (b) the fee prescribed under a regulation.
- ‘(3) In deciding whether or not to give the indicative approval, the Minister must consider the matters mentioned in section 286(2) as if the request were an application for approval of an assessable transfer.
- ‘(4) The Minister must decide whether or not to give the indicative approval and give the applicant notice of the decision.

‘285 Applying for approval of assessable transfer

- ‘(1) The holder of a geothermal tenure may apply for approval of an assessable transfer relating to the geothermal tenure.
- ‘(2) However, an application can not be made under subsection (1) if the proposed transferee is not an eligible person.
- ‘(3) The application must be made to the Minister in the approved form and be accompanied by—
 - (a) a written consent to the transfer by the proposed transferee; and
 - (b) if the geothermal tenure or a share in the geothermal tenure is subject to a mortgage—a written consent to the transfer by the mortgagee; and
 - (c) for a transfer of a share in a geothermal tenure—a written consent to the transfer by each person, other than the transferor, who holds a share in the geothermal tenure; and
 - (d) the fee prescribed under a regulation.

‘286 Deciding application

- ‘(1) The Minister must decide whether or not to give the approval of the assessable transfer.
- ‘(2) In deciding whether or not to give the approval, the Minister must consider—
 - (a) the application and any additional information accompanying the application; and
 - (b) the relevant criteria that apply under chapter 2 or 3 for obtaining the type of geothermal tenure the subject of the transfer; and
 - (c) the public interest.
- ‘(3) Subsection (2) does not apply if, under subsection (6) or (7), the approval is taken to have been given.
- ‘(4) The approval may be given only if—

-
- (a) the proposed transferee is—
- (i) an eligible person; and
 - (ii) a registered suitable operator under the Environmental Protection Act; and
 - (iii) a holder of any relevant Water Act authorisation required for the purposes of the geothermal tenure; and
- (b) no geothermal royalty payable under this Act by the holder of the geothermal tenure remains unpaid.
- ‘(5) Also, the Minister may refuse to give the approval if the Minister is not satisfied the transferor has substantially complied with the conditions of the geothermal tenure.
- ‘(6) The approval is taken to have been given if—
- (a) under section 284, an indicative approval has been given for the proposed dealing; and
 - (b) subsection (4) does not prevent the giving of the approval; and
 - (c) within 3 months after the giving of the indicative approval—
 - (i) an application for approval of the assessable transfer is made; and
 - (ii) if, under section 284, an indication of likely conditions was given—the conditions are complied with.
- ‘(7) The approval is also taken to have been given if—
- (a) subsection (6)(a) and (b) is satisfied; and
 - (b) within 10 business days before the expiration of 3 months after the giving of the indicative approval, the applicant gives the chief executive—
 - (i) notice in the approved form that a proposed transferee has given a notice under the *Foreign Acquisitions and Takeovers Act 1975* (Cwlth)

- about a proposal that relates to the assessable transfer; and
 - (ii) evidence that the proposed transferee has given the notice under that Act; and
 - (iii) a statement from the proposed transferee that the proposed transferee has not received notice about an order or decision made under that Act about the proposal; and
 - (c) within 6 months after the giving of the indicative approval, subsection (6)(c)(i) and (ii) is satisfied.
- ‘(8) Despite subsections (6) and (7), the approval of the assessable transfer is taken not to have been given if—
- (a) the application for indicative approval contained incorrect material information or omitted material information; and
 - (b) had the Minister been aware of the discrepancy, the Minister would not have given the indicative approval.

‘287 Security may be required

- ‘(1) The Minister may, as a condition of deciding to give the approval, require the proposed transferee to give, under section 204, security for the geothermal tenure the subject of the transfer as if the proposed transferee were an applicant for the geothermal tenure.
- ‘(2) If the proposed transferee does not comply with the requirement, the application may be refused.
- ‘(3) When the transfer of the geothermal tenure is complete, section 204 applies to the transferee of the geothermal tenure as holder.

‘288 Notice of decision

- ‘(1) If the Minister decides to give the approval, the Minister must give the applicant notice of the decision.

- ‘(2) If the Minister decides not to give the approval, the Minister must give the applicant an information notice about the decision.

‘Part 11A Recording associated agreements

‘289 Definition for pt 11A

‘In this part—

associated agreement, for a geothermal tenure, means an agreement relating to the geothermal tenure, other than the following—

- (a) a dealing with the geothermal tenure;
- (b) a dealing with the geothermal tenure that is prohibited under section 279;
- (c) another agreement prescribed under a regulation as unsuitable to be recorded in the geothermal register.

‘289A Recording associated agreements

- ‘(1) An associated agreement for a geothermal tenure may be recorded in the geothermal register against the geothermal tenure.
- ‘(2) Registration of an associated agreement may be sought by giving the chief executive a notice of the agreement in the approved form.
- ‘(3) An approved form given to the chief executive under this section must be accompanied by the fee prescribed under a regulation.

- ‘(4) The chief executive is not required to examine, or to determine the validity of, an associated agreement recorded in the geothermal register under this section.

‘289B Effect of recording associated agreements

‘The recording of an associated agreement under this part does not of itself—

- (a) give the agreement any more effect or validity than it would otherwise have; or
- (b) create an interest in the geothermal tenure against which it is recorded.

‘Part 11B Caveats

‘289C Requirements of caveats

- ‘(1) A caveat must—
- (a) be lodged in the approved form; and
 - (b) be signed by the caveator, the caveator’s solicitor or another person authorised in writing by the caveator; and
 - (c) state the name and address for service of 1 person upon whom any notice may be served in order to serve the caveator; and
 - (d) identify the geothermal tenure the subject of the caveat; and
 - (e) state the nature of the right or interest claimed by the caveator; and
 - (f) state the period for which the caveat is to continue in force; and
 - (g) if a person consents to the lodging of the caveat, be endorsed with the person’s consent; and

- (h) be accompanied by the lodgement fee prescribed under a regulation.
- ‘(2) A caveat that does not comply with subsection (1) is of no effect.

‘289D Lodging of caveat

- ‘(1) A caveat may be lodged by any of the following—
- (a) a person claiming an interest in a geothermal tenure;
 - (b) the registered holder of a geothermal tenure;
 - (c) a person to whom an Australian court has ordered that an interest in a geothermal tenure be transferred;
 - (d) a person who has the benefit of a subsisting order of an Australian court restraining a registered holder of a geothermal tenure from dealing with the geothermal tenure.
- ‘(2) A caveat lodged under this section can not be registered if it applies to any of the following—
- (a) an application for indicative approval;
 - (b) an indicative approval given by the Minister;
 - (c) an application for approval of an assessable transfer;
 - (d) a notice to register a dealing given to the chief executive under section 282.

‘289E Chief executive’s functions on receipt of caveat

- ‘(1) On receipt of a caveat complying with section 289C(1), the chief executive must—
- (a) notify each holder of the affected geothermal tenure of the receipt of the caveat; and
 - (b) notify all other persons who have an interest in the geothermal tenure as recorded in the geothermal

register, including any subsisting prior caveator, of the receipt of the caveat; and

- (c) record the existence of the caveat in the geothermal register.
- ‘(2) For subsection (1)(b), a person does not have an interest in the geothermal tenure only because the person is a party to an associated agreement recorded in the geothermal register against the geothermal tenure.

‘289F Effect of lodging caveat

- ‘(1) Until a caveat lapses, or is removed or withdrawn, the caveat prevents registration of a dealing with a geothermal tenure over which the caveat is lodged from the date and time endorsed by the chief executive on the caveat as the caveat’s date and time of lodgement.
- ‘(2) However, lodgement of a caveat does not prevent registration of the following—
 - (a) an instrument stated in the caveat as an instrument to which the caveat does not apply;
 - (b) an instrument if the caveator consents, in the approved form, to its registration and the consent is lodged with the chief executive;
 - (c) an instrument executed by a mortgagee whose interest was registered before lodgement of the caveat if—
 - (i) the mortgagee has power under the mortgage to execute the instrument; and
 - (ii) the caveator claims an interest in the geothermal tenure as security for the payment of money or money’s worth;
 - (d) an instrument of transfer of mortgage executed by a mortgagee whose interest was registered before lodgement of the caveat;

-
- (e) another interest that, if registered, will not affect the interest claimed by the caveator.
 - ‘(3) The exception in subsection (2)(d) does not apply to a caveat lodged by the geothermal tenure holder.
 - ‘(4) Lodgement of a caveat does not create in the caveator an interest in the geothermal tenure affected by the caveat.

‘289G Lapsing, withdrawal or removal of caveat

- ‘(1) An agreed caveat lapses at the expiration of the term stated in the caveat but, if no term is stated, the caveat continues until it is withdrawn or removed.
- ‘(2) A caveat that is not an agreed caveat lapses—
 - (a) if an order of the Land Court is in force in relation to the caveat—at the expiration of the order; or
 - (b) otherwise—at the expiration of 3 months after the date of lodgement of the caveat or a shorter term stated in the caveat.
- ‘(3) A caveator may withdraw the caveat by notifying the chief executive in writing.
- ‘(4) An affected person for a caveat may apply to the Land Court for an order that the caveat be removed.
- ‘(5) The Land Court may make the order whether or not the caveator has been served with the application, and may make the order on the terms it considers appropriate.
- ‘(6) If a caveat is withdrawn, lapses or is ordered to be removed, the chief executive must record the withdrawal, lapse or removal in the geothermal register.
- ‘(7) In this section—
 - affected person***, for a caveat, means a person—
 - (a) who has a right or interest (present or prospective) in the geothermal tenure the subject of the caveat; or

- (b) whose right (present or prospective) to deal with the geothermal tenure the subject of the caveat is affected by the caveat.

agreed caveat means a caveat to which each holder of the geothermal tenure the subject of the caveat has consented, if the consent has been lodged with the caveat.

'289H Further caveat not available to same person

- '(1) This section applies if a caveat (the *original caveat*) is lodged in relation to an interest.
- '(2) A further caveat with the same caveator can never be lodged in relation to the interest on the same, or substantially the same, grounds as the grounds stated in the original caveat unless—
 - (a) the consent of each holder of the geothermal tenure the subject of the caveat has been lodged with the caveat; or
 - (b) the leave of a court of competent jurisdiction to lodge the further caveat has been granted.

'289I Compensation for lodging caveat without reasonable cause

'A person who lodges a caveat in relation to a geothermal tenure without reasonable cause is liable to compensate anyone else who suffers loss or damage because of the caveat.'

133 Amendment of s 351 (Joint holders of a geothermal tenure)

Section 351(2)(a)—

omit, insert—

- '(a) an application is made for a geothermal tenure, or for approval of an assessable transfer relating to a

geothermal tenure, for more than 1 proposed holder or transferee; and’.

134 Amendment of s 363 (Place for making applications, lodging documents or making submissions)

(1) Section 363, heading, after ‘Place’—

insert—

‘**or way**’.

(2) Section 363(2)—

omit, insert—

‘(2) The application, document or submission may be made or given only—

(a) at the following place—

(i) the office of the department provided for under the relevant approved form for that purpose;

(ii) if the relevant approved form does not make provision as mentioned in subparagraph (i) or if there is no relevant approved form—the office of the department notified on the department’s website; or

(b) in the way prescribed under a regulation.

‘(3) Without limiting subsection (2)(b), the way prescribed under a regulation may include making or giving the application, document or submission at another place.

‘(4) This section does not apply to the following—

(a) the making of an application to the Land Court;

(b) the giving of a royalty return under section 106 to the chief executive;

(c) the giving of a document that, under this Act, must be given in the required way for giving reports to the chief executive.’.

135 Amendment of s 364 (Requirements for making an application)

- (1) Section 364(1), after ‘purported application’—
insert—
‘, other than to the Land Court,’.
- (2) Section 364—
insert—
- ‘(3) If the Minister decides to refuse to receive or process the purported application—
- (a) the Minister must give the applicant notice of the decision and the reasons for it; and
 - (b) the chief executive must refund the application fee to the applicant.’.

136 Replacement of s 365 (Request to applicant about application)

Section 365—

omit, insert—

‘365 Request to applicant about application

- ‘(1) For an application under this Act, the chief executive may, by notice, require the applicant to do all or any of the following within a stated reasonable period—
- (a) complete or correct the application if it appears to the chief executive to be incorrect, incomplete or defective;
 - (b) give the chief executive or a stated officer of the department additional information about, or relevant to, the application;

Example—

The application is for a geothermal tenure. The chief executive may require a document, prepared by an appropriately qualified person, independently verifying geological or predictive

migration data given in the proposed work program or development plan for the tenure.

- (c) give the chief executive or a stated officer of the department an independent report by an appropriately qualified person or a statement or statutory declaration verifying all or any of the following—
- (i) any information included in the application;
 - (ii) any additional information required under paragraph (b);
 - (iii) if the application is for a geothermal tenure—that the applicant meets the capability criteria.
- ‘(2) For subsection (1)(b), if the application is for a geothermal tenure, a required document may include a survey or resurvey of the area of the proposed tenure carried out by a person who is a cadastral surveyor under the *Surveyors Act 2003*.
- ‘(3) For subsection (1)(c), the notice may require the statement or statutory declaration—
- (a) to be made by an appropriately qualified independent person or by the applicant; and
 - (b) if the applicant is a corporation—to be made for the applicant by an executive officer of the applicant.
- ‘(4) The giving of a statement for subsection (1)(c) does not prevent the chief executive from also requiring a statutory declaration for the subsection.
- ‘(5) The applicant must bear any costs incurred in complying with the notice.
- ‘(6) The chief executive may extend the period for complying with the notice.
- ‘(7) In this section—
- application*** does not include an application to the Land Court.
- information*** includes a document.’

137 Amendment of s 366 (Refusing application for failure to comply with request)

Section 366(c), ‘Minister’s’—

omit, insert—

‘chief executive’s’.

138 Insertion of new s 366A

After section 366—

insert—

‘366A Notice to progress geothermal tenure or renewal application

- ‘(1) The Minister may by notice require an applicant for, or to renew, a geothermal tenure to, within a stated reasonable period, do any thing required of the applicant under this Act or another Act to allow the application to be decided or the tenure to be granted or renewed.
- ‘(2) However, the period for complying with the notice must be at least 20 business days after the notice is given.
- ‘(3) The Minister may extend the period for complying with the notice.
- ‘(4) The Minister may refuse the application if the applicant does not comply with the requirement.’.

139 Amendment of s 383 (Practice manual)

- (1) Section 383(3)(b) and (c)—

omit, insert—

‘(b) the person gives the information—

- (i) at the place or in the way permitted under the manual; or

-
- (ii) at the place or in the way the information would be required to be given under section 363 if the information were a document;’.
- (2) Section 383(4)—
omit.
- (3) Section 383(5) and (6)—
renumber as section 383(4) and (5).
- (4) Section 383(5), as renumbered, ‘subsection (5)’—
omit, insert—
‘subsection (4)’.

140 Amendment of s 385 (Regulation-making power)

Section 385(2)—

insert—

- ‘(aa) the way an application, document or submission must be made or given for section 363(2)(b), or the way a report must be given for section 190(3)(b), including, for example—
- (i) practices and procedures for lodgement of applications and other documents; and
 - (ii) methods for acknowledging receipt of documents; and
 - (iii) methods for acceptance of the lodgement of documents; and
 - (iv) the time at which a document is taken to have been lodged, but only to the extent that this Act does not provide otherwise;
- (f) requiring lodgement of a hard copy of the application, document or submission.’.

141 Insertion of new ch 9, pt 3, div 3

Chapter 9, part 3—

insert—

‘Division 3 Transitional provisions for amendments in amending Act commencing by proclamation

‘407 Undecided applications for approval of particular dealing

- ‘(1) This section applies to an application for approval of a third party transfer or sublease—
- (a) made, before the commencement, under former chapter 6, part 11, division 3; and
 - (b) not decided before the commencement.
- ‘(2) The Minister may continue to deal with the application under former chapter 6, part 11, division 3 as if the division had not been repealed under the amending Act.
- ‘(3) In this section—
- third party transfer* has the meaning given by former section 280.

‘408 Deciding applications for approval of assessable transfers until commencement of particular provisions

- ‘(1) This section applies until the commencement of the *Environmental Protection Act 1994*, chapter 5A, part 4 as inserted by the *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012*.
- ‘(2) Former section 287(2)(a)(ii) continues in force instead of section 286(4)(a)(ii) and (iii), as inserted by the amending Act, for deciding whether to give an approval of an assessable transfer.

‘409 Uncommenced appeals about refusal to approve particular dealing

- ‘(1) This section applies to a person if—
- (a) before the commencement, the person could appeal to the Land Court under section 335 in relation to a refusal to approve and register a third party transfer or sublease under former section 287; but
 - (b) the person had not started the appeal before the commencement.
- ‘(2) Despite the amendment of schedule 1 by the amending Act, the person continues to be a person who may start an appeal under section 335, subject to sections 336 and 337.

‘410 Unfinished appeals about refusal to approve particular dealing

- ‘(1) This section applies if, before the commencement—
- (a) a person started an appeal under section 337 in relation to a refusal to approve and register a third party transfer or sublease under former section 287; and
 - (b) the Land Court had not yet decided the appeal.
- ‘(2) The Land Court may continue, under chapter 7, part 4, to grant a stay of the decision being appealed, and hear and decide the appeal.’.

142 Amendment of sch 1 (Decisions subject to appeal)

- (1) Schedule 1—
insert—
- ‘286 refusal to approve an assessable transfer’.
- (2) Schedule 1, entry for section 287—
omit.

143 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *third party transfer*—
omit.
- (2) Schedule 2—
insert—
‘apply, in relation to making an application, has the meaning affected by section 363.
assessable transfer, for chapter 6, part 11, see section 280(2).
associated agreement, for chapter 6, part 11A, see section 289.
dealing, with a geothermal tenure, see section 278.
give, a document to the Minister or the chief executive, has the meaning affected by section 363.
indicative approval, of an assessable transfer, see section 284(1)(a).
make submissions has the meaning affected by section 363.
non-assessable transfer, for chapter 6, part 11, see section 280(1).’.
- (3) Schedule 2, definition *made*, after ‘place’—
insert—
‘or in the way’.

Part 3 Amendment of Greenhouse Gas Storage Act 2009

144 Act amended

This part amends the *Greenhouse Gas Storage Act 2009*.

Note—

See also the amendments in—

- (a) chapter 2, part 3; and
- (b) schedules 1 to 3.

145 Amendment of s 255 (Relinquishment report by GHG permit holder)

Section 255(2)—

omit, insert—

‘(2) The report must—

- (a) be—
 - (i) given electronically using the system for submission of reports made or approved by the chief executive; and
 - (ii) in the digital format made or approved by the chief executive; or
- (b) if a way of giving the report is prescribed under a regulation—be given in that way.’.

146 Replacement of ch 5, pt 14 (Dealings)

Chapter 5, part 14—

omit, insert—

‘Part 14 Dealings

‘Division 1 Preliminary

‘345 Definitions for pt 14

‘In this part—

assessable transfer see section 348(2).

non-assessable transfer see section 348(1).

‘346 What is a *dealing* with a GHG authority

- ‘(1) Each of the following is a *dealing* with a GHG authority—
- (a) a transfer of the GHG authority or of a share in the GHG authority;
 - (b) a mortgage over the GHG authority or over a share in the GHG authority;
 - (c) a release, transfer or surrender of a mortgage mentioned in paragraph (b);
 - (d) a change to the GHG authority holder’s name even if the holder continues to be the same person after the change;
 - (e) if the GHG authority is a GHG lease—
 - (i) a sublease of the GHG lease; or
 - (ii) a transfer of a sublease of the GHG lease or of a share in a sublease of the GHG lease.
- ‘(2) To remove any doubt, it is declared that any transaction or commercial agreement not mentioned in subsection (1) is not a dealing with a GHG authority.

‘347 Prohibited dealings

‘The following dealings with a GHG authority are prohibited—

- (a) a transfer of a pipeline constructed or operated under section 31 or 111;
- (b) a dealing, other than a dealing mentioned in section 346(1)(e), that has the effect of transferring a divided part of the area of a GHG tenure;

Examples of a divided part of the area of a GHG tenure—

- a particular part of the surface of the area
- a particular strata beneath the surface of the area

-
- (c) a transfer of a GHG data acquisition authority or of a share in a data acquisition authority, other than a transfer by operation of law under section 240.

‘348 Types of transfers

- ‘(1) The following transfers (each a *non-assessable transfer*) do not require assessment before being registered—
 - (a) a transfer of a GHG authority or of a share in a GHG authority under which—
 - (i) the transferee is an entity having the same Australian Business Number as the entity comprising all or part of the transferor; or
 - (ii) part of one holder’s share in the GHG authority will be transferred to another holder of the GHG authority;
 - (b) a transmission by death of a GHG authority or of a share in a GHG authority;
 - (c) a transfer of a GHG authority or of a share in a GHG authority by operation of law;
 - (d) a transfer of a mortgage over a GHG authority or over a share in a GHG authority;
 - (e) a transfer of a sublease of a GHG lease or of a share in a sublease of a GHG lease.
- ‘(2) A transfer of a GHG authority or of a share in a GHG authority not mentioned in subsection (1) is an *assessable transfer* and must be approved by the Minister under division 3 before it can be registered.

‘Division 2 Registration of dealings generally

‘349 Registration required for all dealings

- ‘(1) A dealing with a GHG authority has no effect until it is registered.
- ‘(2) A registered dealing takes effect on—
 - (a) for a dealing that is an assessable transfer—the day the transfer was approved under division 3; or
 - (b) for any other dealing—the day notice of the dealing was given to the chief executive under section 350.

‘350 Obtaining registration

- ‘(1) Registration of a dealing with a GHG authority, other than an assessable transfer, may be sought by giving the chief executive a notice of the dealing in the approved form.
- ‘(2) However, a dealing with a GHG authority prohibited under section 347 can not be registered and is of no effect.
- ‘(3) The approved form must be accompanied by the fee prescribed under a regulation.
- ‘(4) Registration of an assessable transfer must be carried out by the chief executive.

‘351 Effect of approval and registration

‘The registration of a dealing with a GHG authority, or an approval of an assessable transfer under division 3, allows the dealing or transfer to have effect according to its terms but does not of itself give the dealing any more effect or validity than it would otherwise have.

‘Division 3 Approval of assessable transfers

‘352 Indicative approval

- ‘(1) The holder of a GHG authority may, before applying for approval of an assessable transfer relating to the authority, apply to the Minister—
 - (a) for an indication whether the Minister is likely to approve the transfer (an *indicative approval*); and
 - (b) if the Minister is likely to impose conditions on the giving of the approval—for an indication what the conditions are likely to be.
- ‘(2) The application must be made to the Minister in the approved form and be accompanied by—
 - (a) the information the Minister requires to make a decision; and
 - (b) the fee prescribed under a regulation.
- ‘(3) In deciding whether or not to give the indicative approval, the Minister must consider the matters mentioned in section 354(2) as if the request were an application for approval of an assessable transfer.
- ‘(4) The Minister must decide whether or not to give the indicative approval and give the applicant notice of the decision.

‘353 Applying for approval of assessable transfer

- ‘(1) The holder of a GHG authority may apply for approval of an assessable transfer relating to the GHG authority.
- ‘(2) However, an application can not be made under subsection (1) if the proposed transferee is not an eligible person.
- ‘(3) The application must be made to the Minister in the approved form and be accompanied by—
 - (a) a written consent to the transfer by the proposed transferee; and

- (b) if the GHG authority or a share in the GHG authority is subject to a mortgage—a written consent to the transfer by the mortgagee; and
- (c) for a transfer of a share in a GHG authority—a written consent to the transfer by each person, other than the transferor, who holds a share in the GHG authority; and
- (d) the fee prescribed under a regulation.

‘354 Deciding application

- ‘(1) The Minister must decide whether or not to give the approval of the assessable transfer.
- ‘(2) In deciding whether or not to give the approval, the Minister must consider—
 - (a) the application and any additional information accompanying the application; and
 - (b) if the approval relates to a transfer of a GHG tenure—the relevant criteria that apply under chapter 2 or 3 for obtaining the type of GHG tenure the subject of the transfer.
- ‘(3) Subsection (2) does not apply if, under subsection (6) or (7), the approval is taken to have been given.
- ‘(4) The approval may be given only if the proposed transferee is—
 - (a) an eligible person; and
 - (b) a registered suitable operator under the Environmental Protection Act.
- ‘(5) Also, the Minister may refuse to give the approval if the Minister is not satisfied the transferor has substantially complied with the conditions of the GHG authority.
- ‘(6) The approval is taken to have been given if—
 - (a) under section 352, an indicative approval has been given for the proposed dealing; and

-
- (b) subsection (4) does not prevent the giving of the approval; and
 - (c) within 3 months after the giving of the indicative approval—
 - (i) an application for approval of the assessable transfer is made; and
 - (ii) if, under section 352, an indication of likely conditions was given—the conditions are complied with.
- ‘(7) The approval is also taken to have been given if—
- (a) subsection (6)(a) and (b) is satisfied; and
 - (b) within 10 business days before the expiration of 3 months after the giving of the indicative approval, the applicant gives the chief executive—
 - (i) notice in the approved form that a proposed transferee has given a notice under the *Foreign Acquisitions and Takeovers Act 1975* (Cwlth) about a proposal that relates to the assessable transfer; and
 - (ii) evidence that the proposed transferee has given the notice under that Act; and
 - (iii) a statement from the proposed transferee that the proposed transferee has not received notice about an order or decision made under that Act about the proposal; and
 - (c) within 6 months after the giving of the indicative approval, subsection (6)(c)(i) and (ii) is satisfied.
- ‘(8) Despite subsections (6) and (7), the approval of the assessable transfer is taken not to have been given if—
- (a) the request for indicative approval contained incorrect material information or omitted material information; and

- (b) had the Minister been aware of the discrepancy, the Minister would not have given the indicative approval.

‘355 Security may be required

- ‘(1) The Minister may, as a condition of deciding to give the approval, require the proposed transferee to give, under section 271, security for the GHG authority the subject of the transfer as if the proposed transferee were an applicant for the GHG authority.
- ‘(2) If the proposed transferee does not comply with the requirement, the application may be refused.
- ‘(3) When the transfer of the GHG authority is complete, section 271 applies to the transferee of the GHG authority as holder.

‘355A Notice of decision

- ‘(1) If the Minister decides to give the approval, the Minister must give the applicant notice of the decision.
- ‘(2) If the Minister decides not to give the approval, the Minister must give the applicant an information notice about the decision.

‘Part 14A Recording associated agreements

‘355B Definition for pt 14A

‘In this part—

associated agreement, for a GHG authority, means an agreement relating to the GHG authority, other than the following—

- (a) a dealing with the GHG authority;

- (b) a dealing with the GHG authority that is prohibited under section 347;
- (c) another agreement prescribed under a regulation as unsuitable to be recorded in the GHG register.

'355C Recording associated agreements

- '(1) An associated agreement for a GHG authority may be recorded in the GHG register against the GHG authority.
- '(2) Registration of an associated agreement may be sought by giving the chief executive a notice of the agreement in the approved form.
- '(3) An approved form given to the chief executive under this section must be accompanied by the fee prescribed under a regulation.
- '(4) The chief executive is not required to examine, or to determine the validity of, an associated agreement recorded in the GHG register under this section.

'355D Effect of recording associated agreements

'The recording of an associated agreement under this part does not of itself—

- (a) give the agreement any more effect or validity than it would otherwise have; or
- (b) create an interest in the GHG authority against which it is recorded.

‘Part 14B Caveats

‘355E Requirements of caveats

- ‘(1) A caveat must—
- (a) be lodged in the approved form; and
 - (b) be signed by the caveator, the caveator’s solicitor or another person authorised in writing by the caveator; and
 - (c) state the name and address for service of 1 person upon whom any notice may be served in order to serve the caveator; and
 - (d) identify the GHG authority the subject of the caveat; and
 - (e) state the nature of the right or interest claimed by the caveator; and
 - (f) state the period for which the caveat is to continue in force; and
 - (g) if a person consents to the lodging of the caveat, be endorsed with the person’s consent; and
 - (h) be accompanied by the lodgement fee prescribed under a regulation.
- ‘(2) A caveat that does not comply with subsection (1) is of no effect.

‘355F Lodging of caveat

- ‘(1) A caveat may be lodged by any of the following—
- (a) a person claiming an interest in a GHG authority;
 - (b) the registered holder of a GHG authority;
 - (c) a person to whom an Australian court has ordered that an interest in a GHG authority be transferred;

-
- (d) a person who has the benefit of a subsisting order of an Australian court restraining a registered holder of a GHG authority from dealing with the GHG authority.
- ‘(2) A caveat lodged under this section can not be registered if it applies to any of the following—
- (a) an application for indicative approval;
 - (b) an indicative approval given by the Minister;
 - (c) an application for approval of an assessable transfer;
 - (d) a notice to register a dealing given to the chief executive under section 350.

‘355G Chief executive’s functions on receipt of caveat

- ‘(1) On receipt of a caveat complying with section 355E(1), the chief executive must—
- (a) notify each holder of the affected GHG authority of the receipt of the caveat; and
 - (b) notify all other persons who have an interest in the GHG authority as recorded in the GHG register, including any subsisting prior caveator, of the receipt of the caveat; and
 - (c) record the existence of the caveat in the GHG register.
- ‘(2) For subsection (1)(b), a person does not have an interest in the GHG authority only because the person is a party to an associated agreement recorded in the GHG register against the GHG authority.

‘355H Effect of lodging caveat

- ‘(1) Until a caveat lapses, or is removed or withdrawn, the caveat prevents registration of a dealing with a GHG authority over which the caveat is lodged from the date and time endorsed by the chief executive on the caveat as the caveat’s date and time of lodgement.

- ‘(2) However, lodgement of a caveat does not prevent registration of the following—
- (a) an instrument stated in the caveat as an instrument to which the caveat does not apply;
 - (b) an instrument if the caveator consents, in the approved form, to its registration and the consent is lodged with the chief executive;
 - (c) an instrument executed by a mortgagee whose interest was registered before lodgement of the caveat if—
 - (i) the mortgagee has power under the mortgage to execute the instrument; and
 - (ii) the caveator claims an interest in the GHG authority as security for the payment of money or money’s worth;
 - (d) an instrument of transfer of mortgage executed by a mortgagee whose interest was registered before lodgement of the caveat;
 - (e) another interest that, if registered, will not affect the interest claimed by the caveator.
- ‘(3) The exception in subsection (2)(d) does not apply to a caveat lodged by the GHG authority holder.
- ‘(4) Lodgement of a caveat does not create in the caveator an interest in the GHG authority affected by the caveat.

‘355I **Lapsing, withdrawal or removal of caveat**

- ‘(1) An agreed caveat lapses at the expiration of the term stated in the caveat but, if no term is stated, the caveat continues until it is withdrawn or removed.
- ‘(2) A caveat that is not an agreed caveat lapses—
- (a) if an order of the Land Court is in force in relation to the caveat—at the expiration of the order; or

-
- (b) otherwise—at the expiration of 3 months after the date of lodgement of the caveat or a shorter term stated in the caveat.
- ‘(3) A caveator may withdraw the caveat by notifying the chief executive in writing.
- ‘(4) An affected person for a caveat may apply to the Land Court for an order that the caveat be removed.
- ‘(5) The Land Court may make the order whether or not the caveator has been served with the application, and may make the order on the terms it considers appropriate.
- ‘(6) If a caveat is withdrawn, lapses or is ordered to be removed, the chief executive must record the withdrawal, lapse or removal in the register.
- ‘(7) In this section—
- affected person***, for a caveat, means a person—
- (a) who has a right or interest (present or prospective) in the GHG authority the subject of the caveat; or
- (b) whose right (present or prospective) to deal with the GHG authority the subject of the caveat is affected by the caveat.
- agreed caveat*** means a caveat to which each holder of the GHG authority the subject of the caveat has consented, if the consent has been lodged with the caveat.

‘355J Further caveat not available to same person

- ‘(1) This section applies if a caveat (the ***original caveat***) is lodged in relation to an interest.
- ‘(2) A further caveat with the same caveator can never be lodged in relation to the interest on the same, or substantially the same, grounds as the grounds stated in the original caveat unless—
- (a) the consent of each holder of the GHG authority the subject of the caveat has been lodged with the caveat; or

- (b) the leave of a court of competent jurisdiction to lodge the further caveat has been granted.

‘355K Compensation for lodging caveat without reasonable cause

‘A person who lodges a caveat in relation to a GHG authority without reasonable cause is liable to compensate anyone else who suffers loss or damage because of the caveat.’

147 Amendment of s 370 (Joint holders of a GHG authority)

Section 370(2)(a)—

omit, insert—

- ‘(a) an application is made for a GHG authority, or for approval of an assessable transfer relating to a GHG authority, for more than 1 proposed holder or transferee; and’.

148 Amendment of s 411 (Place for making applications, lodging documents or making submissions)

- (1) Section 411, heading, after ‘Place’—

insert—

‘or way’.

- (2) Section 411(2)—

omit, insert—

- ‘(2) The application, document or submission may be made or given only—
 - (a) at the following place—
 - (i) the office of the department provided for under the relevant approved form for that purpose;
 - (ii) if the relevant approved form does not make provision as mentioned in subparagraph (i) or if

there is no relevant approved form—the office of the department notified on the department’s website; or

- (b) in the way prescribed under a regulation.
- ‘(3) Without limiting subsection (2)(b), the way prescribed under a regulation may include making or giving the application, document or submission at another place.
- ‘(4) This section does not apply to the following—
 - (a) the making of an application to the Land Court;
 - (b) the giving of a document that, under this Act, must be given in the required way for giving reports to the chief executive.’.

149 Replacement of ss 412 and 413

Sections 412 and 413—

omit, insert—

‘412 Requirements for making an application

- ‘(1) The Minister must refuse to receive or process a purported application, other than to the Land Court, not made under the requirements under this Act for making the application.
- ‘(2) However, the Minister may decide to allow the application to proceed and be decided as if it did comply with the requirements if the Minister is satisfied the application substantially complies with the requirements.
- ‘(3) If the Minister decides to refuse to receive or process the purported application—
 - (a) the Minister must give the applicant written notice of the decision and the reasons for it; and
 - (b) the chief executive must refund the application fee to the applicant.

‘413 Request to applicant about application

‘(1) For an application under this Act, the chief executive may, by notice, require the applicant to do all or any of the following within a stated reasonable period—

- (a) complete or correct the application if it appears to the chief executive to be incorrect, incomplete or defective;
- (b) give the chief executive or a stated officer of the department additional information about, or relevant to, the application;

Example—

The application is for a GHG tenure. The chief executive may require a document, prepared by an appropriately qualified person, independently verifying geological or predictive migration data given in the proposed work program or development plan for the GHG tenure.

- (c) give the chief executive or a stated officer of the department an independent report by an appropriately qualified person, or a statement or statutory declaration, verifying all or any of the following—
 - (i) any information included in the application;
 - (ii) any additional information required under paragraph (b);
 - (iii) if the application is for a GHG tenure—that the applicant meets the relevant capability criteria under chapter 2 or 3.

‘(2) For subsection (1)(b), if the application is for a GHG authority, a required document may include a survey or resurvey of the area of the proposed authority carried out by a person who is a cadastral surveyor under the *Surveyors Act 2003*.

‘(3) For subsection (1)(c), the notice may require the statement or statutory declaration—

- (a) to be made by an appropriately qualified independent person or by the applicant; and

-
- (b) if the applicant is a corporation—to be made for the applicant by an executive officer of the applicant.
- ‘(4) The giving of a statement for subsection (1)(c) does not prevent the chief executive from also requiring a statutory declaration for the subsection.
- ‘(5) The applicant must bear any costs incurred in complying with the notice.
- ‘(6) The chief executive may extend the period for complying with the notice.
- ‘(7) In this section—
application does not include an application to the Land Court.
information includes a document.

‘413A Refusing application for failure to comply with request

‘The Minister may refuse an application if—

- (a) a notice under section 413 has been given for the application; and
- (b) the period stated in the notice for complying with it has ended; and
- (c) the request has not been complied with to the chief executive’s satisfaction.

‘413B Notice to progress GHG authority or renewal application

- ‘(1) The Minister may by notice require an applicant for, or to renew, a GHG authority to, within a stated reasonable period, do any thing required of the applicant under this Act or another Act to allow the application to be decided or the authority to be granted or renewed.
- ‘(2) However, the period for complying with the notice must be at least 20 business days after the notice is given.

- ‘(3) The Minister may extend the period for complying with the notice.
- ‘(4) The Minister may refuse the application if the applicant does not comply with the requirement.’.

150 Amendment of s 427 (Practice manual)

- (1) Section 427(3)(b) and (c)—

omit, insert—

‘(b) the person gives the information—

- (i) at the place or in the way permitted under the manual; or
- (ii) at the place or in the way the information would be required to be given under section 411 if the information were a document;’.

- (2) Section 427(4)—

omit.

- (3) Section 427(5) and (6)—

renumber as section 427(4) and (5).

- (4) Section 427(5), as renumbered, ‘subsection (5)’—

omit, insert—

‘subsection (4)’.

151 Amendment of s 429 (Regulation-making power)

Section 429(2)—

insert—

‘(c) be made about the way an application, document or submission must be made or given for section 411(2)(b), or the way a report must be given for section 255(2)(b), including, for example—

-
- (i) practices and procedures for lodgement of applications and other documents; and
 - (ii) methods for acknowledging receipt of documents; and
 - (iii) methods for acceptance of the lodgement of documents; and
 - (iv) the time at which a document is taken to have been lodged, but only to the extent that this Act does not provide otherwise; or
- (d) requiring lodgement of a hard copy of the application, document or submission.’.

152 Insertion of new ch 8, pt 3, div 3

Chapter 8, part 3—

insert—

‘Division 3 Transitional provisions for amendments in amending Act commencing by proclamation

‘444 Undecided applications for approval of particular dealing

- ‘(1) This section applies to an application for approval of a third party transfer—
- (a) made, before the commencement, under former chapter 5, part 14, division 3; and
 - (b) not decided before the commencement.
- ‘(2) The Minister may continue to deal with the application under former chapter 5, part 14, division 3 as if the division had not been repealed under the amending Act.
- ‘(3) In this section—

third party transfer has the meaning given by former section 347.

‘445 Deciding applications for approval of assessable transfers until commencement of particular provisions

- ‘(1) This section applies until the commencement of the *Environmental Protection Act 1994*, chapter 5A, part 4 as inserted by the *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012*.
- ‘(2) Former section 353(2)(a) continues in force instead of section 354(4)(b), as inserted by the amending Act, for deciding whether to give an approval of an assessable transfer.

‘446 Uncommenced appeals about refusal to approve particular dealing

- ‘(1) This section applies to a person if—
 - (a) before the commencement, the person could appeal to the Land Court under section 395 in relation to a refusal to approve a third party transfer under former section 353; but
 - (b) the person had not started the appeal before the commencement.
- ‘(2) Despite the amendment of schedule 1 by the amending Act, the person continues to be a person who may start an appeal under section 395, subject to sections 396 and 397.

‘447 Unfinished appeals about refusal to approve particular dealing

- ‘(1) This section applies if, before the commencement—
 - (a) a person started an appeal under section 397 in relation to a refusal to approve an assessable transfer under former section 353; and
 - (b) the Land Court had not yet decided the appeal.

‘(2) The Land Court may continue, under chapter 6, part 3, to grant a stay of the decision being appealed, and hear and decide the appeal.’.

153 Amendment of sch 1 (Decisions subject to appeal)

Schedule 1, entry for section 353—

omit, insert—

‘354 refusal to approve an assessable transfer’.

154 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions *dealing* and *third party transfer*—

omit.

(2) Schedule 2—

insert—

‘**apply**, in relation to making an application, has the meaning affected by section 411.

assessable transfer, for chapter 5, part 14, see section 348(2).

associated agreement, for chapter 5, part 14A, see section 355B.

dealing, with a GHG authority, see section 346.

give, a document to the Minister or the chief executive, has the meaning affected by section 411.

indicative approval, of an assessable transfer, see section 352(1)(a).

make submissions has the meaning affected by section 411.

non-assessable transfer, for chapter 5, part 14, see section 348(1).’.

- (2) Section 10AA(2), ‘assignees’—
omit, insert—
‘transferees’.

158 Amendment of s 10A (Extension of certain entitlements to registered native title bodies corporate and registered native title claimants)

- Section 10A(3), ‘sections 34, 96(11), 125, 198(10), 231(6), 300(13) and 317’—
omit, insert—
‘sections 34, 125, 231(9) and 317’.

159 Replacement of s 63 (Priority of applications for grant of mining claims)

- Section 63—
omit, insert—

‘63 Priority of mining claim applications

- ‘(1) Applications made under this Act for the grant of mining claims for the same land must be considered and decided according to the day on which they are lodged.
- ‘(2) If the applications were lodged on the same day—
- (a) they take the priority the mining registrar decides, after considering the relative merits of each application; and
 - (b) the mining registrar must give each applicant a written notice stating there is competition for priority between the applicant’s application and another application or other applications lodged on the same day as the day on which the applicant’s application was lodged.’.

160 Insertion of new s 71A

- After section 71—

insert—

‘71A Objection may be withdrawn

- ‘(1) An objection to an application for a mining claim may be withdrawn by the objector giving written notice of the withdrawal to—
- (a) the mining registrar; and
 - (b) if the objection has been referred to the Land Court under section 72—
 - (i) the Land Court; and
 - (ii) the applicant.
- ‘(2) A withdrawal of an objection can not be revoked.’.

161 Amendment of s 72 (Referral to Land Court of application and objections)

Section 72(6)—

omit, insert—

- ‘(6) In this section—
- properly made objection*** means an objection—
- (a) lodged under section 71; and
 - (b) for which section 71(4) has been complied with; and
 - (c) that has not been withdrawn.’.

162 Amendment of s 81 (Conditions of mining claim)

- (1) Section 81(1)(b)—
omit.
- (2) Section 81(1)(c) to (o)—
renumber as section 81(1)(b) to (n).
- (3) Section 81(5), ‘subsection (1)(e), (g)(ii) and (l)’—

omit, insert—

‘subsection (1)(d), (f)(ii) and (k)’.

163 Amendment of s 91 (Initial term of mining claim)

(1) Section 91(2)—

renumber as section 91(4).

(2) Section 91(1)—

omit, insert—

‘(1) The initial term of a mining claim is the period not greater than 5 years approved by the mining registrar, unless the claim is sooner terminated.

‘(2) Despite subsection (1), the term of the mining claim must not be for a period longer than the period for which compensation has been agreed or determined under section 85 or 86.

‘(3) The initial term of a mining claim commences on the first day of the month that next follows the day the mining claim is granted.’.

164 Amendment of s 93 (Renewal of mining claim)

(1) Section 93(4) to (9)—

renumber as section 93(7) to (12).

(2) Section 93(3)—

omit, insert—

‘(3) Subsection (4) applies for an application for renewal of a mining claim if—

(a) if the application relates to a mining claim subject to a condition that the holder is not entitled to have the mining claim renewed—

(i) the mining registrar is satisfied the mining claim should be renewed; and

- (ii) if the condition was imposed by the Governor in Council—the Governor in Council consents to the renewal; and
 - (iii) if the condition was imposed by the Land Court—the Land Court consents to the renewal; and
 - (b) the mining registrar is satisfied—
 - (i) the holder has complied with the conditions of the mining claim; and
 - (ii) the holder has complied with this Act and other mining legislation applicable to the holder relating to the mining claim; and
 - (iii) the area of the mining claim still contains workable quantities of mineral or mineral bearing ore.
- ‘(4) The mining registrar must, subject to part 14, division 5, grant a renewal of the mining claim in the name of the holder for a further term not greater than 5 years.
- ‘(5) The grant must be subject to—
 - (a) the conditions of the mining claim; and
 - (b) any other conditions determined by the mining registrar.
- ‘(6) Despite subsection (4), the further term of the mining claim must not be for a period longer than the period for which compensation has been agreed or determined under section 85 or 86.’
- (3) Section 93(7), as renumbered, ‘subsection (3)’—
omit, insert—
‘subsection (4)’.
- (4) Section 93(8), as renumbered, ‘subsection (3)’—
omit, insert—
‘subsection (5)’.

165 Amendment of s 93D (Renewal of claim must be in name of last recorded assignee)

- (1) Section 93D, ‘assignee’—
omit, insert—
‘transferee’.
- (2) Section 93D(1), ‘an assignment of a mining claim is approved and recorded under section 96(6)’—
omit, insert—
‘a transfer of a mining claim is registered under section 318AAT’.
- (3) Section 93D(2), ‘assignment approved and recorded’—
omit, insert—
‘transfer registered’.

166 Omission of ss 96–102

Sections 96 to 102—
omit.

167 Amendment of s 105 (Mining other minerals)

- (1) Section 105(4) to (6)—
renumber as section 105(5) to (7).
- (2) Section 105(3)—
omit, insert—
- ‘(3) The application and any other application for the grant of a mining lease for the same minerals must be considered and decided according to the day on which they are lodged.
- ‘(4) If the applications were lodged on the same day—
 - (a) they take the priority the Minister decides, after considering the relative merits of each application; and

- (b) the mining registrar must give each applicant a written notice stating there is competition for priority between the applicant's application and another application, or other applications, lodged on the same day as the day on which the applicant's application was lodged.'

168 Amendment of s 108 (Abandonment of application for mining claim)

Section 108(2), from 'on'—

omit, insert—

'on—

- (a) if the application has been referred to the Land Court under section 72—the Land Court; and
- (b) all other persons on whom the applicant was required under this Act to give a copy of the certificate of public notice for the mining claim.'

169 Amendment of s 129 (Entitlements under exploration permit)

- (1) Section 129(1)(a), 'exploration;'—

omit, insert—

'exploration; and'.

- (2) Section 129(1)(b)—

omit, insert—

- '(b) the holder of the permit may, subject to compliance with this Act, have considered for grant, in priority to all other persons, an application for the grant of a mineral development licence or mining lease for all or part of the area of the permit; and
- (c) the holder of the permit may enter the area of the permit for either or both of the following purposes—

- (i) doing all acts necessary to comply with this Act for an application mentioned in paragraph (b);

Example for paragraph (c)(i)—

The holder of the permit wishes to apply for the grant of a mining lease for the area of the permit. The holder may enter the area to mark out the boundary of the area under section 240.

- (ii) if the application or EIS relates to an application mentioned in paragraph (b), doing all acts necessary to comply with—

- (A) an application for an environmental authority under the Environmental Protection Act; or
(B) that Act for an EIS; or
(C) the *State Development and Public Works Organisation Act 1971* for an EIS.

Example for paragraph (c)(ii)—

The holder of the permit wishes to apply for the grant of a mining lease for the area of the permit. The holder also wishes to apply for an environmental authority for a mining activity that relates to the mining lease under the Environmental Protection Act. The holder may enter the area to carry out an environmental assessment for the environmental authority application under the Environmental Protection Act, section 125(1)(l).’

170 Replacement of s 131 (Restriction on grant of exploration permits over same sub-block)

Section 131—

omit, insert—

‘131 Who may apply

- ‘(1) An eligible person may apply for an exploration permit (the *proposed permit*) other than for a sub-block—
- (a) over which a current exploration permit authorises exploration for a mineral for which the proposed permit is sought; or

- (b) that has been the subject of an exploration permit (the *earlier permit*) authorising the exploration for a mineral for which the proposed permit is sought and less than 2 months has passed since the end of the month in which the sub-block ceased to be in—
 - (i) the earlier permit’s area; or
 - (ii) if the earlier permit has ended—the former earlier permit’s area; or
 - (c) that is or has been the subject of an earlier exploration permit application if the earlier application was for a mineral for which the proposed permit is sought and—
 - (i) the earlier application has not been decided; or
 - (ii) if the earlier application has been refused or abandoned—less than 2 months has passed since the end of the month in which the earlier application was refused or abandoned.
- ‘(2) Despite subsection (1)(a), an eligible person may apply for a proposed permit for a sub-block (the *relevant sub-block*) in the area of a current exploration permit if—
- (a) the person is the holder of the current exploration permit; and
 - (b) the person purports to surrender the current exploration permit under section 161(1) and the application for the proposed permit relates to land including the relevant sub-block.
- ‘(3) Despite subsection (1)(b), an eligible person may apply for a proposed permit for a sub-block over which the person held an exploration permit the person had surrendered to be granted a further exploration permit for the sub-block.’.

171 Omission of s 133A (Minister may request information)

Section 133A—

omit.

172 Omission of s 135 (No application for exploration permit within 2 months of land ceasing to be subject to exploration permit)

Section 135—

omit.

173 Amendment of s 139 (Periodic reduction in land covered by exploration permit)

(1) Section 139(1), from ‘reduced—’—

omit, insert—

‘reduced—

- (a) by 40% by the end of the first 3 years after the permit is granted; and
- (b) by a further 50% of the remaining area of the permit by the end of the first 5 years after the permit is granted; and
- (c) each time the permit is renewed—
 - (i) by a further 40% of the remaining area of the permit by the end of the first 3 years after the day the renewed permit started; and
 - (ii) by a further 50% of the remaining area of the permit by the end of the first 5 years after the day the renewed permit started.

Note—

See section 147D.’.

(2) Section 139(1A)—

omit.

174 Amendment of s 141 (Conditions of exploration permit)

(1) Section 141(1)(e)—

omit.

- (2) Section 141(1)(f) and (fa)—
renumber as section 141(1)(e) and (f).

175 Omission of s 147AA (Minister may request information)

Section 147AA—
omit.

176 Amendment of s 147C (Continuation of permit while application being dealt with)

- (1) Section 147C(3)(b), from ‘information’ to ‘section 147AA(2)’—
omit, insert—
‘action that must be taken under section 386K(1)’.
- (2) Section 147C(4), definition *outstanding request application*, paragraph (b)(i), (ii) and (iii)—
omit, insert—
- ‘(i) the chief executive has given a notice under section 386J(1); and
 - (ii) the period to comply with the notice under section 386K(1) ends after the permit expiry day; and
 - (iii) the notice has not been complied with.’

177 Amendment of s 147F (Renewal of permit must be in name of last recorded assignee)

- (1) Section 147F, ‘assignee’—
omit, insert—
‘transferee’.
- (2) Section 147F(1), ‘an assignment of an exploration permit is approved and recorded under section 151(5)’—
omit, insert—

‘a transfer of an exploration permit is registered under section 318AAT’.

- (3) Section 147F(2), ‘assignment approved and recorded’—
omit, insert—
‘transfer registered’.

178 Omission of ss 151–158

Sections 151 to 158—
omit.

179 Amendment of s 160 (Contravention by holder of exploration permit)

Section 160(6), ‘interest recorded pursuant to section 158’—
omit, insert—
‘associated agreement recorded in the register under part 7AAAC’.

180 Omission of s 183A (Minister may request information)

Section 183A—
omit.

181 Amendment of s 193 (Rental payable on mineral development licence)

Section 193(5)(a), ‘interest recorded pursuant to section 205’—
omit, insert—
‘associated agreement recorded in the register under part 7AAAC’.

182 Amendment of s 194 (Conditions of mineral development licence)

- (1) Section 194(1)(e)—
omit.
- (2) Section 194(1)(f) and (fa)—
renumber as section 194(1)(e) and (f).

183 Omission of s 197AA (Minister may request information)

Section 197AA—
omit.

184 Amendment of s 197C (Continuation of licence while application being dealt with)

- (1) Section 197C(3)(b), from ‘information’ to ‘section 197AA(2)’—
omit, insert—
‘action that must be taken under section 386K(1)’.
- (2) Section 197C(4), definition *outstanding request application*, paragraph (b)(i), (ii) and (iii)—
omit, insert—
 - ‘(i) the chief executive has given a notice under section 386J(1); and
 - (ii) the period to comply with the notice under section 386K(1) ends after the licence expiry day; and
 - (iii) the notice has not been complied with.’

185 Amendment of s 197F (Renewal of licence must be in name of last recorded assignee)

- (1) Section 197F, ‘assignee’—
omit, insert—

‘transferee’.

- (2) Section 197F(1), ‘an assignment of a mineral development licence is approved and recorded under section 198(6)’—

omit, insert—

‘a transfer of a mineral development licence is registered under section 318AAT’.

- (3) Section 197F(2), ‘assignment approved and recorded’—

omit, insert—

‘transfer registered’.

186 Omission of ss 198–205

Sections 198 to 205—

omit.

187 Amendment of s 209 (Contravention by holder of mineral development licence)

Section 209(6), ‘interest recorded pursuant to section 205’—

omit, insert—

‘associated agreement recorded in the register under part 7AAAC’.

188 Amendment of s 231G (Conditions of mineral development licence (194))

- (1) Section 231G(1)(e), ‘assign’—

omit, insert—

‘transfer’.

- (2) Section 231G(1)(f), ‘, and in the way,’—

omit.

189 Amendment of s 231I (Requirements for assigning or mortgaging mineral development licences (198))

(1) Section 231I, heading, ‘assigning’—

omit, insert—

‘transferring’.

(2) Section 231I, heading, ‘(198)’—

omit.

(3) Section 231I(1), ‘section 198.’—

omit, insert—

‘part 7AAAB, divisions 2 and 3.’.

(4) Section 231I(2), ‘assigned’—

omit, insert—

‘transferred’.

(5) Section 231I(2), ‘assignment’—

omit, insert—

‘transfer’.

190 Amendment of s 234 (Governor in Council may grant mining lease)

Section 234, ‘Governor in Council’—

omit, insert—

‘Minister’.

191 Replacement of s 238 (Mining lease over surface of reserve or land near a dwelling house)

Section 238—

omit, insert—

‘238 Mining lease over surface of restricted land

- ‘(1) A mining lease may be granted over the surface of land that was restricted land when the application for the lease was lodged only if—
- (a) the owner of the land where the relevant permanent building, or relevant feature, is situated, consents in writing to the application; and
 - (b) the applicant lodges the consent with the mining registrar before the last objection day ends.
- ‘(2) A consent given for subsection (1) can not be withdrawn.’.

192 Omission of ss 245A and 247

Sections 245A and 247—

omit.

193 Replacement of s 251 (Priority of applications for grant of mining lease)

Section 251—

omit, insert—

‘251 Priority of mining lease applications

- ‘(1) Applications made under this Act for the grant of mining leases for the same land must be considered and decided according to the day on which they are lodged.
- ‘(2) If 2 or more applications are lodged on the same day—
- (a) they take the priority the Minister decides, after considering the relative merits of each application; and
 - (b) the mining registrar must give each applicant a written notice stating there is competition for priority between the applicant’s application and another application, or other applications, lodged on the same day as the day on which the applicant’s application was lodged.’.

194 Insertion of new s 261

After section 260—

insert—

‘261 Objection may be withdrawn

‘(1) An objection to an application for a mining lease may be withdrawn by the objector giving written notice of the withdrawal to—

- (a) the mining registrar; and
- (b) if the objection has been referred to the Land Court under section 265—
 - (i) the Land Court; and
 - (ii) the applicant.

‘(2) A withdrawal of an objection can not be revoked.’.

195 Amendment of s 265 (Referral of application and objections to Land Court)

(1) Section 265(5)—

omit, insert—

‘(5) If the Land Court fixes a date for the hearing and all properly made objections are withdrawn before the hearing starts, the Land Court may remit the matter to the mining registrar.’.

(2) Section 265—

insert—

‘(8) In this section—

properly made objection means an objection lodged under section 260 that has not been withdrawn.’.

196 Amendment of s 269 (Land Court’s recommendation on hearing)

(1) Section 269(1)—

insert—

Note—

For other relevant provisions about forwarding documents, see section 386O.

(2) Section 269(2)—

omit, insert—

‘(2) For subsection (1)(d), the Land Court’s recommendation must consist of—

(a) a recommendation to the Minister that the application be granted or rejected in whole or in part; and

(b) if the application relates to land that is the surface of a reserve and the owner of the reserve has not consented to the grant of a mining lease over the surface area, the following—

(i) a recommendation to the Minister as to whether the Governor in Council should consent to the grant over the surface area;

(ii) any conditions to which the mining lease should be subject.’.

197 Replacement of s 271 (Minister to consider application for grant of mining lease)

Section 271—

omit, insert—

‘271 Criteria for deciding mining lease application

‘In considering an application for the grant of a mining lease, the Minister must consider—

(a) any Land Court recommendation for the application; and

(b) the matters mentioned in section 269(4); and

- (c) any native title issues decision made by the tribunal under part 17, division 4 or any substituted decision made by the Minister under part 17, division 4 in overruling the tribunal's decision.

'271A Deciding mining lease application

- '(1) The Minister may, after considering the criteria under section 271 for a mining lease application, decide to—
 - (a) grant the applicant a mining lease for the whole or part of the land in the application; or
 - (b) reject the application; or
 - (c) refer the matter to the Land Court to conduct a hearing or further hearing on the application generally or on specific matters raised by the Minister.
- '(2) However, a mining lease may only be granted for land that is the surface of a reserve if—
 - (a) the owner of the land has given written consent to the grant over the surface area and the applicant has lodged the consent with the mining registrar; or
 - (b) the Governor in Council has consented to the grant over the surface area.

Note—

If the application relates to acquired land, see also section 10AAC.

- '(3) If a mining lease is granted for only part of the land, the application is taken to have been rejected for the rest of the land.

'271B Steps to be taken after application decided

- '(1) This section applies if a mining lease is rejected in whole or in part or the Minister refers the matter to the Land Court (the *referral*).

- ‘(2) The Minister must, as soon as practicable, give the applicant a written notice stating the rejection or the referral and the reasons for it.’.

198 Amendment of s 276 (General conditions of mining lease)

- (1) Section 276(1)(e)—
omit.
- (2) Section 276(1)(f) to (n)—
renumber as section 276(1)(e) to (m).
- (3) Section 276(1)(e), as renumbered, ‘as prescribed’—
omit, insert—
‘as required under this Act’.
- (4) Section 276(1)(m), as renumbered, and (1A), ‘Governor in Council’—
omit, insert—
‘Minister’.
- (5) Section 276(2), ‘Governor in Council may, on the recommendation of the Minister,’—
omit, insert—
‘Minister may’.
- (6) Section 276(2), ‘subsection (1)(c) and (i)’—
omit, insert—
‘subsection (1)(c) and (h)’.

199 Amendment of s 284 (Initial term of mining lease)

- (1) Section 284(2)—
renumber as section 284(4).
- (2) Section 284(1)—

omit, insert—

- ‘(1) The initial term of a mining lease is the period approved by the Minister, unless the lease is sooner terminated.
- ‘(2) Despite subsection (1), the term of the mining lease must not be for a period longer than the period for which compensation has been agreed or determined under section 279, 281 or 282.
- ‘(3) The initial term of a mining lease commences on the first day of the month that next follows the day the mining lease is granted.’.

200 Amendment of s 285 (Mining lease may be specified it is not renewable)

- (1) Section 285(1) and (2)—

omit, insert—

- ‘(1) Subsection (2) applies if the Minister is satisfied the land the subject of an application for grant or renewal of a mining lease is, or will be, required for some purpose other than mining.
- ‘(2) The Minister may grant the lease or renewal subject to a condition that the holder is not entitled to have the mining lease renewed or further renewed.’.

- (2) Section 285(3), from ‘referred’ to ‘therefor’—

omit, insert—

‘under subsection (2), the Minister must give written notice of the reasons for the decision’.

201 Omission of s 286AA (Mining registrar may request information)

Section 286AA—

omit.

202 Amendment of s 286A (Decision on application)

- (1) Section 286A(1), from ‘Governor in Council’ to ‘Minister is’—

omit, insert—

‘Minister may grant an application for the renewal of a mining lease if’.

- (2) Section 286A(3) to (8)—

renumber as section 286A(4) to (9).

- (3) Section 286A(2)—

omit, insert—

- ‘(2) Subsection (3) applies if—

- (a) the application relates to land that is the surface of a reserve; and
- (b) the Governor in Council’s consent was given to the grant of the mining lease; and
- (c) the owner of the reserve does not give written consent to the renewal.

- ‘(3) Despite subsection (1), the Minister can not grant the application if the Governor in Council has not consented to the renewal.’.

- (4) Section 286A(4), (5)(b) and (6), as renumbered, ‘Governor in Council’—

omit, insert—

‘Minister’.

- (5) Section 286A(6), as renumbered, ‘subsection (4)’—

omit, insert—

‘subsection (5)’.

- (6) Section 286A(8), as renumbered, ‘subsection (6)(b)’—

omit, insert—

‘subsection (7)(b)’.

(7) Section 286A(9)(b), as renumbered—

omit, insert—

‘(b) if the decision is to grant the renewal on conditions or refuse the renewal—the reasons for the decision.’.

203 Amendment of s 286F (Renewal of lease must be in name of last recorded assignee)

(1) Section 286F, ‘assignee’—

omit, insert—

‘transferee’.

(2) Section 286F(1), ‘an assignment of a mining lease is approved and recorded under section 300(8)’—

omit, insert—

‘a transfer of a mining lease is registered under section 318AAT’.

(3) Section 286F(2), ‘assignment approved and recorded’—

omit, insert—

‘transfer registered’.

204 Amendment of s 289 (Mining registrar may issue instrument of mining lease)

Section 289(1), ‘Governor in Council’—

omit, insert—

‘Minister’.

205 Amendment of s 294 (Variation of conditions of mining lease)

(1) Section 294(1)—

omit, insert—

- ‘(1) The conditions to which a mining lease is subject may be varied by the Minister if—
- (a) the varied conditions are not inconsistent with this Act; and
 - (b) the holder of the mining lease gives the Minister written agreement.’.

(2) Section 294(2) and (3), ‘Governor in Council’—

omit, insert—

‘Minister’.

206 Amendment of s 295 (Variation of mining lease for accuracy etc.)

Section 295(1)—

omit, insert—

- ‘(1) The Minister may vary a mining lease for all or any of the following reasons—
- (a) the boundaries and area of the mining lease have been more accurately worked out and described by survey or another method approved by the Minister;
 - (b) the lease is contiguous to another mining lease and—
 - (i) the holders of the mining leases have agreed to exchange areas adjoining a part of a boundary common to both mining leases; and
 - (ii) the Minister has approved the exchange;
 - (c) new facts have arisen since the grant of the mining lease that satisfy the Minister that the variation should be made to more accurately reflect the holder’s entitlements under the lease.’.

207 Amendment of s 298 (Mining other minerals or use for other purposes)

(1) Section 298(3)—

omit, insert—

‘(3) The application and any other application for the grant of a mining lease for the same minerals must be considered and decided according to the day on which they are lodged.

‘(3A) If the applications were lodged on the same day—

(a) they take the priority the Minister decides, after considering the relative merits of each application; and

(b) the mining registrar must give each applicant a written notice stating there is competition for priority between the applicant’s application and another application, or other applications, lodged on the same day as the day on which the applicant’s application was lodged.’.

(2) Section 298(12)(a)—

omit, insert—

‘(a) conditions; and’.

208 Amendment of s 299 (Consolidation of mining leases)

(1) Section 299, ‘Governor in Council’—

omit, insert—

‘Minister’.

(2) Section 299(8), from ‘The provisions’ to ‘and 275’—

omit, insert—

‘Sections 232, 240, 241, 243, 245, 251 to 253, 260, 265, 266, 268, 269, 271 to 272, 274 and 275’.

209 Omission of ss 300–306

Sections 300 to 306—

omit.

210 Amendment of s 307 (Abandonment of application for the grant of a mining lease)

Section 307(3), from ‘on’—

omit, insert—

‘on—

- (a) if the application has been referred to the Land Court under section 265—the Land Court; and
- (b) all other persons on whom the applicant was required under this Act to give a copy of the certificate of public notice for the mining lease.’.

211 Amendment of s 316 (Mining lease for transportation through land)

Section 316(2), ‘Governor in Council may’—

omit, insert—

‘Minister may’.

212 Amendment of s 318AAD (Application for grant of mining lease (245))

- (1) Section 318AAD(f)—

omit.

- (2) Section 318AAD(g)—

renumber as section 318AAD(f).

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

- (1) Section 318AAH(1)(e), ‘assign’—

omit, insert—

‘transfer’.

- (2) Section 318AAH(1)(n) and (2), ‘Governor in Council’—
omit, insert—
‘Minister’.

214 Amendment of s 318AAI (Initial term of mining lease (284))

Section 318AAI(1), ‘Governor in Council’—
omit, insert—
‘Minister’.

215 Amendment of s 318AAK (Requirements for assigning, mortgaging or subleasing mining leases (300))

- (1) Section 318AAK, heading, ‘assigning’—
omit, insert—
‘**transferring**’.
- (2) Section 318AAK, heading, ‘(300)’—
omit.
- (3) Section 318AAK(1), ‘section 300.’—
omit, insert—
‘part 7AAAB, divisions 2 and 3.’.
- (4) Section 318AAK(2), ‘assigned’—
omit, insert—
‘transferred’.
- (5) Section 318AAK(2), ‘assignment’—
omit, insert—
‘transfer’.

216 Insertion of new pts 7AAAB–7AAAE

After section 318AAM—

insert—

**‘Part 7AAAB Dealings and transfers
affecting applications for
mining leases**

‘Division 1 Preliminary

‘318AAN Application of pt 7AAAB

- ‘(1) This part applies to the following mining tenements—
- (a) a mining claim;
 - (b) an exploration permit;
 - (c) a mineral development licence;
 - (d) a mining lease.
- ‘(2) This part also applies to the following transfers (each an *application transfer*)—
- (a) a transfer of an application for a mining lease;
 - (b) a transfer of an interest in an application for a mining lease.

‘318AAO Definitions for pt 7AAAB

‘In this part—

assessable transfer see section 318AAR(2).

non-assessable transfer see section 318AAR(1).

‘318AAP What is a *dealing* with a mining tenement

- ‘(1) Each of the following is a *dealing* with a mining tenement—

- (a) a transfer of the mining tenement or of a share in the mining tenement;
 - (b) a mortgage over the mining tenement or over a share in the mining tenement;
 - (c) a release, transfer or surrender of a mortgage mentioned in paragraph (b);
 - (d) a change to the mining tenement holder's name even if the holder continues to be the same person after the change;
 - (e) if the mining tenement is a mining lease—
 - (i) a sublease of the mining lease;
 - (ii) a transfer of a sublease of the mining lease or of a share in a sublease of the mining lease.
- ‘(2) To remove any doubt, it is declared that any transaction or commercial agreement not mentioned in subsection (1) is not a dealing with a mining tenement.

‘318AAQ Prohibited dealings

‘A dealing with a mining tenement, other than a dealing mentioned in section 318AAP(1)(e), that has the effect of transferring a divided part of the area of the mining tenement is prohibited.

Examples of a divided part of the area of a mining tenement—

- a particular part of the surface of the area
- a particular strata beneath the surface of the area

‘318AAR Types of transfers

- ‘(1) The following transfers (each a *non-assessable transfer*) do not require assessment before being registered—
- (a) a transfer of a mining tenement or of a share in a mining tenement if—

-
- (i) the transferee is an entity having the same Australian Business Number as the entity comprising all or part of the transferor; or
 - (ii) part of one holder's share in the mining tenement will be transferred to another holder of the mining tenement;
 - (b) a transmission by death of a mining tenement or of a share in a mining tenement;
 - (c) a transfer of a mining tenement or of a share in a mining tenement by operation of law;
 - (d) a transfer of a mortgage over a mining tenement or over a share in a mining tenement;
 - (e) a transfer of a sublease of a mining lease or of a share in a sublease of a mining lease.
- '(2) The following transfers (each an *assessable transfer*) must be approved by the Minister or mining registrar under division 3 before they can be registered—
- (a) a transfer of a mining tenement or of a share in a mining tenement not mentioned in subsection (1);
 - (b) an application transfer.

'Division 2 Registration generally

'318AAS Registration required for all dealings and application transfers

- '(1) A dealing with a mining tenement or an application transfer has no effect until it is registered.
- '(2) A registered dealing takes effect on—
- (a) for a dealing that is an assessable transfer—the day the transfer was approved under division 3; or
 - (b) for any other dealing—the day notice of the dealing was given to the chief executive under section 318AAT.

- ‘(3) A registered application transfer takes effect on the day the transfer was approved under division 3.

‘318AAT Obtaining registration

- ‘(1) Registration of a dealing with a mining tenement, other than an assessable transfer, may be sought by giving the chief executive a notice of the dealing in the approved form.
- ‘(2) However, a dealing with a mining tenement prohibited under section 318AAQ can not be registered and is of no effect.
- ‘(3) The approved form must be accompanied by the fee prescribed under a regulation.
- ‘(4) Registration of an assessable transfer must be carried out by the chief executive.

Note—

An application transfer is an assessable dealing and must be approved by the Minister or mining registrar under division 3 before registration of the transfer.

‘318AAU Effect of approval and registration

‘The registration of a dealing with a mining tenement or application transfer, or an approval of an assessable transfer under division 3, allows the dealing or transfer to have effect according to its terms but does not of itself give the dealing or transfer any more effect or validity than it would otherwise have.

‘Division 3 Approval of assessable transfers

‘318AAV Indicative approval

- ‘(1) The holder of a mining tenement, an applicant for a mining lease or the holder of an interest in an application for a mining lease may, before applying for approval of an assessable

transfer for the mining tenement, application or interest,
apply—

- (a) for an indication whether the transfer is likely to be approved (an *indicative approval*); and
- (b) if conditions are likely to be imposed on the giving of the approval—for an indication what the conditions are likely to be.

‘(2) The application must be—

- (a) made to—
 - (i) for a transfer relating to a mining claim—the mining registrar; or
 - (ii) otherwise—the Minister; and
- (b) in the approved form; and
- (c) accompanied by—
 - (i) the information the Minister or mining registrar requires to make a decision; and
 - (ii) the fee prescribed under a regulation.

‘(3) In deciding whether or not to give the indicative approval, the Minister or mining registrar must consider the matters mentioned in section 318AAX(2) as if the request were an application for approval of an assessable transfer.

‘(4) The Minister or mining registrar must decide whether or not to give the indicative approval and give the applicant notice of the decision.

‘318AAW Applying for approval of assessable transfer

‘(1) The holder of a mining tenement may apply for approval of an assessable transfer for the mining tenement.

‘(2) An application under subsection (1) must be—

- (a) made to—

- (i) for a transfer relating to a mining claim—the mining registrar; or
 - (ii) otherwise—the Minister; and
 - (b) in the approved form; and
 - (c) accompanied by—
 - (i) a written consent to the transfer by the proposed transferee; and
 - (ii) if the mining tenement or a share in the mining tenement is subject to a mortgage—a written consent to the transfer by the mortgagee; and
 - (iii) for a transfer of a share in a mining tenement—a written consent to the transfer by each person, other than the transferor, who holds a share in the mining tenement; and
 - (iv) the fee prescribed under a regulation.
- ‘(3) An applicant for a mining lease or the holder of an interest in an application for a mining lease may apply for approval of an assessable transfer for the application or interest.
- ‘(4) An application under subsection (3) must be made to the Minister in the approved form and be accompanied by—
 - (a) a written consent to the transfer by the proposed transferee; and
 - (b) a written consent to the transfer by—
 - (i) for the transfer of an application—each person, other than the transferor, who is an applicant for the application; or
 - (ii) for the transfer of an interest in an application—each person, other than the transferor, who is the holder of the interest; and
 - (c) the fee prescribed under a regulation.

- ‘(5) However, an application under subsection (1) or (3) can not be made under this section if the proposed transferee is not an eligible person.

‘318AAX Deciding application

- ‘(1) The Minister or the mining registrar must decide whether or not to give the approval of the assessable transfer.
- ‘(2) In deciding whether or not to give the approval, the Minister or mining registrar must consider—
- (a) the application for approval and any additional information accompanying the application; and
 - (b) for an assessable transfer other than an application relating to a mining claim—whether the transferee has the human, technical and financial resources to comply with—
 - (i) if the application relates to an exploration permit—the conditions of the exploration permit under section 141; or
 - (ii) if the application relates to a mineral development licence—the conditions of the mineral development licence under section 194; or
 - (iii) if the application relates to a mining lease—the conditions of the mining lease under section 276; and
 - (c) the public interest.
- ‘(3) However, subsection (2) does not apply if, under subsection (6) or (7), the approval is taken to have been given.
- ‘(4) The approval may be given only if—
- (a) the proposed transferee is—
 - (i) an eligible person; and
 - (ii) a registered suitable operator under the Environmental Protection Act; and

- (b) for a transfer of a mining tenement or of a share in a mining tenement—no royalty payable under this Act by the holder of the mining tenement remains unpaid.
- ‘(5) Also, the Minister or mining registrar may refuse to give the approval if the Minister or mining registrar is not satisfied the transferor has substantially complied with the conditions of the mining tenement.
- ‘(6) The approval is taken to have been given if—
- (a) under section 318AAV, an indicative approval has been given for the proposed dealing; and
 - (b) subsection (4) does not prevent the giving of the approval; and
 - (c) within 3 months after the giving of the indicative approval—
 - (i) an application for approval of the assessable transfer is made; and
 - (ii) if, under section 318AAV, an indication of likely conditions was given—the conditions are complied with.
- ‘(7) The approval is also taken to have been given if—
- (a) subsection (6)(a) and (b) is satisfied; and
 - (b) within 10 business days before the expiration of 3 months after the giving of the indicative approval, the applicant gives the chief executive—
 - (i) notice in the approved form that a proposed transferee has given a notice under the *Foreign Acquisitions and Takeovers Act 1975* (Cwlth) about a proposal that relates to the assessable transfer; and
 - (ii) evidence that the proposed transferee has given the notice under that Act; and
 - (iii) a statement from the proposed transferee that the proposed transferee has not received notice about

an order or decision made under that Act about the proposal; and

- (c) within 6 months after the giving of the indicative approval, subsection (6)(c)(i) and (ii) is satisfied.
- ‘(8) Despite subsections (6) and (7), the approval of the assessable transfer is taken not to have been given if—
- (a) the request for indicative approval contained incorrect material information or omitted material information; and
 - (b) had the Minister or mining registrar been aware of the discrepancy, the Minister or mining registrar would not have given the indicative approval.

‘318AAY Security may be required

- ‘(1) This section applies to an assessable transfer other than an application transfer.
- ‘(2) The Minister or mining registrar may, as a condition of deciding to give the approval, require the proposed transferee to give under the following section (the *relevant section*), security for the mining tenement the subject of the transfer as if the proposed transferee were an applicant for the mining tenement—
 - (a) for an approval relating to a mining claim—section 83;
 - (b) for an approval relating to an exploration permit—section 144;
 - (c) for an approval relating to a mineral development licence—section 190;
 - (d) for an approval relating to a mining lease—section 277.
- ‘(3) If the proposed transferee does not comply with the requirement, the application may be refused.
- ‘(4) When the transfer of the mining tenement is complete, the relevant section applies to the transferee of the mining tenement as holder.

‘318AAZ Written notice about decision

- ‘(1) If the Minister or mining registrar decides to give the approval, the Minister or mining registrar must give the applicant for the approval written notice of the decision.
- ‘(2) If the Minister or mining registrar decides not to give the approval, the Minister or mining registrar must give the applicant for the approval written notice of the decision stating the following—
- (a) the decision, and the reasons for it;
 - (b) the rights of appeal under this Act;
 - (c) the period in which any appeal under this Act must be started;
 - (d) how rights of appeal under this Act are to be exercised;
 - (e) that a stay of a decision the subject of an appeal under this Act may be applied for under this Act.

Note—

For appeals against refusal to approve an assessable transfer, see part 7AAAE.

‘Part 7AAAC Recording associated agreements

‘318AAZA Application of pt 7AAAC

‘This part applies to the following mining tenements—

- (a) a mining claim;
- (b) an exploration permit;
- (c) a mineral development licence;
- (d) a mining lease.

‘318AAZB Definition for pt 7AAAC

‘In this part—

associated agreement, for a mining tenement, means an agreement relating to the mining tenement, other than the following—

- (a) a dealing with the mining tenement;
- (b) a dealing with the mining tenement that is prohibited under section 318AAQ;
- (c) another agreement prescribed under a regulation as unsuitable to be recorded in the register.

‘318AAZC Recording associated agreements

- ‘(1) An associated agreement for a mining tenement may be recorded in the register against the mining tenement.
- ‘(2) Registration of an associated agreement may be sought by giving the chief executive a notice of the agreement in the approved form.
- ‘(3) An approved form given to the chief executive under this section must be accompanied by the fee prescribed under a regulation.
- ‘(4) The chief executive is not required to examine, or to determine the validity of, an associated agreement recorded in the register under this section.

‘318AAZD Effect of recording associated agreements

‘The recording of an associated agreement under this part does not of itself—

- (a) give the agreement any more effect or validity than it would otherwise have; or
- (b) create an interest in the mining tenement against which it is recorded.

‘Part 7AAAD Caveats

‘318AAZE Application of pt 7AAAD

- ‘(1) This part applies to the following mining tenements—
- (a) a mining claim;
 - (b) an exploration permit;
 - (c) a mineral development licence;
 - (d) a mining lease.
- ‘(2) This part also applies to application transfers.

‘318AAZF Requirements of caveats

- ‘(1) A caveat must—
- (a) be lodged in the approved form; and
 - (b) be signed by the caveator, the caveator’s solicitor or another person authorised in writing by the caveator; and
 - (c) state the name and address for service of 1 person upon whom any notice may be served in order to serve the caveator; and
 - (d) identify the mining tenement, or application for a mining lease, the subject of the caveat; and
 - (e) state the nature of the right or interest claimed by the caveator; and
 - (f) state the period for which the caveat is to continue in force; and
 - (g) if a person consents to the lodging of the caveat, be endorsed with the person’s consent; and
 - (h) be accompanied by the lodgement fee prescribed under a regulation.

-
- ‘(2) A caveat that does not comply with subsection (1) is of no effect.

‘318AAZG Lodging of caveat

- ‘(1) A caveat may be lodged by any of the following—
- (a) a person claiming an interest in a mining tenement or application for a mining lease;
 - (b) the registered holder of a mining tenement or an applicant for a mining lease;
 - (c) a person to whom an Australian court has ordered that an interest in a mining tenement or application for a mining lease be transferred;
 - (d) a person who has the benefit of a subsisting order of an Australian court restraining—
 - (i) a registered holder of a mining tenement from dealing with the mining tenement; or
 - (ii) an applicant for a mining lease from dealing with the application.
- ‘(2) A caveat lodged under this section can not be registered if it applies to any of the following—
- (a) an application for indicative approval;
 - (b) an indicative approval given by the Minister or mining registrar;
 - (c) an application for approval of an assessable transfer;
 - (d) a notice to register a dealing given to the chief executive under section 318AAT.

‘318AAZH Chief executive’s functions on receipt of caveat

- ‘(1) On receipt of a caveat complying with section 318AAZF(1), the chief executive must—
- (a) notify—

- (i) each holder of the affected mining tenement of the receipt of the caveat; or
 - (ii) each applicant for the affected application for a mining lease of the receipt of the caveat; and
 - (b) notify all other persons who have an interest in the mining tenement or application as recorded in the register, including any subsisting prior caveator, of the receipt of the caveat; and
 - (c) record the existence of the caveat in the register.
- ‘(2) For subsection (1)(b), a person does not have an interest in a mining tenement only because the person is a party to an associated agreement recorded in the register against the mining tenement.

‘318AAZI Effect of lodging caveat

- ‘(1) Until a caveat lapses, or is removed or withdrawn, the caveat prevents registration of a dealing with a mining tenement or an application transfer over which the caveat is lodged from the date and time endorsed by the registrar or chief executive on the caveat as the caveat’s date and time of lodgement.
- ‘(2) However, lodgement of a caveat does not prevent registration of the following—
- (a) an instrument stated in the caveat as an instrument to which the caveat does not apply;
 - (b) an instrument if the caveator consents, in the approved form, to its registration and the consent is lodged with a mining registrar or the chief executive;
 - (c) an instrument executed by a mortgagee whose interest was registered before lodgement of the caveat if—
 - (i) the mortgagee has power under the mortgage to execute the instrument; and

- (ii) the caveator claims an interest in the mining tenement as security for the payment of money or money's worth;
 - (d) an instrument of transfer of mortgage executed by a mortgagee whose interest was registered before lodgement of the caveat;
 - (e) another interest that, if registered, will not affect the interest claimed by the caveator.
- ‘(3) The exception in subsection (2)(d) does not apply to a caveat lodged by the mining tenement holder.
- ‘(4) Lodgement of a caveat does not create in the caveator an interest in the mining tenement, or the application for a mining lease, affected by the caveat.

‘318AAZJ Lapsing, withdrawal or removal of caveat

- ‘(1) An agreed caveat lapses at the expiration of the term stated in the caveat but, if no term is stated, the caveat continues until it is withdrawn or removed.
- ‘(2) A caveat that is not an agreed caveat lapses—
- (a) if an order of the Land Court is in force in relation to the caveat—at the expiration of the order; or
 - (b) otherwise—at the expiration of 3 months after the date of lodgement of the caveat or a shorter term stated in the caveat.
- ‘(3) A caveator may withdraw the caveat by notifying the mining registrar in writing.
- ‘(4) An affected person for a caveat may apply to the Land Court for an order that the caveat be removed.
- ‘(5) The Land Court may make the order whether or not the caveator has been served with the application, and may make the order on the terms it considers appropriate.

‘(6) If a caveat is withdrawn, lapses or is ordered to be removed, the mining registrar must record the withdrawal, lapse or removal in the register.

‘(7) In this section—

affected person, for a caveat, means a person—

- (a) who has a right or interest (present or prospective) in the mining tenement, or the application for a mining lease, the subject of the caveat; or
- (b) whose right (present or prospective) to deal with the mining tenement, or the application for a mining lease, the subject of the caveat is affected by the caveat.

agreed caveat means a caveat to which—

- (a) for a caveat affecting a mining tenement—each holder of the mining tenement the subject of the caveat has consented, if the consent has been lodged with the caveat; or
- (b) for a caveat affecting an application for a mining lease—each applicant for the application the subject of the caveat has consented, if the consent has been lodged with the caveat.

‘318AAZK Further caveat not available to same person

‘(1) This section applies if a caveat (the *original caveat*) is lodged in relation to an interest.

‘(2) A further caveat with the same caveator can never be lodged in relation to the interest on the same, or substantially the same, grounds as the grounds stated in the original caveat unless—

- (a) for a caveat affecting a mining tenement—the consent of each holder of the mining tenement the subject of the caveat has been lodged with the caveat; or
- (b) for a caveat affecting an application for a mining lease—the consent of each applicant for the application

the subject of the caveat has been lodged with the caveat; or

- (c) generally—the leave of a court of competent jurisdiction to lodge the further caveat has been granted.

‘318AAZL Compensation for lodging caveat without reasonable cause

‘A person who lodges a caveat in relation to a mining tenement or an application for a mining lease without reasonable cause is liable to compensate anyone else who suffers loss or damage because of the caveat.

‘Part 7AAAE Appeals about approvals of assessable transfers

‘318AAZM Who may appeal

- ‘(1) A person whose interests are affected by a decision of the Minister, or mining registrar, to refuse to approve an assessable transfer may appeal against the decision to the Land Court.
- ‘(2) For this section, a person who has been given or is entitled to be given a notice about the decision under section 318AAZ is taken to be a person whose interests are affected by the decision.

‘318AAZN Period to appeal

- ‘(1) The appeal must be started within 20 business days after—
 - (a) if the person has been given a notice about the decision—the day the person is given the notice; or

- (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the decision.
- ‘(2) However, the Land Court may at any time within the 20 business days extend the period for starting the appeal.

‘318AAZO Starting appeal

- ‘(1) The appeal is started by filing a written notice of appeal with the Land Court.
- ‘(2) The appellant must give the chief executive a copy of the notice.

‘318AAZP Stay of operation of decision

- ‘(1) The Land Court may grant a stay of the decision to secure the effectiveness of the appeal.
- ‘(2) A stay—
 - (a) may be given on the conditions the Land Court considers appropriate; and
 - (b) operates for the period fixed by the Land Court; and
 - (c) may be amended or cancelled by the Land Court.
- ‘(3) The period of a stay under this section must not extend past the time when the Land Court decides the appeal.
- ‘(4) The appeal affects the decision or carrying out of the decision only if it is stayed.

‘318AAZQ Hearing procedures

- ‘(1) In deciding an appeal, the Land Court—
 - (a) has the same powers as the Minister or mining registrar; and
 - (b) is not bound by the rules of evidence; and
 - (c) must comply with natural justice; and

- (d) may hear the appeal in court or in chambers.
- ‘(2) An appeal is by way of rehearing unaffected by the decision.
- ‘(3) Subject to subsections (1) and (2), the procedure for the appeal is—
 - (a) in accordance with the rules for the Land Court; or
 - (b) in the absence of relevant rules, as directed by the Land Court.
- ‘(4) A power under an Act to make rules for the Land Court includes power to make rules for appeals under this part.

‘318AAZR Land Court’s powers on appeal

- ‘(1) In deciding an appeal under this part, the Land Court may—
 - (a) confirm the decision; or
 - (b) set aside the decision and substitute another decision; or
 - (c) set aside the decision and return the issue to the Minister or mining registrar with the directions the court considers appropriate.
- ‘(2) If the Land Court substitutes another decision, the substituted decision is for this Act, other than this part, taken to be the decision of the Minister or mining registrar.’.

217 Amendment of s 318AB (Relationship with pts 5–7)

- (1) Section 318AB, heading, after ‘5–7’—

insert—

‘and 7AAAB’.
- (2) Section 318AB, after ‘5 to 7’—

insert—

‘and 7AAAB’.
- (3) Section 318AB(2), ‘assignment’—

omit, insert—

‘transfer’.

- (4) Section 318AB(2), ‘assigned’—

omit, insert—

‘transferred’.

218 Amendment of s 318BN (Publication of outcome of application)

Section 318BN, ‘Governor in Council’—

omit, insert—

‘Minister’.

219 Amendment of s 318CI (Restriction)

Section 318CI(1)(b)—

omit, insert—

‘(b) a copy of the agreement has been lodged; and’.

220 Amendment of pt 7AA, div 8, sdiv 8, hdg (Restriction on assignment or subletting)

Part 7AA, division 8, subdivision 8, heading, ‘assignment’—

omit, insert—

‘transfer’.

221 Amendment of s 318DO (Requirement for coordination arrangement to assign or sublet mining lease in area of petroleum lease)

- (1) Section 318DO, heading ‘assign’—

omit, insert—

‘transfer’.

- (2) Section 318DO(2), from ‘The’ to ‘assignee’—

omit, insert—

‘The chief executive must not, under section 318AAT, register a transfer or sublease of the mining lease unless the proposed transferee’.

222 Amendment of s 318ELAJ (Assignments)

- (1) Section 318ELAJ, heading, ‘Assignments’—

omit, insert—

‘Transfers’.

- (2) Section 318ELAJ(1), ‘assigned’—

omit, insert—

‘transferred’.

- (3) Section 318ELAJ(2) and (3), ‘assignment’—

omit, insert—

‘transfer’.

- (4) Section 318ELAJ(3), ‘assignee’—

omit, insert—

‘transferee’.

223 Amendment of s 318ELBH (Publication of outcome of application)

Section 318ELBH, ‘Governor in Council’—

omit, insert—

‘Minister’.

224 Replacement of s 318ELBM (Minister may refuse application)

Section 318ELBM—

omit, insert—

‘318ELBM Minister may refuse application

‘The Minister may refuse the application if satisfied the applicant has not, in a timely manner—

- (a) taken any step for the application required of the applicant under part 7, part 7AA or this part; or
- (b) satisfied the Minister about a matter that, under part 7, part 7AA or this part, is required for the Minister to grant the mining lease.’.

225 Amendment of s 318ELBT (Requirement to continue geothermal or GHG coordination arrangement after renewal of or dealing with mining lease)

Section 318ELBT(1)(c), ‘assignment’—

omit, insert—

‘transfer’.

226 Amendment of s 325 (Royalty return and payment upon assignment or surrender of mining claim or mining lease)

- (1) Section 325, heading ‘assignment’—

omit, insert—

‘transfer’.

- (2) Section 325(1), ‘assigns’—

omit, insert—

‘transfers’.

- (3) Section 325(1) and (2), ‘assignment’—

omit, insert—

‘transfer’.

227 Insertion of new pt 10, div 2AAA

Part 10, after section 343—

insert—

‘Division 2AAA Chief executive

‘343A Chief executive has functions and powers of mining registrars

- ‘(1) The chief executive may perform any function or exercise any power of a mining registrar under this Act.
- ‘(2) For subsection (1), in this Act, other than this section, a reference to a mining registrar includes a reference to the chief executive.’.

228 Replacement of ss 387 and 387A

Section 387—

omit, insert—

‘386J Request to applicant about application

- ‘(1) For a relevant application under this Act, the relevant person for the application may, by written notice, require the applicant to do all or any of the following within a stated reasonable period—
- (a) complete or correct the application if it appears to the relevant person to be incorrect, incomplete or defective;
 - (b) give the relevant person or another stated officer of the department additional information about, or relevant to, the application;

Example—

The application is for a mining lease. The chief executive may require a document, prepared by an appropriately qualified person, independently verifying a resource model given in the proposed mining program for the lease.

- (c) give the relevant person or another stated officer of the department an independent report by an appropriately

qualified person, or a statement or statutory declaration, verifying all or any of the following—

- (i) any information included in the application;
 - (ii) any additional information required under paragraph (b).
- ‘(2) For subsection (1)(b), if the application is for a mining tenement, a required document may include a survey or resurvey of the area of the proposed tenement carried out by a person who is a cadastral surveyor under the *Surveyors Act 2003*.
- ‘(3) For subsection (1)(c), the notice may require the statement or statutory declaration—
- (a) to be made by an appropriately qualified independent person or by the applicant; and
 - (b) if the applicant is a corporation—to be made for the applicant by an executive officer of the applicant.
- ‘(4) The giving of a statement for subsection (1)(c) does not prevent the relevant person from also requiring a statutory declaration for the subsection.
- ‘(5) The applicant must bear any costs incurred in complying with the notice.
- ‘(6) The relevant person may extend the period for complying with the notice.
- ‘(7) In this section—

application does not include—

- (a) an application to a court or tribunal; or
- (b) an internal review application under part 10, division 1A.

executive officer, of a corporation, means a person who is concerned with or takes part in its management, whether or not the person is a director or the person’s position is given the name of executive officer.

information includes a document.

relevant application means an application, other than an application relating to a prospecting permit.

relevant person, for an application under this Act, means—

- (a) for an application relating to a mining claim—the mining registrar; or
- (b) otherwise—the chief executive.

‘386K Refusing application for failure to comply with request

- ‘(1) This section applies for an application if—
 - (a) the chief executive or the mining registrar gives a notice under section 386J for the application; and
 - (b) the period stated in the notice for complying with it has ended; and
 - (c) the request has not been complied with to the satisfaction of the person who gave the notice.
- ‘(2) The following person may refuse the application—
 - (a) if the notice was given by the chief executive—the Minister;
 - (b) if the notice was given by the mining registrar—the mining registrar.
- ‘(3) To remove any doubt, subsection (2) applies despite another provision of this Act that provides the application must be granted in particular circumstances or if particular requirements have been complied with.

‘386L Notice to progress relevant applications

- ‘(1) The relevant person may by notice require an applicant for, or to renew, a relevant mining tenement to, within a stated reasonable period, do any thing required of the applicant

under this Act or another Act to allow the application to be decided or the tenement to be granted or renewed.

- ‘(2) However, the period for complying with the notice must be at least 20 business days after the notice is given.
- ‘(3) The relevant person may extend the period for complying with the notice.
- ‘(4) The relevant person may reject the application if the applicant does not comply with the requirement.
- ‘(5) In this section—

relevant mining tenement means a mining tenement other than a prospecting permit.

relevant person means—

- (a) for a relevant application under part 4—the mining registrar; or
- (b) otherwise—the Minister.

‘386M Particular criteria generally not exhaustive

- ‘(1) This section applies if another provision of this Act permits or requires the Minister or mining registrar to consider particular criteria in deciding an application.
- ‘(2) To remove any doubt, it is declared that the Minister or mining registrar may, in making the decision, consider any other criteria the Minister or mining registrar considers relevant.
- ‘(3) However, subsection (2) does not apply if the provision otherwise provides.
- ‘(4) In this section—
criteria includes issues and matters.

‘386N Particular grounds for refusal generally not exhaustive

- ‘(1) This section applies if another provision of this Act provides for particular grounds on which the Minister or mining registrar may refuse an application.
- ‘(2) To remove any doubt, it is declared that, unless the other provision otherwise provides, the Minister or mining registrar may refuse the application on another reasonable and relevant ground.
- ‘(3) In this section—
refuse, an application, includes refuse the thing the subject of the application.

‘386O Place or way for making applications, giving, filing, forwarding or lodging documents or making submissions

- ‘(1) This section applies to any of the following under this Act—
- (a) the making of an application;
 - (b) the giving of a document to the Minister, chief executive or mining registrar;
 - (c) the filing, forwarding or lodging of a document;
 - (d) the making of a submission.
- ‘(2) The application, document or submission may be made, given, filed or lodged only—
- (a) at the following place (the *required place*)—
 - (i) the office of the department provided for under the relevant approved form for that purpose;
 - (ii) if the relevant approved form does not make provision as mentioned in subparagraph (i) or if there is no relevant approved form—the office of the department notified on the department’s website; or
 - (b) in the way prescribed under a regulation.

- ‘(3) Without limiting subsection (2)(b), the way prescribed under a regulation may include to make, give, file or lodge the application, document or submission at another place.
- ‘(4) The document may be forwarded only to the required place or in the way prescribed under a regulation.
- ‘(5) Without limiting subsection (3), the way prescribed under a regulation may include to forward the application, document or submission to another place.
- ‘(6) This section does not apply to the following—
 - (a) the making of an application to the Land Court or the tribunal;
 - (b) the lodging of any of the following—
 - (i) a notice of appeal to the Land Court under section 86(2)(a), 282(2)(a) or 318AAZO(1);
 - (ii) a notice under section 753;
 - (iii) a report under section 761;
 - (iv) a proposed initial development plan for a lease under section 758;
 - (c) the giving of a report to the Minister under section 141(1)(e) or 194(1)(e);
 - (d) the giving of a report or other document mentioned in section 318AAH(1)(f) under that section.

‘386P Requirements for making application

- ‘(1) This section applies to a purported application, other than for the grant of a prospecting permit, mining claim or mining lease or to the Land Court or the tribunal, not made under the requirements under this Act for making the application.
- ‘(2) The relevant person for the application must refuse to receive or process the purported application.
- ‘(3) However, the relevant person may decide to allow the application to proceed and be decided as if it did comply with

the requirements if the relevant person is satisfied the application substantially complies with the requirements.

- ‘(4) If the relevant person decides to refuse to receive or process the purported application—
- (a) the relevant person must inform the applicant of the decision and the reasons for it; and
 - (b) the relevant person must refund the application fee to the applicant.
- ‘(5) In this section—
- relevant person*, for an application, means—
- (a) for an application relating to a prospecting permit, other than for the grant of a prospecting permit or for an application relating to a mining claim, other than for the grant of a mining claim—the mining registrar; or
 - (b) otherwise—the chief executive.

‘387 Register to be kept

- ‘(1) The chief executive must keep a register in which must be recorded particulars as prescribed of—
- (a) all prospecting permits, mining claims and mining leases the applications for the grant of which were lodged with a mining registrar; and
 - (b) applications for the grant of mining claims and of mining leases the lodgement of which is accepted by a mining registrar; and
 - (c) dealings with a mining tenement; and
 - (d) application transfers; and
 - (e) caveats lodged under part 7AAAD; and
 - (f) all exploration permits and mineral development licences; and

- (g) applications for the grant of exploration permits and of mineral development licences; and
 - (h) acquired land; and
 - (i) any other matters prescribed under a regulation.
- ‘(2) The chief executive may decide the form in which the register is kept.

‘387A Access to register

- ‘(1) The chief executive must—
- (a) keep the register open for inspection by the public during office hours on business days at the places the chief executive considers appropriate; and
 - (b) allow a person, on payment of the fee prescribed under a regulation, to search and take extracts from the register; and
 - (c) give a person who asks for it a copy of all or part of a notice, a document or information held in the register on payment of the fee prescribed under a regulation.
- ‘(2) Subsection (1) is subject to section 387B.’.

229 Insertion of new s 387D

After section 387C—

insert—

‘387D Chief executive may correct register

- ‘(1) The chief executive may correct the register if satisfied—
- (a) the register is incorrect; and
 - (b) the correction will not prejudice any rights recorded in the register.
- ‘(2) The power to correct includes power to correct information in the register or a document forming part of the register.

-
- ‘(3) If the register is corrected, the chief executive must record in it—
- (a) the state of the register before the correction; and
 - (b) the time, date and circumstances of the correction.
- ‘(4) A correction under this section has the same effect as if the relevant error had not been made.
- ‘(5) For subsection (1)(b), a right is not prejudiced if the relevant person acquired or has dealt with the right with actual or constructive knowledge that the register was incorrect and how it was incorrect.’.

230 Amendment of s 391A (Restriction on decisions or recommendations about mining tenements)

- (1) Section 391A(1)(a), ‘assign,’—
omit.
- (2) Section 391A(1)(b), ‘assigned,’—
omit.
- (3) Section 391A(4)—
omit.

231 Amendment of s 392 (Substantial compliance with Act may be accepted as compliance)

- Section 392—
insert—
- ‘(2) Subsection (1) is subject to section 386P.’.

232 Replacement of s 398 (Delegation)

- Section 398—
omit, insert—

‘398 Delegation by Minister and chief executive

- ‘(1) The Minister or the chief executive may delegate his or her functions under this Act to an appropriately qualified officer or employee of the department.
- ‘(2) However, the following functions of the Minister can not be delegated—
 - (a) granting a mining lease;
 - (b) renewing a mining lease.
- ‘(3) In this section—
function includes power.’.

233 Amendment of s 401A (Protection against liability as condition of approval)

- (1) Section 401A(1), ‘section 96, 151, 198 or 300’—
omit, insert—
‘part 7AAAB, division 3’.
- (2) Section 401A(4), definition *parties*, paragraph (b)—
omit, insert—
‘(b) for an approval to transfer the mining tenement—the proposed transferee;’.
- (3) Section 401A(4), definition *relevant matter*, paragraph (c), ‘section 96, 151, 198 or 300’—
omit, insert—
‘part 7AAAB, division 3’.

234 Amendment of s 416B (Practice manual)

- (1) Section 416B(3)(b) and (c)—
omit, insert—
‘(b) the person gives the information—

-
- (i) at the place or in the way permitted under the manual; or
 - (ii) at the place or in the way the information would be required to be given under section 386O if the information were a document;’.
- (2) Section 416B(4)—
omit.
- (3) Section 416B(5) and (6)—
renumber as section 416B(4) and (5).
- (4) Section 416B(5), as renumbered, ‘subsection (5)’—
omit, insert—
‘subsection (4)’.

235 Amendment of s 417 (Regulation-making power)

- (1) Section 417(2)—
insert—
- ‘(r) the way an application, document or submission must be made, given, filed, forwarded or lodged for section 386O(2)(b), or the way a report must be given for section 141(1)(e), 194(1)(e) or 318AAH(1)(f), including, for example—
 - (i) practices and procedures for lodgement of applications and other documents; and
 - (ii) methods for acknowledging receipt of documents; and
 - (iii) methods for acceptance of the lodgement of documents; and
 - (iv) the time at which a document is taken to have been lodged, but only to the extent that this Act does not provide otherwise;

- (s) requiring lodgement of a hard copy of the application, document or submission.’
- (2) Section 417—
insert—
- ‘(4) In this section—
report includes, for prescribing the way a report must be given for section 318AAH(1)(f), another document mentioned in that section.’

236 Amendment of s 653 (Content of written notice)

Section 653(1)(h), ‘Governor in Council’—
omit, insert—
‘Minister’.

237 Amendment of s 657 (Ending of additional requirements)

Section 657(2), ‘Governor in Council’—
omit, insert—
‘Minister’.

238 Amendment of s 666 (Process for consultation and negotiation—negotiated agreement with or without conditions attached)

Section 666(4), ‘Governor in Council’—
omit, insert—
‘Minister’.

239 Amendment of s 687 (Contract conditions)

Section 687(1), ‘Governor in Council’—
omit, insert—

‘Minister’.

240 Amendment of s 688 (Notice of grant to registered native title parties)

Section 688(1), ‘Governor in Council’—

omit, insert—

‘Minister’.

241 Amendment of s 708 (Agreement for compensation)

Section 708(2)(b), ‘in the office of the mining registrar’—

omit.

242 Amendment of s 745 (Application of pt 7AA)

(1) Section 745(1), ‘immediately’—

omit.

(2) Section 745(1)(b)—

renumber as section 745(1)(c).

(3) Section 745(1)(a)—

omit, insert—

‘(a) a coal or oil shale mining lease application was made;
and

(b) a recommendation about the application had not been
made to the Governor in Council under section
271(3)(a)(i); and’.

(4) Section 745(5)—

omit.

243 Insertion of new pt 19, div 17

Part 19—

insert—

**‘Division 17 Transitional provisions for Mines
 Legislation (Streamlining)
 Amendment Act
 2012—amendments commencing
 by proclamation**

‘Subdivision 1 Preliminary

‘791 Definitions for div 17

‘In this division—

amending Act means the *Mines Legislation (Streamlining) Amendment Act 2012*.

commencement means the commencement of the section in which the term is used.

former, for a provision of this Act, means the provision as in force immediately before the commencement of the section in which the term is used.

new, for a provision of this Act, means the provision as in force immediately after the commencement of the section in which the term is used.

**‘Subdivision 2 Provisions relating to exploration
 permits**

‘792 Particular applications for exploration permits

‘(1) This section applies if—

- (a) an application for an exploration permit was made before the commencement; and

- (b) apart from this section, new section 131(1)(c) would prevent the grant of the exploration permit applied for.
- ‘(2) New section 131 does not apply for the application.
- ‘(3) The application must be decided under former section 131.

‘793 Periodic reduction in land covered by existing exploration permit

- ‘(1) This section applies to an exploration permit in existence immediately before the commencement.
- ‘(2) For the current remaining term of the exploration permit—
 - (a) new section 139 does not apply to the exploration permit; and
 - (b) the area of the exploration permit must be reduced under former section 139.
- ‘(3) In this section—
current remaining term means the period from the commencement until the expiry of the exploration permit.

‘Subdivision 3 Provisions relating to mining claims

‘794 Existing applications for mining claim if no referral to Land Court

- ‘(1) This section applies if, before the commencement—
 - (a) an application for a mining claim was made, but not decided, under part 4; and
 - (b) the application was not referred to the Land Court under section 72; and
 - (c) 1 or more of the following apply—
 - (i) there are no properly made objections to the application;

- (ii) all properly made objections to the application are withdrawn;
 - (iii) the applicant abandons the application.
- ‘(2) The application may—
- (a) be dealt with under section 74; or
 - (b) if the application for a mining claim has been abandoned—be dealt with under section 108.
- ‘(3) In this section—
- properly made objection* has the meaning given by former section 72.

‘795 Existing applications for mining claim or renewal of mining claim—term of claim

- ‘(1) This section applies if an application for a mining claim or renewal of a mining claim was made, but not decided, under part 4 before the commencement.
- ‘(2) Sections 91 and 93, as amended under the amending Act, apply to the grant of any mining claim or renewal for the application.
- ‘(3) However, the sections apply as if a reference to a term of 5 years in the sections were a reference to a term of 10 years.

‘Subdivision 4 Provisions relating to mining leases

‘796 Existing applications for mining lease if no referral to Land Court

- ‘(1) This section applies if, before the commencement—
- (a) an application for a mining lease was made, but not decided, under part 7; and
 - (b) the application was not referred to the Land Court under section 265; and

-
- (c) 1 or more of the following apply—
- (i) there are no properly made objections to the application;
 - (ii) all properly made objections to the application are withdrawn;
 - (iii) the applicant abandons the application.
- ‘(2) The application may—
- (a) be dealt with under section 271; or
 - (b) if the application for a mining lease has been abandoned—be dealt with under section 307.
- ‘(3) In this section—
- properly made objection* has the meaning given by former section 265.

‘797 Existing referral of mining lease to Land Court

- ‘(1) This section applies if, before the commencement—
- (a) an application for a mining lease was made, but not decided, under part 7; and
 - (b) the application was referred to the Land Court under section 265: and
 - (c) the Land Court has fixed a date for the hearing but the hearing has not started; and
 - (d) either or both of the following apply—
 - (i) all properly made objections to the application are withdrawn;
 - (ii) the applicant abandons the application.
- ‘(2) Section 265, as amended under the amending Act, applies to the application.
- ‘(3) In this section—

properly made objection has the meaning given by former section 265.

‘798 Minister to decide particular applications for or about mining leases

- ‘(1) This section applies if—
- (a) before the commencement, an application was made for—
 - (i) a mining lease under section 245; or
 - (ii) the renewal of a mining lease under section 286; or
 - (iii) the variation of conditions of a mining lease under section 294; or
 - (iv) the variation of a mining lease under section 295; or
 - (v) the consolidation of mining leases under section 299; or
 - (vi) a mining lease for the transportation of a thing through, over or under land under section 316; and
 - (b) the Governor in Council has not decided the application.
- ‘(2) The Minister must decide the application under—
- (a) if the application is for a mining lease—new section 271A; or
 - (b) if the application is for the renewal of a mining lease—section 286A, as amended under the amending Act; or
 - (c) if the application is for the variation of conditions of a mining lease—section 294, as amended under the amending Act; or
 - (d) if the application is for the variation of a mining lease—section 295, as amended under the amending Act; or

- (e) if the application is for the consolidation of mining leases—section 299, as amended under the amending Act; or
- (f) if the application is for a mining lease for the transportation of a thing—section 316, as amended under the amending Act.

‘Subdivision 5 Provisions common to mining tenements

‘799 Unfinished actions under former s 96, 151, 198 or 300

- ‘(1) This section applies if a person had an obligation under former section 96, 151, 198 or 300 and the person had not discharged the obligation before the commencement.
- ‘(2) Despite the repeal of the section under the amending Act, the section continues to have effect in relation to the person until the obligation is discharged.

‘800 Deciding applications for approval of assessable transfers until commencement of particular provisions

- ‘(1) This section applies until the commencement of the *Environmental Protection Act 1994*, chapter 5A, part 4 as inserted by the *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012*.
- ‘(2) Former section 391A continues in force instead of section 318AAX(4)(a)(ii), as inserted by the amending Act, for deciding whether to give an approval of an assessable transfer, as if an approval of an assessable transfer were a decision to assign a mining tenement.

‘801 Continued functions for caveats received before the commencement

- ‘(1) Despite the repeal of sections 98 and 302 under the amending Act—
- (a) former sections 98 and 302 continue to apply to the mining registrar in relation to a relevant caveat received by the mining registrar before the commencement; and
 - (b) former sections 153 and 200 continue to apply to the chief executive in relation to a relevant caveat received by the chief executive before the commencement.
- ‘(2) In this section—
- relevant caveat*—
- (a) for the mining registrar—means a caveat to which former section 98 or 302 applied; or
 - (b) for the chief executive—means a caveat to which former section 153 or 200 applied.

‘802 Continued functions for removal or withdrawal of caveat

‘Despite the repeal of sections 101, 156, 203 and 305 under the amending Act—

- (a) former sections 101 and 305 continue to apply to the mining registrar in relation to the following—
 - (i) an order of the Land Court, under former section 101(3) or 305(3), that a caveat be removed;
 - (ii) a notice, under former section 101(5) or 305(5), about the withdrawal of a caveat if given to the registrar before the commencement; and
- (b) former sections 156 and 203 continue to apply to the chief executive in relation to the following—
 - (i) an order of the Land Court, under former section 156(3) or 203(3) that a caveat be removed;

- (ii) a notice, under former section 156(5) or 203(5), about the withdrawal of a caveat if given to the chief executive before the commencement.

‘Subdivision 6 Other provisions

‘803 Existing requests for information

- ‘(1) This section applies if a request for information was made, but not complied with, under the following provisions before the commencement—
 - (a) former section 133A;
 - (b) former section 147AA;
 - (c) former section 183A;
 - (d) former section 197AA;
 - (e) former section 245A;
 - (f) former section 286AA.
- ‘(2) On the commencement, the request is taken to have been made under section 386J(1).’.

244 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *register* and *relevant departmental office*—
omit.
- (2) Schedule 2—
insert—
‘application transfer see section 318AAN(2).
apply, in relation to making an application, has the meaning affected by section 386O.

appropriately qualified, for the performance of a function or exercise of a power, includes having the qualifications, experience and competence to perform the function or exercise the power.

assessable transfer, for part 7AAAB, see section 318AAR(2).

associated agreement see section 318AAZB.

dealing, with a mining tenement, see section 318AAP.

file, a document, has the meaning affected by section 386O.

forward, a document, has the meaning affected by section 386O.

give, a document to the Minister, chief executive or mining registrar, has the meaning affected by section 386O.

indicative approval, of an assessable transfer, see section 318AAV(1)(a).

lodge, a document, has the meaning affected by section 386O.

make a submission has the meaning affected by section 386O.

non-assessable transfer, for part 7AAAB, see section 318AAR(1).

register means the register kept under section 387.

registration, for a dealing or an application transfer, means recorded in the register.’

Part 5

Amendment of Petroleum Act 1923

245 Act amended

This part amends the *Petroleum Act 1923*.

Note—

See also the amendments in—

- (a) chapter 2, part 6; and
- (b) schedules 1 to 3.

246 Amendment of s 2 (Definitions)

- (1) Section 2, definitions *dealing* and *relevant departmental office*—

omit.

- (2) Section 2—

insert—

‘apply, in relation to making an application, has the meaning affected by section 124AA.

appropriately qualified, for the performance of a function or exercise of a power, includes having the qualifications, experience and competence to perform the function or exercise the power.

assessable transfer, for part 6N, see section 80H(2).

dealing, with a 1923 Act petroleum tenure, see section 80F.

executive officer, of a corporation, means a person who is concerned with or takes part in its management, whether or not the person is a director or the person’s position is given the name of executive officer.

give, a document to the Minister or the chief executive, has the meaning affected by section 124AA.

indicative approval, of an assessable transfer, see section 80KA(1)(a).

lodge, a document, has the meaning affected by section 124AA.

make submissions has the meaning affected by section 124AA.

non-assessable transfer, for part 6N, see section 80H(1).’

247 Amendment of s 40 (Lease to holder of authority to prospect)

- (1) Section 40(4) and (5)(b), ‘Governor in Council’—
omit, insert—
‘Minister’.
- (2) Section 40(6), ‘Governor in Council may, if in the Governor in Council’s’—
omit, insert—
‘Minister may, if in the Minister’s’.

248 Amendment of s 44 (Form etc. of lease)

Section 44, ‘Governor in Council’—
omit, insert—
‘Minister’.

249 Amendment of s 45 (Entitlement to renewal of lease)

Section 45(1), ‘Governor in Council’—
omit, insert—
‘Minister’.

250 Amendment of s 65 (Reservations in favour of State)

Section 65(1), ‘Governor in Council’—
omit, insert—
‘Minister’.

251 Omission of s 75AA (Notice of change of holder’s name)

Section 75AA—
omit.

252 Amendment of s 75WN (Amending water monitoring authority by application)

- (1) Section 75WN(3)(b)—
omit.
- (2) Section 75WN(3)(c)—
renumber as section 75WN(3)(b).

253 Amendment of s 75X (Requirement to report outcome of testing)

Section 75X(2), from ‘test’—
omit, insert—
‘test.’.

254 Amendment of s 76B (Requirement to lodge records and samples)

- Section 76B(2)—
omit, insert—
- ‘(2) The copy of the record must—
- (a) be—
- (i) given electronically using the system for submission of reports made or approved by the chief executive; and
- (ii) in the digital format made or approved by the chief executive; or
- (b) if a way of giving the copy is prescribed under a regulation—be given in that way.’.

255 Amendment of s 79X (General provision about ownership while tenure is in force for pipeline)

Section 79X(3)(c), ‘80G’—

omit, insert—

‘80I’.

256 Replacement of pt 6N (Dealings)

Part 6N—

omit, insert—

‘Part 6N Dealings

‘Division 1 Preliminary

‘80E Definitions for pt 6N

‘In this part—

assessable transfer see section 80H(2).

non-assessable transfer see section 80H(1).

‘80F What is a *dealing* with a 1923 Act petroleum tenure

- ‘(1) Each of the following is a *dealing* with a 1923 Act petroleum tenure—
- (a) a transfer of the 1923 Act petroleum tenure or of a share in the 1923 Act petroleum tenure;
 - (b) a mortgage over the 1923 Act petroleum tenure or over a share in the 1923 Act petroleum tenure;
 - (c) a release, transfer or surrender of a mortgage mentioned in paragraph (b);
 - (d) a change to the 1923 Act petroleum tenure holder’s name even if the holder continues to be the same person after the change;
 - (e) if the 1923 Act petroleum tenure is a lease—
 - (i) a sublease of the lease; or

(ii) a transfer of a sublease of the lease or of a share in a sublease of the lease.

(2) To remove any doubt, it is declared that any transaction or commercial agreement not mentioned in subsection (1) is not a dealing with a 1923 Act petroleum tenure.

‘80G Prohibited dealings

‘A dealing with a 1923 Act petroleum tenure, other than a dealing mentioned in section 80F(1)(e), that has the effect of transferring a divided part of the area of the 1923 Act petroleum tenure is prohibited.

Examples of a divided part of the area of a 1923 Act petroleum tenure—

- a particular part of the surface of the area
- a particular strata beneath the surface of the area

‘80H Types of transfers

(1) The following transfers (each a *non-assessable transfer*) do not require assessment before being registered—

- (a) a transfer of a 1923 Act petroleum tenure or of a share in a 1923 Act petroleum tenure if—
 - (i) the transferee is an entity having the same Australian Business Number as the entity comprising all or part of the transferor; or
 - (ii) part of one holder’s share in the 1923 Act petroleum tenure will be transferred to another holder of the 1923 Act petroleum tenure;
- (b) a transmission by death of a 1923 Act petroleum tenure or of a share in a 1923 Act petroleum tenure;
- (c) a transfer of a 1923 Act petroleum tenure or of a share in a 1923 Act petroleum tenure by operation of law;
- (d) a transfer of a mortgage over a 1923 Act petroleum tenure or of a share in a 1923 Act petroleum tenure;

- (e) a transfer of a sublease of a lease or of a share in a sublease of a lease.
- ‘(2) A transfer of a 1923 Act petroleum tenure or of a share in a 1923 Act petroleum tenure not mentioned in subsection (1) is an *assessable transfer* and must be approved by the Minister under division 3 before it can be registered.

‘Division 2 Registration of dealings generally

‘80I Registration required for all dealings

- ‘(1) A dealing with a 1923 Act petroleum tenure has no effect until it is registered.
- ‘(2) A registered dealing takes effect on—
 - (a) for a dealing that is an assessable transfer—the day the transfer was approved under division 3; or
 - (b) for any other dealing—the day notice of the dealing was given to the chief executive under section 80J.

‘80J Obtaining registration

- ‘(1) Registration of a dealing with a 1923 Act petroleum tenure, other than an assessable transfer, may be sought by giving the chief executive a notice of the dealing in the approved form.
- ‘(2) However, a dealing with a 1923 Act petroleum tenure prohibited under section 80G can not be registered and is of no effect.
- ‘(3) The approved form must be accompanied by the fee prescribed under a regulation.
- ‘(4) Registration of an assessable transfer must be carried out by the chief executive.

‘80K Effect of approval and registration

‘The registration of a dealing with a 1923 Act petroleum tenure, or an approval of an assessable transfer under division 3, allows the dealing or transfer to have effect according to its terms but does not of itself give the dealing any more effect or validity than it would otherwise have.

‘Division 3 Approval of assessable transfers

‘80KA Indicative approval

- ‘(1) The holder of a 1923 Act petroleum tenure may, before applying for approval of an assessable transfer relating to the tenure, apply to the Minister—
- (a) for an indication whether the Minister is likely to approve the transfer (an *indicative approval*); and
 - (b) if the Minister is likely to impose conditions on the giving of the approval—for an indication what the conditions are likely to be.
- ‘(2) The application must be made to the Minister in the approved form and be accompanied by—
- (a) the information the Minister requires to make a decision; and
 - (b) the fee prescribed under a regulation.
- ‘(3) In deciding whether or not to give the indicative approval, the Minister must consider the matters mentioned in section 80KC(2) as if the request were an application for approval of an assessable transfer.
- ‘(4) The Minister must decide whether or not to give the indicative approval and give the applicant notice of the decision.

‘80KB Applying for approval of assessable transfer

- ‘(1) The holder of a 1923 Act petroleum tenure may apply for approval of an assessable transfer relating to the 1923 Act petroleum tenure.
- ‘(2) The application must be made to the Minister in the approved form and be accompanied by—
 - (a) a written consent to the transfer by the proposed transferee; and
 - (b) if the 1923 Act petroleum tenure or a share in the 1923 Act petroleum tenure is subject to a mortgage—a written consent to the transfer by the mortgagee; and
 - (c) for a transfer of a share in the 1923 Act petroleum tenure—a written consent to the transfer by each person, other than the transferor, who holds a share in the tenure; and
 - (d) the fee prescribed under a regulation.

‘80KC Deciding application

- ‘(1) The Minister must decide whether or not to give the approval of the assessable transfer.
- ‘(2) In deciding whether or not to give the approval, the Minister must consider—
 - (a) the application and any additional information accompanying the application; and
 - (b) the capability criteria for the tenure; and
 - (c) the public interest.
- ‘(3) However, subsection (2) does not apply if, under subsection (6) or (7), the approval is taken to have been given.
- ‘(4) The approval may be given only if—
 - (a) the proposed transferee is a registered suitable operator under the Environmental Protection Act; and

-
- (b) no petroleum royalty payable by the holder of the 1923 Act petroleum tenure remains unpaid.
- ‘(5) Also, the Minister may refuse to give the approval if the Minister is not satisfied the transferor has substantially complied with the conditions of the 1923 Act petroleum tenure.
- ‘(6) The approval is taken to have been given if—
- (a) under section 80KA, an indicative approval has been given for the proposed dealing; and
 - (b) subsection (4) does not prevent the giving of the approval; and
 - (c) within 3 months after the giving of the indicative approval—
 - (i) an application for approval of the assessable transfer is made; and
 - (ii) if, under section 80KA, an indication of likely conditions was given—the conditions are complied with.
- ‘(7) The approval is also taken to have been given if—
- (a) subsection (6)(a) and (b) is satisfied; and
 - (b) within 10 business days before the expiration of 3 months after the giving of the indicative approval, the applicant gives the chief executive—
 - (i) notice in the approved form that a proposed transferee has given a notice under the *Foreign Acquisitions and Takeovers Act 1975* (Cwlth) about a proposal that relates to the assessable transfer; and
 - (ii) evidence that the proposed transferee has given the notice under that Act; and
 - (iii) a statement from the proposed transferee that the proposed transferee has not received notice about

an order or decision made under that Act about the proposal; and

- (c) within 6 months after the giving of the indicative approval, subsection (6)(c)(i) and (ii) is satisfied.
- ‘(8) Despite subsections (6) and (7), the approval of the assessable transfer is taken not to have been given if—
- (a) the request for indicative approval contained incorrect material information or omitted material information; and
 - (b) had the Minister been aware of the discrepancy, the Minister would not have given the indicative approval.

‘80KD Security may be required

- ‘(1) The Minister may, as a condition of deciding to give the approval, require the proposed transferee to give, under section 78D, security for the 1923 Act petroleum tenure the subject of the transfer as if the proposed transferee were an applicant for the 1923 Act petroleum tenure.
- ‘(2) If the proposed transferee does not comply with the requirement, the application may be refused.
- ‘(3) When the transfer of the 1923 Act petroleum tenure is complete, section 78D applies to the transferee of the 1923 Act petroleum tenure as holder.

‘80KE Notice of decision

- ‘(1) If the Minister decides to give the approval, the Minister must give the applicant notice of the decision.
- ‘(2) If the Minister decides not to give the approval, the Minister must give the applicant an information notice for the decision.

‘Part 6NA Recording associated agreements

‘80KF Definition for pt 6NA

‘In this part—

associated agreement, for a 1923 Act petroleum tenure, means an agreement relating to the 1923 Act petroleum tenure, other than the following—

- (a) a dealing with the 1923 Act petroleum tenure;
- (b) a dealing with the 1923 Act petroleum tenure that is prohibited under section 80G;
- (c) another agreement prescribed under a regulation as unsuitable to be recorded in the petroleum register.

‘80KG Recording associated agreements

- ‘(1) An associated agreement for a 1923 Act petroleum tenure may be recorded in the petroleum register against the 1923 Act petroleum tenure.
- ‘(2) Registration of an associated agreement may be sought by giving the chief executive a notice of the agreement in the approved form.
- ‘(3) An approved form given to the chief executive under this section must be accompanied by the fee prescribed under a regulation.
- ‘(4) The chief executive is not required to examine, or to determine the validity of, an associated agreement recorded in the petroleum register under this section.

‘80KH Effect of recording associated agreements

‘The recording of an associated agreement under this part does not of itself—

- (a) give the agreement any more effect or validity than it would otherwise have; or
- (b) create an interest in the 1923 Act petroleum tenure against which it is recorded.

‘Part 6NB Caveats

‘80KI Requirements of caveats

- ‘(1) A caveat must—
 - (a) be lodged in the approved form; and
 - (b) be signed by the caveator, the caveator’s solicitor or another person authorised in writing by the caveator; and
 - (c) state the name and address for service of 1 person upon whom any notice may be served in order to serve the caveator; and
 - (d) identify the 1923 Act petroleum tenure the subject of the caveat; and
 - (e) state the nature of the right or interest claimed by the caveator; and
 - (f) state the period for which the caveat is to continue in force; and
 - (g) if a person consents to the lodging of the caveat, be endorsed with the person’s consent; and
 - (h) be accompanied by the lodgement fee prescribed under a regulation.
- ‘(2) A caveat that does not comply with subsection (1) is of no effect.

‘80KJ Lodging of caveat

- ‘(1) A caveat may be lodged by any of the following—
- (a) a person claiming an interest in a 1923 Act petroleum tenure;
 - (b) the registered holder of a 1923 Act petroleum tenure;
 - (c) a person to whom an Australian court has ordered that an interest in a 1923 Act petroleum tenure be transferred;
 - (d) a person who has the benefit of a subsisting order of an Australian court in restraining a registered holder of a 1923 Act petroleum tenure from dealing with the 1923 Act petroleum tenure.
- ‘(2) A caveat lodged under this section can not be registered if it applies to any of the following—
- (a) an application for indicative approval;
 - (b) an indicative approval given by the Minister;
 - (c) an application for approval of an assessable transfer;
 - (d) a notice to register a dealing given to the chief executive under section 80J.

‘80KK Chief executive’s functions on receipt of caveat

- ‘(1) On receipt of a caveat complying with section 80KI(1), the chief executive must—
- (a) notify each holder of the affected 1923 Act petroleum tenure of the receipt of the caveat; and
 - (b) notify all other persons who have an interest in the 1923 Act petroleum tenure as recorded in the petroleum register, including any subsisting prior caveator, of the receipt of the caveat; and
 - (c) record the existence of the caveat in the petroleum register.

- ‘(2) For subsection (1)(b), a person does not have an interest in the 1923 Act petroleum tenure only because the person is a party to an associated agreement recorded in the petroleum register against the 1923 Act petroleum tenure.

‘80KL Effect of lodging caveat

- ‘(1) Until a caveat lapses, or is removed or withdrawn, the caveat prevents registration of a dealing with a 1923 Act petroleum tenure over which the caveat is lodged from the date and time endorsed by the chief executive on the caveat as the caveat’s date and time of lodgement.
- ‘(2) However, lodgement of a caveat does not prevent registration of the following—
- (a) an instrument stated in the caveat as an instrument to which the caveat does not apply;
 - (b) an instrument if the caveator consents, in the approved form, to its registration and the consent is lodged with the chief executive;
 - (c) an instrument executed by a mortgagee whose interest was registered before lodgement of the caveat if—
 - (i) the mortgagee has power under the mortgage to execute the instrument; and
 - (ii) the caveator claims an interest in the 1923 Act petroleum tenure as security for the payment of money or money’s worth;
 - (d) an instrument of transfer of mortgage executed by a mortgagee whose interest was registered before lodgement of the caveat;
 - (e) another interest that, if registered, will not affect the interest claimed by the caveator.
- ‘(3) The exception in subsection (2)(d) does not apply to a caveat lodged by the 1923 Act petroleum tenure holder.

-
- ‘(4) Lodgement of a caveat does not create in the caveator an interest in the 1923 Act petroleum tenure affected by the caveat.

‘80KM Lapsing, withdrawal or removal of caveat

- ‘(1) An agreed caveat lapses at the expiration of the term stated in the caveat but, if no term is stated, the caveat continues until it is withdrawn or removed.
- ‘(2) A caveat that is not an agreed caveat lapses—
- (a) if an order of the Land Court is in force in relation to the caveat—at the expiration of the order; or
 - (b) otherwise—at the expiration of 3 months after the date of lodgement of the caveat or a shorter term stated in the caveat.
- ‘(3) A caveator may withdraw the caveat by notifying the chief executive in writing.
- ‘(4) An affected person for a caveat may apply to the Land Court for an order that the caveat be removed.
- ‘(5) The Land Court may make the order whether or not the caveator has been served with the application, and may make the order on the terms it considers appropriate.
- ‘(6) If a caveat is withdrawn, lapses or is ordered to be removed, the chief executive must record the withdrawal, lapse or removal in the petroleum register.
- ‘(7) In this section—
- affected person*, for a caveat, means a person—
- (a) who has a right or interest (present or prospective) in the 1923 Act petroleum tenure the subject of the caveat; or
 - (b) whose right (present or prospective) to deal with the 1923 Act petroleum tenure the subject of the caveat is affected by the caveat.

agreed caveat means a caveat to which each holder of the 1923 Act petroleum tenure the subject of the caveat has consented, if the consent has been lodged with the caveat.

‘80KN Further caveat not available to same person

- ‘(1) This section applies if a caveat (the *original caveat*) is lodged in relation to an interest.
- ‘(2) A further caveat with the same caveator can never be lodged in relation to the interest on the same, or substantially the same, grounds as the grounds stated in the original caveat unless—
 - (a) the consent of each holder of the 1923 Act petroleum tenure the subject of the caveat has been lodged with the caveat; or
 - (b) the leave of a court of competent jurisdiction to lodge the further caveat has been granted.

‘80KO Compensation for lodging caveat without reasonable cause

‘A person who lodges a caveat in relation to a 1923 Act petroleum tenure without reasonable cause is liable to compensate anyone else who suffers loss or damage because of the caveat.’.

257 Replacement of ss 120 and 121

Sections 120 and 121—

omit, insert—

‘120 Requirements for making an application

- ‘(1) The Minister must refuse to receive or process a purported application, other than to the Land Court, not made under the requirements under this Act for making the application.

-
- ‘(2) However, the Minister may decide to allow the application to proceed and be decided as if it did comply with the requirements if the Minister is satisfied the application substantially complies with the requirements.
- ‘(3) If the Minister decides to refuse to receive or process the purported application—
- (a) the Minister must give the applicant notice of the decision and the reasons for it; and
 - (b) the chief executive must refund the application fee to the applicant.

‘121 Request to applicant about application

- ‘(1) For an application under this Act, the chief executive may, by notice, require the applicant to do all or any of the following within a stated reasonable period—
- (a) complete or correct the application if it appears to the chief executive to be incorrect, incomplete or defective;
 - (b) give the chief executive or a stated officer of the department additional information about, or relevant to, the application;
- Example—*
- The application is for a lease. The chief executive may require a document, prepared by an appropriately qualified person, independently verifying reserve data given in the proposed development plan for the lease.
- (c) give the chief executive or a stated officer of the department an independent report by an appropriately qualified person, or a statement or statutory declaration, verifying all or any of the following—
 - (i) any information included in the application;
 - (ii) any additional information required under paragraph (b);

- (iii) if the application is to renew an authority to prospect—that the applicant meets the relevant capability criteria under part 4.
- ‘(2) For subsection (1)(b), if the application is for a lease, a required document may include a survey or resurvey of the area of the proposed lease carried out by a person who is a cadastral surveyor under the *Surveyors Act 2003*.
- ‘(3) For subsection (1)(c), the notice may require the statement or statutory declaration—
 - (a) to be made by an appropriately qualified independent person or by the applicant; and
 - (b) if the applicant is a corporation—to be made for the applicant by an executive officer of the applicant.
- ‘(4) The giving of a statement for subsection (1)(c) does not prevent the chief executive from also requiring a statutory declaration for the subsection.
- ‘(5) The applicant must bear any costs incurred in complying with the notice.
- ‘(6) The chief executive may extend the period for complying with the notice.
- ‘(7) In this section—
 - application* does not include an application to the Land Court.
 - information* includes a document.

‘121A Refusing application for failure to comply with request

- ‘(1) The Minister may refuse an application if—
 - (a) a notice under section 121 has been given for the application; and
 - (b) the period stated in the notice for complying with it has ended; and
 - (c) the request has not been complied with to the chief executive’s satisfaction.

-
- ‘(2) To remove any doubt, subsection (1) applies despite another provision of this Act that provides the application must be granted in particular circumstances or if particular requirements have been complied with.

‘121B Particular criteria generally not exhaustive

- ‘(1) This section applies if another provision of this Act permits or requires the Minister to consider particular criteria in deciding an application.
- ‘(2) To remove any doubt, it is declared that the Minister may, in making the decision, consider any other criteria the Minister considers relevant.
- ‘(3) However, subsection (2) does not apply if the provision otherwise provides.
- ‘(4) In this section—
criteria includes issues and matters.

‘121C Particular grounds for refusal generally not exhaustive

- ‘(1) This section applies if another provision of this Act provides for particular grounds on which the Minister may refuse an application.
- ‘(2) To remove any doubt, it is declared that, unless the other provision otherwise provides, the Minister may refuse the application on another reasonable and relevant ground.
- ‘(3) In this section—
refuse, an application, includes refuse the thing the subject of the application.’.

258 Insertion of new pt 9, div 1A

Part 9—

insert—

‘Division 1A How to lodge or give particular documents, make particular applications or make submissions

‘124AA Place or way for making applications, giving or lodging documents or making submissions

- ‘(1) This section applies to any of the following under this Act—
- (a) the making of an application;
 - (b) the giving of a document to the Minister or the chief executive;
 - (c) the lodging of a document;
 - (d) the making of a submission.
- ‘(2) The application, document or submission may be made, given or lodged only—
- (a) at the following place—
 - (i) the office of the department provided for under the relevant approved form for that purpose;
 - (ii) if the relevant approved form does not make provision as mentioned in subparagraph (i) or if there is no relevant approved form—the office of the department notified on the department’s website; or
 - (b) in the way prescribed under a regulation.
- ‘(3) Without limiting subsection (2)(b), the way prescribed under a regulation may include making, giving or lodging the application, document or submission at another place.
- ‘(4) This section does not apply to the following—
- (a) the making of an application to the Land Court;
 - (b) the giving, to the chief executive, of a document that under this Act must be lodged electronically using the

system for submission of reports made or approved by
the chief executive;

- (c) the lodging of a copy of an agreement mentioned in
section 178 under that section.’.

259 Amendment of s 142 (Practice manual)

- (1) Section 142(3)(b) and (c)—

omit, insert—

‘(b) the person gives the information—

- (i) at the place or in the way permitted under the
manual; or
(ii) at the place or in the way the information would be
required to be given under section 124AA if the
information were a document;’.

- (2) Section 142(4)—

omit.

- (3) Section 142(5) and (6)—

renumber as section 142(4) and (5).

- (4) Section 142(5), as renumbered, ‘subsection (5)’—

omit, insert—

‘subsection (4)’.

260 Amendment of s 149 (Regulation-making power)

Section 149(2)—

insert—

- ‘(c) the way an application or document must be made,
given or lodged for section 124AA(2)(b), or the way a
copy of a record must be given for section 76B(2)(b),
including, for example—

[s 261]

- (i) practices and procedures for lodgement of applications and other documents; and
 - (ii) methods for acknowledging receipt of documents; and
 - (iii) methods for acceptance of the lodgement of documents; and
 - (iv) the time at which a document is taken to have been lodged, but only to the extent that this Act does not provide otherwise;
- (d) requiring lodgement of a hard copy of the application or document.’.

261 Amendment of s 150 (Declaration about certain 1923 Act petroleum tenures)

Section 150(3), after ‘Governor in Council’—

insert—

‘or the Minister’.

262 Insertion of new pt 14, div 3

Part 14, as inserted by this Act—

insert—

‘Division 3 Transitional provisions for amendments in amending Act commencing by proclamation

‘193 Minister to decide particular applications for or about leases

‘(1) This section applies if—

- (a) before the commencement, an application was made for—

-
- (i) the grant of a lease under section 40; or
 - (ii) the renewal of a lease under section 45; and
 - (b) the Governor in Council has not decided the application.
- ‘(2) The Minister must decide the application—
- (a) for the grant of a lease—under section 40, as amended by the amending Act; or
 - (b) for the renewal of a lease—under section 45, as amended by the amending Act.

‘194 Unfinished indications about approval of dealing

- ‘(1) This section applies if—
- (a) a party to a proposed dealing made a request to the Minister under former section 80H; and
 - (b) the Minister had not given the party an indication before the commencement.
- ‘(2) The Minister may continue to consider the request and give an indication under former section 80H as if the section had not been repealed by the amending Act.

‘195 Undecided applications for approval of dealing

- ‘(1) This section applies if—
- (a) a holder of a 1923 Act petroleum tenure or interest made an application for approval of a dealing under former section 80I; and
 - (b) the Minister had not granted or refused the approval before the commencement.
- ‘(2) Despite the replacement of former part 6N by the amending Act—
- (a) the Minister may continue to deal with the application; and

- (b) former sections 80J and 80K apply to the Minister's decision about the application.

'196 Deciding applications for approval of assessable transfers until commencement of particular provisions

- '(1) This section applies until the commencement of the *Environmental Protection Act 1994*, chapter 5A, part 4 as inserted by the *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012*.
- '(2) Former section 80J(2)(a) continues in force instead of section 80KC(4)(a), as inserted by the amending Act, for deciding whether to give an approval of an assessable transfer.

'197 Uncommenced appeals about refusal to approve particular dealing

- '(1) This section applies to a person if—
 - (a) before the commencement, the person could have appealed to the Land Court under section 104 in relation to a refusal to approve a dealing under former section 80J(1); but
 - (b) the person had not started the appeal before the commencement.
- '(2) Despite the amendment of the schedule by the amending Act, the person continues to be a person who may start an appeal under section 104, subject to sections 105 and 106.

'198 Unfinished appeals about refusal to approve particular dealing

- '(1) This section applies if, before the commencement—
 - (a) a person started an appeal under section 106 in relation to a refusal to approve a dealing under former section 80J(1); and
 - (b) the Land Court had not yet decided the appeal.

‘(2) The Land Court may continue, under part 7, to grant a stay of the decision being appealed, and hear and decide the appeal.’.

263 Amendment of schedule (Decisions subject to appeal)

Schedule, entry for section 80J(1)—

omit, insert—

‘80KC refusal to approve assessable transfer

80KD decision to require security’.

Part 6 Amendment of Petroleum and Gas (Production and Safety) Act 2004

264 Act amended

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

Note—

See also the amendments in—

(a) chapter 2, part 7; and

(b) schedules 1 to 3.

265 Amendment of s 30A (Joint holders of a petroleum authority)

Section 30A(2)(a)—

omit, insert—

‘(a) an application is made for a petroleum authority, or for approval of an assessable transfer relating to a

petroleum authority, for more than 1 proposed holder or transferee; and’.

266 Amendment of s 59 (Restrictions on amending work program)

Section 59(2)(d)—

omit, insert—

‘(d) within 3 months before the making of the application, a person (the *designated person*) became a holder of the authority as a result of—

(i) an application having been made, under section 573C, for approval of an assessable transfer relating to a share in the authority; and

(ii) approval of the assessable transfer having been given under section 573D;’.

267 Amendment of s 60 (Applying for approval to amend)

(1) Section 60(1)—

insert—

Note—

For other relevant provisions about applications, see chapter 14, part 1 and section 851AA.

(2) Section 60—

insert—

‘(4) The application must be accompanied by the fee prescribed under a regulation.’.

268 Amendment of s 118 (Requirements for making ATP-related application)

Section 118(2) and (3)—

omit.

269 Insertion of new ch 2, pt 2, div 7, sdiv 3

After section 175—

insert—

‘Subdivision 3 Changing production commencement day

‘175AA When holder may apply to change production commencement day

‘The holder of a petroleum lease may apply to change the production commencement day for the lease to a new day only if—

- (a) the holder has a relevant arrangement in place to supply petroleum produced from the area of the lease; and
- (b) the day by which petroleum production under the lease is to start is more than 2 years after the day the lease took effect; and
- (c) the application is made no later than 1 year before the day by which petroleum production under the lease is to start.

‘175AB Requirements for making application

‘An application to change a production commencement day to a new day must—

- (a) be made to the Minister in the approved form; and
- (b) state—
 - (i) the proposed new day; and
 - (ii) the grounds for seeking the change; and
- (c) be supported by information, documents or instruments detailing—
 - (i) the petroleum production required under all relevant arrangements relating to the lease; and

- (ii) the reserves, resources and characteristics of natural underground reservoirs of all petroleum authorities required to supply petroleum under the relevant arrangements; and
- (d) be accompanied by the fee prescribed under a regulation.

‘175AC Deciding application

- ‘(1) After receiving an application to change a production commencement day to a new day, the Minister must decide whether or not to make the change.
- ‘(2) The Minister may, if the holder of the lease agrees in writing, change the production commencement day for the lease to another day.
- ‘(3) In deciding the application, the Minister must consider—
 - (a) whether the holder has substantially complied with the lease; and
 - (b) whether petroleum production under the lease will be optimised in the best interests of the State; and
 - (c) the public interest.
- ‘(4) If the Minister decides to change the production commencement day to a new day, the Minister must amend the lease to give effect to the change.

Note—

A change in the production commencement day may require a later development plan for the lease to be lodged—see section 159.

‘175AD Information notice about decision

‘If the Minister decides not to change the production commencement day for a lease to a new day, the Minister must give the applicant an information notice about the decision.’

270 Amendment of s 548 (Requirement to lodge records and samples)

Section 548(2)—

omit, insert—

- ‘(2) The copy of the record must—
- (a) be—
 - (i) given electronically using the system for submission of reports made or approved by the chief executive; and
 - (ii) in the digital format made or approved by the chief executive; or
 - (b) if a way of giving the copy is prescribed under a regulation—be given in that way.’

271 Insertion of new ss 552A and 552B

After section 552—

insert—

‘552A Obligation to lodge infrastructure report for petroleum lease

‘The holder of a petroleum lease must, on or before 1 September each year, lodge an infrastructure report about the lease for the preceding financial year that complies with section 552B.

‘552B Content requirements for infrastructure report for petroleum lease

‘An infrastructure report under section 552A must state the following information for the petroleum lease the subject of the report for the financial year to which the report relates—

- (a) details of the authorised activities for the lease carried out in the area of the lease in the financial year;

- (b) details of infrastructure and works constructed in the area of the lease in the financial year, including the location of the infrastructure and works;

Examples of infrastructure and works—

communication systems, compressors, powerlines, pumping stations, reservoirs, roads, evaporation or storage ponds and tanks or mobile and temporary camps

- (c) any other information prescribed under a regulation.’.

272 Omission of s 558A (Notice of change of holder’s name)

Section 558A—

omit.

273 Replacement of ch 5, pt 10 (Dealings)

Chapter 5, part 10—

omit, insert—

‘Part 10 Dealings

‘Division 1 Preliminary

‘568 Definitions for pt 10

‘In this part—

assessable transfer see section 571(2).

non-assessable transfer see section 571(1).

‘569 What is a *dealing* with a petroleum authority

- ‘(1) Each of the following is a *dealing* with a petroleum authority—

-
- (a) a transfer of the petroleum authority or of a share in the petroleum authority;
 - (b) a mortgage over the petroleum authority or over a share in the petroleum authority;
 - (c) a release, transfer or surrender of a mortgage mentioned in paragraph (b);
 - (d) a change to the petroleum authority holder's name even if the holder continues to be the same person after the change;
 - (e) if the petroleum authority is a petroleum lease—
 - (i) a sublease of the petroleum lease; or
 - (ii) a transfer of a sublease of the petroleum lease or of a share in a sublease of the petroleum lease.
- ‘(2) To remove any doubt, it is declared that any transaction or commercial agreement not mentioned in subsection (1) is not a dealing with a petroleum authority.

‘570 Prohibited dealings

‘The following dealings with a petroleum authority are prohibited—

- (a) a transfer of a survey licence;
- (b) a transfer of a pipeline authorised under section 33 or 110;
- (c) a dealing, other than a dealing mentioned in section 569(1)(e), that has the effect of transferring a divided part of the area of a petroleum tenure;

Examples of a divided part of the area of a petroleum tenure—

- a particular part of the surface of the area
 - a particular strata beneath the surface of the area
- (d) a transfer of a pipeline licence, unless the pipeline the subject of the licence and the pipeline land for the

licence are also to be transferred to the transferee of the pipeline licence;

- (e) a transfer of a petroleum facility licence, unless the petroleum facility and petroleum facility land the subject of the licence are also to be transferred to the transferee of the licence;
- (f) a transfer of a water monitoring authority, or of a share in a water monitoring authority, other than a transfer by operation of law under section 201;
- (g) a transfer of a data acquisition authority, or of a share in a data acquisition authority, other than a transfer by operation of law under section 182.

'571 Types of transfers

- '(1) The following transfers (each a *non-assessable transfer*) do not require assessment before being registered—
 - (a) a transfer of a petroleum authority or of a share in a petroleum authority under which—
 - (i) the transferee is an entity having the same Australian Business Number as the entity comprising all or part of the transferor; or
 - (ii) part of one holder's share in the petroleum authority will be transferred to another holder of the petroleum authority;
 - (b) a transmission by death of a petroleum authority or of a share in a petroleum authority;
 - (c) a transfer of a petroleum authority or of a share in a petroleum authority by operation of law;
 - (d) a transfer of a mortgage over a petroleum authority or over a share in a petroleum authority;
 - (e) a transfer of a sublease of a petroleum lease or of a share in a sublease of a petroleum lease.

- ‘(2) A transfer of a petroleum authority or of a share in a petroleum authority not mentioned in subsection (1) is an *assessable transfer* and must be approved by the Minister under division 3 before it can be registered.

‘Division 2 Registration of dealings generally

‘572 Registration required for all dealings

- ‘(1) A dealing with a petroleum authority has no effect until it is registered.
- ‘(2) A registered dealing takes effect on—
- (a) for a dealing that is an assessable transfer—the day the transfer was approved under division 3; or
 - (b) for any other dealing—the day notice of the dealing was given to the chief executive under section 573.

‘573 Obtaining registration

- ‘(1) Registration of a dealing with a petroleum authority, other than an assessable transfer, may be sought by giving the chief executive a notice of the dealing in the approved form.
- ‘(2) However, a dealing with a petroleum authority prohibited under section 570 can not be registered.
- ‘(3) The approved form must be accompanied by the fee prescribed under a regulation.
- ‘(4) Registration of an assessable transfer must be carried out by the chief executive.

‘573A Effect of approval and registration

‘The registration of a dealing with a petroleum authority, or an approval of an assessable transfer under division 3, allows the dealing or transfer to have effect according to its terms but

does not of itself give the dealing any more effect or validity than it would otherwise have.

‘Division 3 Approval of assessable transfers

‘573B Indicative approval

- ‘(1) The holder of a petroleum authority may, before applying for approval of an assessable transfer relating to the authority, apply to the Minister—
 - (a) for an indication whether the Minister is likely to approve the transfer (an *indicative approval*); and
 - (b) if the Minister is likely to impose conditions on the giving of the approval—for an indication what the conditions are likely to be.
- ‘(2) The application must be made to the Minister in the approved form and be accompanied by—
 - (a) the information the Minister requires to make a decision; and
 - (b) the fee prescribed under a regulation.
- ‘(3) In deciding whether or not to give the indicative approval, the Minister must consider the matters mentioned in section 573D(2) as if the request were an application for approval of an assessable transfer.
- ‘(4) The Minister must decide whether or not to give the indicative approval and give the applicant notice of the decision.

‘573C Applying for approval of assessable transfer

- ‘(1) The holder of a petroleum authority may apply for approval of an assessable transfer relating to the petroleum authority.
- ‘(2) However, an application can not be made under subsection (1) if the proposed transferee is not an eligible person.

-
- ‘(3) The application must be made to the Minister in the approved form and be accompanied by—
- (a) a written consent to the transfer by the proposed transferee; and
 - (b) if the petroleum authority or a share in the petroleum authority is subject to a mortgage—a written consent to the transfer by the mortgagee; and
 - (c) for a transfer of a share in a petroleum authority—a written consent to the transfer by each person other than the transferor who holds a share in the petroleum authority; and
 - (d) the fee prescribed under a regulation.

‘573D Deciding application

- ‘(1) The Minister must decide whether or not to give the approval of the assessable transfer.
- ‘(2) In deciding whether or not to give the approval, the Minister must consider—
- (a) the application and any additional information accompanying the application; and
 - (b) the relevant criteria applying under chapter 2 or 4 for obtaining the type of authority the subject of the transfer; and
 - (c) the public interest.
- ‘(3) However, subsection (2) does not apply if, under subsection (6) or (7), the approval is taken to have been given.
- ‘(4) The approval may be given only if—
- (a) the proposed transferee is—
 - (i) an eligible person; and
 - (ii) a registered suitable operator under the Environmental Protection Act; and

- (b) no petroleum royalty payable by the holder of the petroleum authority remains unpaid.
- ‘(5) Also, the Minister may refuse to give the approval if the Minister is not satisfied the transferor has substantially complied with the conditions of the petroleum authority.
- ‘(6) The approval is taken to have been given if—
- (a) under section 573B, an indicative approval has been given for the proposed dealing; and
 - (b) subsection (4) does not prevent the giving of the approval; and
 - (c) within 3 months after the giving of the indicative approval—
 - (i) an application for approval of the assessable transfer is made; and
 - (ii) if, under section 573B, an indication of likely conditions was given—the conditions are complied with.
- ‘(7) The approval is also taken to have been given if—
- (a) subsection (6)(a) and (b) is satisfied; and
 - (b) within 10 business days before the expiration of 3 months after the giving of the indicative approval, the applicant gives the chief executive—
 - (i) notice in the approved form that a proposed transferee has given a notice under the *Foreign Acquisitions and Takeovers Act 1975* (Cwlth) about a proposal that relates to the assessable transfer; and
 - (ii) evidence that the proposed transferee has given the notice under that Act; and
 - (iii) a statement from the proposed transferee that the proposed transferee has not received notice about an order or decision made under that Act about the proposal; and

- (c) within 6 months after the giving of the indicative approval, subsection (6)(c)(i) and (ii) is satisfied.
- ‘(8) Despite subsections (6) and (7), the approval of the assessable transfer is taken not to have been given if—
 - (a) the request for indicative approval contained incorrect material information or omitted material information; and
 - (b) had the Minister been aware of the discrepancy, the Minister would not have given the indicative approval.

‘573E Security may be required

- ‘(1) The Minister may, as a condition of deciding to give the approval, require the proposed transferee to give, under section 488, security for the petroleum authority the subject of the transfer as if the proposed transferee were an applicant for the petroleum authority.
- ‘(2) If the proposed transferee does not comply with the requirement, the application may be refused.
- ‘(3) When the transfer of the petroleum authority is complete, section 488 applies to the transferee of the petroleum authority as holder.

‘573F Notice of decision

- ‘(1) If the Minister decides to give the approval, the Minister must give the applicant notice of the decision.
- ‘(2) If the Minister decides not to give the approval, the Minister must give the applicant an information notice for the decision.

‘Part 10A Recording associated agreements

‘573G Definition for pt 10A

‘In this part—

associated agreement, for a petroleum authority, means an agreement relating to the petroleum authority, other than the following—

- (a) a dealing with the petroleum authority;
- (b) a dealing with the petroleum authority that is prohibited under section 570;
- (c) another agreement prescribed under a regulation as unsuitable to be recorded in the petroleum register.

‘573H Recording associated agreements

- ‘(1) An associated agreement for a petroleum authority may be recorded in the petroleum register against the petroleum authority.
- ‘(2) Registration of an associated agreement may be sought by giving the chief executive a notice of the agreement in the approved form.
- ‘(3) An approved form given to the chief executive under this section must be accompanied by the fee prescribed under a regulation.
- ‘(4) The chief executive is not required to examine, or to determine the validity of, an associated agreement recorded in the petroleum register under this section.

‘573I Effect of recording associated agreements

‘The recording of an associated agreement under this part does not of itself—

- (a) give the agreement any more effect or validity than it would otherwise have; or
- (b) create an interest in the petroleum authority against which it is recorded.

‘Part 10B Caveats

‘573J Requirements of caveats

- ‘(1) A caveat must—
 - (a) be lodged in the approved form; and
 - (b) be signed by the caveator, the caveator’s solicitor or another person authorised in writing by the caveator; and
 - (c) state the name and address for service of 1 person upon whom any notice may be served in order to serve the caveator; and
 - (d) identify the petroleum authority the subject of the caveat; and
 - (e) state the nature of the right or interest claimed by the caveator; and
 - (f) state the period for which the caveat is to continue in force; and
 - (g) if a person consents to the lodging of the caveat, be endorsed with the person’s consent; and
 - (h) be accompanied by the lodgement fee prescribed under a regulation.
- ‘(2) A caveat that does not comply with subsection (1) is of no effect.

‘573K Lodging of caveat

- ‘(1) A caveat may be lodged by any of the following—
- (a) a person claiming an interest in a petroleum authority;
 - (b) the registered holder of a petroleum authority;
 - (c) a person to whom an Australian court has ordered that an interest in a petroleum authority be transferred;
 - (d) a person who has the benefit of a subsisting order of an Australian court restraining a registered holder of a petroleum authority from dealing with the petroleum authority.
- ‘(2) A caveat lodged under this section can not be registered if it applies to any of the following—
- (a) an application for indicative approval;
 - (b) an indicative approval given by the Minister;
 - (c) an application for approval of an assessable transfer;
 - (d) a notice to register a dealing given to the chief executive under section 573.

‘573L Chief executive’s functions on receipt of caveat

- ‘(1) On receipt of a caveat complying with section 573J(1), the chief executive must—
- (a) notify the holder or holders of the affected petroleum authority of the receipt of the caveat; and
 - (b) notify all other persons who have an interest in the petroleum authority as recorded in the petroleum register, including any subsisting prior caveator, of the receipt of the caveat; and
 - (c) record the existence of the caveat in the petroleum register.
- ‘(2) For subsection (1)(b), a person does not have an interest in the petroleum authority only because the person is a party to an

associated agreement recorded in the petroleum register against the petroleum authority.

‘573M Effect of lodging caveat

- ‘(1) Until a caveat lapses, or is removed or withdrawn, the caveat prevents registration of a dealing with a petroleum authority over which the caveat is lodged from the date and time endorsed by the chief executive on the caveat as the caveat’s date and time of lodgement.
- ‘(2) However, lodgement of a caveat does not prevent registration of the following—
 - (a) an instrument stated in the caveat as an instrument to which the caveat does not apply;
 - (b) an instrument if the caveator consents, in the approved form, to its registration and the consent is lodged with the chief executive;
 - (c) an instrument executed by a mortgagee whose interest was registered before lodgement of the caveat if—
 - (i) the mortgagee has power under the mortgage to execute the instrument; and
 - (ii) the caveator claims an interest in the petroleum authority as security for the payment of money or money’s worth;
 - (d) an instrument of transfer of mortgage executed by a mortgagee whose interest was registered before lodgement of the caveat;
 - (e) another interest that, if registered, will not affect the interest claimed by the caveator.
- ‘(3) The exception in subsection (2)(d) does not apply to a caveat lodged by the petroleum authority holder.
- ‘(4) Lodgement of a caveat does not create in the caveator an interest in the petroleum authority affected by the caveat.

‘573N Lapsing, withdrawal or removal of caveat

- ‘(1) An agreed caveat lapses at the expiration of the term stated in the caveat but, if no term is stated, the caveat continues until it is withdrawn or removed.
- ‘(2) A caveat that is not an agreed caveat lapses—
 - (a) if an order of the Land Court is in force in relation to the caveat—at the expiration of the order; or
 - (b) otherwise—at the expiration of 3 months after the date of lodgement of the caveat or a shorter term stated in the caveat.
- ‘(3) A caveator may withdraw the caveat by notifying the chief executive in writing.
- ‘(4) An affected person for a caveat may apply to the Land Court for an order that the caveat be removed.
- ‘(5) The Land Court may make the order whether or not the caveator has been served with the application, and may make the order on the terms it considers appropriate.
- ‘(6) If a caveat is withdrawn, lapses or is ordered to be removed, the chief executive must record the withdrawal, lapse or removal in the register.
- ‘(7) In this section—

affected person, for a caveat, means a person—

- (a) who has a right or interest (present or prospective) in the petroleum authority the subject of the caveat; or
- (b) whose right (present or prospective) to deal with the petroleum authority the subject of the caveat is affected by the caveat.

agreed caveat means a caveat to which each holder of the petroleum authority the subject of the caveat has consented, if the consent has been lodged with the caveat.

‘5730 Further caveat not available to same person

- ‘(1) This section applies if a caveat (the *original caveat*) is lodged in relation to an interest.
- ‘(2) A further caveat with the same caveator can never be lodged in relation to the interest on the same, or substantially the same, grounds as the grounds stated in the original caveat unless—
 - (a) the consent of each holder of the petroleum authority the subject of the caveat has been lodged with the caveat; or
 - (b) the leave of a court of competent jurisdiction to lodge the further caveat has been granted.

‘573P Compensation for lodging caveat without reasonable cause

‘A person who lodges a caveat in relation to a petroleum authority without reasonable cause is liable to compensate anyone else who suffers loss or damage because of the caveat.’.

274 Replacement of ss 842 and 843

Sections 842 and 843—

omit, insert—

‘842 Requirements for making an application

- ‘(1) This section applies to a purported application, other than to the Land Court, not made under the requirements under this Act for making the application.
- ‘(2) The relevant person for the application must refuse to receive or process the purported application.
- ‘(3) However, the relevant person may decide to allow the application to proceed and be decided as if it did comply with the requirements if the relevant person is satisfied the application substantially complies with the requirements.

- ‘(4) If the relevant person decides to refuse to receive or process the purported application—
- (a) the relevant person must give the applicant notice of the decision and the reasons for it; and
 - (b) the relevant person must refund the application fee to the applicant.
- ‘(5) In this section—
- relevant person*, for an application, means—
- (a) the chief inspector, if the application is made under—
 - (i) section 389, 622 or 728; or
 - (ii) chapter 9, part 1; or
 - (b) otherwise—the chief executive.

‘843 Request to applicant about application

- ‘(1) For an application under this Act, the relevant person for the application may, by notice, require the applicant to do all or any of the following within a stated reasonable period—
- (a) complete or correct the application if it appears to the relevant person to be incorrect, incomplete or defective;
 - (b) give the relevant person or another stated officer of the department additional information about, or relevant to, the application;

Examples—

- 1 The application is for a petroleum lease. The chief executive may require additional information about a document given with the application, for example, a document prepared by an appropriately qualified person, independently verifying reserve data given in the proposed development plan for the lease.
- 2 The application is for a potential commercial area. The chief executive may require additional information about drilling and production test results.

-
- (c) give the relevant person or another stated officer of the department an independent report by an appropriately qualified person, or a statement or statutory declaration, verifying all or any of the following—
- (i) any information included in the application;
 - (ii) any additional information required under paragraph (b);
 - (iii) if the application is for a petroleum tenure—that the applicant meets the relevant capability criteria under chapter 2.
- ‘(2) For subsection (1)(b), if the application is for a petroleum authority, a required document may include a survey or resurvey of the area of the proposed authority carried out by a person who is a cadastral surveyor under the *Surveyors Act 2003*.
- ‘(3) For subsection (1)(c), the notice may require the statement or statutory declaration—
- (a) to be made by an appropriately qualified independent person or by the applicant; and
 - (b) if the applicant is a corporation—to be made for the applicant by an executive officer of the applicant.
- ‘(4) The giving of a statement for subsection (1)(c) does not prevent the relevant person from also requiring a statutory declaration for the subsection.
- ‘(5) The applicant must bear any costs incurred in complying with the notice.
- ‘(6) The relevant person may extend the period for complying with the notice.
- ‘(7) In this section—
- application** does not include—
- (a) an application to a court or tribunal; or
 - (b) an internal review application under chapter 12, part 1.

information includes a document.

relevant person, for an application under this Act, means—

- (a) the chief inspector, if the application is made under—
 - (i) section 389, 622 or 728; or
 - (ii) chapter 9, part 1; or
- (b) otherwise—the chief executive.

‘843A Refusing application for failure to comply with request

- ‘(1) This section applies for an application if—
 - (a) the chief executive or the chief inspector gives a notice under section 843 for the application; and
 - (b) the period stated in the notice for complying with it has ended; and
 - (c) the request has not been complied with to the satisfaction of the person who gave the notice.
- ‘(2) The application may be refused by—
 - (a) if the notice was given by the chief executive—the Minister; or
 - (b) if the notice was given by the chief inspector—the chief inspector.
- ‘(3) To remove any doubt, it is declared that subsection (2) applies despite another provision of this Act that provides the application must be granted in particular circumstances or if particular requirements have been complied with.

‘843B Notice to progress petroleum authority or renewal applications

- ‘(1) The Minister may by notice require an applicant for, or to renew, a petroleum authority to do, within a stated reasonable period, any thing required of the applicant under this Act or

another Act to allow the application to be decided or the authority to be granted or renewed.

- ‘(2) However, the period for complying with the notice must be at least 20 business days after the notice is given.
- ‘(3) The Minister may extend the period for complying with the notice.
- ‘(4) The Minister may refuse the application if the applicant does not comply with the requirement.

‘843C Particular criteria generally not exhaustive

- ‘(1) This section applies if another provision of this Act permits or requires the decision-maker for an application under this Act to consider particular criteria in deciding the application.
- ‘(2) To remove any doubt, it is declared that the decision-maker may, in making the decision, consider any other criteria the decision-maker considers relevant.
- ‘(3) However, subsection (2) does not apply if the provision otherwise provides.
- ‘(4) In this section—
criteria includes issues and matters.

‘843D Particular grounds for refusal generally not exhaustive

- ‘(1) This section applies if another provision of this Act provides for particular grounds on which the decision-maker for an application under this Act may refuse the application.
- ‘(2) To remove any doubt, it is declared that, unless the other provision otherwise provides, the decision-maker may refuse the application on another reasonable and relevant ground.
- ‘(3) In this section—
refuse, an application, includes refuse the thing the subject of the application.’.

275 Insertion of new s 851AA

Chapter 14, part 3, before section 851A—

insert—

‘851AA Place or way for making applications or giving or lodging documents

- ‘(1) This section applies to any of the following under this Act—
- (a) the making of an application;
 - (b) the giving of a document to the Minister, chief executive or chief inspector;
 - (c) the lodging of a document.
- ‘(2) The application or document may be made, given or lodged only—
- (a) at the following place—
 - (i) the office of the department provided for under the relevant approved form for that purpose;
 - (ii) if the relevant approved form does not make provision as mentioned in subparagraph (i) or if there is no relevant approved form—the office of the department notified on the department’s website; or
 - (b) in the way prescribed under a regulation.
- ‘(3) Without limiting subsection (2)(b), the way prescribed under a regulation may include making, giving or lodging the application or document at another place.
- ‘(4) This section does not apply to the following—
- (a) the making of an application to the Land Court;
 - (b) the making of an application for a warrant under section 748;
 - (c) the giving of a royalty estimate to the Minister under section 599A;
 - (d) the lodging of any of the following—

- (i) a submission to a public road authority under section 427;
- (ii) a royalty return under section 594;
- (iii) a reconciliation return under section 597;
- (iv) an annual royalty return under section 599;
- (v) submissions under section 604;
- (vi) a proposed later development plan for a converted lease under section 897;
- (vii) a statement under section 934A;
- (viii) a document that under this Act must be lodged electronically using the system for submission of reports made or approved by the chief executive.’.

276 Amendment of s 858A (Practice manual)

- (1) Section 858A(3)(b) and (c)—
omit, insert—
 - ‘(b) the person gives the information—
 - (i) at the place or in the way permitted under the manual; or
 - (ii) at the place or in the way the information would be required to be given under section 851AA if the information were a document;’.
- (2) Section 858A(4)—
omit.
- (3) Section 858A(5) and (6)—
renumber as section 858A(4) and (5).
- (4) Section 858A(5), as renumbered, ‘subsection (5)’—
omit, insert—
‘subsection (4)’.

277 Amendment of s 859 (Regulation-making power)

Section 859(2)—

insert—

- ‘(c) the way an application or document must be made, given or lodged for section 851AA(2)(b), or the way a copy of a record must be given for section 548(2)(b), including, for example—
- (i) practices and procedures for lodgement of applications and other documents; and
 - (ii) methods for acknowledging receipt of documents; and
 - (iii) methods for acceptance of the lodgement of documents; and
 - (iv) the time at which a document is taken to have been lodged, but only to the extent that this Act does not provide otherwise;
- (d) requiring lodgement of a hard copy of the application or document.’

278 Insertion of new ch 15, pt 13, div 3

Chapter 15, part 13—

insert—

‘Division 3 Transitional provisions for amendments in amending Act commencing by proclamation

‘964 Definition for div 3

In this division—

existing petroleum lease means a petroleum lease that is in effect immediately before the commencement.

‘965 When holder of an existing petroleum lease may apply to change production commencement day

- ‘(1) This section applies to the holder of an existing petroleum lease if the production commencement day for the lease is before 1 February 2014.
- ‘(2) The holder may apply under section 175AA in relation to the production commencement day only if the application is made no later than 6 months before the day by which petroleum production under the lease is to start.
- ‘(3) This section applies despite section 175AA(c).

‘966 Particular requirements for infrastructure reports under s 552A for existing petroleum leases

- ‘(1) This section applies to the holder of an existing petroleum lease.
- ‘(2) The first infrastructure report lodged after the commencement by the holder under section 552A for an existing petroleum lease must, in addition to the requirements mentioned in section 552B, also state—
 - (a) details of the authorised activities for the lease carried out since the lease was granted; and
 - (b) details of infrastructure and works constructed in the area of the lease since the lease was granted, including the location of the infrastructure and works.

‘967 Unfinished indications about approval of dealing

- ‘(1) This section applies if—
 - (a) a party to a proposed dealing made a request to the Minister under former section 571; and
 - (b) the Minister had not given the party an indication before the commencement.

- ‘(2) The Minister may continue to consider the request and give the indication under former section 571 as if the section had not been repealed by the amending Act.

‘968 Continuing indications about approval of dealing

- ‘(1) This section applies if—
- (a) before the commencement, the Minister gave an indication of approval of a proposed dealing under former section 571; and
 - (b) the indication is current at the commencement.
- ‘(2) The indication of approval continues to have effect after the commencement as if former section 571 had not been repealed by the amending Act.

‘969 Undecided applications for approval of dealing

- ‘(1) This section applies if—
- (a) a holder of a petroleum authority or interest made an application for approval of a dealing under former section 572; and
 - (b) the Minister had not granted or refused the approval before the commencement.
- ‘(2) Despite the replacement of former chapter 5, part 10 by the amending Act—
- (a) the Minister may continue to deal with the application; and
 - (b) former sections 573 and 574 apply to the Minister’s decision about the application.

‘970 Deciding applications for approval of assessable transfers until commencement of particular provisions

- ‘(1) This section applies until the commencement of the *Environmental Protection Act 1994*, chapter 5A, part 4 as

inserted by the *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012*.

- ‘(2) Former section 573(2)(a) continues in force instead of section 573D(4)(a)(ii), as inserted by the amending Act, for deciding whether to give an approval of an assessable transfer.

‘971 Uncommenced review of refusal to approve particular dealing

- ‘(1) This section applies to a person if—
- (a) before the commencement, the person could have applied under section 817 for an internal review of a decision about a refusal to approve a dealing under former section 573(1); but
 - (b) the person had not made the application before the commencement.
- ‘(2) Despite the amendment of schedule 1 by the amending Act, the person continues to be a person who may apply under section 817, subject to section 818, for the decision.

‘972 Unfinished review of refusal to approve particular dealing

- ‘(1) This section applies if, before the commencement—
- (a) a person applied under section 817 for an internal review about a refusal to approve a dealing under former section 573(1); and
 - (b) the reviewer had not yet decided the review.
- ‘(2) The reviewer may continue, under chapter 12, part 1, to grant a stay of the decision being reviewed and decide the review.

‘973 Amending work programs

- ‘(1) This section applies if—

- (a) after the commencement, an authority to prospect holder applies for approval of an amendment of a work program for the authority (a *work program application*) mentioned in section 59(1)(b); and
 - (b) before the commencement—
 - (i) a transfer of a share in the authority was approved under section 573; or
 - (ii) an application for approval of a transfer of a share in the authority was made under section 572 but had not been decided.
- ‘(2) Section 59(2)(d), as amended by the amending Act, applies in relation to the work program application as if a reference—
- (a) in section 59(2)(d)(i) to an application under section 573C for approval of an assessable transfer relating to a share in the authority were a reference to an application for approval of a transfer of a share in the authority under former section 572; and
 - (b) in section 59(2)(d)(ii) to approval of the assessable transfer having been given under section 573D were a reference to the approval of a transfer of a share in the authority having been given under former section 573.’.

279 Amendment of sch 1 (Reviews and appeals)

- (1) Schedule 1, table 2, under heading ‘Petroleum leases’—
insert—

‘175AC(1)	Decision not to change production commencement day for a petroleum lease	Land Court’.
-----------	--	--------------

- (2) Schedule 1, table 2, entry for section 573(1)—
omit, insert—

‘573D(1)	Refusal to approve assessable transfer	Land Court’.
----------	--	--------------

280 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *dealing*, *production commencement day* and *relevant departmental office*—

omit.

- (2) Schedule 2—

insert—

'apply, in relation to making an application, has the meaning affected by section 851AA.

assessable transfer, for chapter 5, part 10, see section 571(2).

dealing, with a petroleum authority, see section 569.

give, a document to the Minister, chief executive or chief inspector, has the meaning affected by section 851AA.

indicative approval, of an assessable transfer, see section 573B(1)(a).

lodge, a document, has the meaning affected by section 851AA.

make submissions has the meaning affected by section 851AA.

non-assessable transfer, for chapter 5, part 10, see section 571(1).

production commencement day, for a petroleum lease, means—

- (a) the day stated under section 123(3)(c) for the lease; or
- (b) if the day mentioned in paragraph (a) has been changed under section 175AC—that day as changed from time to time under section 175AC.’.

‘Chapter 1 Preliminary

‘Part 1 Introduction’.

284 Insertion of new ch 1, pt 2, hdg

After section 2—

insert—

‘Part 2 Application of Act generally etc.’.

285 Insertion of new ch 1, pt 3, hdg and ch 1, pt 4, hdg

After section 4—

insert—

‘Part 3 Relationship with Sustainable Planning Act 2009

‘Part 4 Interpretation’.

286 Insertion of new ch 1, pt 5, hdg

After section 7—

insert—

‘Part 5 General provisions for minerals and mining tenements’.

287 Replacement of pt 2, hdg (Mining districts)

Part 2, heading—

[s 288]

omit, insert—

‘Part 6 Mining districts’.

288 Replacement of particular headings in pt 3

- (1) This section amends particular headings in part 3 to convert the part into a chapter and divisions into parts.
- (2) Part 3 is amended by omitting each heading mentioned in column 1 and inserting each heading mentioned in column 2—

Column 1	Column 2
Heading omitted	Heading inserted
Part 3, heading	Chapter 2 Prospecting permits
Part 3, division 1, heading	Part 1 Prospecting permit categories and entitlements
Part 3, division 2, heading	Part 2 Other provisions about prospecting permits

289 Replacement of pt 4, hdg (Mining claims)

Part 4, heading—

omit, insert—

‘Chapter 3 Mining claims’.

290 Replacement of pt 5, hdg (Exploration permits)

Part 5, heading—

omit, insert—

‘Chapter 4 Exploration permits’.

291 Replacement of pt 6, hdg (Mineral development licences)

Part 6, heading—

omit, insert—

‘Chapter 5 Mineral development licences

‘Part 1 Mineral development licences generally’.

292 Replacement of pt 6A, hdg (Mineral development licence for Aurukun project)

Part 6A, heading—

omit, insert—

‘Part 2 Mineral development licence for Aurukun project’.

293 Replacement of pt 7, hdg (Mining leases)

Part 7, heading—

omit, insert—

‘Chapter 6 Mining leases

‘Part 1 Mining leases generally’.

[s 294]

294 Replacement of pt 7AAA, hdg (Mining lease for Aurukun project)

Part 7AAA, heading—

omit, insert—

‘Part 2 Mining lease for Aurukun project’.

295 Replacement of pt 7AAAB, hdg (Dealings and transfers affecting applications for mining leases)

Part 7AAAB, heading, as inserted by this Act—

omit, insert—

‘Chapter 7 Common provisions for mining tenements

‘Part 1 Dealings and transfers affecting applications for mining leases’.

296 Replacement of pt 7AAAC, hdg (Recording associated agreements)

Part 7AAAC, heading, as inserted by this Act—

omit, insert—

‘Part 2 Recording associated agreements’.

297 Replacement of pt 7AAAD, hdg (Caveats)

Part 7AAAD, heading, as inserted by this Act—

omit, insert—

‘Part 3 Caveats’.

298 Replacement of pt 7AAAE, hdg (Appeals about approvals of assessable transfers)

Part 7AAAE, heading, as inserted by this Act—

omit, insert—

‘Part 4 Appeals about approvals of assessable transfers’.

299 Replacement of particular headings in pt 7AA

- (1) This section amends particular headings in part 7AA to convert the part into a chapter, divisions into parts and subdivisions into divisions.
- (2) Part 7AA is amended by omitting each heading mentioned in column 1 and inserting each heading mentioned in column 2—

Column 1	Column 2
Heading omitted	Heading inserted
Part 7AA, heading	Chapter 8 Provisions for coal seam gas
Part 7AA, division 1, heading	Part 1 Preliminary
Part 7AA, division 1, subdivision 1, heading	Division 1 Introduction
Part 7AA, division 1, subdivision 2, heading	Division 2 Definitions for chapter 8
Part 7AA, division 1, subdivision 3, heading	Division 3 Relationship with particular special agreement Acts
Part 7AA, division 2, heading	Part 2 Obtaining coal or oil shale mining lease over land in area of authority to prospect (other than by or jointly with, or with the consent of, authority to prospect holder)

Mines Legislation (Streamlining) Amendment Act 2012
 Chapter 4 Amendments for the restructure of the Mineral Resources Act 1989
 Part 1 Amendment of Mineral Resources Act 1989

[s 299]

Column 1	Column 2
Part 7AA, division 2, subdivision 1, heading	Division 1 Preliminary
Part 7AA, division 2, subdivision 2, heading	Division 2 Provisions for making coal or oil shale mining lease application
Part 7AA, division 2, subdivision 3, heading	Division 3 Provisions for applications in particular circumstances
Part 7AA, division 2, subdivision 4, heading	Division 4 Obligations of applicant and authority to prospect holder
Part 7AA, division 2, subdivision 5, heading	Division 5 Priority for earlier petroleum lease application or proposed application
Part 7AA, division 2, subdivision 6, heading	Division 6 Ministerial decision about whether to give any preference to petroleum development
Part 7AA, division 2, subdivision 7, heading	Division 7 Process if preference decision is to give any preference to petroleum development
Part 7AA, division 2, subdivision 8, heading	Division 8 Deciding mining lease
Part 7AA, division 3, heading	Part 3 Obtaining coal or oil shale mining lease over land in area of authority to prospect (by or jointly with, or with the consent of, authority to prospect holder)
Part 7AA, division 4, heading	Part 4 Coal mining lease and oil shale mining lease applications in response to Petroleum and Gas (Production and Safety) Act preference decision
Part 7AA, division 5, heading	Part 5 Obtaining coal or oil shale mining lease over land in area of petroleum lease (other than by or jointly with petroleum lease holder)
Part 7AA, division 6, heading	Part 6 Obtaining coal or oil shale mining lease over land in area of petroleum lease (by or jointly with petroleum lease holder)
Part 7AA, division 7, heading	Part 7 Additional provisions for coal and oil shale exploration tenements

Column 1	Column 2
Part 7AA, division 7, subdivision 1, heading	Division 1 Grant of coal or oil shale exploration tenement in area of authority to prospect
Part 7AA, division 7, subdivision 2, heading	Division 2 Restriction on authorised activities on petroleum lease land
Part 7AA, division 7, subdivision 3, heading	Division 3 Conditions
Part 7AA, division 8, heading	Part 8 Additional provisions for coal mining leases and oil shale mining leases
Part 7AA, division 8, subdivision 1, heading	Division 1 Entitlement to coal seam gas
Part 7AA, division 8, subdivision 2, heading	Division 2 Provisions for mining coal seam gas from coextensive natural underground reservoirs
Part 7AA, division 8, subdivision 3, heading	Division 3 Conditions
Part 7AA, division 8, subdivision 4, heading	Division 4 Amendment of relinquishment condition by application
Part 7AA, division 8, subdivision 5, heading (as amended by this Act)	Division 5 Restriction on amending other conditions
Part 7AA, division 8, subdivision 6, heading	Division 6 Renewals
Part 7AA, division 8, subdivision 7, heading	Division 7 Consolidations
Part 7AA, division 8, subdivision 8, heading (as amended by this Act)	Division 8 Restriction on transfer or subletting
Part 7AA, division 9, heading	Part 9 Development plans for coal mining leases and oil shale mining leases
Part 7AA, division 9, subdivision 1, heading	Division 1 General provisions about development plans
Part 7AA, division 9, subdivision 2, heading	Division 2 Requirements for proposed initial development plans
Part 7AA, division 9, subdivision 3, heading	Division 3 Approval of proposed initial development plans
Part 7AA, division 9, subdivision 4, heading	Division 4 Approval of proposed later development plans

[s 300]

Column 1	Column 2
Part 7AA, division 9, subdivision 5, heading	Division 5 Appeals
Part 7AA, division 10, heading	Part 10 Confidentiality of information

300 Relocation and renumbering of pt 7AAB (Provisions for McFarlane oil shale deposit)

(1) Part 7AAB—

relocate to chapter 12, as inserted by this Act, and *renumber* as part 1 of that chapter.

(2) Sections 318ELAA to 318ELAL—

renumber as sections 334E to 334P.

Note—

Schedule 3 amends provisions relocated and renumbered by this section and, under section 282(2), those amendments take effect before the relocation and renumbering by this section.

301 Replacement of particular headings in pt 7AAC

(1) This section amends particular headings in part 7AAC to convert the part into a chapter, divisions into parts and subdivisions into divisions.

(2) Part 7AAC is amended by omitting each heading mentioned in column 1 and inserting each heading mentioned in column 2—

Column 1	Column 2
Heading omitted	Heading inserted
Part 7AAC, heading	Chapter 9 Provisions for geothermal tenures and GHG authorities
Part 7AAC, division 1, heading	Part 1 Preliminary
Part 7AAC, division 2, heading	Part 2 Obtaining mining lease if overlapping tenure

Column 1	Column 2
Part 7AAC, division 2, subdivision 1, heading	Division 1 Preliminary
Part 7AAC, division 2, subdivision 2, heading	Division 2 Requirements for application
Part 7AAC, division 2, subdivision 3, heading	Division 3 Consultation provisions
Part 7AAC, division 2, subdivision 4, heading	Division 4 Resource management decision if overlapping permit
Part 7AAC, division 2, subdivision 5, heading	Division 5 Process if resource management decision is to give overlapping authority priority
Part 7AAC, division 2, subdivision 6, heading (as amended by this Act)	Division 6 Resource management decision not to grant and not to give priority
Part 7AAC, division 2, subdivision 7, heading	Division 7 Deciding application
Part 7AAC, division 3, heading	Part 3 Priority to particular geothermal or GHG lease applications
Part 7AAC, division 4, heading	Part 4 Mining lease applications in response to invitation under Geothermal Act or GHG storage Act
Part 7AAC, division 5, heading	Part 5 Additional provisions for particular mining tenements
Part 7AAC, division 5, subdivision 1, heading	Division 1 Restrictions on authorised activities for particular mining tenements
Part 7AAC, division 5, subdivision 2, heading	Division 2 Provisions about conditions

302 Replacement of particular headings in pt 7A

- (1) This section amends particular headings in part 7A to convert the part into a chapter and divisions into parts.

[s 303]

- (2) Part 7A is amended by omitting each heading mentioned in column 1 and inserting each heading mentioned in column 2—

Column 1	Column 2
Heading omitted	Heading inserted
Part 7A, heading	Chapter 10 Roads
Part 7A, division 1, heading	Part 1 Preliminary
Part 7A, division 2, heading	Part 2 Notifiable road uses
Part 7A, division 3, heading	Part 3 Compensation for notifiable road uses

303 Omission of pt 8, hdg (Relationship with Sustainable Planning Act 2009)

Part 8, heading—
omit.

304 Relocation and renumbering of s 319 (Effect on development)

Section 319—
relocate to chapter 1, part 3, as inserted by this Act, and
renumber as section 4A.

305 Relocation, renumbering and amendment of s 319A (Effect on planning schemes)

- (1) Section 319A, heading, ‘Effect on planning schemes’—
omit, insert—

‘Notice to local government and chief executive (planning of particular mining tenements’.

- (2) Section 319A—

relocate to chapter 1, part 3, as inserted by this Act, and
renumber as section 4B.

306 Replacement of particular headings in pt 9

- (1) This section amends particular headings in part 9 to convert the part into a chapter and divisions into parts.
- (2) Part 9 is amended by omitting each heading mentioned in column 1 and inserting each heading mentioned in column 2—

Column 1	Column 2
Heading omitted	Heading inserted
Part 9, heading	Chapter 11 Royalties
Part 9, division 1, heading	Part 1 Payment of royalty
Part 9, division 2, heading	Part 2 Records and information
Part 9, division 3, heading	Part 3 Reassessment and enforcement
Part 9, division 4, heading	Part 4 Confidentiality

307 Insertion of new ch 12, hdg and ch 12, pts 4 and 5, hdgs

After section 334D—

insert—

‘Chapter 12 Provisions about particular areas, matters or mining tenements

‘Part 4 Cherwell Creek provisions

‘Part 5 Other provisions’.

[s 308]

308 Replacement of particular headings in pt 10

- (1) This section amends particular headings in part 10 to convert the part into a chapter, divisions into parts, and subdivisions into divisions.
- (2) Part 10 is amended by omitting each heading mentioned in column 1 and inserting each heading mentioned in column 2—

Column 1	Column 2
Heading omitted	Heading inserted
Part 10, heading	Chapter 13 Administration and judicial functions
Part 10, division 1A, heading	Part 1 Directions to remedy contravention
Part 10, division 1B, heading	Part 2 Conferences with eligible claimants or owners and occupiers
Part 10, division 1B, subdivision 1, heading	Division 1 Preliminary
Part 10, division 1B, subdivision 2, heading	Division 2 Calling conference and attendance
Part 10, division 1B, subdivision 3, heading	Division 3 Conduct of conference
Part 10, division 1, heading	Part 3 Mining registrars and other officers
Part 10, division 2AAA, heading, (as inserted by this Act)	Part 4 Chief executive
Part 10, division 2AA, heading	Part 5 Access to abandoned mines
Part 10, division 2, heading	Part 6 The Land Court

309 Relocation and renumbering of pt 10AA (Collingwood Park State guarantee)

- (1) Part 10AA—
relocate to chapter 12, as inserted by this Act, and *renumber* as part 2 of that chapter.
- (2) Sections 381A to 381E—

renumber as sections 334Q to 334U.

Note—

Schedule 3 amends provisions relocated and renumbered by this section and, under section 282(2), those amendments take effect before the relocation and renumbering by this section.

310 Relocation and renumbering of pt 10A (Wild river areas)

(1) Part 10A—

relocate to chapter 12, as inserted by this Act, and *renumber* as part 3 of that chapter.

(2) Sections 382 to 386A—

renumber as sections 334V to 334ZA.

Note—

Schedule 3 amends provisions relocated and renumbered by this section and, under section 282(2), those amendments take effect before the relocation and renumbering by this section.

311 Replacement of pt 11, hdg (General)

Part 11, heading—

omit, insert—

‘Chapter 14 Miscellaneous provisions’.

312 Relocation of s 418 (References to repealed Acts)

Section 418—

relocate to chapter 15, part 1, as inserted by this Act, and *renumber* as section 723AA.

313 Relocation and renumbering of ss 418A–418D

Sections 418A to 418D—

[s 314]

relocate to chapter 12, part 5, as inserted by this Act, and *renumber* as sections 334ZK to 334ZO.

Note—

Schedule 3 amends provisions relocated and renumbered by this section and, under section 282(2), those amendments take effect before the relocation and renumbering by this section.

314 Relocation of pts 12–18

Parts 12 to 18—

relocate to schedule 1A, as inserted by this Act, and *renumber* as parts 1 to 7 of that schedule.

315 Omission of pt 18A, hdg (Provisions about particular mining easements)

Part 18A, heading—

omit.

316 Relocation and renumbering of ss 722A–722G

Sections 722A to 722G—

relocate to chapter 12, part 4, as inserted by this Act, and *renumber* as sections 334ZB to 334ZJ.

Note—

Schedule 3 amends provisions relocated and renumbered by this section and, under section 282(2), those amendments take effect before the relocation and renumbering by this section.

317 Replacement of pt 19, hdg (Transitional provisions)

Part 19, heading—

omit, insert—

‘Chapter 15 Transitional provisions

‘Part 1 General transitional provision

‘Part 2 Transitional provisions before Mines Legislation (Streamlining) Amendment Act 2012

Note—

This Act, including this chapter, was amended by the *Mines Legislation (Streamlining) Amendment Act 2012*, chapter 4 to convert parts into chapters, divisions into parts and subdivisions into divisions and to relocate and renumber particular provisions. Cross-references to provisions of this Act appearing in this part have not been updated and remain as they were immediately before the conversion, relocation and renumbering.’.

318 Replacement of pt 19, div 16, hdg (Transitional provisions for Mines Legislation (Streamlining) Amendment Act 2012—amendments commencing on assent)

Part 19, division 16, heading, as inserted by this Act—

omit, insert—

‘Part 3 Transitional provisions for Mines Legislation (Streamlining) Amendment Act 2012—amendments commencing on assent’.

[s 319]

319 Replacement of pt 19, div 17, hdg (Transitional provisions for Mines Legislation (Streamlining) Amendment Act 2012—amendments commencing by proclamation)

Part 19, division 17, heading, as inserted by this Act—
omit, insert—

‘Part 4 Transitional provisions for Mines Legislation (Streamlining) Amendment Act 2012—amendments commencing by proclamation’.

320 Replacement of particular headings in pt 19, div 17

- (1) This section amends particular headings in part 19, division 17, as inserted by this Act, to convert the subdivisions into divisions.
- (2) Part 19, division 17, as inserted by this Act, is amended by omitting each heading mentioned in column 1 and inserting each heading mentioned in column 2—

Column 1	Column 2
Heading omitted	Heading inserted
Part 19, division 17, subdivision 1, heading (as inserted by this Act)	Division 1 Preliminary
Part 19, division 17, subdivision 2, heading (as inserted by this Act)	Division 2 Provisions relating to exploration permits
Part 19, division 17, subdivision 3, heading (as inserted by this Act)	Division 3 Provisions relating to mining claims
Part 19, division 17, subdivision 4, heading (as inserted by this Act)	Division 4 Provisions relating to mining leases

Column 1	Column 2
Part 19, division 17, subdivision 5, heading (as inserted by this Act)	Division 5 Provisions common to mining tenements
Part 19, division 17, subdivision 6, heading (as inserted by this Act)	Division 6 Other provisions

321 Insertion of new s 804

After section 803, as inserted by this Act—

insert—

‘804 Relocation and renumbering of provisions

- ‘(1) If a provision of this Act (a *relocated or renumbered provision*) is relocated or renumbered by chapter 4 of the amending Act—
- (a) the relocation or renumbering does not affect the operation or meaning of the relocated or renumbered provision; and
 - (b) unless a contrary intention appears in this Act, the relocated or renumbered provision is to be interpreted as if it had not been so relocated or renumbered.
- ‘(2) If a reference in a provision of this Act (the *amended provision*) to a relocated or renumbered provision is amended by chapter 4 of the amending Act to reflect the new numbering of the relocated or renumbered provision—
- (a) the amendment of the amended provision does not affect the operation or meaning of the relocated or renumbered provision or the amended provision; and
 - (b) unless a contrary intention appears in this Act, the relocated or renumbered provision and the amended provision are to be interpreted as if—
 - (i) the relocated or renumbered provision had not been so relocated or renumbered; and
 - (ii) the amended provision had not been so amended.

[s 322]

‘(3) Subsections (1) and (2) apply whether or not the relocated or renumbered provision, or the amended provision, is otherwise amended by the amending Act, but has effect subject to any amendment.’.

322 Insertion of new sch 1A

After schedule 1—

insert—

‘Schedule 1A Native title provisions’.

Part 2 Amendment of other Acts

323 Acts amended

Schedule 3 amends the Acts it mentions.

Schedule 1 Minor amendments commencing on assent

section 125

Geothermal Energy Act 2010

- 1 Section 191(d), ‘that’—**
omit, insert—
‘that,’.

- 2 Section 205(2)(b)(i), ‘(6)’—**
omit, insert—
‘(5)’.

- 3 Section 254(4), ‘kind’—**
omit, insert—
‘kind,’.

- 4 Section 357(1)(b)(iii), ‘330; and’—**
omit, insert—
‘330;’.

- 5 Section 398(2)(d), ‘schedule 3’—**
omit, insert—
‘schedule 2’.

6 Schedule 2, definition *owner*, item 1, paragraph (j), ‘Local Government (Aboriginal Lands) Act 1978’—

omit, insert—

‘Aurukun and Mornington Shire Leases Act 1978’.

7 Schedule 2, definition *pipeline licence*—

omit.

Greenhouse Gas Storage Act 2009

1 Section 5(1), ‘State’—

omit, insert—

‘State,’.

2 Section 8(a), ‘chapter 4, part 5’—

omit, insert—

‘chapter 5, parts 2 to 8’.

3 Sections 29, 109 and 238, note 1, ‘division 4’—

omit, insert—

‘division 2’.

4 Sections 29, 109 and 238, note 2, ‘owner’s’—

omit, insert—

‘owners’.

5 Section 114(c)(i), after ‘out;’—

insert—

‘and’.

6 Section 164(b), note, ‘if is’—

omit, insert—

‘if it is’.

7 Section 201—

omit, insert—

‘201 Resource management decision

The Minister must make a decision (the *resource management decision*) about whether—

- (a) to grant the GHG lease application; or
- (b) to give any overlapping authority priority for all or part of the relevant land; or
- (c) not to grant the GHG lease application and not to give any overlapping authority priority for any of the relevant land.’.

8 Section 218(2), ‘Subsection (2)’—

omit, insert—

‘Subsection (1)’.

9 Section 302(1), note and editor’s note—

omit, insert—

‘Note—

For the condition that compensation be addressed before carrying out a notifiable road use, see section 325K.’.

10 Section 326(2), note 1, ‘or licence’—

omit.

11 Section 337(1), ‘carry out of’—

omit, insert—

‘carry out’.

12 Section 380(1)(b), ‘or 4’—

omit.

13 Section 381(4)—

renumber as section 381(3).

14 Section 393(2), ‘namely,’—

omit, insert—

‘, namely,’.

Mineral Resources Act 1989—amendments relating to area of mining tenement

1 Particular references relating to area of mining tenement—

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

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 4(1)(a)	covered by	in the area of
section 6A(4)(b)	on a mining lease	in the area of a mining lease
section 6C(1)	land subject to	area of
section 16(1)(a)	a mining claim	it is in the area of a mining claim

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 16(1)(b)	an application	it is covered by an application
section 16(3)	covered by	in the area of or covered by
section 16(4)(b)	covered by	in the area of
section 26(9)(a)	covered by	in the area of
section 26(9)(b)	covered by	in the area of
section 28(2)	upon the land the subject	in the area
section 30(1)	to which the prospecting permit applies	in the area of the prospecting permit
section 30(2)	to which the prospecting permit applies	in the area of the prospecting permit
section 32(1)	covered by	in the area of
section 48, heading	subject to	in area of
section 48(1)	comprised in	in the area of
section 50(1)(a)	land comprised in	area of
section 50(1)(b)(i)	land	area
section 50(2)	land comprised in	area of
section 50(3)	land	area
section 51(1)	covered	in the area of or covered
section 53(4)	land the subject	area
section 53(5)	land the subject	area
section 61(1)(f)	boundary of	boundary of the land the subject of
section 61(1)(f)	over which the mining claim is sought	applied for
section 61(1)(j)(iv)	on the mining claim	on the land applied for
section 62(b)	boundaries of	boundaries of the land the subject of
section 81(1)(a)	land comprised in	area of

Schedule 1

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 81(1)(d)	land comprised in	area of
section 81(1)(f)	on the land comprising	in the area of
section 81(1)(g)	land comprised in	area of
section 81(1)(h)	land the subject of	the area of
section 81(1)(k)(iii)	land comprised in	area of
section 81(1)(l)	land the subject of	area of
section 81(1)(l)	land has	area has
section 90	land the subject of	area of
section 90	land is	area is
section 93(2)(a)	land the subject of	area of
section 93(8)	covered by	in the area of
section 103(1)(a)	and area of the land comprised in	of the area of
section 105(1)	land the subject of	area of
section 107(7)	land comprised in	area of
section 107(8)	land comprised in	area of
section 108(1)	to which the application relates	applied for in the application
section 109(1)(b)	land the subject of	area of
section 110, heading	on mining claim land	in mining claim area
section 110(1)	mining claims situated	mining claim areas
section 111, heading	on mining claim land	in mining claim area
section 111	land the subject of any mining claim within that area	the area of any mining claim within that part
section 112(1)	land the subject of	the area of
section 113	land the subject of	the area of
section 121(2)	land	area

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 121(3)	mark the land	mark the area
section 121(5)	land	area
section 123(1)	land covered by	the area of
section 125, heading	land	area
section 125(1)	land the subject of	area of
section 125(2)(a)	land the subject of	area of
section 129(1)(a)(i)	land comprised in	area of
section 129(1)(a)(ii)	land comprised in	area of
section 129(2)	land the subject of	the area of
section 129(16)	land to which the permit applies	area of the permit
section 132, heading	exploration	area of exploration
section 139, heading	land covered by	area of
section 139(3)	land in respect of which a particular exploration permit applies	a particular exploration permit
section 139(4)	land is to be reduced in respect of an exploration permit	an exploration permit is to be reduced
section 139(8)	covered by	of
section 140, heading	land covered by	area of
section 140(1)(a)	land to which the permit applies	the permit
section 141(1)(c)	land comprised in	area of
section 141(1)(d)	land the subject of	the area of
section 148(1)	land to which the exploration permit applies	part of the area of the exploration permit
section 148(2)	land to which the exploration permit applies	part of the area of the exploration permit

Schedule 1

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 161(4)	land to which the firstmentioned exploration permit applies	area of the exploration permit to be surrendered
section 162(1)	to which the permit applies	of the permit
section 166(1)(b)	land the subject of the terminated permit	area of the terminated permit
section 177, heading	land under	area of
section 179	comprised in	in the area of
section 181(3)(a)	land comprised in	the area of
section 181(4)(a)(ii)	land comprised in	area of
section 181(4)(b)(i)	land comprised in	area of
section 181(4)(b)(ii)	land comprised in	area of
section 181(4)(c)	(or part thereof) to which the mineral development licence applies	in the area of the mineral development licence
section 181(5)	land	part of the area of the licence
section 181(6)	land	area
section 181(7)	land that is a reserve	land in the area of a mineral development licence that is a reserve
section 181(7)	land the subject of	the area of
section 181(13)	land that is a reserve	land in the area of a mineral development licence that is a reserve
section 181(15)	land that is a reserve	land in the area of a mineral development licence that is a reserve
section 181(17)	land that is a reserve	land in the area of a mineral development licence that is a reserve
section 181(19)	land comprised in	area of

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 181(21)	land	area
section 182, heading	from	from area of
section 182(2)	boundaries of the	boundaries of the land applied for in the
section 182(3)(a)	covered by	in the area of
section 182(3)(b)(ii)	covered by	in the area of
section 182(4)	boundaries of	boundaries of the area of
section 182(4)	included in	included in the area of
section 183(1)(d)	the subject of	applied for in
section 183(1)(i)	boundary of	boundary of the land the subject of
section 184(b)	boundaries of	boundaries of the land applied for under
section 184(c)	over which the mineral development licence is sought shall	applied for under the mineral development licence must shall
section 184(d)	mining lease or	mining lease or earlier
section 184(d)	sought	sought in the current application
section 184(d)	the subject of the	applied for in the current
section 187	subject to	in the area of
section 189(1)	land	area
section 190(7)	comprised in	in the area of
section 190(8)(a)	the subject of	in the area of
section 194(1)(c)	land comprised in	area of
section 194(1)(d)	land the subject of	the area of
section 206(a)	and area of the land comprised in	and size of the area of

Schedule 1

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 210(1)	land comprised therein	area of the mineral development licence
section 210(3)	land comprised therein	area of the mineral development licence
section 210(3)(b)	land comprised in	area of
section 210(3)(b)(i)	land	area
section 210(3)(b)(ii)	land	area
section 210(4)	land comprised in	area of
section 210(8)	land comprised in	area of
section 210(8)	land retained	area retained
section 214(1)(b)	land the subject of	area of
section 215(1)	lease in respect of any land to which the licence applies	lease for any part of the area of the licence
section 215(1)	had in respect of the land	had for the part of the area
section 215(1)	part in respect of the land	part for the part of the area
section 215(2)	lease in respect of any land to which a mineral development licence applies	lease for any part of the area of a mineral development licence
section 225(1)	land comprised in the licence	part of the area of the licence
section 226A, heading	land under	area of
section 226A(1)(a)	land	area
section 228(2)	land covered by	area of
section 228(3)	land covered by	area of
section 231, heading	land	area
section 231(1)	land the subject of	area of
section 231(2)(a)	land the subject of	area of
section 231C(1)(c)	of the licence	of the land applied for
section 231G(1)(c)	land comprised in	area of

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 231G(1)(d)	land the subject of	the area of
section 232(1)	comprised in	in the area or areas of
section 232(3)	comprised in	in the area or areas of
section 235(1)(a)(i)	land comprised in	area of
section 236(1)	land comprised in	area of
section 242, heading	land	area
section 245(1)(d)	the subject of	applied for in
section 246(b)	boundaries of	boundaries of the land applied for in the application for
section 246(c)	referred to	applied for
section 246(d)	boundaries of the mining lease applied for	boundaries of the land applied for in the application for the mining lease
section 246(e)	mining lease or	mining lease or earlier
section 246(e)	sought	sought in the current application
section 246(e)	the subject of the	applied for in the current
section 248(2)	over land covered by	for the area of, or land within the area of,
section 249(1)(b)	over, or in the area of, land covered by	for any land applied for in
section 249(2)	covered by	applied for in
section 249(4)(b)(i)	covered by	applied for in
section 250(2)	covered by	in the area of
section 250(3)	land	area or land
section 274	land the subject	area
section 274	land is not	area is not
section 275, heading	land in	area of

Schedule 1

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 275(1)	portion	part
section 275(1)	land to which that mining lease relates	area of that mining lease
section 275(1)	area of surface of that land	part of the surface of that area
section 276(1)(a)	land comprised in	area of
section 276(1)(c)	land comprised in	area of
section 276(1)(d)	land the subject of	the area of
section 276(1)(i)	land the subject	area
section 276(1)(i)	land has	area has
section 276(1)(k)(iii)	land comprised in	area of
section 286A(1)(b)	land the subject of	area of
section 286A(1)(d)	land comprised in	area of
section 288(1)	covered by	in the area of
section 295(1)(a) (as inserted area by this Act)		size of the area
section 295(7)	land comprised in	area of
section 295(10)	land comprised in	area of
section 295(11)	area of the land comprised in	size of the area of
section 295(11)	area of land that has ceased to be part of the land comprised in	land that has ceased to be part of the area of
section 295(12)	area	size
section 295(12)	land comprised in	area of
section 295(13)	areas of land comprised in mining leases	parts of land
section 295(13)(b)	area of land that has ceased to be part of the land comprised in	part of land that has ceased to be part of the area of
section 295(15)	land comprised in	area of

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 295(16)	part of a mining lease	part of the area of a mining lease
section 295(17)	comprised in the mining lease	part of the area of the mining lease
section 299(1)	land	areas
section 299(1)	area of the mining leases is	combined areas of the mining leases are
section 299(3)	land is	areas are
section 299(3)	land to be adjoining land	areas to be adjoining areas
section 307(1)	to which the application relates	applied for
section 307(4)	to which the application relates	applied for
section 309(1)	land comprised therein	area of the mining lease
section 309(2)	land comprised therein	area of the mining lease
section 309(2)(b)	all the land comprised in	the whole of the area of
section 309(5)	land comprised in	area of
section 309(7)	land the subject of	area of
section 309(7)(a)	land not	part of the area not
section 309(13)	land comprised in	area of
section 312(2)	land covered by	area of
section 316(1)	particular land	a particular area
section 316(1)(a)	not covered by	that is not in the area of
section 316(2)(b)	not covered by	that is not in the area of
section 316(4)	covered by	in the area of
section 317, heading	land	area
section 317(1)	land the subject of	area of
section 318(1)(b)	land the subject of	area of

Schedule 1

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 318AAD(c)	of the lease	of the land applied for
section 318AAH(1)(a)	land comprised in	area of
section 318AAH(1)(c)	land comprised in	area of
section 318AAH(1)(d)	land the subject of	the area of
section 318AAH(1)(k)(iii)	land comprised in	area of
section 318CZ, heading	authority	area of authority
section 318ELAA(1)(c)	land the subject	the area
section 318ELBK(1)(b)	land the subject of	land applied for in
section 319A(2)	land covered by	area of
section 319A(4)(a)	land covered by	area of
section 319A(4)(b)	on the land	in the area
section 319A(4)(c)(i)	land covered by	area of
section 320(1)	land the subject of	the area of
section 320(4)	land the subject of	the area of
section 386(2)	mining tenement land	mining tenement area
section 386(4)(a)	mining tenement land	mining tenement area
section 386A(1)	land to which the mining tenement applies (the <i>mining tenement land</i>)	area of the mining tenement
section 386A(1)(b)	mining tenement land	mining tenement area
section 386A(1)(c)	land	area
section 386A(3)(a)	land	area
section 394(1)	the subject of	in the area of
section 394(2)	the subject of	in the area of
section 401A(4), definition <i>relevant matter</i> , paragraph (b)	covered by	in the area of

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 401A(4), definition <i>relevant matter</i> , paragraph (c)(ii)	subject to	in the area of
section 401A(4), definition <i>relevant matter</i> , paragraph (d)(ii)	subject to	in the area of
section 404A(1)	land to which a mining claim or mining lease relates	area of a mining claim or mining lease
section 404B(1)(a)	land	part of the area
section 404B(1)(d)	land	part of the area
section 407(1)	land the subject thereof or any part thereof	area of the permit, licence or lease, or any part of the area,
section 407(2)	land	area, or the part of the area,
section 408(1)	land the subject thereof	the area of the permit, licence or lease, or any part of the area,
section 417(2)(b)	areas of land	areas
section 417(2)(c)	land the subject of	the area of
section 417(2)(j)	the subject of	in the area of
section 418A(3)	land comprised in	area of
section 431(1)(a)	land	area
section 465(6)	land the subject of	area of
section 481(a)	land that is	an area that is
section 481(b)	land the subject of	area of
section 525(2)	land the subject of	area of
section 525(6)	land the subject of	area of
section 537(a)	land that is	an area that is
section 537(b)	land the subject of	area of
section 542(3)(c)	land	area

Schedule 1

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 542(3)(d)	land	area
section 582(2)	land the subject of	area of
section 582(6)	land the subject of	area of
section 596(3), definition <i>relevant agreement</i>	land the subject of	area of
section 689(6)	land the subject of	area of
section 696, definition <i>approval</i> , paragraph (b)	included in	included in the area of
section 699(1)	included in	included in the area of
section 707(6)	land	area
section 712(2)	land	area
section 714(1)	land	area
section 715(1)	land	area
section 716(1)(b)	land	area
section 719(1)	land	area
section 719(2)	land	area
section 720(4)	land	area
section 721(3)	land	area
section 722D, heading	covered by	in the area of
section 722E, heading	covered by	in the area of
section 722E(7), definition <i>prescribed land</i> , paragraph (a)	comprised in	in the area of
section 722E(7), definition <i>prescribed land</i> , paragraph (b)(ii)	comprised in	in the area of
section 722EA(1)	covered by	in the area of

2 Section 16(1), ‘it is covered by’—

omit.

3 Section 48(2)—

omit, insert—

- ‘(2) The area of the mining claim must include the whole of the surface of the land within the boundaries of the area of the mining claim.’.

4 Section 50(1)(b)(iii), from ‘using’—

omit, insert—

‘using the area of the mining claim for a purpose for which it was granted) not being of a permanent nature on that area;’.

5 Section 132(2), from ‘boundaries’ to ‘granted’—

omit, insert—

‘boundaries of the area of an exploration permit that land shall become part of the area of the exploration permit’.

6 Section 139(5), from ‘reduction of’ to ‘land is’—

omit, insert—

‘reduction of the area of the exploration permit and the reduction complies with subsection (1), then on and from the date when the area is’.

7 Section 177, from ‘same land’ to ‘applies’—

omit, insert—

‘same area for the same mineral (whether or not at the direction of the Minister) or by an eligible person with the consent of the holder, the area of the exploration permit’.

8 Section 182(1)(b)—

omit, insert—

‘(b) all or some of the land applied for in the accepted application is—

- (i) in the area of an existing mining claim or mining lease; or
- (ii) land applied for in an earlier application for a mining claim or mining lease.’.

9 Section 182(2), from ‘land covered’—

omit, insert—

‘area of a mineral development licence granted for the land applied for in the accepted application.’.

10 Section 210(3)(b)(iii), from ‘specified’ to ‘that land—’—

omit, insert—

‘in the area of the mineral development licence is required as access from a point outside the boundary of the area to be retained to any part on the surface of that area—’.

11 Section 210(13), from ‘land comprised therein’ to ‘comprised in’—

omit, insert—

‘area of the mineral development licence, the holder applies for a new mineral development licence for the whole or part of the area of’.

12 Section 225(4), from ‘, the land comprised’—

omit, insert—

‘land in the area of the mineral development licence does not become part of the area of any current exploration permit.’.

13 Section 226A(2)—

omit, insert—

‘(2) The area of the licence must be reduced by omitting the area of the mining lease.’.

14 Section 245(1)(h), from ‘boundary’ to ‘sought’—

omit, insert—

‘boundary of the land applied for in the application acceptable to the mining registrar to land applied for in the application’.

15 Section 295(13)(a), ‘land comprised in’—

omit.

16 Section 309(12), from ‘land comprised therein’ to ‘comprised in’—

omit, insert—

‘area of the mining lease, the holder applies for a new mining claim or mining lease for the whole or part of the area of’.

17 Section 318AAH(1)(i), from ‘land,’ to ‘land has’—

omit, insert—

‘area of the lease, including any survey pegs, but that boundary posts or cairns need not be maintained after the area has’.

18 Section 383(1), from ‘over land’ to ‘applies’—

omit, insert—

‘over an area that includes a wild river area, the following parts of the wild river area are excluded from the area of the mining tenement’.

19 Section 384(1), from ‘over land’ to ‘applies’—

omit, insert—

‘over an area that, at the time of the renewal, includes a wild river area, the following parts of the wild river area are excluded from the area of the renewed mining tenement’.

20 Section 386(1)(b)—

omit, insert—

‘(b) at the time the mining tenement was granted or renewed, a part of the mining tenement area was excluded under section 383 or 384.’.

21 Schedule 2, definition *area*, ‘, of a coal or oil shale mining tenement, petroleum tenure or GHG authority’—

omit.

22 Schedule 2, definition *area*—

insert—

‘5 The *area*, of an application for the grant of a mining tenement, a petroleum tenure, a GHG authority or a geothermal tenure, is the land the subject of the application.’.

23 Schedule 2, definition *mining registrar*, paragraph (b)—

omit, insert—

‘(b) for land or an area, or a mining tenement over an area—the mining registrar for the mining district in which the land or area is situated.’.

24 Schedule 2, definition *relevant land*, ‘the subject of’—

omit, insert—

‘applied for in’.

Mineral Resources Act 1989—other amendments

1 Section 3A(1), editor's notes—

omit, insert—

'Note—

For the relationship between this Act and the Petroleum and Gas (Production and Safety) Act—

- (a) in relation to coal or oil shale mining tenements, see part 7AA; or
- (b) otherwise, see the Petroleum and Gas (Production and Safety) Act, section 6 (Relationship with Mineral Resources Act).'

2 Section 4(4), 'successor tenement'—

omit, insert—

'successor mining tenement'.

3 Section 6(2)(c), editor's notes—

omit, insert—

'Notes—

- 1 For what is coal seam gas and incidental coal seam gas, see section 318AC.
- 2 See also part 7AA, division 8, subdivision 1.'

4 Section 6(2)(i), editor's note—

omit, insert—

'Note—

For what is oil shale, see section 318AD.'

5 Section 8(5), 'paragraph'—

omit, insert—

'subsection'.

6 Section 26(5), after ‘permit’—

insert—

‘,’.

7 Section 28(1), from ‘26’ to ‘Land Court compensation’—

omit, insert—

‘26, the Crown or an owner is entitled to recover, from time to time in the Land Court, compensation’.

8 Section 38(2)(d), editor’s note—

omit, insert—

‘*Note—*

For the provision of security, see section 26.’.

9 Section 38(2)(e), editor’s note—

omit, insert—

‘*Note—*

For the penalty for a breach of a condition of a prospecting permit, see section 35.’.

10 Section 50(1), after ‘a mining claim’—

insert—

‘,’.

11 Section 50(1)(a), ‘may,’—

omit, insert—

‘may’.

12 Section 51(2)(a), from ‘building’ to ‘consents’—

omit, insert—

‘building or relevant feature is situated, consents’.

13 Section 56(1), from ‘shall’ to ‘boundary’—

omit, insert—

‘must mark out under section 57, the boundary’

14 Section 65(1)(a), after ‘registrar’—

insert—

‘.’

15 Section 79(2), from ‘Governor’ to ‘consent’—

omit, insert—

‘Governor in Council may, upon the recommendation of the Minister, consent’.

16 Section 81(1), after ‘subject to’—

insert—

‘the following’.

17 Section 81(3), ‘be, determined’—

omit, insert—

‘be determined’.

18 Section 81A(1)(a), ‘4,’—

omit, insert—

‘4’.

19 Section 82(1), ‘subject, may’—

omit, insert—

‘subject may’.

20 Section 116(2)(b), editor’s note—

omit, insert—

‘*Note—*

For the provision of security, see section 83.’.

21 Section 121(4)—

omit, insert—

‘(4) On the termination of a mining claim, the ownership of all mineral and property on the land in the area of the terminated claim divests from the owner and vests in the State.’.

22 Section 122(5), editor’s note—

omit, insert—

‘*Note—*

For the provision of security, see section 83.’.

23 Section 125(11), ‘this subsection’—

omit, insert—

‘subsection (10)’.

24 Section 129(1)(a), ‘section 163’—

omit, insert—

‘schedule 1’.

25 Section 138(3)(b), editor’s note—

omit, insert—

‘*Note—*

For when the term of a renewed permit starts, see section 147D.’.

26 Section 181(4)(b), ‘section 211’—

omit, insert—

‘schedule 1’.

27 Section 188, ‘discretion whether’—

omit, insert—

‘discretion, whether’.

28 Section 190(1), ‘183(1)(m)(i)(A) and (B)’—

omit, insert—

‘183(1)(m)(i) and (ii)’.

29 Section 229(5)(b), editor’s note—

omit, insert—

‘*Note—*

For the provision of security, see section 190.’.

30 Section 229—

insert—

‘(9) In this section, *plant* has the meaning given in section 228(3).’.

31 Section 230(7)—

insert—

‘*plant* has the meaning given in section 228(3).’.

32 Section 231A(3), from ‘217’ to ‘222,’—

omit.

33 Section 234(2), editor’s note—

omit, insert—

‘Note—

For the entitlement of a coal mining lease holder or an oil shale mining lease holder to mine coal seam gas, see section 318CM.’.

34 Section 243, ‘part, may’—

omit, insert—

‘part may,’.

35 Section 265(4)—

omit, insert—

‘(4) The hearing date must be at least 20 business days after the last objection day for the application.’.

36 Section 290A(1)—

insert—

‘Editor’s note—

The repealed schedule to this Act was repealed by the *Offshore Minerals Act 1998*, section 446 and schedule 4, section 4.’.

37 Section 298(1), editor’s note—

omit, insert—

‘Note—

See also part 7AA, division 8, subdivision 1.’.

-
- 38 Section 312(4)—**
omit, insert—
(4) On the termination of the mining lease, the ownership of all mineral and property on the land in the area of the terminated lease divests from the owner and vests in the State.’.
- 39 Section 313(5)(b), editor’s note—**
omit, insert—
‘*Note—*
For the provision of security, see section 277.’.
- 40 Section 318AAA(1)(c), before ‘the agreement’—**
insert—
‘if’.
- 41 Section 318AAA(3), from ‘254’ to ‘259,’—**
omit.
- 42 Section 318A(a), editor’s note—**
omit, insert—
‘*Note—*
For the limited entitlement to mine coal seam gas under this Act, see division 8, subdivision 1.’.
- 43 Section 318A(c), editor’s note—**
omit, insert—
‘*Note—*
See also part 19, division 6.’.

44 Section 318A(f), editor's note—

omit, insert—

'Note—

For provisions regulating the safety of coal seam gas exploration or production, see the *Coal Mining Safety and Health Act 1999* and the Petroleum and Gas (Production and Safety) Act, chapter 9.'

45 Section 318AA(1)(a), editor's note—

omit, insert—

'Note—

See, however, part 19, division 6.'

46 Section 318AE(2)(b), editor's note—

omit, insert—

'Note—

For specific provisions dealing with mining leases mentioned in this paragraph, see subdivision 3.'

47 Section 318AH(2), editor's note—

omit, insert—

'Note—

See also sections 318DK and 318EE.'

48 Sections 318AP(1)(b), 318BX(b) and 318CD(b), editor's notes—

omit, insert—

'Note—

For requirements for proposed initial development plans, see division 9, subdivision 2.'

49 Sections 318AT(1)(b)(ii), 318AV, 318AX(3), 318C, 318CA(2), 318DB and 318DE(3), editor's notes—

omit, insert—

'Note—

For confidentiality obligations of tenure holders or persons who have applied for a tenure, see division 10.'

50 Section 318AT(3), editor's note—

omit, insert—

'Note—

See the Petroleum and Gas (Production and Safety) Act, chapter 2, part 1, division 6 (Potential commercial areas).'

51 Section 318AY(2), editor's notes—

omit, insert—

'Note—

See, however, the Petroleum and Gas (Production and Safety) Act, chapter 3, part 2, division 3 (Petroleum lease applications in response to Mineral Resources Act preference decision) and section 315 (Earlier coal or oil shale mining lease application).'

52 Section 318B(1)(a), editor's note—

omit, insert—

'Note—

See the *State Development and Public Works Organisation Act 1971*, section 26 (Declaration of significant project).'

53 Section 318BA(4), definition *relevant codes*, paragraph (a)(i) and editor's note—

omit, insert—

(i) the document called 'Petroleum Resources Classification System and Definitions';.

54 Section 318BH(2), editor's note—

omit, insert—

'Note—

See, however, Petroleum and Gas (Production and Safety) Act, chapter 3, part 2, division 3 (Petroleum lease applications in response to Mineral Resources Act preference decision).'

55 Section 318BI(3), editor's note—

omit, insert—

'Note—

See, however, the Petroleum and Gas (Production and Safety) Act, chapter 3, part 2, division 3 (Petroleum lease applications in response to Mineral Resources Act preference decision).'

56 Section 318BI(4), editor's note—

omit, insert—

'Note—

See, however, section 318CB.'

57 Section 318BM(1), editor's note—

omit, insert—

'Note—

See, however, section 318CZ.'

58 Section 318BM(2), editor's note—

omit, insert—

'Note—

See also section 318CX.'

59 Section 318BV(1)(b), editor's note—

omit, insert—

‘Note—

For a coal or oil shale mining lease application not made within the 6 months, see the Petroleum and Gas (Production and Safety) Act, section 326 (No mining lease application).’

60 Section 318CA(1), editor’s note—

omit, insert—

‘Note—

For the extent to which coal seam gas production is permitted under the coal or oil shale mining lease, see division 8, subdivision 1.’

61 Sections 318CL(1) and 318DR, editor’s notes—

omit, insert—

‘Note—

See, however, part 19, division 6.’

62 Section 318CN(1)(b), editor’s note—

omit, insert—

‘Note—

See also the exemptions in the Petroleum and Gas (Production and Safety) Act, sections 800(2)(a) and (b) (Restriction on petroleum tenure activities) and 802 (Restriction on pipeline construction or operation).’

63 Section 318CN(2), ‘holder, can’—

omit, insert—

‘holder can’.

64 Section 318CN(2), note 2, ‘part 3’—

omit, insert—

‘part 5’.

65 Section 318CO(6)—

omit, insert—

‘(6) Flaring or venting is authorised only if—

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

66 Section 318CO(7), definition *greenhouse abatement scheme*, paragraph (a), editor’s note—

omit, insert—

‘*Note—*

See, in particular, the *Greenhouse Gas Benchmark Rule (Generation) No. 2 of 2003*, paragraph 10.1, made under the *Electricity Supply Act 1995* (NSW), section 97K.’.

67 Section 318CP, editor’s note—

omit, insert—

‘*Note—*

See also the *Petroleum Act 1923*, section 52A (Application of 2004 Act provisions about coextensive natural underground reservoirs).’.

68 Section 318CQ, editor’s note—

omit, insert—

‘*Note—*

For the making of coordination arrangements, see the *Petroleum and Gas (Production and Safety) Act*, chapter 2, part 8.’.

69 Section 318CS(2)(d), ‘115(3)(c)’—

omit, insert—

‘318CR(3)’.

70 Section 318CU(1)(c)(i), editor’s note—

omit, insert—

‘*Note—*

See the Petroleum and Gas (Production and Safety) Act, section 631 (What is a *meter*) and chapter 8, part 2 (Measurement schemes).’.

71 Section 318CV(1)(a)(v)(D), ‘; and’—

omit, insert—

‘;’.

72 Section 318DI(1), editor’s note—

omit, insert—

‘*Note—*

For particular requirements for an application to renew a mining lease, see section 286.’.

73 Section 318DK(1)(b), editor’s note—

omit, insert—

‘*Note—*

For when the decision takes effect, see section 318EH, as applied under section 318DJ.’.

74 Section 318DM(3), editor’s note—

omit, insert—

‘*Note—*

For requirements for proposed initial development plans, see division 9, subdivision 2.’.

75 Section 318DO(2), editor's note—

omit, insert—

'Note—

For matters about coordination arrangements, see the Petroleum and Gas (Production and Safety) Act, chapter 2, part 8.'

76 Section 318DS, editor's note—

omit, insert—

'Note—

For additional requirements for proposed later development plans, see section 318ED.'

77 Section 318EB(2)(b)—

omit, insert—

'(b) complies with the later development plan requirements; and'.

78 Section 318ED(1)(a), editor's note—

omit, insert—

'Note—

For requirements for proposed initial development plans, see subdivision 2.'

79 Section 318ED—

insert—

'(4) The requirements under subsection (1), as applied under subsection (2), and subsection (3) are the *later development plan requirements*'.

80 Section 318EE(1)(b), editor's note—

omit, insert—

‘Note—

For when the decision takes effect, see section 318EH.’.

81 Section 318EH, heading, ‘effect, of decision’—

omit, insert—

‘effect of, decision’.

82 Section 318EH(4), ‘takes’—

omit, insert—

‘take’.

83 Section 318EK(1)(b)(i), before ‘someone’—

insert—

‘to’.

84 Section 318ELAY, ‘only if under’—

omit, insert—

‘only if, under’.

85 Section 318EO(3), editor’s note—

omit, insert—

‘Note—

See, however, section 736.’.

86 Section 318EP(1), editor’s note—

omit, insert—

‘Note—

See also section 318EX.’.

- 87 Section 342(9), ‘In this subsection’—**
omit, insert—
‘For this section’.
- 88 Section 344B(1)(a), ‘and’—**
omit.
- 89 Section 378(4)(d)—**
omit, insert—
‘(d) the terms upon which;
any money, mineral, chattel, ore or other thing specified in the
order must be deposited.’.
- 90 Section 391(3)(b) and (c), ‘prerequisite mining
tenement’—**
omit, insert—
‘prerequisite tenement’.
- 91 Section 411(1), ‘section 342(10), 343 or 344’—**
omit, insert—
‘section 342(10) or 343’.
- 92 Section 417(2)(j), from ‘mining; the protection’—**
omit, insert—
‘mining;’
- 93 Section 417(2)—**
insert—

‘(ja) the protection from obstruction of races, drains, dams, reservoirs, channels and watercourses used in connection with mining;’.

94 Section 653(1)(d), editor’s note—

omit, insert—

‘*Note—*

See sections 658, 659 and 668.’.

95 Section 695(7), ‘(4)(d)’—

omit, insert—

‘(5)(d)’.

96 Section 722EA(1), ‘248(1)(a)’—

omit, insert—

‘248(1)’.

97 Section 758(2)(a), editor’s note—

omit, insert—

‘*Note—*

See also section 318ED.’.

98 Section 763(1), editor’s note—

omit, insert—

‘*Note—*

See section 758.’.

99 Part 19, division 9, section 766—

renumber as section 766A.

100 Schedule 1, sections 5(1)(c) and 10(1), ‘land an’—

omit, insert—

‘land in an’.

101 Schedule 2, definitions *compensation liability*, *GHG storage activity*, *GHG stream storage*, *mineral* and *mineral (f)*—

omit.

102 Schedule 2—

insert—

‘abandoned mine, for part 10, division 2AA, see section 344.

authorised person, for part 10, division 2AA, see section 344.

Cherwell Creek, for part 18A, see section 722A.

commencement day, for part 18A, see section 722A.

compensation liability—

(a) for an authorised activity for an exploration permit or mineral development licence—see schedule 1, section 13(1) and (2); or

(b) for a notifiable road use—see section 318ES(1) and (2).

deferral agreement, for schedule 1, see schedule 1, section 11(c)(i).

mineral—

(a) generally, see section 6; and

(b) for section 121 or 122, see section 121(4); and

(c) for section 312 or 313, see section 312(4).

mineral (f), see section 6(2)(f) and (3)(c).

overlapping tenure, for part 7AAC, division 2, see section 318ELAP(c).

prescribed persons, for part 18A, see section 722A.

property—

- (a) for section 121, 122 or 123, see section 121(4); and
- (b) for section 312, 313 or 314, see section 312(4).

rehabilitation activities, for part 10, division 2AA, see section 344.

resource management decision, for part 7AAC, division 2, see section 318ELAV.

specified works, for part 10A, see section 382.

wild river special floodplain management area see section 382.’.

103 Schedule 2, definition *owner*, paragraph (a)(v), ‘section 87(2) or 87(4)(b)’—

omit, insert—

‘section 202(2) or (4)(b)’.

104 Schedule 2, definition *owner*, paragraph (a)(vi), ‘section 84(2) or 84(4)(b)’—

omit, insert—

‘section 151(2)’.

105 Schedule 2, definition *owner*, paragraph (i), ‘Authority;’—

omit, insert—

‘Authority; and’.

106 Schedule 2, definition *reserve*, paragraph (a)(iv), ‘87(2) or 87(4)(b)’—

omit, insert—

‘202(2) or (4)(b)’.

107 Schedule 2, definition *reserve*, paragraph (a)(v), ‘84(2) or 84(4)(b)’—

omit, insert—

‘151(2)’.

Petroleum Act 1923

1 Section 2, definition *conditions*, paragraph (d), editor’s note—

omit, insert—

‘*Note—*

For who may carry out an authorised activity for a holder, see section 75E.’.

2 Section 2, definition *excluded land*, paragraph (b), editor’s note—

omit, insert—

‘*Note—*

For an area of land in the area of a coal or oil shale mining lease becoming excluded land, see section 154.’.

3 Section 2, definition *relinquishment condition*, paragraph 3—

omit.

4 Section 2, definition *work program*, editor’s note—

omit, insert—

‘*Notes—*

1 For an authority being taken to have a work program until a decision has been made on whether to approve a proposed work program, see section 25D.

- 2 For the continuing effect of an authority on a renewal application, see section 25N.
- 3 For conditions of an authority to prospect about expenditure or work becoming its work program, see section 155.’.

5 Section 3(1), editor’s note—

omit, insert—

‘Notes—

- 1 For provisions for coal seam gas, see part 6F.
- 2 For the relationship between the Mineral Resources Act and the 2004 Act, see the Mineral Resources Act, section 3A.’.

6 Section 25, editor’s note—

omit, insert—

‘Note—

For initial work programs—

- (a) in relation to unfinished authority to prospect applications for which a Commonwealth Native Title Act s 29 notice has been given, see section 151; and
- (b) in relation to conditions of an authority to prospect about expenditure or work becoming its work program, see section 155.’.

7 Section 25C, editor’s note—

omit, insert—

‘Notes—

- 1 For the requirements for making an application, see section 25M.
- 2 For the obligation to lodge a proposed later work program, see section 74K.
- 3 For the types of noncompliance action that may be taken, see section 80T.’.

8 Section 25D(1), editor’s note—

omit, insert—

‘Note—

For when the decision takes effect, see section 25F.’.

9 Sections 25F(4), 25T, 53G(4) and 80Z(3), editor’s notes—

omit, insert—

‘Notes—

- 1 For the period to appeal, see section 105.
- 2 For when the Land Court may grant a stay of the decision, see section 107.’.

10 Section 25L(2)(a), editor’s note—

omit, insert—

‘Note—

For the right to apply for a petroleum tenure, see the 2004 Act, section 908.’.

11 Section 25M(1)(f), editor’s note—

omit, insert—

‘Note—

See also section 74V.’.

12 Section 25M(2), editor’s note—

omit, insert—

‘Notes—

- 1 For the requirements for proposed later work programs, see division 2, subdivision 1.
- 2 For the approval of proposed later work programs, see division 2, subdivision 2.’.

13 Section 25N(2), editor’s note—

omit, insert—

‘Note—

For the authority being taken to have a work program until a decision has been made on whether to approve a proposed work program, see section 25D.’.

14 Section 25O(2)(a), editor’s note—

omit, insert—

‘Note—

For the approval of proposed later work programs, see division 2, subdivision 2.’.

15 Section 40(1A), editor’s note—

omit, insert—

‘Note—

For the transition, by application, from an authority to prospect under this Act to a petroleum lease under this Act, see the 2004 Act, chapter 15, part 3, division 4.’.

16 Section 45(1A)(d), editor’s note—

omit, insert—

‘Note—

For the right to apply for a petroleum tenure, see the 2004 Act, section 908.’.

17 Section 45(2)(b), editor’s note—

omit, insert—

‘Note—

For the program for development and production for a lease becoming its development plan, see section 156.’.

18 Section 52(1B), editor’s note—

omit, insert—

‘Note—

For the later grant of a petroleum tenure under the 2004 Act replacing an equivalent petroleum tenure under this Act, see the 2004 Act, chapter 15, part 3, division 7.’.

19 Section 52A, editor’s note—

omit, insert—

‘Note—

For the deferral of section 52A for existing leases, see section 168.’.

20 Section 53, editor’s note—

omit, insert—

‘Notes—

- 1 For the granting of a lease to the holder of an authority to prospect, see section 40.
- 2 For the entitlement to a renewal of the lease, see section 45.
- 3 For the obligation to lodge a proposed later development plan, see section 74Q.
- 4 For the types of noncompliance action that may be taken, see section 80T.’.

21 Section 53C, editor’s note—

omit, insert—

‘Note—

For the obligation to lodge a proposed later development plan, see section 74Q.’.

22 Section 53D(1), editor’s note—

omit, insert—

‘Note—

For when the decision takes effect, see section 53G.’.

23 Section 74K(2)(b), editor's note—

omit, insert—

'Note—

For requirements for proposed later work programs, see part 4, division 2, subdivision 1.'.

24 Section 74P(1), editor's note—

omit, insert—

'Note—

For a lease being taken to have a development plan until a decision on whether to approve a proposed development plan is made, see section 53D.'.

25 Section 75A(1), editor's note—

omit, insert—

'Note—

For a general provision about ownership while a tenure is in force for a pipeline, see section 79X.'.

26 Section 75B(2)(a), editor's note—

omit, insert—

'Notes—

- 1 For wells, water supply bores and water observation bores, see part 6D.
- 2 For the obligation to decommission pipelines, see section 75A.
- 3 For a general provision about ownership while a tenure is in force for a pipeline, see section 79X.'.

27 Section 75B(4), editor's note—

omit, insert—

'Note—

For ownership of equipment and improvements, see section 80.’.

28 Section 75C(1), editor’s note—

omit, insert—

‘*Note—*

For the power of an authorised person to ensure compliance, see section 80L.’.

29 Section 75N(2), editor’s note—

omit, insert—

‘*Note—*

For ownership of equipment and improvements, see section 80.’.

30 Section 75P(2), editor’s note—

omit, insert—

‘*Note—*

For the responsibility for a well or bore after its decommissioning, see section 75W.’.

31 Section 75Q(2)(a)(i), editor’s note—

omit, insert—

‘*Note—*

For conditions of a water bore driller’s licence, see the Water Act, section 302 and the *Water Regulation 2002*, section 23(1).’.

32 Section 75U(4)(c), editor’s note—

omit, insert—

‘*Note—*

For the power of an authorised person to ensure compliance, see section 80L.’.

33 Section 75W(1), editor's note—

omit, insert—

'Note—

For the obligation to decommission, see section 75U.'

34 Section 75WG, editor's note—

omit, insert—

'Note—

For unauthorised taking, supplying or interfering with water, see the Water Act, section 808.'

35 Section 75WH, editor's note—

omit, insert—

'Notes—

- 1 For authorised taking of, or interfering with, water without a water entitlement, see the Water Act, section 20.
- 2 For unauthorised taking, supplying or interfering with water, see the Water Act, section 808.'

36 Section 75WN(6), editor's note—

omit, insert—

'Notes—

- 1 For the power to correct or amend, see section 125.
- 2 For security, see part 6G.'

37 Part 6E, division 1, before section 75X, editor's note—

omit, insert—

'Note—

For the requirement for giving a copy of a relinquishment report, see section 77O.'

38 Section 75Z(1), editor's note—

omit, insert—

'Note—

For specific mandatory conditions for authorities to prospect, and related provisions, see part 6A, division 2.'

39 Section 76H(d), editor's note—

omit, insert—

'Note—

For transitional provisions for the 2004 Act, see the Mineral Resources Act, part 19, division 6.'

40 Section 76M(2)(b)(ii), 'Acts 1962'—

omit, insert—

'Act 1965'.

41 Section 76R(1), editor's note—

omit, insert—

'Note—

For offences regarding land subject to a mining claim or mining lease, see the Mineral Resources Act, section 403.'

42 Section 76W(2), '(1)(b)(ii)'—

omit, insert—

'(1)(b)'.

43 Section 76Y, editor's note—

omit, insert—

'Note—

For confidentiality of information, see division 7.'

44 Sections 76Z(b) and 77(3)(c), editor's note—

omit, insert—

'Note—

For confidentiality of information, see division 7.'

45 Section 77(3), editor's note—

omit, insert—

'Note—

For requirements for consultation with particular coal or oil shale mining tenement holders, see the 2004 Act, section 386.'

46 Part 6I, before division 1, editor's note—

omit, insert—

'Note—

For the exclusion of division 1 for the continuance of particular existing road uses, see section 165.'

47 Section 78Z(1), editor's note—

omit, insert—

'Note—

For the requirement for compensation to be addressed before carrying out notifiable road uses, see section 79VK.'

48 Section 79I(1), editor's note—

omit, insert—

'Notes—

1 For the condition for notice of a notifiable road use, see section 78Z.

2 For a direction about notifiable road uses, see section 79.'

49 Section 79I(2), editor's note—

omit, insert—

'Notes—

- 1 For private land, see part 6H.
- 2 For notice of a notifiable road use, see section 78Z.'

50 Section 79M(2), editor's note—

omit, insert—

'Notes—

- 1 For the relationship with the Mineral Resources Act, see section 3.
- 2 For offences regarding land subject to a mining claim or mining lease, see the Mineral Resources Act, section 403.'

51 Section 79O(3), editor's note—

omit, insert—

'Note—

For the restriction on authorised activities on overlapping ATP land, see the 2004 Act, section 364.'

52 Section 79Z(2)(a), editor's note—

omit, insert—

'Notes—

- 1 For the obligation to decommission pipelines, see section 75A.
- 2 For a general provision about ownership while a tenure is in force for a pipeline, see section 79X.'

53 Section 80(1), editor's note—

omit, insert—

'Note—

For the obligation to remove equipment and improvements, see section 75B.’.

54 Section 80L(2)(a), ‘; and’—

omit, insert—

‘;’.

55 Section 80Q(5), editor’s note—

omit, insert—

‘*Note—*

For the deduction of the net proceeds of the sale from the amount claimed in any proceeding to recover the costs, see section 80R(2).’.

56 Sections 80R(1) and 101(6), editor’s notes—

omit, insert—

‘*Note—*

For additional orders that may be made on conviction, see section 118.’.

57 Section 80T(1), editor’s note—

omit, insert—

‘*Note—*

For notice of a proposed noncompliance action, see section 80W.’.

58 Section 102(1), editor’s note—

omit, insert—

‘*Note—*

For interest on an unpaid petroleum royalty or additional petroleum royalty, see the 2004 Act, section 602.’.

59 Section 118(1), editor's note—

omit, insert—

'Note—

For the power of an authorised person to ensure compliance, see section 80L.'

60 Section 151(1)(b), editor's note—

omit, insert—

'Note—

For unfinished applications for authorities to prospect under this Act, other than applications for which a Commonwealth Native Title Act s 29 notice has been given, see the 2004 Act, chapter 15, part 3, division 3.'

61 Section 156(2), editor's note—

omit, insert—

'Notes—

- 1 For the obligation to lodge a proposed later development plan, see section 74Q.
- 2 For additional criteria for approval, see section 78.'

62 Section 161(1), editor's note—

omit, insert—

'Note—

For entry notices under the *Petroleum Regulation 1966*, section 17, see the 2004 Act, section 925.'

63 Section 162(1) and 163(1), editor's notes—

omit, insert—

'Note—

For accrued compensation rights relating to a converted petroleum authority, see the 2004 Act, section 922.'

64 Section 170(1), editor's note—

omit, insert—

'Note—

For the conversion of a particular authority to prospect granted under this Act to an authority to prospect under the 2004 Act, see the 2004 Act, chapter 15, part 3, division 2.'

65 Section 173(3), editor's note—

omit, insert—

'Note—

For conditions for a renewal application, see section 25L.'

Petroleum and Gas (Production and Safety) Act 2004**1 Section 3(1)(e), 'an efficient'—**

omit, insert—

'and efficient'.

2 Section 24A(2), definition *resource Acts*, second dot point, 'Geothermal Act'—

omit, insert—

'the Geothermal Act'.

3 Section 27(2)(b), 'right do'—

omit, insert—

'right to do'.

4 Sections 64 and 150, note 1, second dot point, '9'—

omit.

5 Section 175F(b), 175E—

omit, insert—

‘175E.’.

6 Section 234(3A)(c)(i), ‘44(d)’—

omit, insert—

‘44(1)(d)’.

7 Section 292(3)(b), ‘chapter 2’—

omit, insert—

‘this chapter’.

8 Section 298, ‘chapter 3’—

omit, insert—

‘this chapter’.

9 Section 305(2)(e), ‘including’—

omit, insert—

‘including.’.

10 Section 310(3), ‘186(1)(b)’—

omit, insert—

‘186(6)(a)’.

11 Section 378(2)(b), ‘sections 346 and 347’—

omit, insert—

‘section 346’.

-
- 12 Section 378(2)(c), ‘sections 354 and 355’—**
omit, insert—
‘section 354’.
- 13 Section 487(2)(c), ‘example’—**
omit, insert—
‘example,’.
- 14 Section 501, heading, ‘div 3’—**
omit, insert—
‘div 2’.
- 15 Section 527(1), ‘holder’—**
omit, insert—
‘holder,’.
- 16 Section 537A(4), ‘kind’—**
omit, insert—
‘kind,’.
- 17 Section 538, note, ‘110 (Petroleum pipeline and water pipeline construction and operation)’—**
omit, insert—
‘110 (Construction and operation of petroleum pipelines)’.
- 18 Section 561, heading, ‘div 2’—**
omit, insert—
‘this division’.

- 19 Section 616(3)(b), from ‘section 53(2)’ to ‘functions’—**
omit, insert—
‘section 53(2) of that Act to duties includes a reference to the powers’.
- 20 Section 629, note 1, ‘parts 1 and 2’—**
omit, insert—
‘this part and part 2’.
- 21 Section 675(1)(j), ‘control systems including’—**
omit, insert—
‘control systems, including’.
- 22 Section 675(1)(r), ‘record management’—**
omit, insert—
‘record management,’.
- 23 Section 675(4), definition *NOHSC standard*, ‘*National Occupation Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Act 2005 (Cwlth)*, section 7(2)’—**
omit, insert—
‘*National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Act 2005 (Cwlth)*, schedule 1, section 7(2)’.
- 24 Section 709(2), ‘inquiry’—**
omit, insert—
‘inquiry,’.

-
- 25 Section 774(2), ‘example’—**
omit, insert—
‘example.’.
- 26 Schedule 1, under the heading ‘Table 2 Decisions subject to appeal’, under the heading ‘Provisions for existing Water Act bores’, entries for ‘260’, ‘263’ and 271’—**
omit.
- 27 Schedule 1, under the heading ‘Table 2 Decisions subject to appeal’, heading ‘Provisions for existing Water Act bores’—**
omit.
- 28 Schedule 2, definition *appeal body*, ‘823(2)’—**
omit, insert—
‘823’.
- 29 Schedule 2, definition *auditor-general*, ‘*Financial Administration and Audit Act 1977*’—**
omit, insert—
‘*Auditor-General Act 2009*.’.

Schedule 2 Consequential amendments commencing by proclamation other than amendments for the restructure of the Mineral Resources Act 1989

section 281

Environmental Protection Act 1994

**1 Section 585(4), definition *planning document*, paragraph
(b), ‘section 133(1)(g)(i)’—**

omit, insert—

‘section 133(f)(i)’.

Geothermal Energy Act 2010

1 Section 36—

insert—

‘*Note—*

For other relevant provisions about applications, see chapter 8, part 2.’.

2 Section 50(3)—

insert—

‘*Note—*

For other relevant provisions about giving a document to the Minister, see section 363.’.

3 Section 68(4)—

insert—

Note—

For other relevant provisions about giving a document to the chief executive, see section 363.’.

4 Section 72(1)(d)—

insert—

Note—

For other relevant provisions about making a submission, see section 363.’.

5 Section 169(2), from ‘section 365’—

omit, insert—

‘section 365, 366 or 366A.’.

6 Section 358(2)(a), after ‘accommodation’—

insert—

‘or’.

Greenhouse Gas Storage Act 2009**1 Section 47(4)—**

insert—

Note—

For other relevant provisions about giving a document to the Minister, see section 411.’.

2 Section 67(3)—

insert—

‘Note—

For other relevant provisions about applications, see chapter 7, part 1.’.

3 Section 104(4)—

insert—

‘Note—

For other relevant provisions about giving a document to the chief executive, see section 411.’.

4 Section 107(1)(d)—

insert—

‘Note—

For other relevant provisions about making a submission, see section 411.’.

5 Section 218(2) and editor’s note—

omit, insert—

‘(2) Subsection (1) does not limit section 413 or 413A.’.

6 Section 340(2)(b)(ii), ‘section 348(2)’—

omit, insert—

‘section 349(2)’.

Mineral Resources Act 1989

1 Section 3A(3)(b)—

omit, insert—

‘(b) a copy of the agreement has been lodged; and

Note—

For other relevant provisions about lodging documents, see section 386O.’

2 Section 3A(6)(a) and (7)(b), ‘at the relevant office’—

omit.

3 Sections 10AA(2), 208(6), 237(5)(b), 275(3)(b), 298(13), 309(7)(b)(i), 386(7)(b)(ii) and 386A(4)(b)(ii), ‘appropriate’—

omit.

4 Section 20(6)—

insert—

‘Note—

For other relevant provisions about giving the mining registrar documents, see section 386O.’

5 Section 21(2) and (3)—

omit.

6 Sections 22, 73(2), 74(4), 80(2) and 89, ‘and the EPA administering authority’—

omit.

7 Section 37(2)—

omit.

8 Section 39(2)—

insert—

‘Note—

For other relevant provisions about filing documents, see section 386O.’.

9 Section 59—

insert—

‘*Note—*

For other relevant provisions about applications, see section 386O.’.

10 Section 61(1)(i)—

omit, insert—

‘(i) be lodged;’.

11 Section 61(3)—

omit.

12 Section 61(4) and (5)—

omit.

13 Section 61(6) to (8)

renumber as section 61(3) to (5).

14 Section 61(5), as renumbered, ‘subsection (7)’—

omit, insert—

‘subsection (4)’.

15 Section 64A(2)(c)—

omit.

16 Section 82(6)—

omit.

-
- 17 Section 85(3)(b), ‘in the office of the mining registrar’—**
omit.
- 18 Section 93(9)—**
omit.
- 19 Section 93(10) to (12)—**
renumber as section 93(9) to (11).
- 20 Section 105(7)—**
omit.
- 21 Section 106(6)—**
omit.
- 22 Section 107(2)—**
omit.
- 23 Section 108(4)—**
omit.
- 24 Section 125(10)(b), ‘in the office of the mining registrar’—**
omit.
- 25 Section 133(1)(f)—**
omit.
- 26 Section 133(1)(g) and (h)—**
renumber as section 133(1)(f) and (g).

- 27 Section 133(2) and (3)—**
omit.
- 28 Section 134A(1), ‘section 133(1)(f)’—**
omit, insert—
‘this Act’.
- 29 Section 134A(3), from ‘at’—**
omit, insert—
‘at a place that the application may be lodged under section 386O.’.
- 30 Section 137(3)(b), ‘section 133(1)(g)(i)’—**
omit, insert—
‘section 133(f)(i)’.
- 31 Section 137(6)—**
omit.
- 32 Section 137(7)—**
renumber as section 137(6).
- 33 Section 139(4)—**
insert—
‘*Note—*
For other relevant provisions about making a submission, see section 386O.’.
- 34 Section 139(9)—**
omit.

-
- 35 Section 140(8)—**
omit.
- 36 Section 141(1)(f), ‘, in the way and’—**
omit.
- 37 Section 141(1)(f)—**
insert—
‘Note—
For other relevant provisions about giving a document to the Minister, see section 386O.’.
- 38 Section 141C(5)—**
omit.
- 39 Section 147B—**
omit.
- 40 Section 159(2B), ‘section 133(1)(d)’—**
omit, insert—
‘section 133(d)’.
- 41 Section 159(4)—**
omit.
- 42 Section 160(5)—**
omit.
- 43 Section 160(6)—**
renumber as section 160(5).

- 44 Section 161(2)—**
omit.
- 45 Section 183(3) and (4)—**
omit.
- 46 Section 186(8)—**
omit.
- 47 Section 186(9)—**
renumber as section 186(8).
- 48 Section 189(3)—**
omit.
- 49 Section 189(4) and (5)—**
renumber as section 189(3) and (4).
- 50 Section 194(1)(f), ‘, in the way and’—**
omit.
- 51 Section 194AC(6)—**
omit.
- 52 Section 197B—**
omit.
- 53 Section 207(3), ‘kept by the chief executive’—**
omit.

-
- 54 Section 208(7)—**
omit.
- 55 Section 209(5)—**
omit.
- 56 Section 209(6)—**
renumber as section 209(5).
- 57 Section 210(2)—**
omit.
- 58 Section 231A(3), ‘197B,’—**
omit.
- 59 Section 231C(2)—**
omit.
- 60 Section 231E(8)—**
omit.
- 61 Section 231G(5)—**
omit.
- 62 Section 231G(6) to (8)—**
renumber as section 231G(5) to (7).
- 63 Section 231G(7), as renumbered, ‘and (7)’—**
omit, insert—
‘and (6)’.

64 Section 231H(8)—

omit.

65 Section 234(4)—

omit.

66 Section 237(3) and (4)—

omit.

67 Section 237(5) to (7)—

renumber as section 237(3) to (5).

68 Section 245(1)(g), ‘section 238(2)’—

omit, insert—
‘section 238(1)’.

69 Section 245(1)(m)—

omit, insert—
‘(m) be lodged; and’.

70 Section 245(3)—

omit.

71 Section 245(4) and (5)—

omit.

72 Section 250(8)—

omit.

-
- 73 Section 252A(2)(c)—**
omit.
- 74 Section 267(2)—**
omit.
- 75 Section 272(1), from ‘section 271(3)(c)’ to ‘lease’—**
omit, insert—
‘section 271A(1)(c), refers the matter to the Land Court’.
- 76 Section 279(3)(b), ‘in the office of the mining registrar’—**
omit.
- 77 Section 280(2)(b), ‘in the office of the mining registrar’—**
omit.
- 78 Section 286B—**
omit.
- 79 Section 287(2)—**
omit.
- 80 Section 294(6)—**
omit.
- 81 Section 298(14)—**
omit.
- 82 Section 299(11)—**
omit.

- 83 Section 307(5)—**
omit.
- 84 Section 308(6)—**
omit.
- 85 Section 309(3)—**
omit.
- 86 Section 317(10)(b), ‘in the office of the mining registrar’—**
omit.
- 87 Section 318AAA(3), from ‘Sections 232’ to ‘286A’—**
omit, insert—
‘Sections 232, 233, 239, 245, 248 to 260, 265, 266, 268, 269, 271 to 273, 275, 276, 278A, 280, 283, 284, 285 and 286A’.
- 88 Section 318AAE(2)—**
omit.
- 89 Section 318AAE(3)—**
renumber as section 318AAE(2).
- 90 Section 318AAJ(2), ‘subsections (1)(h) and (2)’—**
omit, insert—
‘subsection (1)(h)’.
- 91 Section 318AT(5)**
omit.

-
- 92 Section 318AX(1), from ‘application’—**
omit, insert—
‘application.’.
- 93 Section 318BB(1)(a)—**
omit, insert—
‘(a) grant the mining lease under section 271A; or’.
- 94 Section 318BK(d)(ii), ‘section 271, to recommend the granting of’—**
omit, insert—
‘section 271A, to grant’.
- 95 Section 318BL, heading, ‘recommending’—**
omit, insert—
‘**deciding**’.
- 96 Section 318BL(1)—**
omit, insert—
‘(1) In making a decision as follows, regard must be had to the prescribed criteria—
(a) deciding conditions of the mining lease under section 276(1)(m);
(b) deciding the term of the lease under section 284.’.
- 97 Section 318BL(2), ‘section 276(1)(n)’—**
omit, insert—
‘section 276(1)(m)’.

- 98 Section 318BM, ‘section 276(1)(n)’—**
omit, insert—
‘section 276(1)(m)’.
- 99 Section 318BM(1), from ‘a notice’ to ‘of the chief executive’—**
omit, insert—
‘a lodged notice, to relinquish a stated part or percentage of its area at stated times or intervals’.
- 100 Section 318BU, heading, ‘recommending’—**
omit, insert—
‘deciding’.
- 101 Section 318BU(1), ‘recommendation’—**
omit, insert—
‘decision’.
- 102 Section 318BU(1)(a) and (b)—**
omit, insert—
(a) deciding conditions of the mining lease under section 276(1)(m);
(b) deciding the term of the lease under section 284.’.
- 103 Section 318BU(2), ‘section 276(1)(n)’—**
omit, insert—
‘section 276(1)(m)’.

-
- 104 Section 318CB(1), ‘section 271 recommend the grant of’—**
omit, insert—
‘section 271A grant’.
- 105 Section 318CB(5)—**
omit.
- 106 Section 318CB(6)—**
renumber as section 318CB(5).
- 107 Section 318CG, ‘recommending’—**
omit, insert—
‘deciding’.
- 108 Section 318CG(1), ‘to be determined under section 276(1)(n)’—**
omit, insert—
‘under section 276(1)(m)’.
- 109 Section 318CG(2), ‘section 276(1)(n)’—**
omit, insert—
‘section 276(1)(m)’.
- 110 Section 318CV(3)—**
omit.
- 111 Section 318CV(4)—**
renumber as section 318CV(3).

112 Section 318DC(b)—

omit.

113 Section 318DC(c) to (h)—

renumber as section 318DC(b) to (g).

114 Section 318DE(1), from ‘at—’ to ‘of the chief executive’—

omit.

115 Part 7AA, division 8, subdivision 5, heading, ‘recommendation to amend’—

omit, insert—

‘**amending**’.

116 Section 318DH, from ‘A recommendation’ to ‘amendment of’—

omit, insert—

‘An amendment under section 294 of’.

117 Section 318E(1)—

omit, insert—

‘(1) The applicant may, by lodged notice, amend the proposed development plan at any time before the Minister decides whether to approve the applicant’s proposed development plan.’.

118 Section 318EB(2)(a)—

omit, insert—

‘(a) is lodged; and’.

-
- 119 Section 318ELAT(1), ‘at the relevant departmental office’—**
omit.
- 120 Section 318ELAV, from ‘whether to—’**
omit, insert—
‘whether—
(a) to grant the mining lease under section 271A; or
(b) to give any overlapping authority priority for all or part of the relevant land; or
(c) not to grant the mining lease and not to give any overlapping authority priority for all or part of the relevant land.’.
- 121 Part 7AAC, division 2, subdivision 6, heading, ‘recommend’—**
omit.
- 122 Sections 318ELBD(b) and 318ELBE(c)(ii), ‘recommend the granting of’—**
omit, insert—
‘grant’.
- 123 Section 318ELBF(1)(b)(i), ‘at the relevant departmental office’—**
omit.
- 124 Section 318ELBF(2), from ‘without’ to ‘about the application’—**
omit.

- 125 Section 318ELBG(1), ‘recommendation’—**
omit, insert—
‘decision’.
- 126 Section 318ELBG(1)(a) and (b)—**
omit, insert—
(a) deciding conditions of the mining lease under section 276(1)(m);
(b) deciding the term of the lease under section 284.’.
- 127 Section 318ELBN(3), ‘at the relevant departmental office’—**
omit.
- 128 Section 318ELBR, heading, ‘recommendation to vary’—**
omit, insert—
‘varying’.
- 129 Section 318ELBR, from ‘a recommendation’ to ‘made’—**
omit, insert—
‘a condition of the mining lease must not be varied under section 294’.
- 130 Section 336(5), definition *appropriately qualified* and example—**
omit.
- 131 Sections 386(7)(a) and 386A(4)(a), ‘the EPA administering authority and’—**
omit.

-
- 132 Section 387B, heading and section 387C, heading, ‘a’—**
omit.
- 133 Sections 387B(1) and 387C(1) and (5), ‘a register’—**
omit, insert—
‘the register’.
- 134 Section 389(1), from ‘or mining’—**
omit, insert—
‘for a duplicate of the instrument.’.
- 135 Section 390(2), ‘131’—**
omit, insert—
‘134A’.
- 136 Section 396A(3)(b), from ‘lodged’—**
omit, insert—
‘lodged.’.
- 137 Section 406(2)(b)—**
omit, insert—
‘(b) be filed.’.
- 138 Section 411(1), ‘or 343’—**
omit, insert—
‘, 343 or 344A’.
- 139 Section 416B(2)(a)(i), examples, item 1, ‘section 133(1)(g)(ii)’—**
omit, insert—

‘section 133(f)(ii)’.

140 Section 416B(3)(b), examples, item 2, ‘section 231C(1)(e)(ii)’—

omit, insert—

‘section 231C(e)(ii)’.

141 Section 417(2)(p), from ‘in registers’ to ‘Act’—

omit, insert—

‘in the register and the examination or provision of particulars from the register’.

142 Section 418AA(6), definition *additional surface area No. 2*, ‘kept by the mining registrar’—

omit.

143 Section 418C(1)(b)(ii) and (iii)—

omit, insert—

‘(ii) the Minister must not grant a renewal of the leases.’.

144 Section 464(2), ‘the Governor in Council or’—

omit.

145 Section 524(2)—

omit.

146 Section 524(3) to (9)—

renumber as section 524(2) to (8).

-
- 147 Section 581(2)—**
omit.
- 148 Section 581(3) to (9)—**
renumber as section 581(2) to (8).
- 149 Section 680(1), from ‘, including’ to ‘section 271,’—**
omit.
- 150 Section 680(3)—**
omit, insert—
- ‘(3) However, if subsection (2) applies, the Minister must not grant the proposed mining lease under section 271A(1) unless the Minister overrules the native title issues decision under section 681.’.
- 151 Section 682(2) and (3)—**
omit, insert—
- ‘(2) If the substituted decision is that the proposed mining lease may be granted on conditions to be included in the mining lease, the Minister must grant the lease on those conditions.
- ‘(3) If the substituted decision is that the proposed mining lease not be granted, the Minister must not grant the lease.’.
- 152 Section 705(10)—**
omit.
- 153 Section 722G(5)(g), note, ‘271(2)’—**
omit, insert—
‘271’.

154 Section 731(7), ‘section 581(3)’—

omit, insert—

‘section 581(2)’.

Petroleum Act 1923

1 Section 3(3)(b)—

omit, insert—

‘(b) a copy of the agreement has been lodged; and

Note—

For other relevant provisions about lodging documents, see part 9, division 1A.’.

2 Section 3(4)(a) and (5)(b), ‘at the relevant office’—

omit.

3 Section 21(4)(b)—

omit.

4 Section 21(4)(c)—

renumber as section 21(4)(b).

5 Section 25H(1)—

insert—

Note—

For other relevant provisions about applications, see part 9, divisions 1 and 1A.’.

6 Section 25H—

insert—

‘(3) The application must be accompanied by the fee prescribed under a regulation.’.

7 Section 25I—

omit.

8 Section 25J(6), from ‘a notice’—

omit, insert—

‘a lodged notice, at least a stated percentage of the original notional sub-blocks of the authority on or before a stated day.’.

9 Section 25M(1)(b)—

omit.

10 Section 25M(1)(c) to (j)—

renumber as section 25M(1)(b) to (i).

11 Section 25M(1)(e), as renumbered, editor’s note—

omit, insert—

‘Note—

For the obligation to consult with particular owners and occupiers, see section 74V.’.

12 Section 45(2A)(c)—

omit.

13 Section 45(2A)(d) and (e)—

renumber as section 45(2A)(c) and (d).

14 Section 52(1B)(b)—

omit.

15 Section 52(1B)(c)—

renumber as section 52(1B)(b).

16 Section 53F(2)(a)(i), from ‘a notice’—

omit, insert—

‘a lodged notice, a stated part or percentage of the area of the lease on or before a stated day; and’.

17 Section 53F(2)(b), ‘notice lodged at the relevant office’—

omit, insert—

‘lodged notice’.

18 Section 74A(3)(a)—

omit, insert—

‘(a) must be made by lodged notice (the *relinquishment notice*); and’.

19 Section 74J(2)—

insert—

Note—

For other relevant provisions about giving the chief executive documents, see part 9, division 1A.’.

20 Section 74K(2)(a)—

omit, insert—

‘(a) is lodged; and’.

-
- 21 Section 74Q(2)(a)—**
omit, insert—
'(a) is lodged; and'.
- 22 Section 75F(1), 'at the relevant office'—**
omit.
- 23 Section 75F(3)—**
omit.
- 24 Section 75H(3)(e), from 'assessment'—**
omit, insert—
'assessment.'
- 25 Section 75M, from 'at the following' to 'of the chief executive'—**
omit, insert—
'stating the information prescribed under a regulation'.
- 26 Section 75Q(2), 'at the relevant office'—**
omit.
- 27 Section 75Q(4), definition *relevant office*—**
omit.
- 28 Section 75R(b), from 'lodged'—**
omit, insert—
'lodged; and'.

29 Section 75S(b), from ‘lodged’—

omit, insert—

‘lodged; and’.

30 Section 75U(3)(b)(iv)—

omit, insert—

‘(iv) a copy of the agreement has been lodged.’.

31 Section 75U(5)—

omit, insert—

‘(5) The notice must be in the approved form.’.

32 Section 75WB(b)—

omit.

33 Section 75WB(c)—

renumber as section 75WB(b).

34 Section 75Y(5)—

omit.

35 Section 75Y(6)—

renumber as section 75Y(5).

36 Section 75Z(2)—

omit.

37 Section 76(2)—

omit.

38 Section 76G(3)—

omit, insert—

‘(3) A notice under subsection (1)(b) may state—

- (a) a format required for giving the information; and
- (b) a degree of precision required for the giving of the information.’.

39 Section 76R(1)(b)—

omit, insert—

‘(b) a copy of the agreement has been lodged; and’.

40 Section 76W(3)—

omit.

41 Section 77(1), from ‘application’—

omit, insert—

‘application.’.

42 Section 77T(1)(b)—

omit.

43 Section 77T(1)(c) to (h)—

renumber as section 77T(1)(b) to (g).

44 Section 77V(1), from ‘application’—

omit, insert—

‘application.’.

45 Section 78CD(3), ‘at the relevant departmental office’—

omit.

46 Section 78CF(4)—

insert—

‘Note—

For other relevant provisions about making a submission, see part 9, division 1A.’.

47 Section 78CK(7)(b), ‘at the relevant departmental office’—

omit.

48 Section 78F(3)(b), from ‘amount’—

omit, insert—

‘amount.’.

49 Section 79N(b)—

omit, insert—

‘(b) the first authority holder has lodged a notice stating the consent has been given.’.

50 Section 80A(1)(b), ‘section 80E’—

omit, insert—

‘section 80F’.

51 Section 80T(1)(d), ‘at the relevant office’—

omit.

52 Section 80T(6)—

omit.

53 Section 80W(1)(e), from ‘action’—

omit, insert—

‘action.’.

54 Section 101(3)(b), from ‘action’—

omit, insert—

‘action.’.

55 Section 106(2)—

omit, insert—

‘(2) A copy of the notice must be lodged.’.

56 Section 117(4), definition *executive officer*—

omit.

57 Section 123(2)—

omit.

58 Section 123(3)—

renumber as section 123(2).

59 Section 126(2)—

omit.

60 Section 126(3) and (4)—

renumber as section 126(2) and (3).

61 Section 129(1), ‘notice lodged at the relevant office’—

omit, insert—

‘lodged notice’.

62 Section 129(3), definition *relevant office*—
omit.

Petroleum and Gas (Production and Safety) Act 2004

1 Section 6(4)(b)—

omit, insert—

‘(b) a copy of the agreement has been lodged; and

Note—

For other relevant provisions about lodging documents, see section 851AA.’.

2 Section 6, ‘at the relevant office’—

omit.

3 Section 35(2)(d), ‘at the place stated in the call’—

omit.

4 Section 37(a), after ‘be’—

insert—

‘lodged’.

5 Section 37(b)—

omit.

6 Section 37(c) to (e)—

renumber as section 37(b) to (d).

7 Section 61—

omit.

8 Section 62(6), from ‘a notice’—

omit, insert—

‘a lodged notice, at least a stated percentage of the original notional sub-blocks of the authority on or before a stated day.’.

9 Section 65(3)(a)—

omit, insert—

‘(a) must be made by a lodged notice (*relinquishment notice*); and’.

10 Section 78A(2)—

insert—

Note—

For other relevant provisions about giving a document to the chief executive, see section 851AA.’.

11 Section 79(2)(a)—

omit, insert—

‘(a) is lodged; and’.

12 Section 82(1)(b)—

omit.

13 Section 82(1)(c) to (j)—

renumber as section 82(1)(b) to (i).

14 Section 89(2)(b)—

omit.

15 Section 89(2)(c)—

renumber as section 89(2)(b).

16 Section 92(3), from ‘at—’ to ‘of the chief executive’—

omit.

17 Section 93(2)—

omit, insert—

‘(2) The application must be accompanied by the fee prescribed under a regulation.’.

18 Section 96(1)(d)—

omit, insert—

‘(d) that the holder may, within a stated period, lodge submissions about why the holder should not make a petroleum lease application for the stated area.’.

19 Section 100(4)(b), ‘at the relevant office’—

omit.

20 Section 100(6)—

omit.

21 Section 104(b)—

omit.

-
- 22 Section 104(c) to (h)—**
renumber as section 104(b) to (g).
- 23 Section 118(b)—**
omit.
- 24 Section 118(c) to (g)—**
renumber as section 118(b) to (f).
- 25 Section 121(2)(b)(ii), from ‘at the office’ to ‘applications’—**
omit.
- 26 Section 123(3)(c), ‘(the *production commencement day*)’—**
omit.
- 27 Section 127(2)(d), from ‘call’—**
omit, insert—
‘call; and’.
- 28 Section 128(2)(b)—**
omit, insert—
‘(b) must be lodged; and’.
- 29 Section 148(2)(a)(i), from ‘a notice’—**
omit, insert—
‘a lodged notice, a stated part or percentage of the area of the lease on or before a stated day; and’.

- 30 Section 148(2)(b), ‘notice lodged at the relevant office’—**
omit, insert—
‘lodged notice’.
- 31 Section 159(2)(a)—**
omit, insert—
‘(a) is lodged; and’.
- 32 Section 162(1)(b)—**
omit.
- 33 Section 162(1)(c) to (h)—**
renumber as section 162(1)(b) to (g).
- 34 Section 170(4)(b), ‘at the relevant office’—**
omit.
- 35 Section 170(6)—**
omit.
- 36 Section 172(b)—**
omit.
- 37 Section 172(c) to (h)—**
renumber as section 172(b) to (g).
- 38 Section 177(b)—**
omit.

-
- 39 Section 177(c)—**
renumber as section 177(b).
- 40 Section 184(4), definition *agreement conditions*, paragraph (b)—**
omit, insert—
'(b) a copy of the agreement has been lodged; and'.
- 41 Section 191(b)—**
omit.
- 42 Section 191(c)—**
renumber as section 191(b).
- 43 Section 203(3)(b)—**
omit.
- 44 Section 203(3)(c)—**
renumber as section 203(3)(b).
- 45 Section 213(2)(a)—**
omit, insert—
'(a) be lodged within 30 business days after the gazettal; and'.
- 46 Section 219, 'at the relevant office'—**
omit.
- 47 Section 219(4)—**
omit.

48 Section 223(3)(a)—

omit, insert—

- ‘(a) the holder has lodged a notice stating that the holder has entered into a storage agreement with any current owner of stored petroleum or prescribed storage gas; or’.

49 Section 223(3)(b), ‘, at the relevant office,’—

omit.

50 Section 230(1), ‘at the relevant office’—

omit.

51 Section 230(2)—

insert—

‘Note—

For other relevant provisions about giving a document to the Minister, see section 851AA.’.

52 Section 230(3)—

omit.

53 Section 232(3)(e), from ‘assessment’—

omit, insert—

‘assessment.’.

54 Section 234(3A)(c)(iii), ‘section 276(1)(n)’—

omit, insert—

‘section 276(1)(m)’.

-
- 55 Section 235(2)(b)—**
omit.
- 56 Section 235(2)(c)—**
renumber as section 235(2)(b).
- 57 Section 242(2)(c)—**
omit, insert—
'(c) that the holder may lodge submissions within the stated period about the proposed cancellation or the likely impact of the cancellation on the relevant leases.'
- 58 Section 284, from 'at the following' to 'executive.'—**
omit, insert—
'stating the information prescribed under a regulation.'
- 59 Section 288(3), 'at the relevant office'—**
omit.
- 60 Section 288(5), definition *relevant office*—**
omit.
- 61 Section 289(b), from 'lodged'—**
omit, insert—
'lodged.'
- 62 Section 290(b), from 'lodged'—**
omit, insert—
'lodged.'

63 Section 292(3)(c)(iv)—

omit, insert—

‘(iv) a copy of the agreement has been lodged.’.

64 Section 292(5)—

omit, insert—

‘(5) The notice must be in the approved form.’.

65 Section 310(5)—

omit.

66 Section 314(1), from ‘application’—

omit, insert—

‘application.’.

67 Section 329(1), from ‘a notice’ to ‘of the chief executive’—

omit, insert—

‘a lodged notice, to relinquish a stated part or percentage of its area at stated times or intervals’.

68 Section 340(3)(b)(ii), from ‘section 271’ to ‘be granted’—

omit, insert—

‘section 271A of that Act, a decision has been made to grant the applicant’.

69 Sections 342(3) and 392BA, ‘section 843’—

omit, insert—

‘section 843A’.

-
- 70 Section 350(3)—**
omit.
- 71 Section 360(1)(b)—**
omit, insert—
'(b) a copy of the agreement has been lodged; and'.
- 72 Section 363D(3)(b), 'at the relevant office'—**
omit.
- 73 Section 363D(5)—**
omit.
- 74 Section 363E(1)(i)(iii), 'at the relevant office'—**
omit.
- 75 Section 363E(4), definition *relevant office*—**
omit.
- 76 Section 363H(4)—**
insert—
'*Note—*
For other relevant provisions about making a submission, see section 851AA.'
- 77 Section 363L(4)(b), 'at the relevant office'—**
omit.
- 78 Section 363L(6)—**
omit.

79 Section 364(2)(a)(i), ‘at the relevant office’—
omit.

80 Section 364(3), definition *relevant office*—
omit.

81 Section 372(1)(b)—
omit.

82 Section 372(1)(c) to (h)—
renumber as section 372(1)(b) to (g).

83 Section 374(1), from ‘application’—
omit, insert—
‘application.’.

84 Section 386(7)(b)—
omit, insert—
‘(b) lodge a notice stating any provisions proposed under subsection (5) and whether they were included in the plan.’.

85 Section 387(3)—
omit, insert—
‘(3) The referral must be written and be lodged.’.

86 Section 387(4), ‘at the relevant office’—
omit.

-
- 87 Section 389(3)—**
omit, insert—
'(3) The application must be in the approved form.'
- 88 Section 389(4)(b), from 'application'—**
omit, insert—
'application.'
- 89 Section 392AH(1), 'at the relevant departmental office'—**
omit.
- 90 Section 392AT(b)(i), 'at the relevant departmental office'—**
omit.
- 91 Section 392BB(4), 'at the relevant departmental office'—**
omit.
- 92 Section 392BN(7)(b), 'at the relevant departmental office'—**
omit.
- 93 Section 395(2)(b)—**
omit.
- 94 Section 395(2)(c) to (e)—**
renumber as section 395(2)(b) to (d).
- 95 Section 400(b)—**
omit, insert—

‘(b) a copy of the agreement has been lodged; and’.

96 Section 409(b)—

omit.

97 Section 409(c) to (g)—

renumber as section 409(b) to (f).

98 Section 409A(2), ‘section 409(c)’—

omit, insert—

‘section 409(b)’.

99 Section 419A(1)—

insert—

Note—

For other relevant provisions about giving the chief inspector documents, see section 851AA.’.

100 Section 420(2), from ‘pipeline’—

omit, insert—

‘pipeline.’.

101 Section 435(1)(d), from ‘amendment’—

omit, insert—

‘amendment.’.

102 Section 440(b)—

omit, insert—

‘(b) a copy of the agreement has been lodged; and’.

-
- 103 Section 445(b)—**
omit.
- 104 Section 445(c) to (g)—**
renumber as section 445(b) to (f).
- 105 Section 445A(1), ‘section 445(c)’—**
omit, insert—
‘section 445(b)’.
- 106 Section 464(b)—**
omit.
- 107 Section 464(c) and (d)—**
renumber as section 464(b) and (c).
- 108 Section 465(2)(c)(ii), from ‘conditions’—**
omit, insert—
‘conditions.’.
- 109 Section 475(b)—**
omit.
- 110 Section 475(c)—**
renumber as section 475(b).
- 111 Section 480(b)—**
omit.

112 Section 480(c) and (d)—

renumber as section 480(b) and (c).

113 Section 489(3)(b), from ‘amount’—

omit, insert—

‘amount.’.

114 Section 529(b)—

omit, insert—

‘(b) the first authority holder has lodged a notice stating the consent has been given.’.

115 Section 543(2), from ‘test’—

omit, insert—

‘test.’.

116 Section 544(5)—

omit.

117 Section 544(6)—

renumber as section 544(5).

118 Section 545(2) and note—

omit.

119 Section 546(2)—

omit.

120 Section 546A(3)—

omit.

-
- 121 Section 552(4)—**
omit.
- 122 Section 552(5)—**
renumber as section 552(4).
- 123 Section 553(3)—**
omit, insert—
'(3) A notice under subsection (1)(b) may state—
(a) a format required for giving the information; and
(b) a degree of precision required for the giving of the information.'
- 124 Section 564(1)(c), 'section 568'—**
omit, insert—
'section 569'.
- 125 Section 576(1)(b)—**
omit.
- 126 Section 576(1)(c)—**
renumber as section 576(1)(b).
- 127 Section 577(3)—**
omit, insert—
'(3) The application notice must state the reasons for the proposed surrender.'
- 128 Section 587(3)(b), from 'action'—**
omit, insert—

‘action.’.

129 Section 622(2)(b)—

omit.

130 Section 622(2)(c)—

renumber as section 622(2)(b).

131 Section 625(4)(c), from ‘cancellation’—

omit, insert—

‘cancellation.’.

132 Section 644(2)(b)(ii)—

omit, insert—

‘(i) lodge submissions as to why the scheme complies with section 637, or that a revision is not required under section 639.’.

133 Section 649(2)—

omit.

134 Section 650(2)—

omit.

135 Section 650(3) and (4)—

renumber as section 650(2) and (3).

136 Section 652(3)—

omit.

-
- 137 Section 652(4)—**
renumber as section 652(3).
- 138 Section 652(3), as renumbered, ‘subsection (4)’—**
omit, insert—
‘subsection (3)’.
- 139 Section 653(1)(c)—**
omit, insert—
‘(c) lodge a copy of the report.’.
- 140 Section 666(4)(a)—**
omit, insert—
‘(a) lodge a copy of it; and’.
- 141 Section 666(6)(b)—**
omit, insert—
‘(b) lodge a copy of it.’.
- 142 Section 679(2)(b)(ii), from ‘section’—**
omit, insert—
‘section.’.
- 143 Section 689(1), after ‘lodge’—**
insert—
‘with the chief inspector’.
- 144 Section 689(2)—**
omit.

- 145 Section 689(3) and (4)—**
renumber as section 689(2) and (3).
- 146 Section 705C(3)—**
omit, insert—
'(3) The referral must be written and be lodged.'
- 147 Section 705C(4), 'at the relevant office'—**
omit.
- 148 Section 728A(b)—**
omit.
- 149 Section 728A(c)—**
renumber as section 728A(b).
- 150 Section 769(5)—**
omit.
- 151 Section 769(6) and (7)—**
renumber as section 769(5) and (6).
- 152 Section 790(1)(e)(ii), 'at the relevant office'—**
omit.
- 153 Section 790(7)—**
omit.
- 154 Section 794(2)(a)(v), from 'end'—**
omit, insert—

‘end; and’.

155 Section 796(1)(e), from ‘action’—

omit, insert—

‘action.’.

156 Section 818(c)—

omit.

157 Section 825(2)—

omit, insert—

‘(2) A copy of the notice must be lodged.’.

158 Section 845(2)—

omit.

159 Section 845(3) and (4)—

renumber as section 845(2) and (3).

160 Section 849(2)—

omit.

161 Section 849(3) and (4)—

renumber as section 849(2) and (3).

162 Section 852(1), ‘notice lodged at the relevant office’—

omit, insert—

‘lodged notice’.

163 Section 852(3), definition *relevant office*—

omit.

164 Section 910(1)(a)(i), ‘and (j)’—

omit, insert—

‘and (i)’.

165 Section 910(1)(b)(i), ‘and (h)’—

omit, insert—

‘and (g)’.

Schedule 3 Consequential amendments for the restructure of the Mineral Resources Act 1989

section 323

Aboriginal Cultural Heritage Act 2003

1 Schedule 2, definition *native title mining provisions*—

omit, insert—

‘native title mining provisions means the provisions of the *Mineral Resources Act 1989* that are the native title provisions under that Act.’.

City of Brisbane Act 2010

**1 Schedule, definition *owner*, paragraph 1(g), after
‘schedule’—**

insert—

‘2’.

Coal Mining Safety and Health Act 1999

1 Section 62A(2), editor’s notes—

omit, insert—

‘Notes—

Schedule 3

- 1 See the *Petroleum and Gas (Production and Safety) Act 2004*, sections 675 (Content requirements for safety management plans) and 388 (Additional content requirements).
- 2 For mineral hydrocarbon mining leases as defined under the *Mineral Resources Act 1989*, chapter 15, part 2, division 6, see section 747 (Continuation of particular rights relating to coal seam gas under mineral hydrocarbon mining leases) of that Act and the *Petroleum and Gas (Production and Safety) Act 2004*, section 671 (Limitation for facility or pipeline included in coal mining operation).’.

Environmental Protection Act 1994

1 Section 270(4)(a), editor’s note—

omit, insert—

‘Note—

See the following provisions of the Mineral Resources Act—

- section 93 (Renewal of mining claim)
- section 147(2) (Application for renewal of exploration permit)
- section 197 (Application for renewal of mineral development licence)
- section 286 (Application for renewal of mining lease)
- schedule 1A, part 3, division 5 (Renewals of mining claims)
- schedule 1A, part 4, division 5 (Renewals of exploration permits)
- schedule 1A, part 5, division 5 (Renewals of mineral development licences)
- schedule 1A, part 6, division 5 (Renewals of mining leases).’.

Geothermal Energy Act 2010

- 1 Sections 8(b) and 321(2)(d)(i)(B), ‘part 7AAC’—**
omit, insert—
‘chapter 9’.

Greenhouse Gas Storage Act 2009

- 1 Sections 8(b) and 380(2)(d)(i)(B), ‘part 7AAC’—**
omit, insert—
‘chapter 9’.

Land Court Act 2000

- 1 Section 32G(5), definition *native title (mining) provisions*—**
omit, insert—
‘*native title (mining) provisions* means the provisions of the Mineral Resources Act that are the native title provisions under that Act.’.
- 2 Section 32G(5), definition *negotiated agreement*, paragraphs (a) to (c)—**
omit, insert—
‘(a) an access agreement under the Mineral Resources Act, schedule 1A, part 2, part 4, division 2 or part 5, division 2; or

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- (b) a negotiated agreement under the Mineral Resources Act, schedule 1A, part 6, division 4; or
- (c) an agreement about the payment of compensation mentioned in the Mineral Resources Act, schedule 1A, part 7; or’.

3 Section 32I(4), definition *contract conditions*, paragraph (b), ‘part 17, division 4’—

omit, insert—

‘schedule 1A, part 6, division 4’.

4 Section 32I(4), definition *relevant provision*, ‘section 675(1)(b)(ii)’—

omit, insert—

‘schedule 1A, section 675(1)(b)(ii)’.

Local Government Act 2009

1 Schedule 4, definition *owner*, paragraph (a)(vii), after ‘schedule’—

insert—

‘2’.

Mineral Resources Act 1989

1 Particular cross-references in particular headings or provisions—

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

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 3A(1), note, paragraph (a) (as inserted by this Act)	part 7AA	chapter 8
section 3B(a)	part 7AAC	chapter 9
section 6(2)(c), note 2 (as inserted by this Act)	part 7AA, division 8, subdivision 1	chapter 8, part 8, division 1
section 10A(1)	part 3	chapter 2
section 10A(3)	part 10, division 1B	chapter 13, part 2
section 13, heading	div	pt
section 13	division	part
section 24(1)(a)	part	chapter
section 25(8)	section 433	schedule 1A, section 433
section 44	part 9	chapter 11
section 59	part	chapter
section 64A(1)(c)	section 462, part 17, division 4	schedule 1A, section 462, schedule 1A, part 6, division 4
section 64A(1)(c)(i)	section 652	schedule 1A, section 652
section 64A(1)(c)(ii)	part 17, division 4	schedule 1A, part 6, division 4
section 73(1)	part	chapter
section 74(2)(a)	part	chapter

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Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 78(1)	part	chapter
section 78(2)(c)	part	chapter
section 81(1)(o)	part	chapter
section 81(5)(b)	part	chapter
section 81(5)(c)	part	chapter
section 81A(1)(a)	part 17, division 4	schedule 1A, part 6, division 4
section 85(8)(e)	part	chapter
section 87(3)	part	chapter
section 93(4) (as inserted by this Act)	part 14	schedule 1A, part 3
section 115	part 9	chapter 11
section 141A(1)(a)	part 17, division 4	schedule 1A, part 6, division 4
section 141C(2)	part	chapter
section 148(1)	part	chapter
section 160(5) (as amended and renumbered by this Act)	part 7AAAC	chapter 7, part 2
section 167(2)	part	chapter
section 167(3)	part	chapter
section 176A(2)	part	chapter
section 193(5)(a) (as amended by this Act)	part 7AAAC	chapter 7, part 2
section 194AA(1)(a)	part 17, division 4	schedule 1A, part 6, division 4
section 209(5) (as amended and renumbered by this Act)	part 7AAAC	chapter 7, part 2
section 231A, heading	pts 6 and 6A	pts 1 and 2
section 231A(2)	Part 6	Part 1

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 231A(4)	part 6	part 1
section 231B(2), note	part 6	part 1
section 231I(1) (as amended by this Act)	part 7AAAB, divisions 2 and 3	chapter 7, part 1, divisions 2 and 3
section 235(1)	part 7AA, division 8, subdivision 1	chapter 8, part 8, division 1
section 236(3)	part 9	chapter 11
section 245(1A)	part 7AA	chapter 8
section 252A(1)(c)	part 17, division 4,	schedule 1A, part 6, division 4,
section 252A(1)(c)(i)	section 652	schedule 1A, section 652
section 252A(1)(c)(ii)	part 17, division 4	schedule 1A, part 6, division 4
section 271(c) (as inserted by this Act)	part 17, division 4	schedule 1A, part 6, division 4
section 276A(1)(a)	part 17, division 4	schedule 1A, part 6, division 4
section 286A(1)	part 17, division 5	schedule 1A, part 6, division 5
section 298(1), note (as inserted by this Act)	part 7AA, division 8, subdivision 1	chapter 8, part 8, division 1
section 311	part 9	chapter 11
section 318AAA, heading	pts 7 and 7AAA	pts 1 and 2
section 318AAA(2)	Part 7	Part 1
section 318AAA(4)	part 7	part 1
section 318AAB(2), note	part 7	part 1
section 318AAK(1) (as amended by this Act)	part 7AAAB, divisions 2 and 3	chapter 7, part 1, divisions 2 and 3
section 318AAN, heading (as inserted by this Act)	pt 7AAAB	pt 1

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Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 318AAO, heading (as inserted by this Act)	pt 7AAAB	pt 1
section 318AAZ(2), note (as inserted by this Act)	part 7AAAE	part 4
section 318AAZA, heading (as inserted by this Act)	pt 7AAAC	pt 2
section 318AAZB, heading (as inserted by this Act)	pt 7AAAC	pt 2
section 318AAZE, heading (as inserted by this Act)	pt 7AAAD	pt 3
section 318A, heading	pt 7AA	ch 8
section 318A	this part	this chapter
section 318A(a), note (as inserted by this Act)	division 8, subdivision 1	part 8, division 1
section 318A(c), note (as inserted by this Act)	part 19,	chapter 15, part 2,
section 318AA(1)	this part	this chapter
section 318AA(1)(a), note (as inserted by this Act)	part 19	chapter 15, part 2
section 318AA(2)(a)	part 19, division 6	chapter 15, part 2, division 6
section 318AB, heading (as amended by this Act)	pts 5–7 and 7AAAB	chs 4–6 and ch 7, pt 1
section 318AB (as amended by this Act)	this part	this chapter
section 318AB (as amended by this Act)	parts 5 to 7 and 7AAAB	chapters 4 to 6 and chapter 7, part 1
section 318AH(1)	division	part
section 318AL, heading	pt 7AA	ch 8
section 318AL(1)	part	chapter
section 318AL(2)	part	chapter

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 318AM, heading	Part	Chapter
section 318AM	part	chapter
section 318AN(1)	subdivision	division
section 318AO, heading	div 2	pt 2
section 318AO(1)	division	part
section 318AO(2)	division	part
section 318AP(1)(b), note (as division 9, subdivision 2 inserted by this Act)		part 9, division 2
section 318AQ(1)	division	part
section 318AQ(3)	division	part
section 318AQ(4)	division 5 or 6	part 5 or 6
section 318AR(1)	division	part
section 318AR(3)	part 7	chapter 6, part 1
section 318AT(1)(b)(ii), note (as inserted by this Act)	division 10	part 10
section 318AV, note (as inserted by this Act)	division 10	part 10
section 318AX(3), note (as inserted by this Act)	division 10	part 10
section 318BA(1)	subdivision	division
section 318BA(2)	subdivision	division
section 318BA(4), definition <i>relevant codes</i> , note 1	part 7	chapter 6, part 1
section 318BA(4), definition <i>relevant codes</i> , note 2	part 7 and subdivision 8	chapter 6, part 1 and division 8
section 318BF, heading	sdiv 7	div 7
section 318BF	subdivision	division
section 318BK, heading	sdiv 8	div 8

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Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 318BK	subdivision	division
section 318BO, heading	div 3	pt 3
section 318BO	division	part
section 318BQ(1)(a)	division	part
section 318BQ(1)(b), note	division 5	part 5
section 318BQ(3)	division	part
section 318BQ(4)	division 5 or 6	part 5 or 6
section 318BR(1)	division	part
section 318BR(3)	part 7	chapter 6, part 1
section 318BT	Division 2, subdivision 5	Part 2, division 5
section 318BV(2)	part 7 or this part	chapter 6 or this chapter
section 318BV(3)	part 7 or this part	chapter 6 or this chapter
section 318BW, heading	div 5	pt 5
section 318BW	division	part
section 318BX(b), note (as inserted by this Act)	division 9, subdivision 2	part 9, division 2
section 318BY(1)(a)	division	part
section 318BY(3)	division 2	part 2
section 318C, note (as inserted by this Act)	division 10	part 10
section 318CA(1), note (as inserted by this Act)	division 8, subdivision 1	part 8, division 1
section 318CA(2), note (as inserted by this Act)	division 10	part 10
section 318CC, heading	div 6	pt 6
section 318CC	division	part
section 318CD(b), note (as inserted by this Act)	division 9, subdivision 2	part 9, division 2

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 318CE(1)(a)	division	part
section 318CE(3)	division 2	part 2
section 318CL, heading	div 8	pt 8
section 318CL(1)	This division	This part
section 318CL(1), note (as inserted by this Act)	part 19	chapter 15, part 2
section 318CL(2)	subdivision	division
section 318CP, heading	sdiv 2	div 2
section 318CP	subdivision	division
section 318D, heading	sdiv 4	div 4
section 318D	subdivision	division
section 318DB, note (as inserted by this Act)	division 10	part 10
section 318DE(3), note (as inserted by this Act)	division 10	part 10
section 318DG(3)	Division 9, subdivision 4	Part 9, division 4
section 318DJ(2), definition <i>adopted provisions</i> , paragraph (b)	division 9, subdivision 4	part 9, division 4
section 318DJ(2), definition <i>adopted provisions</i> , paragraph (c)	division 2, subdivisions 2 and 4	part 2, divisions 2 and 4
section 318DJ(2), definition <i>adopted provisions</i> , paragraph (d)	division 3	part 3
section 318DJ(2), definition <i>adopted provisions</i> , paragraph (e)	division 5	part 5
section 318DK(1)	division	part
section 318DM(3), note (as inserted by this Act)	division 9, subdivision 2	part 9, division 2

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Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 318DQ, note	division	part
section 318DQ, note	subdivision	division
section 318DR, note (as inserted by this Act)	part 19	chapter 15, part 2
section 318DS, heading	sdiv 2	div 2
section 318DS	subdivision	division
section 318DV(a)	part	chapter
section 318DY, heading	sdiv 3	div 3
section 318DY	subdivision	division
section 318ED(1)(a), note (as subdivision 2 inserted by this Act)		division 2
section 318EJ, heading	div 10	pt 10
section 318EJ(1)	part	chapter
section 318EJ	division	part
section 318ELAA, heading	pt 7AAB	pt 1
section 318ELAD(2)	section 318ELAK	section 334O
section 318ELAE(2)	section 318ELAF	section 334J
section 318ELAG(1)	section 318ELAE	section 334I
section 318ELAI(2)	section 318ELAE	section 334I
section 318ELAM, heading	pts 3 to 7AAB	chs 2 to 8 and ch 12, pt 1
section 318ELAM	part	chapter
section 318ELAM	parts 3 to 7AAB	chapters 2 to 8 and chapter 12, part 1
section 318ELAM(6)	parts 3 and 7	chapters 2 and 6
section 318ELAO	part and parts 3 to 7AAB	chapter, chapters 2 to 8 and chapter 12, part 1
section 318ELAP, heading	div 2	pt 2

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 318ELAP	division	part
section 318ELAQ(1), note	Part 7AA, division 9	Chapter 8, part 9
section 318ELAU, heading	sdiv	div
section 318ELAU(1)	subdivision	division
section 318ELAU(2)	this subdivision	this division
section 318ELAU(2), note	part 7 as affected by subdivision 7	chapter 6, part 1 as affected by division 7
section 318ELAV, heading	sdiv	div
section 318ELAV	subdivision	division
section 318ELAY, heading	sdiv	div
section 318ELAY	subdivision	division
section 318ELBD(a)	subdivision	division
section 318ELBE, heading	sdiv	div
section 318ELBE	subdivision	division
section 318ELBH(2)(c)	subdivision	division
section 318ELBL, heading	div	pt
section 318ELBL	division	part
section 318ELBM(a) (as inserted by this Act)	part 7, part 7AA or this part	chapter 6, chapter 8 or this chapter
section 318ELBM(b) (as inserted by this Act)	part 7, part 7AA or this part	chapter 6, chapter 8 or this chapter
section 318EM, heading	pt 7A	ch 10
section 318EM(1)	part	chapter
section 318EY(1)	part	chapter
section 320(3)	part	chapter
section 320(8)	part	chapter
section 322(1)	part	chapter

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Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 324(1)	part	chapter
section 326(1)	part	chapter
section 327(1)(b) and (c)	part	chapter
section 332	this part	this chapter
section 333	this part	this chapter
section 334A, heading	div 4	pt 4
section 334A	division	part
section 334A, definition <i>confidential information</i>	part	chapter
section 334B(1)	division	part
section 334C(1)	division	part
section 335E	division	part
section 335F, heading	div 1B	pt 2
section 335F	division	part
section 335G(1) and (2)	division	part
section 336(3)	division 1A or 1B	part 1 or 2
section 344, heading	div 2AA	pt 5
section 344	division	part
section 344C(1)	division	part
section 344D	division	part
section 381A, heading	pt 10AA	pt 2
section 381A, definition <i>Collingwood Park State guarantee</i> or <i>guarantee</i>	section 381B	section 334R
section 382, heading	pt 10A	pt 3
section 382, definition <i>low impact activity</i> , paragraph (a)	section 482 for part 15	schedule 1A, section 482 for schedule 1A, part 4

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 382, definition <i>low impact activity</i> , paragraph (b)	section 538 for part 16	schedule 1A, section 538 for schedule 1A, part 5
section 382, definition <i>person</i>	section 385 or 386	section 334Y or 334Z
section 386	section 383 or 384	section 334W or 334X
section 386A(5)	sections 383 and 384	sections 334W and 334X
section 386J(7), definition <i>application</i> , paragraph (b) (as inserted by this Act)	part 10, division 1A	chapter 13, part 1
section 386L(5), definition <i>relevant person</i> , paragraph (a) (as inserted by this Act)	part 4	chapter 3
section 387(1)(e) (as inserted by this Act)	part 7AAAD	chapter 7, part 3
section 401A(1) (as amended by this Act)	part 7AAAB, division 3	chapter 7, part 1, division 3
section 401A(4), definition <i>relevant matter</i> , paragraph (c) (as amended by this Act)	part 7AAAB, division 3	chapter 7, part 1, division 3
section 416	418B	334ZM
section 418B(1)(a)	section 418A	section 334ZK
section 419(2)	parts 13 to 18, and part 19, division 2	parts 2 to 7, and chapter 15, part 2, division 2
section 419(3)	parts 13 to 18, and part 19, division 2	parts 2 to 7, and chapter 15, part 2, division 2
section 419(4)	Parts 12 to 17	Parts 1 to 6
section 420, heading	pts 13–17	pts 2–6
section 420	Parts 13 to 17	Parts 2 to 6
section 425, heading	pt 13	pt 2
section 425(a)(i)	part 3	chapter 2
section 426, heading	pt 13	pt 2

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Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 426(3)	part 3	chapter 2
section 427, heading	pt 13	pt 2
section 428, heading	pt 13	pt 2
section 429, heading	pt 13	pt 2
section 430, heading	pt 13	pt 2
section 434A(1)(f)	part 18	part 7
section 436A(3)(b)	part 18	part 7
section 439, heading	pt 14	pt 3
section 439(a)	part 4	chapter 3
section 440, heading	pt 14	pt 3
section 462(3)	part 4	chapter 3
section 463(1)	part 17, division 4	part 6, division 4
section 464, heading	pt 17, div 4	pt 6, div 4
section 464(1)(a)	part 17, division 4	part 6, division 4
section 464(7)	part 17, division 4 to a provision of part 7 is taken to be a reference to a corresponding provision of part 4	part 6, division 4 to a provision of chapter 6, part 1 is taken to be a reference to a corresponding provision of chapter 3
section 465(8)	part 4	chapter 3
section 471(5)	part 17, division 4, subdivisions 4 and 5	part 6, division 4, subdivisions 4 and 5
section 472(8)	part 4	chapter 3
section 478(5)	part 17, division 4, subdivisions 4 and 5	part 6, division 4, subdivisions 4 and 5
section 479, heading	pt 15	pt 4
section 479(1)(a)(i)	part 5	chapter 4
section 479(2)(a)	part 5	chapter 4

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 480, heading	pt 15	pt 4
section 484(3)	part 5	chapter 4
section 489A(1)(f)	part 18	part 7
section 491A(3)(b)	part 18	part 7
section 522(3)	part 5	chapter 4
section 523(1)	part 17, division 4	part 6, division 4
section 524, heading	pt 17, div 4	pt 6, div 4
section 524(1)(a)	part 17, division 4	part 6, division 4
section 524(4) (as renumbered by this Act)	part 17, division 4, subdivisions 4 and 5	part 6, division 4, subdivisions 4 and 5
section 524(5) (as renumbered by this Act)	part 17, division 4, subdivision 7	part 6, division 4, subdivision 7
section 524(7) (as renumbered by this Act)	part 17, division 4, subdivision 6	part 6, division 4, subdivision 6
section 524(8) (as renumbered by this Act)	part 17, division 4 to a provision of part 7 is taken to be a reference to a corresponding provision of part 5	part 6, division 4 to a provision of chapter 6, part 1 is taken to be a reference to a corresponding provision of chapter 4
section 525(8)	part 5	chapter 4
section 531(4)	part 5	chapter 4
section 535, heading	pt 16	pt 5
section 535(1)(a)(i)	part 6	chapter 5
section 535(2)(a)	part 6	chapter 5
section 536, heading	pt 16	pt 5
section 540(3)	part 6	chapter 5
section 545A(1)(f)	part 18	part 7
section 547(2)	Part 10, division 1B	chapter 13, part 2
section 547A(3)(b)	part 18	part 7

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Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 579(3)	part 6	chapter 5
section 580(1)	part 17	part 6
section 581, heading	pt 17	pt 6
section 581(1)(a)	part 17	part 6
section 581(4) (as renumbered by this Act)	part 17	part 6
section 581(5) (as renumbered by this Act)	part 17	part 6
section 581(7) (as renumbered by this Act)	part 17	part 6
section 581(8) (as renumbered by this Act)	part 17, division 4 to a provision of part 7 is taken to be a reference to a corresponding provision of part 6	part 6, division 4 to a provision of chapter 6, part 1 is taken to be a reference to a corresponding provision of chapter 5
section 582(8)	part 6	chapter 5
section 588(4)	part 6	chapter 5
section 593, heading	pt 17	pt 6
section 593(a)	part 7	chapter 6, part 1
section 594, heading	pt 17	pt 6
section 596(3), definition <i>relevant agreement</i>	part 15 or 16	part 4 or 5
section 596(3), definition <i>relevant hearing</i>	part 15 or 16	part 4 or 5
section 650(3)	part 7	chapter 6, part 1
section 675(2)	part 18	part 7
section 681(4)	part 18	part 7
section 681(5)	part 18	part 7
section 686(3)	part 18	part 7

Column 1	Column 2	Column 3
Heading or provision	Words omitted	Words inserted
section 689(8)	part 7	chapter 6, part 1
section 697(8)	part 7	chapter 6, part 1
section 706, heading	pt 18	pt 7
section 706, definition <i>relevant act</i> , paragraph (a)(i)	part 13	part 2
section 706, definition <i>relevant act</i> , paragraph (a)(ii)	part 14 or 17	part 3 or 6
section 706, definition <i>relevant act</i> , paragraph (a)(iii)	part 15 or 16	part 4 or 5
section 706, definition <i>relevant act</i> , paragraph (b)	part 13 would apply, or part 14 or 17, division 4, 5 or 6 would apply, or part 15 or 16	part 2 would apply, or part 3 or 6, division 4, 5 or 6 would apply, or part 4 or 5
section 706, definition <i>relevant act</i> , paragraph (c)	part 14, 15, 16 or 17	part 3, 4, 5 or 6
section 722A, heading	pt 18A	pt 4
section 722B(8)	sections 722D and 722E	sections 334ZE and 334ZF
section 722C(1)(b)	section 722D or 722E	section 334ZE or 334ZF
section 722EA(1)	section 722D or 722E	section 334ZE or 334ZF
section 722EB(2)	section 722D or 722E	section 334ZE or 334ZF
section 722EB(4), definition <i>excluded land</i> , paragraph (b)	section 722B(7)	section 334ZC(7)
section 722F(2)	section 722C	section 334ZD
schedule 1, section 21(2)(b)	part 10, division 1B	chapter 13, part 2

2 Particular cross-references in particular definitions—

Each definition or part of a definition in schedule 2 mentioned in column 1 is amended by omitting the words mentioned in column 2 and inserting the words mentioned in column 3—

Column 1	Column 2	Column 3
Definition	Words omitted	Words inserted
definition <i>abandoned mine</i> (as inserted by this Act)	part 10, division 2AA	chapter 13, part 5
definition <i>approved opal or gem mining area</i>	section 422	schedule 1A, section 422
definition <i>assessable transfer</i> (as inserted by this Act)	part 7AAAB	chapter 7, part 1
definition <i>authorised person</i> (as inserted by this Act)	part 10, division 2AA	chapter 13, part 5
definition <i>assessment criteria</i>	part 7AAC	chapter 9
definition <i>Cherwell Creek</i> (as part 18A, see section 722A inserted by this Act)	part 18A, see section 722A	chapter 12, part 4, see section 334ZB
definition <i>commencement day</i> (as inserted by this Act)	part 18A, see section 722A	chapter 12, part 4, see section 334ZB
definition <i>compensation agreement</i>	part 7A	chapter 10
definition <i>compensation application</i>	part 7A	chapter 10
definition <i>confidential information</i>	part 9, division 4	chapter 11, part 4
definition <i>decision</i>	section 422	schedule 1A, section 422
definition <i>eligible person</i> , paragraph (a)	parts 6A and 7AAA	chapter 5, part 2 and chapter 6, part 2
definition <i>eligible person</i> , paragraph (b)	part 6A	chapter 5, part 2
definition <i>eligible person</i> , paragraph (c)	part 7AAA	chapter 6, part 2
definition <i>eligible person</i> , paragraph (c)	part 6A	chapter 5, part 2

Column 1	Column 2	Column 3
Definition	Words omitted	Words inserted
definition <i>exploration permit</i>	part 5	chapter 4
definition <i>holder</i>	part 3, division 1	chapter 2, part 1
definition <i>information-giver</i>	part 7AA, division 10	chapter 8, part 10
definition <i>information statement</i>	part 7AAC	chapter 9
definition <i>mineral development licence, paragraph (a)</i>	part 6A	chapter 5, part 2
definition <i>mineral development licence, paragraph (b)</i>	part 6A—a mineral development licence under part 6 or part 6A	chapter 5, part 2—a mineral development licence under chapter 5, part 1 or 2
definition <i>mining claim</i>	part 4	chapter 3
definition <i>mining lease, paragraph (a)</i>	part 7AAA	chapter 6, part 2
definition <i>mining lease, paragraph (b)</i>	part 7AAA—a mining lease under part 7 or part 7AAA	chapter 6, part 2—a mining lease under chapter 6, part 1 or 2
definition <i>mining lease holder</i>	part 7AA, division 8, subdivisions 1 and 2	chapter 8, part 8, divisions 1 and 2
definition <i>native title notification party</i>	section 422	schedule 1A, section 422
definition <i>non-assessable transfer</i> (as inserted by this Act)	part 7AAAB	chapter 7, part 1
definition <i>non-exclusive land</i>	section 422	schedule 1A, section 422
definition <i>notifiable road use</i>	part 7A	chapter 10
definition <i>oil shale activity</i>	section 318ELAE(1)	section 334I(1)
definition <i>oil shale mining tenement</i>	section 318ELAB	section 334F
definition <i>overlapping authority application period</i>	part 7AAC	chapter 9
definition <i>overlapping lease</i>	part 7AAC	chapter 9

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Column 1 Definition	Column 2 Words omitted	Column 3 Words inserted
definition <i>overlapping permit</i>	part 7AAC	chapter 9
definition <i>overlapping tenure</i> (as inserted by this Act)	part 7AAC, division 2	chapter 9, part 2
definition <i>parties</i> , paragraph (a)	part 10, division 1B	chapter 13, part 2
definition <i>prescribed persons</i> (as inserted by this Act)	part 18A, see section 722A	chapter 12, part 4, see section 334ZB
definition <i>prospecting permit</i>	part 3	chapter 2
definition <i>public official</i>	part 9, division 4	chapter 11, part 4
definition <i>recipient</i>	part 7AA, division 10	chapter 8, part 10
definition <i>registered native title rights and interests</i>	section 422	schedule 1A, section 422
definition <i>rehabilitation activities</i> (as inserted by this Act)	part 10, division 2AA	chapter 13, part 5
definition <i>relevant special interest publication</i>	section 422	schedule 1A, section 422
definition <i>resource management decision</i> (as inserted by this Act)	part 7AAC, division 2	chapter 9, part 2
definition <i>right to negotiate provisions</i>	section 422	schedule 1A, section 422
definition <i>road authority</i>	part 7A	chapter 10
definition <i>submission period</i>	part 7AA, division 2	chapter 8, part 2
definition <i>the public interest</i>	part 7AA	chapter 8

3 Schedule 2—

omit the following definitions—

- *access agreement*

- *affected land*
- *applicant* (both occurring)
- *application notice*
- *approval*
- *closing day* (*native title issues*)
- *Collingwood Park State guarantee* or *guarantee*
- *combined hearing*
- *compensation decision*
- *compensation trust decision*
- *consultation and negotiation parties*
- *consultation period*
- *consultation period advice day*
- *contract conditions*
- *high impact exploration permit*
- *high impact mineral development licence*
- *lake*
- *limited hand sampling techniques*
- *low impact activity*
- *low impact exploration permit*
- *low impact mineral development licence*
- *low impact prospecting permit*
- *Minister's decision*
- *moratorium period*
- *native title issues decision*
- *native title provisions*
- *negotiated agreement*
- *nominated waterway*
- *notification day* (*native title issues*)

- *person*
- *proposed wild river area*
- *registered native title party*
- *registrar*
- *relevant act*
- *urgency notice*
- *watercourse*
- *wild river high preservation area*
- *wild river preservation area*

4 **Schedule 2—**

insert—

‘access agreement—

- (a) for schedule 1A, part 2—see schedule 1A, section 429; or
- (b) for schedule 1A, part 4, division 2—see schedule 1A, section 485; or
- (c) for schedule 1A, part 5, division 2—see schedule 1A, section 541.

affected land, for chapter 12, part 2, see section 334Q.

applicant—

- (a) for chapter 9—see section 318ELAP(a); or
- (b) for the native title provisions generally—see schedule 1A, section 422; or
- (c) for schedule 1A, part 2—see schedule 1A, section 429; or
- (d) for schedule 1A, part 4, division 2—see schedule 1A, section 485; or
- (e) for schedule 1A, part 5, division 2—see schedule 1A, section 541; or

- (f) for schedule 1A, part 6, division 4—see schedule 1A, section 651.

application notice—

- (a) for schedule 1A, part 2—see schedule 1A, section 431(1); or
- (b) for schedule 1A, part 4, division 2—see schedule 1A, section 486(1); or
- (c) for schedule 1A, part 5, division 2—see schedule 1A, section 542(1).

approval, for schedule 1A, part 6, see schedule 1A, section 696.

closing day (native title issues), for schedule 1A, part 6, see schedule 1A, section 653(3).

Collingwood Park State guarantee or ***guarantee***, for chapter 12, part 2, see section 334R.

combined hearing, for schedule 1A, part 6, division 4, see schedule 1A, section 671.

compensation decision, for schedule 1A, part 7, see schedule 1A, section 706.

compensation trust decision, for schedule 1A, part 7, see schedule 1A, section 706.

consultation and negotiation parties, for schedule 1A, part 6, division 4, see schedule 1A, section 658(1).

consultation period—

- (a) for schedule 1A, part 2—see schedule 1A, section 435(1); or
- (b) for schedule 1A, part 4, division 2—see schedule 1A, section 490(1); or
- (c) for schedule 1A, part 5, division 2—see schedule 1A, section 546(1).

consultation period advice day—

- (a) for schedule 1A, part 2—see schedule 1A, section 435(2); or

Schedule 3

- (b) for schedule 1A, part 4, division 2—see schedule 1A, section 490(2); or
- (c) for schedule 1A, part 5, division 2—see schedule 1A, section 546(2).

contract conditions, for schedule 1A, part 6, division 4, see schedule 1A, section 675(1)(b)(ii).

high impact exploration permit, for schedule 1A, part 4, see schedule 1A, section 483.

high impact mineral development licence, for schedule 1A, part 5, see schedule 1A, section 539.

lake, for chapter 12, part 3, see section 334V.

limited hand sampling techniques, for chapter 12, part 3, see section 334V.

low impact activity—

- (a) for chapter 12, part 3—see section 334V; or
- (b) for schedule 1A, part 4—see schedule 1A, section 482; or
- (c) for schedule 1A, part 5—see schedule 1A, section 538.

low impact exploration permit, for schedule 1A, part 4, see schedule 1A, section 481.

low impact mineral development licence, for schedule 1A, part 5, see schedule 1A, section 537.

low impact prospecting permit, for schedule 1A, part 2, see schedule 1A, section 430.

Minister's decision, for schedule 1A, part 6, division 4, see schedule 1A, section 684(2).

moratorium period, for chapter 12, part 1, see section 334E(1).

native title issues decision, for schedule 1A, part 6, division 4, see schedule 1A, section 669(1).

native title provisions means the following provisions—

- schedule 1A, parts 1 to 7

- chapter 15, part 2, divisions 2 and 5.

negotiated agreement, for schedule 1A, part 6, division 4, see schedule 1A, section 659(1).

nominated waterway, for chapter 12, part 3, see section 334V.

notification day (native title issues), for schedule 1A, part 6, division 4, see schedule 1A, section 653(2).

person, for chapter 12, part 3, see section 334V.

proposed wild river area, for chapter 12, part 3, see section 334V.

registered native title party—

- (a) for schedule 1A, part 2—see schedule 1A, section 429; or
- (b) for schedule 1A, part 4, division 2—see schedule 1A, section 485; or
- (c) for schedule 1A, part 5, division 2—see schedule 1A, section 541; or
- (d) for schedule 1A, part 6, division 4—see schedule 1A, section 655.

registrar, for chapter 12, part 2, see section 334Q.

relevant act, for schedule 1A, part 7, see schedule 1A, section 706.

urgency notice, for schedule 1A, part 6, division 4, see schedule 1A, section 683(2).

watercourse, for chapter 12, part 3, see section 334V.

wild river high preservation area, for chapter 12, part 3, see section 334V.

wild river preservation area, for chapter 12, part 3, see section 334V.

Petroleum Act 1923

- 1 Sections 76H and 76I(1), ‘part 7AA’—**
omit, insert—
‘chapter 8’.

- 2 Section 76H(d), note, as inserted by this Act, ‘part 19’—**
omit, insert—
‘chapter 15, part 2’.

- 3 Section 76I(2)(e), ‘part 7AA and part 19, division 6’—**
omit, insert—
‘chapter 8 and chapter 15, part 2, division 6’.

- 4 Section 80U(2)(e)(i)(C), ‘part 7AAC’—**
omit, insert—
‘chapter 9’.

Petroleum and Gas (Production and Safety) Act 2004

- 1 Section 93(1)(b), ‘part 7AA, division 2 or 3’—**
omit, insert—
‘chapter 8, part 2 or 3’.

- 2 Section 234(6), definition *relevant lease*, paragraph (d), note 1, ‘part 7AA, division 8, subdivision 1’—**
omit, insert—
‘chapter 8, part 8, division 1’.

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- 3 Section 295, ‘part 7AA’—**
omit, insert—
‘chapter 8’.
- 4 Section 295(d), note, ‘part 19, division 6’—**
omit, insert—
‘chapter 15, part 2, division 6’.
- 5 Section 296(2)(d), ‘part 7AA and part 19, division 6’—**
omit, insert—
‘chapter 8 and chapter 15, part 2, division 6’.
- 6 Section 315(1)(b), ‘part 7AA’—**
omit, insert—
‘chapter 8’.
- 7 Section 315(2), note, ‘part 7AA, division 4’—**
omit, insert—
‘chapter 8, part 4’.
- 8 Sections 316(2)(b)(i) and 317(2)(b)(i), ‘part 7AA’—**
omit, insert—
‘chapter 8’.
- 9 Section 319(4), ‘part 7AA, division 2, subdivision 6’—**
omit, insert—
‘chapter 8, part 2, division 6’.

- 10 Section 324(2), note, ‘part 7AA, division 4’—**
omit, insert—
‘chapter 8, part 4’.
- 11 Section 349(1)(b), note, ‘part 7AA, division 8, subdivision 1’—**
omit, insert—
‘chapter 8, part 8, division 1’.
- 12 Section 791(2)(d)(i)(C), ‘part 7AAC’—**
omit, insert—
‘chapter 9’.

State Development and Public Works Organisation Act 1971

- 1 Section 174(4), ‘part 17’—**
omit, insert—
‘schedule 1A, part 6’.

Torres Strait Islander Cultural Heritage Act 2003

- 1 Schedule, definition *native title mining provisions*—**
omit, insert—
‘*native title mining provisions* means the provisions of the *Mineral Resources Act 1989* that are the native title provisions under that Act.’.

Wild Rivers Act 2005

- 1 Section 10(4), ‘part 10A, other than section 386A’—**
omit, insert—
‘chapter 12, part 3, other than section 334ZA’.

- 2 Section 31(3), definition *exploration permit*, after ‘schedule’—**
insert—
‘2’.

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