



Mineral and Energy Resources and Other Legislation Amendment Bill 2020



Queensland

Mineral and Energy Resources and Other Legislation Amendment Bill 2020

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2020

A Bill

for

An Act to amend the *Coal Mining Safety and Health Act 1999*, the *Energy and Water Ombudsman Act 2006*, the *Explosives Act 1999*, the *Geothermal Energy Act 2010*, the *Greenhouse Gas Storage Act 2009*, the *Mineral and Energy Resources (Common Provisions) Act 2014*, the *Mineral and Energy Resources (Common Provisions) Regulation 2016*, the *Mineral and Energy Resources (Financial Provisioning) Act 2018*, the *Mineral Resources Act 1989*, the *Mineral Resources Regulation 2013*, the *Mining and Quarrying Safety and Health Act 1999*, the *National Energy Retail Law (Queensland) Act 2014*, the *New South Wales-Queensland Border Rivers Act 1946*, the *Petroleum Act 1923*, the *Petroleum and Gas (Production and Safety) Act 2004*, the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, the *Water Supply (Safety and Reliability) Act 2008* and the legislation mentioned in schedule 1 for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Mineral and Energy Resources and Other Legislation Amendment Act 2020*. 4
5

Clause 2 Commencement 6

This Act, other than the following provisions, commences on a day to be fixed by proclamation— 7
8

(a) part 2, divisions 1 and 2; 9

(b) parts 3 and 13; 10

(c) part 4, heading and sections 29 and 33. 11

Part 2 Amendment of Coal Mining Safety and Health Act 1999 12
13

Division 1 Preliminary 14

Clause 3 Act amended 15

This part amends the *Coal Mining Safety and Health Act 1999*. 16
17

Note— 18

See also the amendments in schedule 1. 19

Division 2	Amendments relating to statutory office holders	1 2
Clause 4	Amendment of s 54 (Appointment of site senior executive)	3 4
	(1) Section 54—	5
	<i>insert</i> —	6
	(4A) A coal mine operator for a coal mine or for a separate part of a surface mine must not appoint a person to be site senior executive for the coal mine or the separate part of the surface mine unless the person is an employee of the coal mine operator.	7 8 9 10 11 12
	Maximum penalty—500 penalty units.	13
	(2) Section 54(4A) and (5)—	14
	<i>renumber</i> as section 54(5) and (6).	15
Clause 5	Amendment of s 57 (Appointment of another site senior executive during temporary absence)	16 17
	(1) Section 57—	18
	<i>insert</i> —	19
	(1A) A coal mine operator for a coal mine must not appoint a person under subsection (1) to act as the site senior executive during an absence unless the person is an employee of the coal mine operator.	20 21 22 23
	Maximum penalty—500 penalty units.	24
	(2) Section 57(1A) and (2)—	25
	<i>renumber</i> as section 57(2) and (3).	26

[s 6]

Clause 6	Amendment of s 59 (Additional requirements for management of surface mines)	1 2
	Section 59—	3
	<i>insert—</i>	4
	(2) The coal mine operator for the surface mine must ensure that the site senior executive appoints a person under subsection (1) only if the person is an employee of the coal mine operator.	5 6 7 8
	Maximum penalty—500 penalty units.	9
Clause 7	Amendment of s 60 (Additional requirements for management of underground mines)	10 11
	Section 60—	12
	<i>insert—</i>	13
	(12) The coal mine operator for the underground mine must ensure that a site senior executive required to appoint a person under subsection (2) or (4), or an underground mine manager required to appoint a person under subsection (8), (9) or (10), appoints a person under the subsection only if the person is an employee of the coal mine operator.	14 15 16 17 18 19 20
	Maximum penalty—500 penalty units.	21
Clause 8	Amendment of s 61 (Appointment of ventilation officer)	22
	(1) Section 61—	23
	<i>insert—</i>	24
	(3A) Also, the coal mine operator for the underground mine must ensure that the underground mine manager appoints a person under subsection (2) only if the person is an employee of the coal mine operator.	25 26 27 28 29
	Maximum penalty—500 penalty units.	30

-
- (2) Section 61(5), penalty, ‘for subsection (5)’— 1
omit. 2
- (3) Section 61(3A) to (6)— 3
renumber as section 61(4) to (7). 4

- Clause 9 Amendment of s 61A (Absence of ventilation officer)** 5
- Section 61A— 6
- insert*— 7
- (5) Also, the coal mine operator for the underground 8
mine must ensure the underground mine manager 9
appoints a person under subsection (3) only if the 10
person is an employee of the coal mine operator. 11
- Maximum penalty—500 penalty units. 12

- Clause 10 Insertion of new pt 20, div 9** 13
- Part 20— 14
- insert*— 15
- Division 9 Transitional provisions for** 16
Mineral and Energy 17
Resources and Other 18
Legislation Amendment 19
Act 2020 20

- 319 Deferral of obligation of coal mine operators to** 21
ensure employees are appointed to particular 22
positions 23
- Sections 54(5), 57(2), 59(2), 60(12), 61(4) and 24
61A(5), as inserted by the *Mineral and Energy* 25
Resources and Other Legislation Amendment Act 26
2020, do not apply to a coal mine operator for a 27

[s 10]

coal mine until 12 months after the 1
commencement. 2

**320 Particular appointments of persons who are 3
not employees of coal mine operators made 4
before commencement 5**

- (1) This section applies if, immediately before the 6
commencement, a person (the *appointee*) held 7
any of the following appointments in relation to a 8
coal mine— 9
- (a) an appointment under section 54 as the site 10
senior executive for the coal mine or, if the 11
coal mine is or includes a separate part of a 12
surface mine, the separate part; 13
 - (b) an appointment under section 57 to act as 14
the site senior executive; 15
 - (c) an appointment under section 59 to carry out 16
the responsibilities and duties prescribed 17
under a regulation in 1 or more surface mine 18
excavations; 19
 - (d) an appointment under section 60(2) as the 20
underground mine manager; 21
 - (e) an appointment under section 60(4) as the 22
alternate underground mine manager; 23
 - (f) an appointment under section 60(8) to be 24
responsible for the control and management 25
of underground activities when the 26
underground mine manager is not in 27
attendance; 28
 - (g) an appointment under section 60(9) to have 29
control of activities in 1 or more explosion 30
risk zones; 31

	(h) an appointment under section 60(10) to control and manage the mechanical and electrical engineering activities;	1 2 3
	(i) an appointment under section 61(2) as the ventilation officer;	4 5
	(j) an appointment under section 61A(3) to act as the ventilation officer.	6 7
	(2) The appointee is taken to hold a valid appointment under the provision mentioned in subsection (1) even if the appointee is not an employee of the coal mine operator for the mine.	8 9 10 11
	(3) However, if the appointee is not an employee of a coal mine operator, the appointee is taken to hold a valid appointment under the provision mentioned in subsection (1) only until the day that is 12 months after the commencement.	12 13 14 15 16
	(4) No compensation is payable to an appointee because of this section.	17 18
Division 3	Amendments relating to other matters	19 20
Clause 11	Insertion of new pt 3A	21
	After part 3—	22
	<i>insert—</i>	23
	Part 3A Industrial manslaughter	24 25
	48A Definitions for part	26
	(1) In this part—	27
	<i>conduct</i> means an act or omission to perform an	28

[s 11]

- act. 1
- employer**, for a coal mine, means a person who 2
employs or otherwise engages a coal mine 3
worker. 4
- executive officer**, of a corporation, means a 5
person who is concerned with, or takes part in, the 6
corporation's management, whether or not the 7
person is a director or the person's position is 8
given the name of executive officer. 9
- senior officer**, of an employer for a coal mine, 10
means— 11
- (a) if the employer is a corporation—an 12
executive officer of the corporation; or 13
- (b) otherwise—the holder of an executive 14
position (however described) in relation to 15
the employer who makes, or takes part in 16
making, decisions affecting all, or a 17
substantial part, of the employer's functions. 18
- (2) For this part, a person's conduct **causes** death if it 19
substantially contributes to the death. 20

48B Exception for the Criminal Code, s 23 21

The Criminal Code, section 23 does not apply in 22
relation to an offence against this part. 23

48C Industrial manslaughter—employer 24

- (1) An employer for a coal mine commits an offence 25
if— 26
- (a) a coal mine worker— 27
- (i) dies in the course of carrying out work 28
at the coal mine; or 29

-
- (ii) is injured in the course of carrying out work at the coal mine and later dies; and
- (b) the employer's conduct causes the death of the coal mine worker; and
- (c) the employer is negligent about causing the death of the coal mine worker by the conduct.
- Maximum penalty—
- (a) for an individual—20 years imprisonment; or
- (b) for a body corporate—100,000 penalty units.
- Note—*
- See section 261 in relation to imputing to a body corporate particular conduct of officers, employees or agents of the body corporate.
- (2) An offence against subsection (1) is a crime.

48D Industrial manslaughter—senior officer

- (1) A senior officer of an employer for a coal mine commits an offence if—
- (a) a coal mine worker—
- (i) dies in the course of carrying out work at the coal mine; or
- (ii) is injured in the course of carrying out work at the coal mine and later dies; and
- (b) the senior officer's conduct causes the death of the coal mine worker; and

[s 12]

	(c) the senior officer is negligent about causing the death of the coal mine worker by the conduct.	1 2 3
	Maximum penalty—20 years imprisonment.	4
	(2) An offence against subsection (1) is a crime.	5
Clause 12	Amendment of s 255 (Proceedings for offences)	6
	(1) Section 255(1), after ‘this Act’—	7
	<i>insert—</i>	8
	, other than an offence against part 3A,	9
	(2) Section 255(4)—	10
	<i>insert—</i>	11
	<i>Note—</i>	12
	See, however, section 264 in relation to particular orders for costs.	13 14
	(3) Section 255—	15
	<i>insert—</i>	16
	(9A) Nothing in this section affects the ability of the director of public prosecutions to bring proceedings for an offence against this Act.	17 18 19
	(4) Section 255(10), definition <i>serious offence</i> —	20
	<i>insert—</i>	21
	(aa) an offence against part 3A; or	22
	(5) Section 255(10), definition <i>serious offence</i> , paragraphs (aa) and (b)—	23 24
	<i>renumber</i> as paragraphs (b) and (c).	25
Clause 13	Amendment of s 256B (Procedure if prosecution not brought)	26 27
	Section 256B(1)(c)—	28

	<i>omit, insert—</i>	1
	(c) the following period has elapsed from when the act or omission happened—	2 3
	(i) if the act or omission constitutes an offence against part 3A—at least 6 months;	4 5 6
	(ii) otherwise—at least 6 months but no more than 12 months.	7 8
Clause 14	Amendment of s 257 (Limitation on time for starting proceedings)	9 10
	Section 257—	11
	<i>insert—</i>	12
	(2) Subsection (1) does not apply to a proceeding for an offence against part 3A.	13 14
Clause 15	Amendment of s 264 (Costs of investigation)	15
	(1) Section 264, heading—	16
	<i>omit, insert—</i>	17
	264 Orders for costs	18
	(2) Section 264, before subsection (1)—	19
	<i>insert—</i>	20
	(1A) This section applies in relation to a proceeding for an offence against this Act.	21 22
	(1B) An Industrial Magistrates Court may award a represented party for the proceeding costs of the representation.	23 24 25
	(1C) Subsection (2) applies despite section 255(4) and the <i>Industrial Relations Act 2016</i> , section 530(6).	26 27
	(3) Section 264—	28

[s 16]

insert— 1

(3) In this section— 2

represented party, for a proceeding, means a 3
party to the proceeding, or a person ordered or 4
permitted to appear or to be represented by a 5
lawyer, who is represented by a lawyer. 6

(4) Section 264(1A) to (3)— 7

renumber as section 264(1) to (6). 8

Clause 16 Insertion of new s 321 9

After section 320, as inserted by this Act— 10

insert— 11

321 Validation of particular orders for costs 12

(1) This section applies to a costs order purportedly 13
made by an Industrial Magistrates Court before 14
the commencement in relation to a proceeding for 15
an offence against this Act. 16

(2) The making of the costs order is, and is taken to 17
always have been, as valid as it would have been 18
if amended section 264 had been in effect from 16 19
March 2001. 20

(3) Anything done under the costs order is, and is 21
taken to always have been, as valid as it would 22
have been if amended section 264 had been in 23
effect from 16 March 2001. 24

(4) If the repealed *Industrial Relations Act 1999* 25
applied to the proceeding, amended section 264 26
applies as if the reference in section 264(3) to the 27
Industrial Relations Act 2016, section 530(6) 28
were a reference to section 319(3) of the repealed 29
Act. 30

(5) In this section— 31

amended section 264 means section 264 as amended by the *Mineral and Energy Resources and Other Legislation Amendment Act 2020*.

costs order means an order awarding a represented party for a proceeding costs of the representation.

Industrial Magistrates Court includes an Industrial Magistrates Court under the repealed *Industrial Relations Act 1999*.

represented party, for a proceeding, means a party to the proceeding, or a person ordered or permitted to appear or to be represented by a lawyer, who is represented by a lawyer.

Clause 17 Amendment of sch 3 (Dictionary) 14

Schedule 3— 15

insert— 16

causes, for part 3A, see section 48A(2). 17

conduct, for part 3A, see section 48A(1). 18

employer, for a coal mine, for part 3A, see section 48A(1). 19
20

executive officer, of a corporation, for part 3A, see section 48A(1). 21
22

senior officer, of an employer for a coal mine, for part 3A, see section 48A(1). 23
24

[s 18]

Part 3	Amendment of Energy and Water Ombudsman Act 2006	1 2
Clause 18	Act amended	3
	This part amends the <i>Energy and Water Ombudsman Act 2006</i> .	4 5
Clause 19	Amendment of s 6D (Who is a <i>relevant energy customer</i>)	6
	(1) Section 6D(1)—	7
	<i>insert—</i>	8
	(c) a person who, under an energy Act, is supplied energy by a prescribed energy entity.	9 10 11
	(2) Section 6D(2), after ‘on-supplier’—	12
	<i>insert—</i>	13
	, who is not a prescribed energy entity,	14
Clause 20	Amendment of s 7 (What is an <i>energy entity</i>)	15
	(1) Section 7, heading, after ‘entity’—	16
	<i>insert—</i>	17
	and a <i>prescribed energy entity</i>	18
	(2) Section 7—	19
	<i>insert—</i>	20
	(e) a prescribed energy entity.	21
	(3) Section 7—	22
	<i>insert—</i>	23
	(2) A <i>prescribed energy entity</i> is an exempt seller or another entity prescribed to be an energy entity by regulation.	24 25 26

Clause 21	Amendment of s 12 (Restrictions on functions—energy entities)	1 2
	Section 12(1)(d)—	3
	<i>omit, insert—</i>	4
	(d) disputes between—	5
	(i) a small customer under an energy Act, or an eligible non-residential energy customer: and	6 7 8
	(ii) an on-supplier under an energy Act, other than a prescribed energy entity;	9 10
Clause 22	Amendment of s 64 (Scheme participation—energy entities)	11 12
	Section 64(1), after ‘seller’—	13
	<i>insert—</i>	14
	, other than a prescribed energy entity,	15
Clause 23	Amendment of s 66 (When participation fee is payable)	16
	Section 66—	17
	<i>insert—</i>	18
	(5) However, if a scheme participant is a prescribed energy entity—	19 20
	(a) despite subsections (1) and (2), the energy and water ombudsman must comply with the requirements prescribed by regulation about giving an invoice for a participation fee to the prescribed energy entity; and	21 22 23 24 25
	(b) despite subsection (4), the participation fee for a prescribed energy entity is payable within the period prescribed by regulation.	26 27 28

[s 24]

Clause 24	Amendment of s 67 (Amount of participation fee—energy entity)	1
		2
	(1) Section 67(1)(f), after ‘an exempt seller’—	3
	<i>insert—</i>	4
	other than a prescribed energy entity	5
	(2) Section 67(1)—	6
	<i>insert—</i>	7
	(g) if it is a prescribed energy entity—the amount prescribed by regulation.	8
		9
Clause 25	Amendment of s 68 (When user-pays fee is payable)	10
	Section 68—	11
	<i>insert—</i>	12
	(5) This section does not apply to a scheme participant that is a prescribed energy entity.	13
		14
Clause 26	Amendment of s 69 (Working out user-pays fee)	15
	(1) Section 69, heading, after ‘fee’—	16
	<i>insert—</i>	17
	generally	18
	(2) Section 69—	19
	<i>insert—</i>	20
	(5A) This section does not apply to a scheme participant that is a prescribed energy entity.	21
		22
Clause 27	Insertion of new s 69A	23
	After section 69—	24
	<i>insert—</i>	25

	69A User-pays fees for prescribed energy entities	1
	(1) A regulation may prescribe—	2
	(a) the amount of a user-pays fee for a prescribed energy entity; and	3 4
	(b) requirements about giving an invoice for a user-pays fee to a prescribed energy entity; and	5 6 7
	(c) when a user-pays fee is payable by a prescribed energy entity.	8 9
	(2) The energy and water ombudsman must comply with the requirements prescribed by regulation about—	10 11 12
	(a) giving an invoice for a user-pays fee to a prescribed energy entity; and	13 14
	(b) when a user-pays fee is payable by a prescribed energy entity.	15 16
Clause 28	Amendment of schedule (Dictionary)	17
	Schedule—	18
	<i>insert—</i>	19
	<i>prescribed energy entity</i> see section 7(2).	20
Part 4	Amendment of Explosives Act 1999	21 22
Clause 29	Act amended	23
	This part amends the <i>Explosives Act 1999</i> .	24
Clause 30	Insertion of new pt 4A	25
	After part 4—	26

[s 30]

insert—

Part 4A Industrial manslaughter

54A Definitions for part

(1) In this part—

conduct means an act or omission to perform an act.

employee means an individual who does an act involving explosives.

employer means a person who employs or otherwise engages an employee.

senior officer, of an employer, means—

(a) if the employer is a corporation—an executive officer of the corporation; or

(b) otherwise—the holder of an executive position (however described) in relation to the employer who makes, or takes part in making, decisions affecting all, or a substantial part, of the employer's functions.

(2) For this part, a person's conduct *causes* death if it substantially contributes to the death.

54B Exception for the Criminal Code, s 23

The Criminal Code, section 23 does not apply in relation to an offence against this part.

54C Industrial manslaughter—employer

(1) An employer commits an offence if—

(a) an employee of the employer—

(i) dies in the course of doing an act involving explosives; or	1 2
(ii) is injured in the course of doing an act involving explosives and later dies; and	3 4
(b) the employer's conduct causes the death of the employee; and	5 6
(c) the employer is negligent about causing the death of the employee by the conduct.	7 8
Maximum penalty—	9
(a) for an individual—20 years imprisonment; or	10 11
(b) for a body corporate—100,000 penalty units.	12 13
<i>Note—</i>	14
See section 119 in relation to imputing to a body corporate particular conduct of executive officers, employees or agents of the body corporate.	15 16 17
(2) An offence against subsection (1) is a crime.	18
54D Industrial manslaughter—senior officer	19
(1) A senior officer of an employer commits an offence if—	20 21
(a) an employee of the employer—	22
(i) dies in the course of doing an act involving explosives; or	23 24
(ii) is injured in the course of doing an act involving explosives and later dies; and	25 26
(b) the senior officer's conduct causes the death of the employee; and	27 28
(c) the senior officer is negligent about causing the death of the employee by the conduct.	29 30

[s 31]

	Maximum penalty—20 years imprisonment.	1
	(2) An offence against subsection (1) is a crime.	2
Clause 31	Amendment of s 118 (Proceeding for offence)	3
	(1) Section 118(1), after ‘this Act’—	4
	<i>insert—</i>	5
	, other than an offence against part 4A,	6
	(2) Section 118—	7
	<i>insert—</i>	8
	(6A) Subsection (6) does not apply to a proceeding for an offence against part 4A.	9 10
	(6B) Nothing in this section affects the ability of the director of public prosecutions to bring proceedings for an offence against this Act.	11 12 13
	(3) Section 118(7), definition <i>serious offence</i> —	14
	<i>insert—</i>	15
	(aa) an offence against part 4A; or	16
	(4) Section 118(7), definition <i>serious offence</i> , paragraphs (aa) and (b)—	17 18
	<i>renumber</i> as paragraphs (b) and (c).	19
Clause 32	Amendment of s 118C (Procedure if prosecution not brought)	20 21
	Section 118C(1)(c)—	22
	<i>omit, insert—</i>	23
	(c) the following period has elapsed from when the act or omission happened—	24 25
	(i) if the act or omission constitutes an offence against part 4A—at least 6 months;	26 27 28

	(ii) otherwise—at least 6 months but no more than 12 months.	1 2
Clause 33	Amendment of s 135 (Regulation-making power)	3
	(1) Section 135(2)(j), after ‘authority’—	4
	<i>insert—</i>	5
	or security clearance	6
	(2) Section 135(2)—	7
	<i>insert—</i>	8
	(1) the keeping of a register of authorities and security clearances, including the disclosure and publication of information in the register.	9 10 11 12
Clause 34	Amendment of sch 2 (Dictionary)	13
	Schedule 2—	14
	<i>insert—</i>	15
	<i>causes</i> , for part 4A, see section 54A(2).	16
	<i>conduct</i> , for part 4A, see section 54A(1).	17
	<i>employee</i> , for part 4A, see section 54A(1).	18
	<i>employer</i> , for part 4A, see section 54A(1).	19
	<i>senior officer</i> , of an employer, for part 4A, see section 54A(1).	20 21
Part 5	Amendment of Geothermal Energy Act 2010	22 23
Clause 35	Act amended	24
	This part amends the <i>Geothermal Energy Act 2010</i> .	25

[s 36]

Note— 1
See also the amendments in schedule 1. 2

Clause 36	Insertion of new s 36A	3
	After section 36—	4
	<i>insert—</i>	5
	36A Rejection of application if applicant disqualified	6
		7
	(1) The Minister must reject an application for a geothermal permit if the Minister decides the applicant is disqualified under the Common Provisions Act, chapter 7 from being granted the geothermal permit.	8 9 10 11 12
	(2) On rejection of the application, the Minister must give the applicant a notice about the decision.	13 14

Clause 37	Insertion of new s 78A	15
	After section 78—	16
	<i>insert—</i>	17
	78A Rejection of application if applicant disqualified	18
		19
	(1) The Minister must reject an application for a geothermal lease if the Minister decides the applicant is disqualified under the Common Provisions Act, chapter 7 from being granted the geothermal lease.	20 21 22 23 24
	(2) On rejection of the application, the Minister must give the applicant a notice about the decision.	25 26

Clause 38	Insertion of new s 133A	27
	After section 133—	28

insert—

**133A Power to impose or amend condition if
changed holder of geothermal tenure**

- | | |
|--|----------------------------------|
| | 1 |
| | 2 |
| | 3 |
| (1) This section applies if 1 of the following changes happens— | 4
5 |
| (a) an entity starts or stops controlling the holder of a geothermal tenure under the Corporations Act, section 50AA; | 6
7
8 |
| (b) the holder of a geothermal tenure starts or stops being a subsidiary of a corporation under the Corporations Act, section 46. | 9
10
11 |
| (2) The Minister may consider whether, after the change, the holder of the geothermal tenure has the financial and technical resources to comply with the conditions of the geothermal tenure. | 12
13
14
15 |
| (3) If the Minister considers the holder of the geothermal tenure may not have the financial and technical resources to comply with conditions of the geothermal tenure, the Minister may impose another condition on, or amend a condition of, the geothermal tenure. | 16
17
18
19
20
21 |
| (4) If the Minister believes a change mentioned in subsection (1) may have happened, the Minister may require the holder of the geothermal tenure to give the Minister information or a document about whether or not the change has happened. | 22
23
24
25
26 |
| (5) Before deciding to impose another condition on, or amend a condition of, the geothermal tenure under subsection (3), the Minister may require the holder of the geothermal tenure to give the Minister information or a document the Minister requires to make the decision. | 27
28
29
30
31
32 |
| (6) A requirement under subsection (4) or (5) must— | 33 |
| (a) be made by notice given to the holder; and | 34 |

[s 39]

	(b) state a period of at least 10 business days within which the holder must comply with the requirement.	1 2 3
	(7) Before deciding to impose another condition on, or amend a condition of, the geothermal tenure under subsection (3), the Minister must give the holder of the tenure a notice stating—	4 5 6 7
	(a) the proposed decision; and	8
	(b) the reasons for the proposed decision; and	9
	(c) that the holder may, within 10 business days after the notice is given, make submissions to the Minister about the proposed decision.	10 11 12
	(8) The Minister may extend the period mentioned in subsection (6)(b) or (7)(c) by notice given to the holder of the geothermal tenure.	13 14 15
	(9) In deciding whether to impose another condition on, or amend a condition of, the geothermal tenure under subsection (3), the Minister—	16 17 18
	(a) must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and	19 20 21
	(b) may consider any other matter the Minister considers relevant.	22 23
	(10) If the Minister decides to impose another condition on, or amend a condition of, the geothermal tenure under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.	24 25 26 27 28 29
Clause 39	Amendment of ch 7, hdg (Conferences, enforcement, offences and proceedings)	30 31
	Chapter 7, heading, ‘Conferences, enforcement’—	32

omit, insert—

1

Enforcement

2

Clause 40 Omission of ch 7, pt 1 (Conferences with eligible claimants or owners and occupiers)

3

4

Chapter 7, part 1—

5

omit.

6

Clause 41 Renumbering of ch 7, pts 2 to 5

7

Chapter 7, parts 2 to 5—

8

renumber as chapter 7, parts 1 to 4.

9

Clause 42 Amendment of s 346 (Offences under Act are summary)

10

Section 346(2)—

11

omit, insert—

12

(2) A proceeding for an offence against this Act must be started within—

13

14

(a) 1 year after the commission of the offence;
or

15

16

(b) 1 year after the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.

17

18

19

Clause 43 Insertion of new ch 9, pt 6

20

Chapter 9—

21

insert—

22

[s 43]

Part 6	Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2020	1 2 3 4 5
414 Power to impose or amend condition if changed holder of geothermal tenure		6 7
	The power of the Minister to impose another condition on, or amend a condition of, a geothermal tenure under section 133A applies—	8 9 10
	(a) whether the tenure was granted before or after the commencement; and	11 12
	(b) only if the change mentioned in section 133A(1) happens after the commencement.	13 14
415 Conferences with eligible claimants or owners or occupiers started before commencement		15 16
	(1) This section applies if—	17
	(a) an authorised officer asked parties to attend a conference under section 313 as in force before the commencement; and	18 19 20
	(b) immediately before the commencement the conference had not taken place.	21 22
	(2) The conference must take place under chapter 7, part 1 as in force immediately before the commencement.	23 24 25
	(3) The Common Provisions Act, chapter 3, part 8 does not apply in relation to the conference.	26 27

Clause 44	Amendment of sch 2 (Dictionary)	1
	Schedule 2, definitions <i>conference election notice</i> and <i>parties</i> —	2
	<i>omit.</i>	3
		4
Part 6	Amendment of Greenhouse Gas Storage Act 2009	5
		6
Clause 45	Act amended	7
	This part amends the <i>Greenhouse Gas Storage Act 2009</i> .	8
	<i>Note</i> —	9
	See also the amendments in schedule 1.	10
Clause 46	Insertion of new s 35A	11
	After section 35—	12
	<i>insert</i> —	13
	35A Rejection of tender if tenderer disqualified	14
	(1) The Minister must reject a tender for a GHG permit if the Minister decides the tenderer is disqualified under the Common Provisions Act, chapter 7 from being granted the GHG permit.	15
		16
		17
		18
	(2) On rejection of the tender, the Minister must give the tenderer a notice about the decision.	19
		20
Clause 47	Insertion of new s 92A	21
	After section 92—	22
	<i>insert</i> —	23

[s 47]

92A Power to impose or amend condition if changed holder of GHG permit	1 2
(1) This section applies if 1 of the following changes happens—	3 4
(a) an entity starts or stops controlling the holder of a GHG permit under the Corporations Act, section 50AA;	5 6 7
(b) the holder of a GHG permit starts or stops being a subsidiary of a corporation under the Corporations Act, section 46.	8 9 10
(2) The Minister may consider whether, after the change, the holder of the GHG permit has the financial and technical resources to comply with the conditions of the GHG permit.	11 12 13 14
(3) If the Minister considers the holder of the GHG permit may not have the financial and technical resources to comply with conditions of the GHG permit, the Minister may impose another condition on, or amend a condition of, the GHG permit.	15 16 17 18 19 20
(4) If the Minister believes a change mentioned in subsection (1) may have happened, the Minister may require the holder of the GHG permit to give the Minister information or a document about whether or not the change has happened.	21 22 23 24 25
(5) Before deciding to impose another condition on, or amend a condition of, the GHG permit under subsection (3), the Minister may require the holder of the GHG permit to give the Minister information or a document the Minister requires to make the decision.	26 27 28 29 30 31
(6) A requirement under subsection (4) or (5) must—	32
(a) be made by notice given to the holder; and	33

(b)	state a period of at least 10 business days within which the holder must comply with the requirement.	1 2 3
(7)	Before deciding to impose another condition on, or amend a condition of, the GHG permit under subsection (3), the Minister must give the holder of the permit a notice stating—	4 5 6 7
(a)	the proposed decision; and	8
(b)	the reasons for the proposed decision; and	9
(c)	that the holder may, within 10 business days after the notice is given, make submissions to the Minister about the proposed decision.	10 11 12
(8)	The Minister may extend the period mentioned in subsection (6)(b) or (7)(c) by notice given to the holder of the GHG permit.	13 14 15
(9)	In deciding whether to impose another condition on, or amend a condition of, the GHG permit under subsection (3), the Minister—	16 17 18
(a)	must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and	19 20 21
(b)	may consider any other matter the Minister considers relevant.	22 23
(10)	If the Minister decides to impose another condition on, or amend a condition of, the GHG permit under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.	24 25 26 27 28 29
Clause 48	Insertion of new s 115	30
	After section 114—	31
	<i>insert—</i>	32

[s 49]

115 Rejection of permit-related application if applicant disqualified	1
	2
(1) The Minister must reject a permit-related application for a GHG lease if the Minister decides the person making the application is disqualified under the Common Provisions Act, chapter 7 from being granted the GHG lease.	3
	4
	5
	6
	7
(2) On rejection of the application, the Minister must give the person making the application a notice about the decision.	8
	9
	10

Clause 49	Insertion of new s 126A	11
	After section 126—	12
	<i>insert—</i>	13
	126A Rejection of tender if tenderer disqualified	14
	(1) The Minister must reject a tender for a proposed GHG lease if the Minister decides the tenderer is disqualified under the Common Provisions Act, chapter 7 from being granted the GHG lease.	15
		16
		17
		18
	(2) On rejection of the tender, the Minister must give the tenderer a notice about the decision.	19
		20

Clause 50	Insertion of new s 173A	21
	After section 173—	22
	<i>insert—</i>	23
	173A Power to impose or amend condition if changed holder of GHG lease	24
		25
	(1) This section applies if 1 of the following changes happens—	26
		27
	(a) an entity starts or stops controlling the holder of a GHG lease under the Corporations Act, section 50AA;	28
		29
		30

-
- (b) the holder of a GHG lease starts or stops being a subsidiary of a corporation under the Corporations Act, section 46. 1
2
3
- (2) The Minister may consider whether, after the change, the holder of the GHG lease has the financial and technical resources to comply with the conditions of the GHG lease. 4
5
6
7
- (3) If the Minister considers the holder of the GHG lease may not have the financial and technical resources to comply with conditions of the GHG lease, the Minister may impose another condition on, or amend a condition of, the GHG lease. 8
9
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- (4) If the Minister believes a change mentioned in subsection (1) may have happened, the Minister may require the holder of the GHG lease to give the Minister information or a document about whether or not the change has happened. 13
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17
- (5) Before deciding to impose another condition on, or amend a condition of, the GHG lease under subsection (3), the Minister may require the holder of the GHG lease to give the Minister information or a document the Minister requires to make the decision. 18
19
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23
- (6) A requirement under subsection (4) or (5) must— 24
- (a) be made by notice given to the holder; and 25
- (b) state a period of at least 10 business days within which the holder must comply with the requirement. 26
27
28
- (7) Before deciding to impose another condition on, or amend a condition of, the GHG lease under subsection (3), the Minister must give the holder of the lease a notice stating— 29
30
31
32
- (a) the proposed decision; and 33
- (b) the reasons for the proposed decision; and 34
-

[s 51]

	(c) that the holder may, within 10 business days after the notice is given, make submissions to the Minister about the proposed decision.	1 2 3
	(8) The Minister may extend the period mentioned in subsection (6)(b) or (7)(c) by notice given to the holder of the GHG lease.	4 5 6
	(9) In deciding whether to impose another condition on, or amend a condition of, the GHG lease under subsection (3), the Minister—	7 8 9
	(a) must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and	10 11 12
	(b) may consider any other matter the Minister considers relevant.	13 14
	(10) If the Minister decides to impose another condition on, or amend a condition of, the GHG lease under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.	15 16 17 18 19 20
Clause 51	Amendment of ch 6, hdg (Conferences, investigations and enforcement)	21 22
	Chapter 6, heading, ‘Conferences, investigations’—	23
	<i>omit, insert—</i>	24
	Investigations	25
Clause 52	Omission of ch 6, pt 1A (Conferences with eligible claimants or owners and occupiers)	26 27
	Chapter 6, part 1A—	28
	<i>omit.</i>	29

Clause 53	Amendment of s 407 (Offences under Act are summary)	1
	Section 407(2)—	2
	<i>omit, insert—</i>	3
	(2) A proceeding for an offence against this Act must be started within—	4
	(a) 1 year after the commission of the offence;	5
	or	6
	(b) 1 year after the offence comes to the complainant’s knowledge, but within 2 years after the commission of the offence.	7
		8
		9
		10
Clause 54	Insertion of new ch 8, pt 5	11
	Chapter 8—	12
	<i>insert—</i>	13
	Part 5	14
	Transitional provisions	15
	for Mineral and Energy	16
	Resources and Other	17
	Legislation	18
	Amendment Act 2020	19
		20
	450 Power to impose or amend condition if changed holder of GHG permit or GHG lease	21
	The power of the Minister to impose another condition on, or amend a condition of, a GHG permit under section 92A or a GHG lease under section 173A applies—	22
		23
		24
	(a) whether the permit or lease was granted before or after the commencement; and	25
		26
	(b) only if the change mentioned in section 92A(1) or 173A(1) happens after the commencement.	27
		28
		29

[s 55]

	451 Conferences with eligible claimants or owners or occupiers started before commencement	1 2
	(1) This section applies if—	3
	(a) an authorised officer asked parties to attend a conference under section 377B as in force before the commencement; and	4 5 6
	(b) immediately before the commencement the conference had not taken place.	7 8
	(2) The conference must take place under chapter 6, part 1A as in force immediately before the commencement.	9 10 11
	(3) The Common Provisions Act, chapter 3, part 8 does not apply in relation to the conference.	12 13
Clause 55	Amendment of sch 2 (Dictionary)	14
	Schedule 2, definitions <i>conference election notice, eligible claimant and parties</i> —	15 16
	<i>omit.</i>	17
Part 7	Amendment of Mineral and Energy Resources (Common Provisions) Act 2014	18 19 20
Clause 56	Act amended	21
	This part amends the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> .	22 23
	<i>Note</i> —	24
	See also the amendments in schedule 1.	25

Clause 57	Amendment of s 3 (Main purposes)	1
	(1) Section 3—	2
	<i>insert—</i>	3
	(ca) to provide for the disqualification of persons from grant or transfer of particular resource authorities; and	4 5 6
	(2) Section 3(ca) and (d)—	7
	<i>renumber</i> as section 3(d) and (e).	8
Clause 58	Amendment of s 4 (How main purposes are achieved)	9
	(1) Section 4(1)—	10
	<i>insert—</i>	11
	(ca) the disqualification from grant or transfer of particular resource authorities;	12 13
	(2) Section 4(1)(ca) to (e)—	14
	<i>renumber</i> as section 4(1)(d) to (f).	15
	(3) Subsection 4(2), ‘be the first step’—	16
	<i>omit, insert—</i>	17
	lead	18
Clause 59	Amendment of s 16 (What is a <i>dealing</i>)	19
	Section 16(b), ‘or arrangement’—	20
	<i>omit, insert—</i>	21
	, arrangement or circumstance	22
Clause 60	Replacement of s 17 (Prescribed dealings require registration)	23 24
	Section 17—	25

[s 61]

<i>omit, insert—</i>	1
17 Prescribed dealings require approval of Minister and registration	2 3
(1) A regulation may prescribe the dealings with a resource authority (each a <i>prescribed dealing</i>) that must be approved by the Minister under this part, and registered, to have effect.	4 5 6 7
(2) A prescribed dealing has no effect unless, and until, it is approved by the Minister under this part and registered.	8 9 10
17A Notifiable dealings require notice to chief executive and registration	11 12
(1) A regulation may prescribe the dealings with a resource authority (each a <i>notifiable dealing</i>) that must be notified to the chief executive under this part, and registered, to have effect.	13 14 15 16
(2) A notifiable dealing has no effect unless, and until, it is notified to the chief executive under this part and registered.	17 18 19
Clause 61 Amendment of s 19 (Application for Minister’s approval to register dealing)	20 21
(1) Section 19, heading, from ‘to’—	22
<i>omit, insert—</i>	23
of prescribed dealing	24
(2) Section 19(1), from ‘The’ to ‘register’—	25
<i>omit, insert—</i>	26
The following entities may apply to the Minister for approval of	27 28
(3) Section 19(2)—	29
<i>omit.</i>	30

-
- (4) Section 19(3), ‘Chapter 5’— 1
omit, insert— 2
Chapter 6 3
- (5) Section 19— 4
insert— 5
- (3A) If the Minister decides to give the approval, the 6
chief executive must register the prescribed 7
dealing as soon as possible after the approval is 8
given. 9
- (3B) To remove any doubt, it is declared that 10
registration under subsection (3) is subject to 11
sections 20 and 21. 12
- (6) Section 19(3) to (4)— 13
renumber as section 19(2) to (5). 14

- Clause 62 Insertion of new ss 19A and 19B** 15
- After section 19— 16
insert— 17
- 19A Rejection of application if intended transferee 18
disqualified** 19
- (1) The Minister must reject an application for 20
approval of a prescribed dealing that is a transfer 21
of a resource authority or a share in a resource 22
authority if the Minister decides the intended 23
transferee of the resource authority or share is 24
disqualified under section 196C from being 25
transferred the resource authority or share. 26
- (2) However, subsection (1) does not apply to a 27
transfer of a share in a resource authority if— 28
- (a) the share is being transferred to a person 29
who already holds a share in the resource 30
authority; and 31

[s 62]

- (b) the person transferring the share continues, 1
after the transfer, to hold a share in the 2
resource authority. 3

**19B Notice to chief executive to register notifiable 4
dealing 5**

- (1) The *ordinary rule* is that the following entities 6
may give notice to the chief executive of a 7
notifiable dealing to enable its registration— 8
 - (a) the affected resource authority holder; 9
 - (b) any other entity with the affected resource 10
authority holder’s consent. 11
- (2) However, if a notifiable dealing is required to be 12
executed because of the operation of a law, a 13
regulation may change the ordinary rule by 14
prescribing the following— 15
 - (a) who may or must give notice to the chief 16
executive; 17
 - (b) the period within which the notice must be 18
given. 19

*Example of dealing required to be executed because of the 20
operation of a law— 21*

the transfer of an interest in a resource authority because 22
of the death of the resource authority holder 23

- (3) The notice must be— 24
 - (a) in the approved form; and 25
 - (b) accompanied by the fee prescribed by 26
regulation. 27
- (4) The chief executive must register the notifiable 28
dealing as soon as possible after the notice is 29
given. 30
- (5) Subsection (6) applies if the notifiable dealing 31
is— 32

	(a) a transmission by death of a resource authority or a share in a resource authority; or	1 2 3
	(b) a transfer of a resource authority or a share in a resource authority by operation of law.	4 5
	(6) The chief executive may register the notifiable dealing only if the proposed transferee is—	6 7
	(a) an eligible person; and	8
	(b) for a resource authority other than a small scale mining tenure within the meaning of the Environmental Protection Act—a registered suitable operator under the Environmental Protection Act.	9 10 11 12 13
	(7) To remove any doubt, it is declared that registration under subsection (4) or (6) is subject to sections 20 and 21.	14 15 16
	(8) In this section—	17
	<i>affected resource authority holder</i> means—	18
	(a) for a notifiable dealing affecting the whole of a resource authority—the holder of the resource authority; or	19 20 21
	(b) for a notifiable dealing affecting a share in a resource authority—the holder of the share.	22 23
Clause 63	Replacement of s 20 (Unpaid royalties prevent transfer of resource authority)	24 25
	Section 20—	26
	<i>omit, insert—</i>	27
	20 Unpaid royalties prevent registration of dealing	28 29
	(1) This section applies if a prescribed dealing or notifiable dealing is a transfer of a resource	30 31

[s 64]

	authority or a share in a resource authority.	1
	(2) However, this section does not apply to a transfer of a share in a resource authority if—	2 3
	(a) the share is being transferred to a person who already holds a share in the resource authority; and	4 5 6
	(b) the person transferring the share continues, after the transfer, to hold a share in the resource authority.	7 8 9
	(3) The prescribed dealing or notifiable dealing must not be registered, and can not take effect, under this part while any royalty payable by the holder of the resource authority remains unpaid.	10 11 12 13
Clause 64	Amendment of s 20A (Failure to pay contribution to scheme fund or give surety prevents registration of prescribed dealing)	14 15 16
	(1) Section 20A, heading, ‘prescribed’— <i>omit.</i>	17 18
	(2) Section 20A(1)(a), after ‘prescribed dealing’— <i>insert—</i> , or the chief executive is given notice of a notifiable dealing,	19 20 21 22
	(3) Section 20A(2), after ‘prescribed dealing’— <i>insert—</i> or notifiable dealing	23 24 25
Clause 65	Amendment, relocation and renumbering of s 22 (Effect of registration and Minister’s approval)	26 27
	(1) Section 22, ‘, or the Minister’s approval to register the dealing’—	28 29

omit, insert— 1
or notifiable dealing under this part, or an 2
approval of the Minister 3
(2) Section 22— 4
relocate to chapter 2, part 1 after section 23 and *renumber* as 5
section 23A. 6

Clause 66 Renumbering of ss 20A and 21 7
Section 20A, as amended by this Act, and section 21— 8
renumber as sections 21 and 22. 9

Clause 67 Amendment of s 32 (What is an associated agreement) 10
(1) Section 32(2)— 11
insert— 12
(aa) a notifiable dealing; 13
(2) Section 32(2)(aa) and (b)— 14
renumber as section 32(2)(b) and (c). 15

Clause 68 Insertion of new ch 3, pt 8 16
Chapter 3— 17
insert— 18

**Part 8 Conferences held by 19
authorised officer 20**

**101D Notice of concern may be given to authorised 21
officer 22**

(1) An owner or occupier of land that may be affected 23
by a resource authority may give notice to an 24
authorised officer of any of the following 25

[s 68]

- concerns relating to the resource authority— 1
 - (a) a concern about the authority of the resource authority holder to enter or be on the land; 2
3
 - (b) a concern about activities of the resource authority holder that may affect the land; 4
5
 - (c) a concern about the conduct of the resource authority holder. 6
7
 - (2) A resource authority holder may give notice to an authorised officer of a concern involving the holder and an owner or occupier of land. 8
9
10
 - (3) For subsection (1), a resource authority holder includes a person acting, or purporting to act, for a resource authority holder or for a purpose relating to a resource authority. 11
12
13
14
- 101E Authorised officer may call conference** 15
- (1) This section applies if an authorised officer— 16
 - (a) receives under section 101D notice of a concern relating to a resource authority; or 17
18
 - (b) is aware of a concern about a resource authority. 19
20
 - (2) The authorised officer may ask any of the following persons (each a *party*) to participate in a conference conducted by the authorised officer to discuss the concern— 21
22
23
24
 - (a) the resource authority holder; 25
 - (b) an owner or occupier of land that may be affected by the resource authority; 26
27
 - (c) another person interested in the concern. 28

101F Conduct of conference

- | | |
|---|----------------------------|
| | 1 |
| (1) This section applies if an authorised officer asks a party to participate in a conference under section 101E(2). | 2
3
4 |
| (2) The conference must be conducted under the prescribed requirements. | 5
6 |
| (3) In conducting the conference, the authorised officer must endeavour to help the parties reach an early and inexpensive settlement of the concern the subject of the conference. | 7
8
9
10 |
| (4) If a party does not attend the conference— | 11 |
| (a) the authorised officer may continue to conduct the conference; and | 12
13 |
| (b) a party who attends the conference may apply to the Land Court for an order requiring a party who did not attend the conference to pay the attending party’s reasonable costs of attending. | 14
15
16
17
18 |
| (5) The Land Court must not order a party to pay costs under subsection (4)(b) if the party had a reasonable excuse for not attending the conference. | 19
20
21
22 |
| (6) If the Land Court makes an order under subsection (4)(b), the Land Court must decide the amount of the costs. | 23
24
25 |
| (7) Nothing said by a person at the conference is admissible in evidence in a proceeding without the person’s consent. | 26
27
28 |
| (8) If parties asked to participate in the conference make an agreement about the concern the subject of the conference, the agreement must be written and signed by the parties. | 29
30
31
32 |
| (9) In this section— | 33 |

[s 69]

	<i>party</i> see section 101E(2).	1	
Clause 69	Amendment of s 103 (Definitions for ch 4)	2	
	Section 103, definition <i>mining safety legislation</i> —	3	
	<i>omit.</i>	4	
Clause 70	Omission of ch 4, pt 6, div 2 (Ministerial powers)	5	
	Chapter 4, part 6, division 2—	6	
	<i>omit.</i>	7	
Clause 71	Renumbering of ch 4, pt 6, div 3 (Compensation)	8	
	Chapter 4, part 6, division 3—	9	
	<i>renumber</i> as chapter 4, part 6, division 2.	10	
Clause 72	Renumbering of chs 5 to 8	11	
	Chapters 5, 6, 7 and 8—	12	
	<i>renumber</i> as chapters 6, 8, 9 and 10.	13	
Clause 73	Insertion of new ch 5	14	
	After section 174—	15	
	<i>insert</i> —	16	
	Chapter 5	General provisions	17
		for overlapping and	18
		co-existing resource	19
		authorities	20
	Part 1	Preliminary	21

174A Definitions for chapter	1
In this chapter—	2
<i>agreed co-existence plan</i> means an agreed co-existence plan under—	3 4
(a) the Mineral Resources Act, section 271AB; or	5 6
(b) the P&G Act, section 400 or 440.	7
<i>agreed joint development plan</i> see section 103.	8
<i>agreed plan</i> means—	9
(a) an agreed joint development plan; or	10
(b) an agreed co-existence plan.	11
<i>co-existing area</i> means land that is the subject of—	12 13
(a) a later mining lease and an existing authority as mentioned in the Mineral Resources Act, section 271AB; or	14 15 16
(b) a pipeline licence and an existing geothermal lease, GHG lease or mining lease as mentioned in the P&G Act, section 400; or	17 18 19 20
(c) a petroleum facility licence and an existing mining lease as mentioned in the P&G Act, section 440.	21 22 23
<i>overlapping area</i> see section 104.	24

Part 2 Ministerial powers 25

174B Requirement to give copy of agreed plan 26

- (1) The Minister may, by written notice, require a resource authority holder to whom an agreed plan applies to give the Minister a copy of the agreed 27
28
29

[s 73]

plan. 1

(2) The resource authority holder must give the copy 2
to the Minister within 30 business days after the 3
notice is given under subsection (1). 4

(3) This section does not apply if the agreed plan has 5
stopped having effect. 6

174C Amendment of agreed plan 7

(1) The Minister may, by written notice, require a 8
resource authority holder to whom an agreed plan 9
applies to amend the agreed plan. 10

(2) The matters the Minister must consider in 11
deciding whether to require an amendment 12
include each of the following— 13

(a) the potential of each of the resource 14
authority holders to whom the plan 15
applies— 16

(i) for an agreed joint development plan— 17
to develop coal and coal seam gas 18
resources to optimise the development 19
and use of the State's coal and coal 20
seam gas resources; or 21

(ii) for an agreed co-existence plan—to 22
optimise the development and use of 23
the State's resources; 24

(b) the extent to which each of the resource 25
authority holders to whom the plan applies 26
have complied with the plan; 27

(c) whether, if the amendment was made, 28
compliance with the plan would continue to 29
be commercially and technically feasible for 30
the resource authority holders to whom the 31
plan applies; 32

-
- (d) the content of any development plan under the Mineral Resources Act or P&G Act for each of the resource authorities to which the agreed plan applies. 1
2
3
4
- (3) A notice given under subsection (1) must include an information notice about the Minister's decision to require the amendment. 5
6
7

174D Request for information 8

The Minister may, by written notice, ask a resource authority holder to give the Minister any information the Minister considers appropriate to— 9
10
11
12

- (a) for an overlapping area— 13
- (i) optimise the development and use of the State's coal and coal seam gas resources; or 14
15
16
- (ii) ensure safe mining in the overlapping area; or 17
18
- (b) for a co-existing area— 19
- (i) optimise the development and use of the State's resources; or 20
21
- (ii) ensure safe operations in the co-existing area. 22
23

174E Right of appeal 24

- (1) This section applies if the Minister decides to exercise a power under section 174C(1). 25
26
- (2) The P&G Act, chapter 12, part 2 applies, with necessary changes, to the decision as if— 27
28
- (a) the decision were mentioned in the P&G Act, schedule 1, table 2; and 29
30

[s 74]

	(b) the P&G Act, schedule 1, table 2 stated the Land Court as the appeal body for the decision; and	1 2 3
	(c) a reference in the P&G Act, chapter 12, part 2 to an information notice included a reference to an information notice under section 174C(3).	4 5 6 7
Clause 74	Relocation and renumbering of ch 4, pt 6, div 4 (Dispute resolution)	8 9
	Chapter 4, part 6, division 4—	10
	<i>relocate</i> to chapter 5, as inserted by this Act, and <i>renumber</i> as chapter 5, part 3.	11 12
Clause 75	Amendment of s 175 (Application of div 4)	13
	(1) Section 175, after ‘following disputes’—	14
	<i>insert</i> —	15
	(each an <i>overlap dispute</i>)	16
	(2) Section 175—	17
	<i>insert</i> —	18
	(2) This division also applies to the following disputes (each a <i>co-existence dispute</i>) between persons (each a <i>party</i>)—	19 20 21
	(a) a dispute mentioned in the Mineral Resources Act, section 271AB(9);	22 23
	(b) a dispute mentioned in the P&G Act, section 400(7);	24 25
	(c) a dispute mentioned in the P&G Act, section 440(7).	26 27

Clause 76	Amendment of s 176 (Definitions for div 4)	1
(1)	Section 176, definitions <i>party</i> and <i>prescribed arbitration institute</i> —	2
	<i>omit.</i>	3
		4
(2)	Section 176—	5
	<i>insert</i> —	6
	<i>co-existence dispute</i> see section 175(2).	7
	<i>dispute</i> means—	8
	(a) an overlap dispute; or	9
	(b) a co-existence dispute.	10
	<i>overlap dispute</i> see section 175(1).	11
	<i>party</i> —	12
	(a) for an overlap dispute—see section 175(1);	13
	or	14
	(b) for a co-existence dispute—see section	15
	175(2).	16
Clause 77	Amendment of s 178 (Arbitrator's functions)	17
	Section 178(2)—	18
	<i>omit, insert</i> —	19
	(2) The award must be consistent with—	20
	(a) for an overlap dispute—	21
	(i) optimising the development and use of	22
	the State's coal and coal seam gas	23
	resources; and	24
	(ii) safety and health requirements under	25
	mining safety legislation; or	26
	(b) for a co-existence dispute—	27

[s 78]

	(i) optimising the development and use of the State’s resources; and	1 2
	(ii) safety and health requirements under mining safety legislation.	3 4
Clause 78	Amendment of s 179 (Expert appointed by arbitrator)	5
	Section 179(1)(a) and (b)—	6
	<i>omit, insert—</i>	7
	(a) for an overlap dispute—	8
	(i) must appoint at least 1 qualified person with expertise in coal mining, and 1 qualified person with expertise in coal seam gas exploration and production (each an <i>appointed expert</i>), to report to the arbitrator on specific issues decided by the arbitrator; and	9 10 11 12 13 14 15
	(ii) may appoint another appropriately qualified person (also an <i>appointed expert</i>) to report to the arbitrator on specific issues decided by the arbitrator; and	16 17 18 19 20
	(b) for a co-existence dispute—may appoint an appropriately qualified person (also an <i>appointed expert</i>) to report to the arbitrator on specific issues decided by the arbitrator; and	21 22 23 24 25
Clause 79	Insertion of new ch 7	26
	After section 196—	27
	<i>insert—</i>	28
	Chapter 7 Disqualification of applicants	29 30

196A Definitions for chapter	1
In this chapter—	2
<i>applicant</i> —	3
(a) for an application for the grant of a prescribed resource authority—see section 196C(1)(a); or	4 5 6
(b) for a tender for a prescribed resource authority—see section 196C(1)(b); or	7 8
(c) for an application for approval of a prescribed dealing that is a transfer of a prescribed resource authority or a share in a prescribed resource authority—see section 196C(1)(c).	9 10 11 12 13
<i>associate</i> , of an applicant for a prescribed matter, means either—	14 15
(a) an entity the decision-maker for the prescribed matter considers is in a position to control or substantially influence the applicant’s affairs in connection with the prescribed resource authority the subject of the prescribed matter; or	16 17 18 19 20 21
(b) if the applicant is a body corporate—	22
(i) a director of the applicant; or	23
(ii) if the applicant is a subsidiary of another body corporate (the <i>parent company</i>)—	24 25 26
(A) the parent company; or	27
(B) a director of the parent company.	28
<i>criminal history</i> , of a person, means the person’s criminal history as defined under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> , other than spent convictions.	29 30 31 32

[s 79]

<i>decision-maker</i> , for a prescribed matter, means the Minister.	1 2
<i>director</i> , of a body corporate, has the meaning given by the Corporations Act, section 9.	3 4
<i>prescribed matter</i> see section 196B.	5
<i>prescribed resource authority</i> means—	6
(a) any of the following under the Mineral Resources Act—	7 8
(i) a mining claim;	9
(ii) an exploration permit;	10
(iii) a mineral development licence;	11
(iv) a mining lease; or	12
(b) any of the following under the P&G Act—	13
(i) an authority to prospect;	14
(ii) a petroleum lease;	15
(iii) a pipeline licence;	16
(iv) a petroleum facility licence; or	17
(c) a lease under the 1923 Act; or	18
(d) any of the following under the Geothermal Act—	19 20
(i) a geothermal exploration permit;	21
(ii) a geothermal production lease; or	22
(e) any of the following under the Greenhouse Gas Act—	23 24
(i) a GHG exploration permit;	25
(ii) a GHG injection and storage lease.	26
<i>spent conviction</i> means a conviction—	27

-
- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
 - (b) that is not revived as prescribed by section 11 of that Act.

196B Application of chapter

- This chapter applies in relation to each of the following (each a *prescribed matter*)—
 - (a) an application for the grant of a prescribed resource authority;
 - (b) a tender for a prescribed resource authority;
 - (c) an application for approval of a prescribed dealing that is a transfer of a prescribed resource authority or a share in a prescribed resource authority.

196C Disqualification from grant or transfer of resource authority

- (1) The decision-maker for the prescribed matter may decide—
 - (a) for an application for the grant of a prescribed resource authority—the entity making the application (the *applicant*) is disqualified from being granted the authority; or
 - (b) for a tender for a prescribed resource authority—the entity making the tender (also the *applicant*) is disqualified from being granted the authority; or
 - (c) for an application for approval of a prescribed dealing that is a transfer of a prescribed resource authority or a share in a

[s 79]

- prescribed resource authority—the intended transferee (also the *applicant*) is disqualified from being transferred the authority. 1
2
3
4
- (2) In making a decision under subsection (1), the decision-maker may consider the following matters— 5
6
7
- (a) whether the applicant, or an associate of the applicant, has contravened this Act or a Resource Act, other than the P&G Act, chapter 9; 8
9
10
11
- (b) whether the applicant, or an associate of the applicant, has been convicted of an offence against— 12
13
14
- (i) this Act or a Resource Act; or 15
- (ii) the *Coal Mining Safety and Health Act 1999*; or 16
17
- (iii) the *Environmental Protection Act 1994*; or 18
19
- (iv) the *Mining and Quarrying Safety and Health Act 1999*; or 20
21
- (v) the *Water Act 2000*; 22
- (c) whether the applicant, or an associate of the applicant, has been convicted of an offence against a corresponding law; 23
24
25
- (d) whether the applicant, or an associate of the applicant, has, within 10 years before the application or tender was made, been convicted of an offence involving fraud or dishonesty; 26
27
28
29
30
- (e) whether the applicant, or an associate of the applicant, is an insolvent under administration; 31
32
33

-
- (f) whether the applicant, or an associate of the applicant, is or was, within 10 years before the application or tender was made, a director of a body corporate that is or was the subject of a winding-up order or for which a controller or administrator is or was appointed;
- (g) whether the applicant, or an associate of the applicant, is disqualified from managing corporations because of the Corporations Act, part 2D.6;
- (h) submissions, if any, made under section 196G;
- (i) any other matter the decision-maker considers relevant to making the decision.
- (3) However, the decision-maker may disregard a contravention, or conviction for an offence, mentioned in subsection (2) having regard to—
- (a) the degree of seriousness of the contravention or offence; and
- (b) the degree of harm caused by the contravention or offence; and
- (c) the length of time that has elapsed from the commission of the contravention or offence; and
- (d) the extent to which the applicant or associate was involved in the commission of the contravention or offence; and
- (e) any other matter the decision-maker considers relevant.
- (4) In this section—
- corresponding law* means a law of the Commonwealth or another State that—

[s 79]

- (a) provides for the same, or substantially the same, matter as an Act mentioned in subsection (2)(b); or
- (b) is prescribed by regulation for this definition.

196D Requirement for further information

- (1) The decision-maker for a prescribed matter may, before deciding an applicant for the matter is disqualified under section 196C, require the applicant to give the decision-maker further information or a document the decision-maker requires to make the decision.
- (2) The requirement must—
 - (a) be made by notice given to the applicant; and
 - (b) state a period of at least 10 business days within which the applicant must comply with the requirement.
- (3) The decision-maker may extend the period mentioned in subsection (2)(b) by notice given to the applicant.
- (4) If the applicant does not comply with the requirement, the decision-maker may make a decision under section 196C without the further information or document.

196E Criminal history check

- (1) To help decide whether an applicant for a prescribed matter is disqualified under section 196C, the decision-maker for the matter may ask the police commissioner for a report about the criminal history of the applicant or an associate of the applicant.

-
- (2) However, the decision-maker may make the request only if the applicant, or associate of the applicant, has given the decision-maker written consent for the request. 1
2
3
4
 - (3) The police commissioner must comply with the request. 5
6
 - (4) However, subsection (3) applies only to information in the police commissioner's possession or to which the commissioner has access. 7
8
9
10
 - (5) If the criminal history of the person includes a conviction recorded against the person, the police commissioner's report must be written. 11
12
13
 - (6) The decision-maker must destroy the report as soon as practicable after the decision under section 196C is made. 14
15
16

196F Costs of criminal history report 17

- (1) The decision-maker for a prescribed matter may require an applicant for the matter to pay the reasonable, but no more than actual, costs of obtaining a report under section 196E about the applicant or an associate of the applicant. 18
19
20
21
22
- (2) The decision-maker for a prescribed matter must refund to the applicant an amount paid under subsection (1) if— 23
24
25
 - (a) the decision-maker refuses the application without asking for the report; or 26
27
 - (b) the applicant withdraws the application before the decision-maker asks for the report. 28
29
30

[s 80]

- 196G Notice of intended disqualification** 1
- (1) The decision-maker for a prescribed matter must, 2
before deciding an applicant for the matter is 3
disqualified under section 196C, give the 4
applicant a notice stating— 5
- (a) the proposed decision; and 6
- (b) the reasons for the proposed decision; and 7
- (c) that the applicant may, within 20 business 8
days after the notice is given, make 9
submissions to the decision-maker about the 10
proposed decision. 11
- (2) The decision-maker may extend the period 12
mentioned in subsection (1)(c) by notice given to 13
the applicant. 14

- 196H Notice of disqualification** 15
- (1) This section applies if a decision-maker for a 16
prescribed matter decides an applicant for the 17
matter is disqualified under section 196C. 18
- (2) The decision-maker must, as soon as practicable 19
after making the decision, give the applicant a 20
notice stating the decision and the reasons for the 21
decision. 22

- Clause 80 Insertion of new ch 10, pt 3** 23
- Chapter 10— 24
- insert*— 25

Part 3	Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2020	1 2 3 4 5
247	Application for approval to register particular prescribed dealings taken to be notification of particular notifiable dealings	6 7 8
(1)	This section applies if —	9
(a)	before the commencement, an application was made under section 19 for approval to register a prescribed dealing mentioned in the <i>Mineral and Energy Resources (Common Provisions) Regulation 2016</i> , section 4(1)(a) or (f) as in force before the commencement; and	10 11 12 13 14 15 16
(b)	immediately before the commencement, the prescribed dealing mentioned in paragraph (a) had not been registered.	17 18 19
(2)	The application is taken to be a notice to the chief executive of a notifiable dealing to enable its registration under section 19B(1).	20 21 22
248	Disqualification of applicants	23
	The power of a decision-maker for a prescribed matter to decide an applicant for the matter is disqualified under section 196C applies only if the application or tender constituting the prescribed matter was made after the commencement.	24 25 26 27 28

[s 81]

Clause 81	Amendment of sch 2 (Dictionary)	1
(1)	Schedule 2, definitions <i>mining safety legislation</i> , <i>party</i> and <i>prescribed arbitration institute</i> —	2
	<i>omit.</i>	3
		4
(2)	Schedule 2—	5
	<i>insert</i> —	6
	<i>agreed co-existence plan</i> , for chapter 5, see section 174A.	7
		8
	<i>agreed plan</i> , for chapter 5, see section 174A.	9
	<i>applicant</i> , for chapter 7, see section 196A.	10
	<i>associate</i> , of an applicant for a prescribed matter, for chapter 7, see section 196A.	11
		12
	<i>co-existing area</i> , for chapter 5, see section 174A.	13
	<i>criminal history</i> , of a person, for chapter 7, see section 196A.	14
		15
	<i>decision-maker</i> , for a prescribed matter, for chapter 7, see section 196A.	16
		17
	<i>director</i> , of a body corporate, for chapter 7, see section 196A.	18
		19
	<i>insolvent under administration</i> means a person who is an insolvent under administration under the Corporations Act, section 9.	20
		21
		22
	<i>mining safety legislation</i> means—	23
	(a) the <i>Coal Mining Safety and Health Act 1999</i> ; or	24
		25
	(b) the <i>Mining and Quarrying Safety and Health Act 1999</i> ; or	26
		27
	(c) the P&G Act; or	28
	(d) the <i>Mineral Resources Regulation 2013</i> , chapter 2, part 4, division 4.	29
		30

<i>notifiable dealing</i> see section 17A(1).	1
<i>party</i> , for chapter 5, part 3, see section 176.	2
<i>prescribed arbitration institute</i> means an entity for nominating arbitrators that is prescribed by regulation.	3 4 5
<i>prescribed matter</i> , for chapter 7, see section 196B.	6 7
<i>prescribed resource authority</i> , for chapter 7, see section 196A.	8 9
<i>spent conviction</i> , for chapter 7, see section 196A.	10
(3) Schedule 2, definitions <i>agreed joint development plan</i> and <i>overlapping area</i> , ‘chapter 4’—	11 12
<i>omit, insert</i> —	13
chapters 4 and 5	14

Part 8	Amendment of Mineral and Energy Resources (Common Provisions) Regulation 2016	15 16 17
---------------	--	----------------

Clause 82	Regulation amended	18
	This part amends the <i>Mineral and Energy Resources (Common Provisions) Regulation 2016</i> .	19 20
	<i>Note</i> —	21
	See also the amendments in schedule 1.	22

Clause 83	Amendment of s 4 (Prescribed dealings—Act, s 17)	23
(1)	Section 4(1)(a) and (f)—	24
	<i>omit</i> .	25
(2)	Section 4(1)(b) to (e)—	26

renumber as section 4(1)(a) to (d). 1

Clause 84 Insertion of new s 4A 2

After section 4— 3

insert— 4

4A Notifiable dealings—Act, s 17A 5

For section 17A(1) of the Act, each of the
following is a notifiable dealing— 6
7

(a) a change to the resource authority holder's
name even if the holder continues to be the
same person after the change; 8
9
10

(b) a non-assessable transfer. 11

Clause 85 Amendment of s 6 (Transmission by death—Act, s 19) 12

(1) Section 6, heading, 's 19'— 13

omit, insert— 14

s 19B 15

(2) Section 6(1), 'prescribed dealing'— 16

omit, insert— 17

notifiable dealing 18

(3) Section 6(2)— 19

omit, insert— 20

(2) For section 19B(2) of the Act, the executor,
administrator or public trustee administering the
holder's estate must give notice to the chief
executive of the notifiable dealing to enable its
registration. 21
22
23
24
25

(4) Section 6(3) and (4), 'application must be made'— 26

omit, insert— 27

	notice must be given	1
(5)	Section 6(4), ‘Minister’—	2
	<i>omit, insert</i> —	3
	chief executive	4
Clause 86	Amendment of s 7 (Sale by mortgagee—Act, s 19)	5
(1)	Section 7, heading, from ‘—Act’—	6
	<i>omit, insert</i> —	7
	or holder of charge—Act, s 19B	8
(2)	Section 7(1), ‘prescribed dealing’—	9
	<i>omit, insert</i> —	10
	notifiable dealing	11
(3)	Section 7(1), after ‘mortgagee’—	12
	<i>omit, insert</i> —	13
	or the holder of a charge	14
(4)	Section 7(2)—	15
	<i>omit, insert</i> —	16
	(2) For section 19B(2) of the Act, the mortgagee or holder of the charge must give notice to the chief executive of the notifiable dealing to enable its registration.	17 18 19 20
Clause 87	Amendment of s 8 (Bankruptcy—Act, s 19)	21
(1)	Section 8, heading, ‘s 19’—	22
	<i>omit, insert</i> —	23
	s 19B	24
(2)	Section 8(1), ‘prescribed dealing’—	25
	<i>omit, insert</i> —	26

	notifiable dealing	1
(3)	Section 8(2)—	2
	<i>omit, insert—</i>	3
(2)	For section 19B(2) of the Act, the trustee administering the bankruptcy must give notice to the chief executive of the notifiable dealing to enable its registration.	4 5 6 7
Clause 88	Amendment of s 9 (Administration, receivership or liquidation—Act, s 19)	8 9
(1)	Section 9, heading, ‘s 19’—	10
	<i>omit, insert—</i>	11
	s 19B	12
(2)	Section 9(1), ‘prescribed dealing’—	13
	<i>omit, insert—</i>	14
	notifiable dealing	15
(3)	Section 9(2)—	16
	<i>omit, insert—</i>	17
(2)	For section 19B(2) of the Act, the administrator, receiver or liquidator must give notice to the chief executive of the notifiable dealing to enable its registration.	18 19 20 21
Clause 89	Amendment of s 10 (Deciding application for registration of prescribed dealing that is assessable transfer—Act ss 19 and 194)	22 23 24
(1)	Section 10(2)—	25
	<i>insert—</i>	26
	(fa) for a transfer of a resource authority that authorises the carrying out of a resource activity under an environmental authority in	27 28 29

	relation to which an ERC decision has been made—whether the proposed transferee has the financial resources to fund the estimated rehabilitation cost for the resource activity as stated in the ERC decision; and	1 2 3 4 5
(2)	Section 10(2)(fa) and (g)— <i>renumber</i> as section 10(2)(g) and (h).	6 7
(3)	Section 10— <i>insert</i> —	8 9
	(7) In this section— ERC decision means a decision of the administering authority under the Environmental Protection Act, section 300 about the estimated rehabilitation cost for a resource activity.	10 11 12 13 14
Clause 90	Amendment of s 11 (Deciding application for registration of prescribed dealing other than assessable transfer—Act ss 19 and 194)	15 16 17
	Section 11(3) and (4)— <i>omit</i> .	18 19
Clause 91	Amendment of s 15 (Instruments not prevented from being registered—Act, s 26)	20 21
(1)	Section 15(2)(d)— <i>omit, insert</i> —	22 23
	(d) an application under section 19(1) of the Act for registration of a prescribed dealing mentioned in section 4(1)(a), (b) or (c) has been made;	24 25 26 27
	(e) a notice under section 19B of the Act to enable registration of a notifiable dealing has been given.	28 29 30

- (2) Section 15(3)— 1
insert— 2
(c) for subsection (2)(e)—the notifiable 3
dealing. 4

Clause 92 Insertion of new s 35A 5

After section 35— 6

insert— 7

**35A Conduct of conference about concerns—Act,
s 101F** 8
9

- (1) This section prescribes, for section 101F(2) of the 10
Act, the requirements for conducting a conference 11
to discuss a concern relating to a resource 12
authority. 13
- (2) The authorised officer conducting the conference 14
must give the parties a written notice— 15
- (a) requesting their attendance at the 16
conference; and 17
- (b) stating— 18
- (i) when and where the conference will be 19
held; and 20
- (ii) the concern to be discussed at the 21
conference. 22
- (3) A party given notice of the conference may attend 23
and take part in the conference. 24
- (4) A party must not be represented by a lawyer at the 25
conference unless— 26
- (a) each other party agrees; and 27
- (b) the authorised officer is satisfied there is no 28
disadvantage to each other party. 29
- (5) A person, other than a party or a lawyer 30

	representing a party, may attend the conference to help a party only with the authorised officer's approval.	1 2 3
	(6) Other than as provided for under the Act and subsections (2) to (5), the conference must be conducted in the way decided by the authorised officer.	4 5 6 7
Clause 93	Replacement of s 53 (Prescribed arbitration institutes—Act, s 176)	8 9
	Section 53—	10
	<i>omit, insert—</i>	11
	53 Prescribed arbitration institutes—Act, sch 2, def prescribed arbitration institute	12 13
	For schedule 2 of the Act, definition <i>prescribed arbitration institute</i> , the following entities are prescribed—	14 15 16
	(a) the Queensland Law Society ABN 33 423 389 441;	17 18
	(b) the Resolution Institute ABN 69 008 651 232.	19 20
Clause 94	Insertion of new ch 7	21
	After section 62—	22
	<i>insert—</i>	23

Chapter 7	Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2020	1 2 3 4 5 6 7
63	Application for registration of prescribed dealing that is assessable transfer made before commencement—ERC decision not relevant	8 9 10 11
(1)	This section applies if—	12
(a)	before the commencement, an application to the Minister for approval to register a prescribed dealing that is an assessable transfer was made under section 19 of the Act; and	13 14 15 16 17
(b)	immediately before the commencement, the application mentioned in paragraph (a) had not been finally dealt with.	18 19 20
(2)	The Minister must decide the application under section 10 as in force immediately before the commencement.	21 22 23
64	Particular prescribed dealings taken to be notifiable dealings	24 25
(1)	This section applies if, before the commencement, a prescribed dealing mentioned in section 4(1)(a) or (f) as in force before the commencement was registered.	26 27 28 29
(2)	The prescribed dealing is taken to be a notifiable	30

	dealing under section 4A.	1
Clause 95	Amendment of sch 2 (Fees)	2
	Schedule 2, item 3—	3
	<i>omit, insert—</i>	4
3	Application for approval of a prescribed dealing, other than an assessable transfer, under section 19 of the Act—	
	(a) for a mining claim under the Mineral Resources Act	51.15
	(b) otherwise	136.80
3A	Notifying chief executive of notifiable dealing under section 19B of the Act	51.15
Part 9	Amendment of Mineral and Energy Resources (Financial Provisioning) Act 2018	5 6 7
Clause 96	Act amended	8
	This part amends the <i>Mineral and Energy Resources (Financial Provisioning) Act 2018</i> .	9 10
	<i>Note—</i>	11
	See also the amendments in schedule 1.	12
Clause 97	Insertion of new s 31A	13
	Before section 32—	14
	<i>insert—</i>	15

[s 97]

31A Meaning of *changed holder event*

- 1
- (1) A *changed holder event*, in relation to an 2
authority, means any of the following— 3
- (a) an entity applies to the Minister under the 4
Mineral and Energy Resources (Common 5
Provisions) Act 2014, section 19 for 6
approval of a prescribed dealing to enable its 7
registration under section 17 of that Act that 8
is an assessable transfer, of a resource 9
authority relating to the authority, to another 10
entity (the *changed holder*); 11
- (b) an entity gives notice to the chief executive 12
under the *Mineral and Energy Resources 13*
(Common Provisions) Act 2014, section 19B 14
of a notifiable dealing to enable its 15
registration under section 17A of that Act 16
that is a non-assessable transfer of a 17
resource authority, or of a share in a 18
resource authority, relating to the authority, 19
if part of 1 holder’s share in the resource 20
authority will be transferred to another 21
holder of the resource authority (also the 22
changed holder); 23
- (c) an entity starts or stops controlling a holder 24
of the authority (also the *changed holder*) 25
under the Corporations Act, section 50AA; 26
- (d) a holder of the authority (also the *changed 27*
holder) starts or stops being a subsidiary of 28
a corporation under the Corporations Act, 29
section 46. 30
- (2) For subsection (1)(a) and (b), a resource authority 31
relates to an authority if the resource authority 32
authorises the carrying out of a resource activity 33
for the authority. 34

Clause 98	Amendment of s 32 (Scheme manager may review risk category allocation if changed holder)	1 2
(1)	Section 32(1)(c)—	3
	<i>omit, insert—</i>	4
	(c) a changed holder event happens in relation to the authority.	5 6
(2)	Section 32(7)—	7
	<i>omit.</i>	8
Clause 99	Amendment of s 33 (Application to scheme manager if proposed changed holder)	9 10
(1)	Section 33(1)(c)—	11
	<i>omit, insert—</i>	12
	(c) a changed holder event is proposed in relation to the authority.	13 14
(2)	Section 33(2)(a) and (b)—	15
	<i>omit, insert—</i>	16
	(a) for a changed holder event of a type mentioned in section 31A(1)(a)—the application for approval of the prescribed dealing had been made; or	17 18 19 20
	(b) for a changed holder event of a type mentioned in section 31A(1)(b)—the notice of the notifiable dealing had been given; or	21 22 23
	(c) for a changed holder event of a type mentioned in section 31A(1)(c) or (d)—the event had happened.	24 25 26
(3)	Section 33(4)—	27
	<i>omit.</i>	28

[s 100]

Clause 100	Amendment of s 34 (Scheme manager must notify interested entity of indicative changed holder review allocation)	1 2 3
(1)	Section 34(1), from ‘allocation,’ to ‘authority),’— <i>omit, insert—</i>	4 5
	allocation in relation to an authority, give the interested entity	6 7
(2)	Section 34— <i>insert—</i>	8 9
(3)	In this section— <i>interested entity</i> means—	10 11
(a)	for an authority in relation to which a changed holder event has happened—	12 13
(i)	for a changed holder event of a type mentioned in section 31A(1)(a)—the entity that applied to the Minister for approval of the prescribed dealing under the <i>Mineral and Energy Resources (Common Provisions) Act</i> , section 19; or	14 15 16 17 18 19 20
(ii)	for a changed holder event of a type mentioned in section 31A(1)(b)—the entity that gave notice to the chief executive of the notifiable dealing under the <i>Mineral and Energy Resources (Common Provisions) Act</i> , section 19B; or	21 22 23 24 25 26 27
(iii)	for a changed holder event of a type mentioned in section 31A(1)(c) or (d)—each holder of the authority; or	28 29 30
(b)	for an authority in relation to which a changed holder event is proposed—the applicant under section 33 for a changed	31 32 33

	holder review allocation for the proposed	1
	changed holder event.	2
Clause 101	Replacement of s 37 (When changed holder review decision takes effect)	3
		4
	Section 37—	5
	<i>omit, insert—</i>	6
	37 When changed holder review decision takes effect	7
		8
	(1) The changed holder review decision takes effect—	9
		10
	(a) for a changed holder event of a type mentioned in section 31A(1)(a)—when the prescribed dealing is approved under the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> , section 19 by the Minister; or	11
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		16
	(b) for a changed holder event of a type mentioned in section 31A(1)(b)—when the notifiable dealing is notified under the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> , section 19B to the chief executive; or	17
		18
		19
		20
		21
		22
	(c) for a changed holder event of a type mentioned in section 31A(1)(c) or (d)—on the day that is 10 business days after the notice under section 36 is given to the interested entity; or	23
		24
		25
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		27
	(d) for a proposed changed holder event of a type mentioned in section 31A(1)(a)—if and when the prescribed dealing is approved under the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> , section 19 by the Minister; or	28
		29
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[s 101]

- (e) for a proposed changed holder event of a type mentioned in section 31A(1)(b)—if and when the notifiable dealing is notified under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 19B to the chief executive; or
 - (f) for a proposed changed holder event of a type mentioned in section 31A(1)(c) or (d)—if and when the proposed event happens.
- (2) However—
- (a) subsection (1)(d) applies only if the application for approval of the prescribed dealing is made within the prescribed period after the notice under section 36 is given to the interested entity; and
 - (b) subsection (1)(e) applies only if notice of the notifiable dealing is given within the prescribed period after the notice under section 36 is given to the interested entity; and
 - (c) subsection (1)(f) applies only if the proposed changed holder event happens within the prescribed period after the notice under section 36 is given to the interested entity.
- (3) In this section—
- prescribed period*** means—
- (a) the period prescribed by regulation for this paragraph; or
 - (b) if no period is prescribed under paragraph (a)—6 months.

Clause 102	Replacement of s 42 (Holder must give scheme manager notice if changed holder)	1 2
	Section 42—	3
	<i>omit, insert—</i>	4
	42 Holder must give scheme manager notice if changed holder	5 6
	(1) If an authority has been allocated under this division to a risk category, the holder of the authority must give the scheme manager a notice under this section if a changed holder event happens in relation to the authority.	7 8 9 10 11
	Maximum penalty—100 penalty units.	12
	(2) The notice must—	13
	(a) state the details of the changed holder event; and	14 15
	(b) include the other information prescribed by regulation.	16 17
	(3) The notice must be given within 10 business days after—	18 19
	(a) for a changed holder event of a type mentioned in section 31A(1)(a)—the application for approval of the prescribed dealing is made; or	20 21 22 23
	(b) for a changed holder event of a type mentioned in section 31A(1)(b)—the notice of the notifiable dealing is given; or	24 25 26
	(c) for a changed holder event of a type mentioned in section 31A(1)(c) or (d)—the event happens.	27 28 29
	(4) If a notice under subsection (1) relates to a changed holder event of a type mentioned in section 31A(1)(c) or (d), the scheme manager must give the chief executive (resources) a copy	30 31 32 33

[s 103]

	of the notice within 10 business days after the scheme manager receives the notice.	1 2
Clause 103	Amendment of sch 1 (Dictionary)	3
	(1) Schedule 1, definition <i>interested entity</i> — <i>omit.</i>	4 5
	(2) Schedule 1— <i>insert</i> —	6 7
	<i>changed holder</i> , for an authority in relation to which a changed holder event happens or is proposed, means the changed holder mentioned in section 31A for the event.	8 9 10 11
	<i>changed holder event</i> , in relation to an authority, see section 31A.	12 13
	<i>interested entity</i> see section 34(3).	14
Part 10	Amendment of Mineral Resources Act 1989	15 16
Clause 104	Act amended	17
	This part amends the <i>Mineral Resources Act 1989</i> .	18
	<i>Note</i> —	19
	See also the amendments in schedule 1.	20
Clause 105	Amendment of s 16 (Land excluded from prospecting permit)	21 22
	Section 16(1)— <i>insert</i> —	23 24

	(c) it is the subject of a call for mining lease tenders.	1 2
Clause 106	Amendment of s 51 (Land for which mining claim not to be granted)	3 4
	Section 51(1)—	5
	<i>insert—</i>	6
	(f) a call for mining lease tenders.	7
Clause 107	Insertion of new s 61A	8
	After section 61—	9
	<i>insert—</i>	10
	61A Rejection of application if applicant disqualified	11 12
	(1) The Minister must reject an application for a mining claim if the Minister decides the applicant is disqualified under the Common Provisions Act, chapter 7 from being granted the mining claim.	13 14 15 16
	(2) On rejection of the application, the Minister must give the applicant a notice about the decision.	17 18
Clause 108	Amendment of s 64 (Issue of mining claim notice)	19
	Section 64(1)—	20
	<i>insert—</i>	21
	(c) is not disqualified under the Common Provisions Act, chapter 7 from being granted the mining claim.	22 23 24
Clause 109	Amendment of s 85A (Minister may refuse to grant mining claim if compensation not determined)	25 26
	(1) Section 85A(1)(d)—	27

[s 110]

insert— 1

(ia) if all objections lodged in relation to the 2
application for the grant of the mining claim 3
are withdrawn under section 71A(1) before 4
being referred to the Land Court under 5
section 72—the day the chief executive 6
received written notice of the last 7
withdrawal of the objections; or 8

(2) Section 85A(1)(d)(ia) to (iv)— 9

renumber as section 85A(1)(d)(ii) to (v). 10

**Clause 110 Amendment of s 132 (Exclusion of land from area of 11
exploration permit if subject to other authority under Act) 12**

(1) Section 132(1), after paragraph (b) and before ‘that land 13
and’— 14

insert— 15

(ba) a call for mining lease tenders; 16

(2) Section 132(1)— 17

insert— 18

(e) in the case of a call for mining lease tenders 19
referred to in paragraph (c)—until any of the 20
following happens— 21

(i) the call for mining lease tenders is 22
terminated; 23

(ii) an application for a mining lease for 24
the land made by the preferred tenderer 25
for the call is rejected or abandoned; 26

(iii) if a mining lease is granted to the 27
preferred tenderer for the call—the 28
land stops being subject to the mining 29
lease; 30

-
- (3) Section 132(2), after paragraph (b) and before ‘in respect of land’— 1
land’— 2
insert— 3
(ba) the termination of a call for mining lease tenders; 4
tenders; 5
(4) Section 132(1)(ba) to (e) and (2)(ba) to (e)— 6
renumber as section 132(1)(c) to (f) and (2)(c) to (f). 7

- Clause 111 Insertion of new s 133A** 8
After section 133— 9
insert— 10
133A Rejection of application if applicant disqualified 11
disqualified 12
(1) The Minister must reject an application for an exploration permit if the Minister decides the applicant is disqualified under the Common Provisions Act, chapter 7 from being granted the permit. 13
exploration permit if the Minister decides the 14
applicant is disqualified under the Common 15
Provisions Act, chapter 7 from being granted the 16
permit. 17
(2) On rejection of the application, the Minister must give the applicant a notice about the decision. 18
give the applicant a notice about the decision. 19

- Clause 112 Amendment of s 136A (Obtaining exploration permit by competitive tender)** 20
competitive tender) 21
Section 136A(4)— 22
insert— 23
(c) the subject of a call for mining lease tenders. 24

- Clause 113 Amendment of s 136C (Call for tenders)** 25
Call for tenders) 25
Section 136C(5)— 26
insert— 27

[s 114]

	(c) the subject of a call for mining lease tenders.	1
Clause 114	Insertion of new s 136EA	2
	After section 136E—	3
	<i>insert—</i>	4
	136EA Rejection of tender if tenderer disqualified	5
	(1) The Minister must reject a tender for an exploration permit for coal if the Minister decides the tenderer is disqualified under the Common Provisions Act, chapter 7 from being granted the permit.	6 7 8 9 10
	(2) On rejection of the tender, the Minister must give the tenderer a notice about the decision.	11 12
Clause 115	Amendment of s 137 (Prescribed criteria for grant of exploration permit)	13 14
	Section 137(4) to (6)—	15
	<i>omit.</i>	16
Clause 116	Insertion of new ss 137AA and 137AB	17
	After section 137—	18
	<i>insert—</i>	19
	137AA Area of exploration permit does not include particular land	20 21
	The area of an exploration permit does not include land that, under section 137AB, is excluded land for the permit.	22 23 24
	137AB Minister’s power to decide excluded land	25
	(1) The Minister may decide excluded land for an exploration permit.	26 27

-
- (2) However, the power under subsection (1) may be exercised only when the Minister is deciding whether to grant or renew the exploration permit. 1
2
3
- (3) Excluded land— 4
- (a) must be within— 5
- (i) for the grant of an exploration permit— 6
the area set out in the application for 7
the permit; or 8
- (ii) for the renewal of an exploration 9
permit—the original area of the permit; 10
and 11
- (b) can not be a whole sub-block. 12
- (4) Excluded land may be described in a way the 13
Minister considers appropriate, including, for 14
example, by area or by reference to a stated type 15
of land. 16
- (5) Land ceases to be excluded land for an 17
exploration permit if— 18
- (a) the sub-block in which the land is located is 19
relinquished or, for any other reason, ceases 20
to be in the area of the exploration permit; or 21
- (b) a mineral development licence is granted 22
over any of the area of the exploration 23
permit and the land is excluded land for the 24
mineral development licence. 25
- Note—* 26
- See section 176A for provisions about applying to add 27
excluded land to an existing exploration permit. 28

Clause 117 Insertion of new s 141BA 29

After section 141B— 30

insert— 31

[s 117]

141BA Power to impose or amend condition if changed holder of exploration permit	1 2
(1) This section applies if 1 of the following changes happens—	3 4
(a) an entity starts or stops controlling the holder of an exploration permit under the Corporations Act, section 50AA;	5 6 7
(b) the holder of an exploration permit starts or stops being a subsidiary of a corporation under the Corporations Act, section 46.	8 9 10
(2) The Minister may consider whether, after the change, the holder of the exploration permit has the financial and technical resources to comply with the conditions of the exploration permit.	11 12 13 14
(3) If the Minister considers the holder of the exploration permit may not have the financial and technical resources to comply with conditions of the exploration permit, the Minister may impose another condition on, or amend a condition of, the exploration permit.	15 16 17 18 19 20
(4) If the Minister believes a change mentioned in subsection (1) may have happened, the Minister may require the holder of the exploration permit to give the Minister information or a document about whether or not the change has happened.	21 22 23 24 25
(5) Before deciding to impose another condition on, or amend a condition of, the exploration permit under subsection (3), the Minister may require the holder of the exploration permit to give the Minister information or a document the Minister requires to make the decision.	26 27 28 29 30 31
(6) A requirement under subsection (4) or (5) must—	32
(a) be made by notice given to the holder; and	33

	(b) state a period of at least 10 business days within which the holder must comply with the requirement.	1 2 3
	(7) Before deciding to impose another condition on, or amend a condition of, the exploration permit under subsection (3), the Minister must give the holder of the permit a notice stating—	4 5 6 7
	(a) the proposed decision; and	8
	(b) the reasons for the proposed decision; and	9
	(c) that the holder may, within 10 business days after the notice is given, make submissions to the Minister about the proposed decision.	10 11 12
	(8) The Minister may extend the period mentioned in subsection (6)(b) or (7)(c) by notice given to the holder of the exploration permit.	13 14 15
	(9) In deciding whether to impose another condition on, or amend a condition of, the exploration permit under subsection (3), the Minister—	16 17 18
	(a) must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and	19 20 21
	(b) may consider any other matter the Minister considers relevant.	22 23
	(10) If the Minister decides to impose another condition on, or amend a condition of, the exploration permit under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.	24 25 26 27 28 29
Clause 118	Amendment of s 148 (Continuation of exploration permit if application for other tenure)	30 31
	Section 148(1)(a)(iii), ‘mining’—	32

[s 119]

omit, insert— 1
mineral 2

Clause 119	Amendment of s 182 (Land is excluded from area of mineral development licence if covered by other authority under Act)	3
	(1) Section 182(1)(b)—	4
	<i>insert—</i>	5
	(iii) the subject of a call for mining lease tenders.	6
	(2) Section 182(3)—	7
	<i>insert—</i>	8
	(c) if subsection (1)(b)(iii) applies—until any of the following happens—	9
	(i) the call for mining lease tenders is terminated;	10
	(ii) an application for a mining lease for the land made by the preferred tenderer for the call is rejected or abandoned;	11
	(iii) if a mining lease is granted to the preferred tenderer for the call—the land stops being in the area of the mining lease.	12
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Clause 120	Insertion of new s 185A	22
	After section 185—	23
	<i>insert—</i>	24
	185A Rejection of application if applicant disqualified	25
	(1) The Minister must reject an application for a mineral development licence if the Minister decides the applicant is disqualified under the	26
		27
		28
		29

	Common Provisions Act, chapter 7 from being granted the mineral development licence.	1 2
	(2) On rejection of the application, the Minister must give the applicant a notice about the decision.	3 4
Clause 121	Insertion of new ss 186AA and 186AB	5
	After section 186—	6
	<i>insert—</i>	7
	186AA Area of mineral development licence does not include particular land	8 9
	The area of a mineral development licence does not include land that, under section 186AB, is excluded land for the licence.	10 11 12
	186AB Minister’s power to decide excluded land	13
	(1) The Minister may decide excluded land for a mineral development licence.	14 15
	(2) However, the power under subsection (1) may be exercised only when the Minister is deciding whether to grant or renew the mineral development licence.	16 17 18 19
	(3) Excluded land must be within—	20
	(a) for the grant of a mineral development licence—the area set out in the application for the mineral development licence; or	21 22 23
	(b) for the renewal of a mineral development licence—the original area of the mineral development licence.	24 25 26
	(4) Excluded land may be described in a way the Minister considers appropriate, including, for example, by area or by reference to a stated type of land.	27 28 29 30

[s 122]

- (5) Land ceases to be excluded land for a mineral development licence if the land is relinquished or, for any other reason, ceases to be in the area of the mineral development licence. 1
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Note— 5

See section 226AA for provisions about applying to add excluded land to an existing mineral development licence. 6
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Clause 122 Insertion of new s 194ABA 9

After section 194AB— 10

insert— 11

194ABA Power to impose or amend condition if changed holder of mineral development licence 12
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- (1) This section applies if 1 of the following changes happens— 15
16

(a) an entity starts or stops controlling the holder of a mineral development licence under the Corporations Act, section 50AA; 17
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(b) the holder of a mineral development licence starts or stops being a subsidiary of a corporation under the Corporations Act, section 46. 20
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- (2) The Minister may consider whether, after the change, the holder of the mineral development licence has the financial and technical resources to comply with the conditions of the mineral development licence. 24
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- (3) If the Minister considers the holder of the mineral development licence may not have the financial and technical resources to comply with conditions of the mineral development licence, the Minister may impose another condition on, or amend a 29
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-
- condition of, the mineral development licence. 1
- (4) If the Minister believes a change mentioned in 2
subsection (1) may have happened, the Minister 3
may require the holder of the mineral 4
development licence to give the Minister 5
information or a document about whether or not 6
the change has happened. 7
- (5) Before deciding to impose another condition on, 8
or amend a condition of, the mineral development 9
licence under subsection (3), the Minister may 10
require the holder of the mineral development 11
licence to give the Minister information or a 12
document the Minister requires to make the 13
decision. 14
- (6) A requirement under subsection (4) or (5) must— 15
- (a) be made by notice given to the holder; and 16
- (b) state a period of at least 10 business days 17
within which the holder must comply with 18
the requirement. 19
- (7) Before deciding to impose another condition on, 20
or amend a condition of, the mineral development 21
licence under subsection (3), the Minister must 22
give the holder of the licence a notice stating— 23
- (a) the proposed decision; and 24
- (b) the reasons for the proposed decision; and 25
- (c) that the holder may, within 10 business days 26
after the notice is given, make submissions 27
to the Minister about the proposed decision. 28
- (8) The Minister may extend the period mentioned in 29
subsection (6)(b) or (7)(c) by notice given to the 30
holder of the mineral development licence. 31
- (9) In deciding whether to impose another condition 32
on, or amend a condition of, the mineral 33
development licence under subsection (3), the 34

[s 123]

	Minister—	1
	(a) must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and	2 3 4
	(b) may consider any other matter the Minister considers relevant.	5 6
	(10) If the Minister decides to impose another condition on, or amend a condition of, the mineral development licence under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.	7 8 9 10 11 12
Clause 123	Amendment of s 230 (Plant remaining on former mineral development licence may be sold etc.)	13 14
	(1) Section 230(1) and (5), ‘chief executive’— <i>omit, insert—</i>	15 16
	Minister	17
	(2) Section 230(2), ‘direct the chief executive to’— <i>omit.</i>	18 19
Clause 124	Amendment of s 232 (Eligible person may apply for mining lease)	20 21
	Section 232— <i>insert—</i>	22 23
	(3) If an area of contiguous land (also the <i>proposed lease area</i>) is the subject of a call for mining lease tenders, an eligible person may apply for a mining lease over the proposed lease area only if the person—	24 25 26 27 28
	(a) is the preferred tenderer for the tender; and	29

	(b) applies for the mining lease within the application period mentioned in the notice given to the person under section 317ZH.	1 2 3
Clause 125	Insertion of new s 233A	4
	After section 233—	5
	<i>insert—</i>	6
	233A Rejection of application if applicant disqualified	7 8
	(1) The Minister must reject an application for a mining lease if the Minister decides the applicant is disqualified under the Common Provisions Act, chapter 7 from being granted the lease.	9 10 11 12
	(2) On rejection of the application, the Minister must give the applicant a notice about the decision.	13 14
Clause 126	Amendment of s 245 (Application for grant of mining lease)	15 16
	Section 245(2), after ‘if, under’—	17
	<i>insert—</i>	18
	section 246 or	19
Clause 127	Insertion of new s 246	20
	After section 245—	21
	<i>insert—</i>	22
	246 Additional requirement for applications for particular mining leases for prescribed minerals	23 24 25
	(1) This section applies to an application for the grant of a mining lease for a prescribed mineral if—	26 27

[s 127]

- (a) the applicant proposes to mine a threshold amount of the prescribed mineral under the proposed lease in a lease year, in any 1 or more of the first 5 lease years for the proposed lease; or
 - (b) the proposed lease is to be part of an existing mining project comprised of prescribed mineral mining leases; or
 - (c) both of the following apply—
 - (i) the proposed lease is to be part of an existing mining project or proposed mining project;
 - (ii) the applicant proposes to mine a threshold amount of the prescribed mineral under the mining project or proposed mining project in a lease year, in any 1 or more of the first 5 lease years for the proposed lease.
- (2) The application must include a proposed development plan that complies with the initial development plan requirements for the proposed mining lease.
- Note—*
- See section 317J for the initial development plan requirements.
- (3) However, if the mining lease is to be part of a mining project, the proposed development plan may—
- (a) also relate to 1 or more of the prescribed mineral mining leases that comprise the mining project; and
 - (b) comply with the later development plan requirements for a prescribed mineral mining lease.

	<i>Note—</i>	1
	See section 317Q for the later development plan requirements.	2 3
	(4) In this section—	4
	<i>existing mining project</i> , in relation to an application for the grant of a mining lease, means a mining project that exists when the application is made.	5 6 7 8
	<i>proposed mining project</i> , in relation to an application for the grant of a mining lease, means a mining project that—	9 10 11
	(a) does not exist when the application is made; and	12 13
	(b) the applicant intends will be comprised of—	14
	(i) the proposed mining lease; and	15
	(ii) at least 1 other mining lease to be granted, for which the applicant has made an application.	16 17 18
Clause 128	Amendment of s 248 (Applicant must obtain consent or views of existing authority holders)	19 20
	(1) Section 248(4), ‘application can’—	21
	<i>omit, insert—</i>	22
	mining lease can	23
	(2) Section 248—	24
	<i>insert—</i>	25
	(4A) However, for a lease mentioned in subsection (2)(b), subsection (4) is subject to section 271AB.	26 27
	(3) Section 248(4A) and (5)—	28
	<i>renumber</i> as section 248(5) and (6).	29

[s 129]

Clause 129	Amendment of s 252 (Issue of mining lease notice)	1
	Section 252(1)—	2
	<i>insert—</i>	3
	(c) is not disqualified under the Common Provisions Act, chapter 7 from being granted the mining lease.	4 5 6
Clause 130	Amendment of s 271A (Deciding mining lease application)	7 8
	(1) Section 271A—	9
	<i>insert—</i>	10
	(3A) Further, if the application is 1 of the following, it may only be granted if the applicant's proposed development plan for the proposed mining lease is approved—	11 12 13 14
	(a) an application for a mining lease for a prescribed mineral that, under section 246, is required to include a proposed development plan for the proposed mining lease;	15 16 17 18 19
	(b) an application for a coal mining lease;	20
	(c) an application for an oil shale mining lease.	21
	<i>Note—</i>	22
	See part 1A, division 3, and chapter 8, part 9, division 3, for provisions about the approval of proposed development plans for proposed mining leases.	23 24 25
	(2) Section 271A(3A) and (4)—	26
	<i>renumber</i> as section 271A(4) and (5).	27
Clause 131	Insertion of new s 271AB	28
	After section 271A—	29

insert—

**271AB Application for later specific purpose
mining lease or transportation mining lease**

- (1) This section applies if—
- (a) a person applies for a specific purpose mining lease or a transportation mining lease (the *later mining lease*) over land in the area of any of the following authorities (each an *existing authority*)—
 - (i) an exploration permit;
 - (ii) a mineral development licence;
 - (iii) a mining lease; and
 - (b) the person mentioned in paragraph (a) has not obtained the consent of the holder of the existing authority, as required under section 248(2) or 316(5), to the application for the later mining lease.
- (2) The Minister may grant the later mining lease only if the Minister is satisfied that—
- (a) the authorised activities for the later mining lease can be carried out in a way that is compatible with the authorised activities for the existing authority; and
 - (b) the co-existence of the later mining lease and the existing authority would optimise the development and use of the State's resources to maximise the benefit for all Queenslanders.
- (3) Before making a decision under subsection (2), the Minister may, by written notice, require the applicant for the later mining lease, or the holder of the existing authority, to give the Minister information or a document the Minister requires to make the decision.

[s 131]

- (4) The applicant, or holder, must give the information or document to the Minister within 10 business days after the notice is given. 1
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- (5) The Minister may extend the period mentioned in subsection (4) by notice given to the applicant or holder. 4
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- (6) If the Minister grants the later mining lease, the later mining lease holder may carry out an authorised activity for the later mining lease on land within the area of the existing authority only if carrying out the authorised activity is consistent with an agreed co-existence plan. 7
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- (7) An agreed co-existence plan must— 13
- (a) identify the parties to the plan; and 14
- (b) set out an overview of the activities proposed to be carried out in the area mentioned in subsection (1)(a), including the location of the activities and when they will start; and 15
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- (c) set out how the activities mentioned in paragraph (b) will comply with mining safety legislation; and 20
21
22
- (d) state how the activities mentioned in paragraph (b) optimise the development and use of the State's resources; and 23
24
25
- (e) state whether any monetary or non-monetary compensation is to be given under the plan; and 26
27
28
- (f) state the period for which the plan is to have effect; and 29
30
- (g) include any other information prescribed by regulation. 31
32
- (8) The later mining lease holder and the existing authority holder must negotiate in good faith and 33
34

-
- use all reasonable endeavours to agree on a
co-existence plan. 1
2
- (9) If the later mining lease holder and the existing
authority holder can not agree on a co-existence
plan within 3 months after the granting of the later
mining lease, the later mining lease holder may
apply for arbitration of the dispute. 3
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- (10) Despite subsection (9), the later mining lease
holder and the existing authority holder may
jointly apply for arbitration of the dispute at any
time. 8
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- (11) It is a condition of both the later mining lease and
the existing authority that the holder must comply
with each agreed co-existence plan that applies to
the holder. 12
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- (12) The later mining lease holder must, within 20
business days after an agreed co-existence plan is
in place, give notice to the chief executive stating
the following— 16
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19
- (a) that the plan is in place; 20
- (b) the period for which the plan has effect; 21
- (c) other information prescribed by regulation. 22
- (13) In this section— 23
- agreed co-existence plan*** means— 24
- (a) if an agreed co-existence plan is agreed on
under subsection (8)—the agreed
co-existence plan; or 25
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27
- (b) if an agreed co-existence plan is amended
by the holders of the later mining lease and
the existing mining lease—the agreed
co-existence plan as amended; or 28
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31
- (c) if an agreed co-existence plan is arbitrated
as an agreed co-existence plan under the 32
33

[s 132]

	Common Provisions Act, chapter 5, part 3—	1
	the agreed co-existence plan as arbitrated.	2
	<i>transportation mining lease</i> means a mining	3
	lease granted under section 316.	4
Clause 132	Insertion of new s 276C	5
	After section 276B—	6
	<i>insert—</i>	7
	276C Power to impose or amend condition if	8
	changed holder of mining lease	9
	(1) This section applies if 1 of the following changes	10
	happens—	11
	(a) an entity starts or stops controlling the	12
	holder of a mining lease under the	13
	Corporations Act, section 50AA;	14
	(b) the holder of a mining lease starts or stops	15
	being a subsidiary of a corporation under the	16
	Corporations Act, section 46.	17
	(2) The Minister may consider whether, after the	18
	change, the holder of the mining lease has the	19
	financial and technical resources to comply with	20
	the conditions of the mining lease.	21
	(3) If the Minister considers the holder of the mining	22
	lease may not have the financial and technical	23
	resources to comply with conditions of the mining	24
	lease, the Minister may impose another condition	25
	on, or amend a condition of, the mining lease.	26
	(4) If the Minister believes a change mentioned in	27
	subsection (1) may have happened, the Minister	28
	may require the holder of the mining lease to give	29
	the Minister information or a document about	30
	whether or not the change has happened.	31
	(5) Before deciding to impose another condition on,	32

-
- or amend a condition of, the mining lease under subsection (3), the Minister may require the holder of the mining lease to give the Minister information or a document the Minister requires to make the decision.
- (6) A requirement under subsection (4) or (5) must—
- (a) be made by notice given to the holder; and
 - (b) state a period of at least 10 business days within which the holder must comply with the requirement.
- (7) Before deciding to impose another condition on, or amend a condition of, the mining lease under subsection (3), the Minister must give the holder of the lease a notice stating—
- (a) the proposed decision; and
 - (b) the reasons for the proposed decision; and
 - (c) that the holder may, within 10 business days after the notice is given, make submissions to the Minister about the proposed decision.
- (8) The Minister may extend the period mentioned in subsection (6)(b) or (7)(c) by notice given to the holder of the mining lease.
- (9) In deciding whether to impose another condition on, or amend a condition of, the mining lease under subsection (3), the Minister—
- (a) must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and
 - (b) may consider any other matter the Minister considers relevant.
- (10) If the Minister decides to impose another condition on, or amend a condition of, the mining lease under subsection (3), the Minister must, as

[s 133]

soon as practicable after making the decision, 1
give the holder a notice stating the decision and 2
the reasons for the decision. 3

Clause 133 Amendment of s 277 (Provision of security) 4

(1) Section 277(1), from ‘The’ to ‘security for the lease’— 5
omit, insert— 6

Before a mining lease is granted or renewed, the 7
Minister must decide the security to be deposited 8
by the holder of the mining lease 9

(2) Section 277(2)— 10
omit. 11

(3) Section 277(3), ‘Despite subsection (2), the’— 12
omit, insert— 13

The 14

(4) Section 277(4)— 15
omit, insert— 16

(4) The Minister must not grant or renew a mining 17
lease until the applicant for the grant or renewal 18
deposits the security required under this section. 19

(5) Section 277(6), ‘by the holder of’— 20
omit, insert— 21

for 22

(6) Section 277(6), ‘pursuant to subsection (7)’— 23
omit, insert— 24

under subsection (6) 25

(7) Section 277(7), ‘by the holder’— 26
omit. 27

(8) Section 277(11), ‘shall, subject to subsection (13)’— 28

<i>omit, insert—</i>	1
must, subject to subsection (12)	2
(9) Section 277(11), ‘subsection (5)’—	3
<i>omit, insert—</i>	4
subsection (4)	5
(10) Section 277(12), ‘subsection (11)’—	6
<i>omit, insert—</i>	7
subsection (10)	8
(11) Section 277(13), ‘subsection (11)’—	9
<i>omit, insert—</i>	10
subsection (10)	11
(12) Section 277(3) to (13)—	12
<i>renumber</i> as section 277(2) to (12).	13

Clause 134	Amendment of s 279A (Minister may refuse to grant mining lease if compensation not determined)	14
(1)	Section 279A(1)(d)—	15
	<i>insert—</i>	16
	(ia) if all objections lodged in relation to the application for the grant of the mining lease are withdrawn under section 261(1) before being referred to the Land Court under section 265—the day the chief executive received written notice of the last withdrawal of the objections; or	17
(2)	Section 279A(1)(d)(ia) to (iv)—	18
	<i>renumber</i> as section 279A(1)(d)(ii) to (v).	19
		20
		21
		22
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		25
		26

[s 135]

Clause 135	Insertion of new s 286AA	1
	After section 286—	2
	<i>insert—</i>	3
	286AA Additional requirements for application for renewal of particular mining leases for prescribed minerals	4
		5
		6
	(1) This section applies to an application—	7
	(a) for the renewal of a prescribed mineral mining lease; or	8
		9
	(b) for the renewal of another mining lease for a prescribed mineral if—	10
		11
	(i) the holder proposes to mine a threshold amount of the prescribed mineral under the renewed lease in a lease year, in any 1 or more of the first 5 lease years for the renewed lease; or	12
		13
		14
		15
		16
	(ii) the renewed lease is part of a mining project and the holder proposes to mine a threshold amount of the prescribed mineral under the mining project in a lease year, in any 1 or more of the first 5 lease years for the renewed lease.	17
		18
		19
		20
		21
		22
	(2) If the application is for the renewal of a prescribed mineral mining lease, the application must—	23
		24
	(a) state whether the current development plan for the lease has been complied with; and	25
		26
	(b) if the development plan has not been complied with—state details of, and reasons for, each noncompliance; and	27
		28
		29
	(c) include a proposed later development plan for the renewed lease that complies with the later development plan requirements.	30
		31
		32

<i>Note—</i>	1
See section 317Q for the later development plan requirements.	2 3
(3) If the application is an application mentioned in subsection (1)(b), the application must include a proposed development plan that complies with the initial development plan requirements for the renewed lease.	4 5 6 7 8
<i>Note—</i>	9
See section 317K for the initial development plan requirements.	10 11
(4) The application can not be made after the mining lease has ended.	12 13
(5) If the application is made less than 6 months before the end of the term of the mining lease, the application must be accompanied by an amount that is 10 times the renewal fee prescribed under section 286(2)(b).	14 15 16 17 18
Clause 136 Amendment of s 286A (Decision on application)	19
Section 286A—	20
<i>insert—</i>	21
(3A) If the application is 1 of the following, the Minister may grant the application only if the holder's proposed development plan for the renewed mining lease is approved—	22 23 24 25
(a) an application for renewal of a mining lease for a prescribed mineral that, under section 286AA(3), is required to include a proposed development plan for the renewed lease;	26 27 28 29
(b) an application for renewal of a coal mining lease;	30 31
(c) an application for renewal of an oil shale mining lease.	32 33

[s 137]

	<i>Note—</i>	1
	See part 1A, division 3, and chapter 8, part 9, division 3, for provisions about the approval of proposed development plans for mining leases.	2 3 4
Clause 137	Amendment of s 286C (Continuation of lease while application being dealt with)	5 6
	(1) Section 286C(1), ‘Subsection (2)’— <i>omit, insert—</i>	7 8
	This section	9
	(2) Section 286C— <i>insert—</i>	10 11
	(3) If the application is for renewal of a prescribed mineral mining lease, the mining lease is taken to have a development plan—	12 13 14
	(a) while the lease continues in force under subsection (2); and	15 16
	(b) even if the plan period for the current development plan ends.	17 18
Clause 138	Amendment of s 313 (Application for approval to remove mineral and property)	19 20
	Section 313(2), ‘chief executive for the Minister’s’— <i>omit, insert—</i>	21 22
	Minister for	23
Clause 139	Amendment of s 314 (Property remaining on former mining lease may be sold)	24 25
	(1) Section 314(1) and (5), ‘chief executive’— <i>omit, insert—</i>	26 27
	Minister	28

- (2) Section 314(2), ‘direct the chief executive to’— 1
omit. 2

Clause 140 Amendment of s 316 (Mining lease for transportation through land) 3
4

- (1) Section 316(1)(b), ‘or mineral development licence’— 5
omit, insert— 6
 , mineral development licence or mining lease 7

- (2) Section 316— 8
insert— 9

(5) If land included in the application is in the area of 10
a mining lease, the application must be 11
accompanied by the consent of the lease holder. 12

(5A) However, subsection (5) is subject to section 13
271AB. 14

(5B) A mining lease may not be granted under this 15
section for land that is the subject of a call for 16
mining lease tenders until any of the following 17
happens— 18

(a) the call for mining lease tenders is 19
terminated; 20

(b) an application for a mining lease for the land 21
made by the preferred tenderer for the call is 22
decided, rejected or abandoned. 23

- (3) Section 316(5A) to (6)— 24
renumber as section 316(6) to (8). 25

Clause 141 Renumbering of s 318 (Improvement restoration for mining lease) 26
27

- Section 318— 28
renumber as section 317A. 29

[s 142]

Clause 142	Insertion of new ch 6, pts 1A and 1B	1	
	Chapter 6—	2	
	<i>insert—</i>	3	
	Part 1A	Development plans for particular mining leases for prescribed minerals	4 5 6 7
	Division 1	Preliminary	8
	317B	Function and purpose of development plans	9
	(1)	The development plan for a mining lease for a prescribed mineral (the <i>relevant lease</i>) gives detailed information about the nature and extent of activities to be carried out under the relevant lease.	10 11 12 13 14
	(2)	The development plan may—	15
	(a)	also relate to another mining lease for a prescribed mineral if the other lease relates to the relevant lease, including, because both leases are part of the same mining project; and	16 17 18 19 20
	(b)	provide that the plan will replace any development plan for the other lease when it is approved.	21 22 23
	(3)	The purposes of giving the information are to—	24
	(a)	allow resource management decisions to be made; and	25 26
	(b)	ensure appropriate development of minerals, including prescribed minerals, that are specified in the lease under section 234.	27 28 29

317C What is a <i>prescribed mineral mining lease</i>	1
(1) A mining lease for a prescribed mineral is a <i>prescribed mineral mining lease</i> if—	2 3
(a) when the lease is granted or renewed, there is a development plan for the lease; or	4 5
(b) paragraph (a) does not apply to the lease and, at least once, a threshold amount of the prescribed mineral has been mined—	6 7 8
(i) if the mining lease is part of a mining project—under the mining project in a project year for the project; or	9 10 11
(ii) otherwise—under the lease in a lease year for the lease.	12 13
(2) However, a mining lease to which subsection (1)(b) applies does not start to be a prescribed mineral mining lease until immediately after the threshold year for the lease ends.	14 15 16 17
(3) This section applies subject to section 317X.	18
<i>Note—</i>	19
Section 317X provides for the circumstances in which a mining lease stops being a prescribed mineral mining lease.	20 21 22
(4) To remove any doubt, it is declared that a mining lease for a prescribed mineral continues to be a prescribed mineral mining lease even if a threshold amount of the prescribed mineral is not mined—	23 24 25 26 27
(a) for a lease to which subsection (1)(a) applies—under the lease in any lease year for the lease or, if the lease is part of a mining project, under the mining project in any project year for the project; or	28 29 30 31 32
(b) for a lease to which subsection (1)(b) applies—under the lease in any lease year	33 34

[s 142]

- for the lease after the threshold year or, if 1
the lease is part of a mining project, under 2
the mining project in any project year for the 3
project after the threshold year. 4
- (5) In this section— 5
- threshold year***, for a mining lease, means— 6
- (a) if the lease is part of a mining project—the 7
first project year in which a threshold 8
amount of a prescribed mineral is mined 9
under the mining project; or 10
- (b) otherwise—the first lease year in which a 11
threshold amount of a prescribed mineral is 12
mined under the lease. 13
- 317D What is a *new prescribed mineral mining*** 14
lease 15
- (1) A prescribed mineral mining lease under section 16
317C(1)(b) is a ***new prescribed mineral mining*** 17
lease for the period that— 18
- (a) starts when the mining lease becomes a 19
prescribed mineral mining lease under 20
section 317C(2); and 21
- (b) ends when— 22
- (i) an initial development plan for the 23
lease is approved; or 24
- (ii) if a decision to refuse to approve a 25
proposed initial development plan for 26
the lease is made at least 6 months after 27
the time mentioned in paragraph (a)— 28
the decision takes effect under section 29
317V. 30
- (2) The ***initial plan period*** for a new prescribed 31
mineral mining lease is the period that— 32

-
- (a) starts at the time mentioned in subsection 1
(1)(a) for the lease; and 2
 - (b) ends— 3
 - (i) if an initial development plan is 4
approved for the lease within 6 months 5
after the period starts—when the 6
development plan is approved; or 7
 - (ii) otherwise—6 months after the period 8
starts. 9

317E What is a *development plan* and its *plan period* 10
11

- (1) The *development plan* for a prescribed mineral 12
mining lease is— 13
 - (a) the current initial development plan for the 14
lease approved under division 3; or 15
 - (b) the current later development plan for the 16
lease approved under division 4. 17
 - (2) For subsection (1), the development plan is 18
current if the plan period has started and not 19
ended. 20
- Note—* 21
- See also sections 286C(3) and 317R. 22
- (3) The period to which a development plan applies is 23
its *plan period*. 24

**Division 2 Requirements for 25
development plans 26**

317F Requirement to have development plan 27
It is a condition of each prescribed mineral mining 28

[s 142]

lease that its holder must ensure there is a
development plan for the lease. 1 2

Note— 3

The development plan for a mining lease is its current
initial or later development plan, as approved under this
part. See the definition of *development plan* in section
317E. For the requirement to lodge a proposed later
development plan and its approval, see division 4. 4 5 6 7 8

317G Obligation to comply with development plan 9

It is a condition of each prescribed mineral mining
lease that its holder must comply with the
development plan for the lease. 10 11 12

317H Development plan for new prescribed mineral mining lease 13 14

(1) A condition stated in section 317F or 317G is
complied with for a new prescribed mineral
mining lease if a proposed initial development
plan for the lease— 15 16 17 18

(a) is lodged; and 19

(b) complies with the initial development plan
requirements for a mining lease for a
prescribed mineral; and 20 21 22

Note— 23

See section 317K for the initial development plan
requirements. 24 25

(c) is accompanied by the relevant fee. 26

(2) If, before the end of the initial plan period for the
lease, a decision to refuse to approve a proposed
initial development plan lodged under subsection
(1) is made, the holder may lodge another
proposed initial development plan for the lease
within the initial plan period. 27 28 29 30 31 32

-
- (3) In this section— 1
relevant fee, for the lodgement of the proposed 2
initial development plan, means— 3
- (a) if the proposed plan is lodged within the 4
initial plan period— 5
- (i) for the lodgement of the first proposed 6
plan—the fee prescribed by regulation; 7
or 8
- (ii) for the lodgement of another proposed 9
plan under subsection (2)—nil; or 10
- (b) otherwise—an amount that is 10 times the 11
fee mentioned in paragraph (a)(i). 12

**317I Consequence of failure to comply with notice 13
to lodge proposed initial development plan 14**

- (1) This section applies if the holder of a new 15
prescribed mineral mining lease— 16
- (a) does not lodge a proposed initial 17
development plan under section 317H(1) 18
within the initial plan period; or 19
- (b) if section 317H(2) applies—does not lodge 20
another proposed initial development plan 21
under that subsection within the initial plan 22
period. 23
- (2) The holder must be given a notice requiring the 24
holder to lodge a proposed initial development 25
plan for the lease within 40 business days after the 26
notice is given. 27
- (3) The holder must comply with the requirement. 28
- (4) If the holder does not comply with the 29
requirement, the lease is cancelled. 30
- (5) However, the cancellation does not take effect 31
until the holder is given a notice stating that the 32

[s 142]

lease has been cancelled because of the operation 1
of subsection (4). 2

**317J Initial development plan requirements— 3
proposed mining lease 4**

(1) This section provides for requirements (the *initial 5
development plan requirements*) for a proposed 6
initial development plan for a proposed mining 7
lease for a prescribed mineral. 8

Note— 9

See section 246(2) for the circumstances in which a 10
proposed initial development plan must be lodged with 11
an application for the grant of a mining lease. 12

(2) The proposed plan must provide for each of the 13
following— 14

(a) an overview of the activities proposed to be 15
carried out under the proposed mining lease 16
during all of its proposed term; 17

(b) for each year of the plan period— 18

(i) the nature and extent of activities 19
proposed to be carried out under the 20
proposed mining lease during the year; 21
and 22

(ii) where the activities are proposed to be 23
carried out; 24

(c) for each mineral the applicant proposes to 25
mine under the proposed mining lease— 26

(i) the location and an estimate of the 27
resources of the mineral in all of the 28
area, or proposed area, of the proposed 29
mining lease; and 30

(ii) the standards and procedures used to 31
make the estimate; and 32

-
- (iii) the rate and amount of the proposed mining; and 1
2
- (iv) approximately when the proposed mining is to start; and 3
4
- (v) a schedule for the proposed mining during the plan period; 5
6
- (d) maps or other documents that show the matters mentioned in paragraphs (b) and (c)(i), (iii) and (iv); 7
8
9
- (e) if the proposed mining lease is to be part of a mining project and the plan does not relate to 1 or more of the mining leases that comprise the project—how the overview of activities mentioned in paragraph (a) relates to the activities proposed to be carried out under those leases during the remainder of their terms; 10
11
12
13
14
15
16
17
- (f) any other information relevant to the criteria mentioned in section 317N; 18
19
- (g) reasons why the plan is considered appropriate; 20
21
- (h) another matter prescribed by regulation. 22
- (3) The proposed plan must state its period. 23
- (4) The period must not be longer than— 24
- (a) if the term sought for the mining lease is 5 years or more—5 years from the start of the term; or 25
26
27
- (b) otherwise—the term of the mining lease. 28
- (5) The proposed plan must comply with any requirements about the form of a development plan prescribed by regulation. 29
30
31

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317K Initial development plan requirements— mining lease	1 2
(1) This section provides for requirements (the <i>initial development plan requirements</i>) for a proposed initial development plan for a mining lease for a prescribed mineral.	3 4 5 6
<i>Notes—</i>	7
1 See section 286AA(3) for the circumstances in which a proposed initial development plan for a mining lease must be lodged with an application for the renewal of a mining lease.	8 9 10 11
2 See section 317H for the requirement for a proposed initial development plan for a new prescribed mineral mining lease to be lodged.	12 13 14
3 See section 317Q(2)(a) for the requirement for a later development plan for a mining lease for a prescribed mineral to comply with the initial development plan requirements in this section.	15 16 17 18
(2) The proposed plan must provide for each of the following—	19 20
(a) an overview of the activities proposed to be carried out under the mining lease during all of the relevant term;	21 22 23
(b) for each year of the plan period—	24
(i) the nature and extent of activities proposed to be carried out under the mining lease during the year; and	25 26 27
(ii) where the activities are proposed to be carried out;	28 29
(c) for each mineral the holder proposes to mine under the mining lease during all of the relevant term—	30 31 32
(i) the location and an estimate of the resources of the mineral in all of the area of the mining lease; and	33 34 35

-
- | | |
|---|--|
| (ii) the standards and procedures used to make the estimate; and | 1
2 |
| (iii) the rate and amount of the proposed mining; and | 3
4 |
| (iv) a schedule for the proposed mining during the plan period; | 5
6 |
| (d) maps or other documents that show the matters mentioned in paragraphs (b) and (c)(i), (iii) and (iv); | 7
8
9 |
| (e) if the mining lease is part of a mining project and the plan does not relate to 1 or more of the mining leases that comprise the project—how the overview of activities mentioned in paragraph (a) relates to the activities proposed to be carried out under those leases during the remainder of their terms; | 10
11
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17 |
| (f) any other information relevant to the criteria mentioned in section 317N; | 18
19 |
| (g) reasons why the plan is considered appropriate; | 20
21 |
| (h) another matter prescribed by regulation. | 22 |
| (3) The proposed plan must state its period. | 23 |
| (4) The period must not be longer than— | 24 |
| (a) if the relevant term of the mining lease is 5 years or more—5 years; or | 25
26 |
| (b) otherwise—the relevant term of the mining lease. | 27
28 |
| (5) The proposed plan must comply with any requirements about the form of a development plan prescribed by regulation. | 29
30
31 |
| (6) In this section— | 32 |

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- relevant term*, for a mining lease, means— 1
- (a) if a proposed initial development plan is 2
included with an application for renewal of a 3
mining lease—the term of the renewed 4
mining lease; or 5
 - (b) otherwise—the remaining term of the 6
mining lease. 7

Division 3 Initial development plans 8

317L Ministerial approval of proposed plan 9

The Minister must decide whether to approve a 10
proposed initial development plan— 11

- (a) included with an application for a mining 12
lease, or renewal of a mining lease, for a 13
prescribed mineral; or 14
- (b) lodged by the holder of a new prescribed 15
mineral mining lease. 16

Notes— 17

- 1 See sections 271A(4) and 286A(3A) for the 18
consequence for an application mentioned in 19
paragraph (a) if the proposed initial development 20
plan is not approved. 21
- 2 See section 317F for the condition that a prescribed 22
mineral mining lease must have a development plan 23
and section 308 for the power of the Minister to 24
cancel the lease for breach of the condition. 25

317M Before approval of proposed plan 26

- (1) This section applies to— 27
 - (a) the applicant for the grant or renewal of a 28
mining lease for a prescribed mineral who 29

-
- has lodged a proposed initial development plan; or 1
2
- (b) the holder of a new prescribed mineral mining lease who has lodged a proposed initial development plan. 3
4
5
- (2) The applicant or holder may, by lodged notice, amend the proposed initial development plan at any time before the Minister decides whether to approve the proposed plan. 6
7
8
9
- (3) The notice must be accompanied by the amended proposed initial development plan. 10
11
- (4) The Minister may give the applicant or holder a notice requiring the applicant or holder to give the Minister, within the reasonable period stated in the notice, information the Minister reasonably requires to decide whether to approve the proposed initial development plan. 12
13
14
15
16
17
- (5) If the applicant or holder does not comply with the requirement, the Minister may refuse to approve the proposed initial development plan. 18
19
20
- 317N Deciding whether to approve proposed plan** 21
- (1) The Minister may approve or refuse to approve a proposed initial development plan for a proposed mining lease or mining lease for a prescribed mineral. 22
23
24
25
- (2) The matters that must be considered in deciding whether to approve a proposed initial development plan include each of the following— 26
27
28
- (a) the potential of the area of the proposed mining lease or mining lease for each of the following (the *activities*)— 29
30
31
- (i) mining; 32

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(ii) each other purpose for which the lease is sought or was granted;	1 2
(b) the nature and extent of the activities;	3
(c) when and where the activities are proposed to be carried out;	4 5
(d) whether the mining of minerals specified in the lease, or that are sought to be specified in the lease under section 234, will be optimised in the best interests of the State, having regard to the public interest.	6 7 8 9 10
Division 4	Later development plans 11
3170	Obligation to lodge proposed later development plan 12 13
(1)	It is a condition of each prescribed mineral mining lease that its holder must lodge a proposed later development plan for the mining lease as required under subsection (2). 14 15 16 17
	<i>Note—</i> 18
	If the holder wishes to renew the lease, a proposed later development plan must be included in the renewal application. See section 286AA. 19 20 21
(2)	The condition is complied with only if the proposed later development plan— 22 23
(a)	is lodged; and 24
(b)	complies with the later development plan requirements; and 25 26
(c)	is accompanied by the relevant fee. 27
(3)	A proposed later development plan must be lodged— 28 29

-
- (a) at least 40, but no more than 100, business days before the end of the current plan period; or
- (b) as soon as practicable after the holder proposes or becomes aware of a significant change to the nature and extent of an authorised activity that is not already dealt with under the current development plan for the lease.
- (4) If, before the end of the current plan period, a decision to refuse to approve a proposed later development plan lodged under subsection (2)(a) is made, the holder may lodge another proposed later development plan within the current plan period.
- (5) In this section—
relevant fee, for the lodgement of the proposed later development plan, means—
- (a) if the proposed plan is lodged within the time required under subsection (3)—the fee prescribed by regulation; or
- (b) if the proposed plan is lodged under subsection (4)—nil; or
- (c) otherwise—an amount that is 10 times the prescribed fee.
- 317P Consequence of failure to comply with notice to lodge proposed later development plan**
- (1) This section applies if the holder of a prescribed mineral mining lease—
- (a) does not lodge a proposed later development plan under section 317O(2) within the current plan period; or

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- (b) if section 317O(4) applies—does not lodge another proposed later development plan under that subsection within the current plan period. 1
2
3
4
- (2) The holder must be given a notice requiring the holder to lodge a proposed later development plan for the lease within 40 business days after the notice is given. 5
6
7
8
- (3) The holder must comply with the requirement. 9
- (4) If the holder does not comply with the requirement, the lease is cancelled. 10
11
- (5) However, the cancellation does not take effect until the holder is given a notice stating that the lease has been cancelled because of the operation of subsection (4). 12
13
14
15

317Q Later development plan requirements 16

- (1) This section provides for requirements (the *later development plan requirements*) for a proposed later development plan for a prescribed mineral mining lease. 17
18
19
20
- (2) A proposed later development plan must— 21
 - (a) comply with the initial development plan requirements for a mining lease for a prescribed mineral; and 22
23
24
 - Note—* 25
 - See section 317K for the initial development plan requirements. 26
27
 - (b) highlight any significant changes from the current development plan for the mining lease; and 28
29
30
 - (c) state whether the current development plan has been complied with; and 31
32

(d)	if the current development plan has not been complied with—state the details of, and reasons for, each noncompliance.	1 2 3
(3)	If the effect of the proposed later development plan is to significantly change an activity provided for under the current development plan, the proposed plan must also state reasons for the change.	4 5 6 7 8
317R	Mining lease taken to have development plan until decision about approval	9 10
(1)	This section applies—	11
(a)	if, under section 317O, the holder of a prescribed mineral mining lease lodges a proposed later development plan before the end of the current plan period for the lease; and	12 13 14 15 16
(b)	until either—	17
(i)	the holder is given notice that the proposed plan is approved; or	18 19
(ii)	refusal of the proposed plan takes effect under section 317V.	20 21
(2)	Despite the current plan period for the lease ending—	22 23
(a)	the mining lease is taken to have a development plan; and	24 25
(b)	the holder may carry out any authorised activity for the lease.	26 27
317S	Ministerial approval of proposed plan	28
	The Minister must decide whether to approve a proposed later development plan—	29 30

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- (a) included with an application for a mining lease, or renewal of a mining lease, for a prescribed mineral; or
 - (b) lodged by the holder of a prescribed mineral mining lease.
- Notes—*
- 1 See sections 271A(4) and 286A(3A) for the consequence for an application mentioned in paragraph (a) if the proposed later development plan is not approved.
 - 2 See section 317F for the condition that a prescribed mineral mining lease must have a development plan and section 308 for the power of the Minister to cancel the lease for breach of the condition.

317T Deciding whether to approve proposed plan

- (1) The Minister may approve or refuse to approve a proposed later development plan for a mining lease.
- (2) The matters that must be considered in deciding whether to approve the proposed later development plan include each of the following—
 - (a) the criteria under section 317N for deciding whether to approve a proposed initial development plan;
 - (b) the extent to which the current development plan for the mining lease has been complied with;
 - (c) the effect of approval of the proposed plan on a relinquishment condition for the mining lease;
 - (d) if the proposed plan provides for a significant change that is a cessation or reduction of mining or other purposes for which the mining lease is granted—

-
- (i) whether the cessation or reduction is reasonable; and
 - (ii) whether the mining lease holder has taken all reasonable steps to prevent the cessation or reduction.
- (3) The Minister may give the holder of the mining lease a notice requiring the holder to give the Minister, within the reasonable period stated in the notice, information the Minister reasonably requires to decide whether to approve the proposed later development plan.
- (4) If the holder does not comply with the requirement, the Minister may refuse to approve the proposed later development plan.

317U Power to require partial surrender application

- (1) This section applies if the proposed later development plan for a mining lease provides for a significant change that is a cessation or reduction of mining or other purposes for which the mining lease is granted.
- (2) The Minister may approve the proposed plan, but—
 - (a) decide (a *deferral decision*)—
 - (i) to defer the taking of effect of the approval until the mining lease holder applies under section 309 to surrender a stated part or percentage of the area of the lease on or before a stated day; and
 - (ii) that the decision to approve the proposed plan is replaced by a decision not to approve it if the surrender

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application is not made on or before the stated day; or	1 2	
(b) impose a condition (a <i>surrender condition</i>) on the mining lease requiring its holder to apply under section 309 to surrender a stated part or percentage of the area of the lease at stated times or intervals.	3 4 5 6 7	
(3) The public interest must be considered before making a deferral decision or imposing a surrender condition.	8 9 10	
Division 5	Miscellaneous	11
317V Steps after, and taking effect of, decision		12
(1) The chief executive must give notice of the Minister's decision about a proposed initial development plan or proposed later development plan under section 317N, 317T or 317U to—		13 14 15 16
(a) for a proposed plan lodged by the applicant for the grant or renewal of a mining lease for a prescribed mineral—the applicant; or		17 18 19
(b) for a proposed plan lodged by the holder of a mining lease—the holder.		20 21
(2) A notice about any of the following decisions must be an information notice—		22 23
(a) a decision under section 317N or 317T to refuse to approve the proposed plan;		24 25
(b) a deferral decision under section 317U(2)(a);		26 27
(c) a decision to impose a surrender condition under section 317U(2)(b).		28 29
(3) An approval of a proposed later development plan		30

without a deferral decision under 1
section 317U(2)(a) takes effect when the notice is 2
given or, if the notice states a later day of effect, 3
on that later day. 4

- (4) A refusal does not take effect until the end of the 5
appeal period under section 317W. 6

**317W Right of appeal against cancellation, deferral 7
or refusal 8**

- (1) This section applies if the Minister decides— 9
- (a) under section 317N, not to approve a 10
proposed initial development plan for a 11
mining lease; or 12
 - (b) under section 317T, not to approve a 13
proposed later development plan for a 14
mining lease; or 15
 - (c) under section 317U, to make a deferral 16
decision or a decision to impose a surrender 17
condition in relation to a mining lease. 18
- (2) The Petroleum and Gas (Production and Safety) 19
Act, chapter 12, part 2, applies, with necessary 20
changes, as if— 21
- (a) the decision were mentioned in schedule 1, 22
table 2 of that Act; and 23
 - (b) the schedule stated the Land Court as the 24
appeal body for the decision; and 25
 - (c) a reference in that part to an information 26
notice were a reference to an information 27
notice under section 317V. 28

**317X Changes to prescribed minerals or 29
prescribed thresholds 30**

- (1) A mining lease stops being a prescribed mineral 31

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mining lease, in relation to a prescribed mineral,	1	
if—	2	
(a) the mineral stops being a prescribed mineral; or	3	
	4	
(b) both of the following apply—	5	
(i) the threshold amount of the prescribed mineral increases;	6	
	7	
(ii) the increased threshold amount of the prescribed mineral has not been mined under the lease in any lease year for the lease.	8	
	9	
	10	
	11	
(2) For subsection (1)(b)(ii), if a mining lease is part of a mining project, a threshold amount of a prescribed mineral is taken to have been mined under the lease in a lease year for the lease if the threshold amount of the mineral has been mined under the mining project during a project year for the project.	12	
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	14	
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(3) If a mining lease is granted for more than 1 prescribed mineral, the mining lease stops being a prescribed mineral mining lease only if subsections (1) and (2) are satisfied for each prescribed mineral for which the mining lease was granted.	19	
	20	
	21	
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	23	
	24	
Part 1B	Competitive tenders for proposed mining leases	25
		26
		27
Division 1	Preliminary	28

-
- 317Y Operation of part** 1
- (1) This part provides for a competitive tender 2
process for selecting a preferred tenderer to apply 3
for a mining lease for an area of land. 4
- (2) To remove any doubt, it is declared that a mining 5
lease for the area of land can only be granted— 6
- (a) to the preferred tenderer appointed from the 7
tender process; and 8
- (b) if the preferred tenderer applies for the 9
mining lease under section 232. 10

Division 2 Competitive tenders 11

- 317Z Call for tenders** 12
- (1) The Minister may publish a gazette notice (a *call* 13
for mining lease tenders) inviting tenders for an 14
eligible person to apply for a mining lease. 15
- (2) The call must state— 16
- (a) the proposed area of the lease; and 17
- (b) the day and time by which tenders in 18
response to it must be made (the *closing* 19
time for the call); and 20
- (c) that the tenders must be lodged before the 21
closing time for the call; and 22
- (d) that details about each of the following are 23
available at a stated place— 24
- (i) any proposed conditions of the lease 25
that are likely to impact significantly 26
on mining in the proposed area; 27

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- (ii) a proposed initial development plan or proposed mining program required for an application for the lease; 1
2
3
 - (iii) any criteria (*special criteria*), other than the prescribed criteria, proposed to be used to decide the call; 4
5
6
 - (iv) whether security to ensure the tenderer, if appointed as the preferred tenderer, applies for the mining lease must be deposited for the tender and, if so, the amount of security; 7
8
9
10
11
 - (v) whether a process for appointing a preferred tenderer involving a cash bid component is to be used for deciding the call. 12
13
14
15
- (3) The call may state other relevant matters, including, for example— 16
17
 - (a) information about minerals known to be in the proposed area; and 18
19
 - (b) matters relevant to the special criteria and prescribed criteria. 20
21
- (4) Subsection (2)(d)(i) does not limit the Minister’s power under section 276(1)(n) to decide conditions of the mining lease if it is granted. 22
23
24
- (5) The Minister must not act under this section for land if all or any part of the land is the subject of— 25
26
 - (a) a mining tenement, other than a prospecting permit; or 27
28
 - (b) an application for a mining tenement, other than a prospecting permit. 29
30
- (6) In this section— 31
 - prescribed criteria* means the matters stated in section 271 that the Minister must consider in 32
33

deciding an application for the grant of a mining lease. 1
2

317ZA Right to tender 3

- (1) An eligible person may, by a tender made under section 317ZB, tender for a proposed mining lease the subject of a call for mining lease tenders. 4
5
6
- (2) However, the tender can not be made— 7
- (a) after the closing time for the call; or 8
- (b) for only part of the area of the proposed mining lease. 9
10

317ZB Requirements for making tender 11

- A tender for a mining lease must— 12
- (a) be in the approved form; and 13
- (b) be accompanied by a statement— 14
- (i) that describes the initial development plan or mining program proposed for the mining lease, if granted; and 15
16
17
- (ii) that states the estimated human, technical and financial resources proposed to be committed to the initial development plan or mining program during each year of the mining lease, if granted; and 18
19
20
21
22
23
- (c) be accompanied by a statement, separate from the statement mentioned in paragraph (b), detailing the tenderer's financial and technical resources; and 24
25
26
27
- (d) be accompanied by the following— 28
- (i) proof of the tenderer's identity; 29

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(ii) the application fee prescribed by regulation;	1 2
(iii) if security is required to be deposited for the tender—the tenderer’s security;	3 4
(iv) if a process for appointing a preferred tenderer involving a cash bid component is to be used for deciding the call—the tenderer’s cash bid.	5 6 7 8
317ZC Rejection of tender if tenderer disqualified	9
(1) The Minister must reject a tender for a mining lease if the Minister decides the tenderer is disqualified under the Common Provisions Act, chapter 6 from being granted a mining lease.	10 11 12 13
(2) On rejection of the tender, the Minister must give the tenderer a notice about the decision.	14 15
317ZD Right to terminate call for tenders	16
(1) The Minister may, by gazette notice, terminate a call for mining lease tenders at any time before deciding the call.	17 18 19
(2) All tenders in response to the call lapse when the call is terminated.	20 21
(3) No amount, whether by way of compensation, reimbursement or otherwise, is payable by the State to any person for or in connection with the termination.	22 23 24 25
(4) However, subject to sections 317ZF(4) and 317ZI(4), the Minister must refund any tender security given by the tenderer.	26 27 28
317ZE Amendment of tender	29
(1) This section provides for the amendments that can	30

-
- be made to a tender in response to a call for mining lease tenders. 1
2
- (2) A proposed initial development plan or proposed mining program included in the tender may be amended at any time until, but not after, the tenderer has become the preferred tenderer for the call. 3
4
5
6
7
- (3) Otherwise, the tender may be amended at any time until, but not after, the closing time for the call. 8
9
10
- (4) However, subsection (3) does not apply if— 11
- (a) the tenderer is a company; and 12
- (b) the change is only a change of name of the tenderer; and 13
14
- (c) the tenderer's Australian company number and Australian registered business name have not changed. 15
16
17

317ZF Withdrawal of tender 18

- (1) A person who has lodged a tender in response to a call for mining lease tenders may lodge a notice withdrawing the tender at any time before an application for the mining lease is granted. 19
20
21
22
- (2) The withdrawal takes effect when the notice is lodged. 23
24
- (3) The withdrawal of the preferred tenderer's tender under this section does not affect the Minister's power to appoint another tenderer, from the tenders made in response to the call, to be the preferred tenderer. 25
26
27
28
29
- (4) If a tender is withdrawn under this section, the Minister may, if the Minister considers it reasonable in the circumstances, retain the whole or part of any tender security given by the 30
31
32
33

[s 142]

tenderer. 1

Division 3 Deciding tenders 2

317ZG Process for deciding tenders 3

- (1) Subject to section 317ZH(2) and (3), any process the Minister considers appropriate may be used to decide the call, including, for example— 4
5
6
- (a) a process appointing a preferred tenderer on the tenders made in response to the call (whether or not involving a cash bid component); or 7
8
9
10
- (b) a process involving short-listing a group of possible preferred tenderers and inviting them to engage in another round of tendering before appointing a preferred tenderer from that group. 11
12
13
14
15
- (2) Without limiting subsection (1), the Minister may give a tenderer a notice requiring the tenderer to give the Minister, within the reasonable period stated in the notice, information the Minister reasonably requires to assess the tender. 16
17
18
19
20

317ZH Deciding to appoint preferred tenderer 21

- (1) The Minister may, after the closing time for the call for mining lease tenders— 22
23
- (a) appoint a tenderer as the preferred tenderer for the call; or 24
25
- (b) refuse to appoint a preferred tenderer for the call. 26
27
- (2) However, the Minister must not appoint a tenderer as the preferred tenderer unless the Minister is satisfied the prescribed criteria, if an 28
29
30

-
- application for a mining lease is made, are likely 1
to be met. 2
- (3) Also, in deciding whether to appoint a preferred 3
tenderer for the call, the Minister must consider 4
any special criteria for the call. 5
- (4) A tenderer appointed as the preferred tenderer 6
must be given notice of the decision. 7
- (5) The notice must state the period (the *application* 8
period) within which the preferred tenderer may 9
apply for a mining lease for the land the subject of 10
the call. 11

317ZI Provisions for preferred tenderers 12

- (1) The Minister may require a preferred tenderer for 13
a call for mining lease tenders to— 14
- (a) pay any amounts necessarily incurred, or to 15
be incurred, to enable an application for the 16
mining lease to be granted; and 17
- Example—* 18
- amounts required to comply with the 19
Commonwealth Native Title Act, part 2, 20
division 3, subdivision P 21
- (b) do all or any of the following within a stated 22
reasonable period— 23
- (i) give, under section 277, security for the 24
lease; 25
- (ii) pay the rental for the first year of the 26
term of the lease under section 290. 27
- (2) The Minister may revoke a preferred tenderer's 28
appointment as the preferred tenderer if the 29
tenderer does not— 30
- (a) apply for a mining lease within— 31

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- (i) the application period mentioned in the notice given to the tenderer under section 317ZH; or
 - (ii) a longer period decided by the Minister on the application of the preferred tenderer; or
 - (b) comply with a requirement under subsection (1); or
 - (c) do all things reasonably necessary to allow an application for a mining lease to be granted to the tenderer.
- (3) However, before acting under subsection (2), the Minister must give the preferred tenderer a reasonable opportunity to provide reasons for, and rectify, the tenderer's failure to—
- (a) apply for the mining lease; or
 - (b) comply with a requirement under subsection (1) or (2)(c).
- (4) If the Minister revokes the appointment of the tenderer as the preferred tenderer under this section, the Minister may—
- (a) retain the whole or part of any tender security given by the tenderer, if the Minister considers it reasonable in the circumstances; and
 - (b) appoint another tenderer to be the preferred tenderer.

317ZJ Notice to unsuccessful tenderers

- (1) After a call for mining lease tenders has been decided, each tenderer not appointed as the preferred tenderer must be given notice of the decision.

	<i>Note—</i>	1
	See also the <i>Judicial Review Act 1991</i> , section 32	2
	(Request for statement of reasons).	3
	(2) Subject to sections 317ZF(4) and 317ZI(4), the	4
	Minister must refund any tender security given by	5
	the unsuccessful tenderer.	6
Clause 143	Amendment of s 318DO (Requirement for coordination arrangement to transfer or sublet mining lease in area of petroleum lease)	7
	Section 318DO(2), from ‘are parties to’ to ‘petroleum lease.’—	8
	<i>omit, insert—</i>	9
	are—	10
	(a) the same entity; or	11
	(b) parties to a coordination arrangement about—	12
	(i) coal or oil shale mining and any incidental coal seam gas under the mining lease; and	13
	(ii) petroleum production under the petroleum lease.	14
Clause 144	Amendment of s 325 (Royalty return and payment upon transfer or surrender of mining claim or mining lease)	15
	Section 325(3)—	16
	<i>omit, insert—</i>	17
	(3) Despite subsection (1), the person is not required to lodge the royalty return if the royalty return has been lodged under section 320(4) and the person—	18
	(a) has paid the royalty under section 320; or	19

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	(b) is not required to pay a royalty under section 320.	1 2
	(4) Also, despite subsection (1), the person is not required to pay the royalty if the person has paid the royalty under section 320.	3 4 5
Clause 145	Omission of ch 13, pt 2 (Conferences with eligible claimants or owners and occupiers)	6 7
	Chapter 13, part 2—	8
	<i>omit.</i>	9
Clause 146	Replacement of ch 13, pt 4, hdg (Access to abandoned mines and final rehabilitation sites)	10 11
	Chapter 13, part 4, heading—	12
	<i>omit, insert—</i>	13
	Part 4 Remediation of abandoned mine sites and rehabilitation of final rehabilitation sites	14 15 16 17
Clause 147	Replacement of ss 344 to 344D	18
	Sections 344 to 344D—	19
	<i>omit, insert—</i>	20
	Division 1 Preliminary	21
	344 Definitions for part	22
	In this part—	23
	<i>abandoned mine site</i> means a site—	24

-
- (a) where mining or exploration activities have been carried out; and 1
2
- (b) for which no current mining claim or mining lease is granted; and 3
4
- (c) for which no environmental authority is in force for activities mentioned in paragraph (a) that were carried out under a mining claim or mining lease that is no longer in force. 5
6
7
8
9
- affected land*** see section 344C(2). 10
- authorised person*** means— 11
- (a) for an abandoned mine site—a person authorised by the chief executive under section 344C(1) to enter the site; or 12
13
14
- (b) for affected land—a person authorised by the chief executive under section 344C(2) to enter the land; or 15
16
17
- (c) for a final rehabilitation site—a person authorised by the chief executive under section 344D(1) to enter the site. 18
19
20
- enter***, for land, includes re-enter the land. 21
- final rehabilitation site*** means the area of a mining claim or mining lease that is no longer in force if— 22
23
24
- (a) an environmental authority or PRCP schedule is in force for the mining activities that were carried out under the claim or lease; and 25
26
27
28
- (b) any of the following apply— 29
- (i) the holder of the mining claim or mining lease was prevented by an Act from applying to renew the claim or lease within the period within which 30
31
32
33

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- the holder could have applied for the
renewal of the claim or lease under this
Act;
- (ii) for a mining claim—an application to
renew the mining claim was refused for
a reason other than because the
Minister was not satisfied of a matter
mentioned in section 93(4)(b)(i) or (ii);
- (iii) for a mining lease—an application to
renew the mining lease was refused for
a reason other than because the
Minister was not satisfied of a matter
mentioned in section 286A(1)(a).
- holder** means—
- (a) of an environmental authority—the holder
of the environmental authority under the
Environmental Protection Act; or
- (b) of a PRCP schedule—the holder of the
PRCP schedule under the Environmental
Protection Act, schedule 4, definition
holder, paragraph 4A.
- PRCP schedule** see the Environmental Protection
Act, section 112.
- previous mining activities** means mining
activities previously carried out on an abandoned
mine site.
- rehabilitation activity** see section 344B.
- remediation activity** see section 344A.

344A Meaning of remediation activity

- (1) Each of the following activities is a **remediation activity**—
- (a) investigating the condition of—

-
- | | | |
|-------|--|----------------------|
| (i) | an abandoned mine site or affected land; or | 1
2 |
| (ii) | a mine shaft or underground mine feature on an abandoned mine site or affected land; or | 3
4
5 |
| (iii) | a structure or equipment on an abandoned mine site or affected land related to previous mining activities; | 6
7
8 |
| (b) | capping or otherwise making safe a mine shaft on an abandoned mine site; | 9
10 |
| (c) | making safe an underground mine feature or subsidence on an abandoned mine site or affected land; | 11
12
13 |
| (d) | removing, modifying or otherwise making safe structures or equipment on an abandoned mine site or affected land related to previous mining activities; | 14
15
16
17 |
| (e) | maintaining a mine shaft, underground mine feature, structure or equipment on an abandoned mine site or affected land related to previous mining activities; | 18
19
20
21 |
| (f) | mitigating, managing, treating or cleaning up pollution that is on an abandoned mine site or affected land because of, directly or indirectly, previous mining activities; | 22
23
24
25 |
| (g) | maintaining, managing and monitoring the condition of an abandoned mine site or affected land, including, for example— | 26
27
28 |
| (i) | repairing erosion of the site or land or vegetation on the site or land; and | 29
30 |
| (ii) | preventing further erosion of the site or land or vegetation; and | 31
32 |
| (iii) | revegetating the site or land; | 33 |

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- (h) if an abandoned mine site or affected land is contaminated land under the Environmental Protection Act—conducting work to remediate the site or land; 1
2
3
4
- (i) removing, mitigating or managing a hazard on an abandoned mine site or affected land because of, directly or indirectly, previous mining activities; 5
6
7
8
- (j) mitigating, managing or monitoring risks to, or adverse impacts on, public health or safety, other property or the environment because of, directly or indirectly, previous mining activities, including, by constructing infrastructure or installing equipment; 9
10
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- (k) assessing the commercial or practical feasibility of an abandoned mine site for the future exploration and mining of minerals or another use; 15
16
17
18
Examples of other uses— 19
 - a park, renewable energy generation, a water resource 20
21
- (l) another activity on an abandoned mine site or affected land, prescribed by regulation— 22
23
 - (i) to make the site or land safe; or 24
 - (ii) to mitigate, manage or monitor risks to, or adverse impacts on, public health or safety, other property or the environment because of, directly or indirectly, previous mining activities. 25
26
27
28
29
- (2) In this section— 30
 - other property***, in relation to an abandoned mine site or affected land, means— 31
32
 - (a) land other than the abandoned mine site or affected land; or 33
34

-
- (b) a structure, equipment or other thing, other than a structure or equipment on the abandoned mine site or affected land related to previous mining activities.

344B Meaning of *rehabilitation activity*

- (1) A *rehabilitation activity* for a final rehabilitation site is an activity that the holder of the environmental authority or PRCP schedule for the mining activities that were carried out on the site would be required to carry out—
- (a) for the environmental management of the site under an environmental requirement; or
- (b) if an EPA surrender application were made for the environmental authority—to satisfy an EPA administering authority of the approval matters for the application.
- (2) In this section—
- approval matter*, for an EPA surrender application, means a matter about which the EPA administering authority must be satisfied under the Environmental Protection Act, section 269.
- environmental requirement* see the Environmental Protection Act, schedule 4.
- EPA administering authority*, for an EPA surrender application, means the administering authority for the application under the Environmental Protection Act.
- EPA surrender application* means a surrender application under the Environmental Protection Act, section 257(1).

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Division 2	Authorisation to carry out remediation activities or rehabilitation activities	1
		2
		3
344C	Authorisation to carry out remediation activities on abandoned mine site or affected land	4
		5
		6
(1)	The chief executive may authorise a person to enter an abandoned mine site to carry out 1 or more remediation activities.	7
		8
		9
(2)	Also, the chief executive may authorise a person to enter land other than an abandoned mine site (<i>affected land</i>) to carry out 1 or more remediation activities if the chief executive is satisfied—	10
		11
		12
		13
(a)	the remediation activities are, or may be, required to be carried out on the land because of, directly or indirectly, previous mining activities; or	14
		15
		16
		17
(b)	the entry is necessary to carry out remediation activities on an abandoned mine site.	18
		19
		20
(3)	The authorisation must—	21
(a)	be in writing; and	22
(b)	state the period of the authorisation.	23
344D	Authorisation to carry out rehabilitation activities on final rehabilitation site	24
		25
(1)	The chief executive may authorise the holder of an environmental authority or PRCP schedule for mining activities that were carried out on a final rehabilitation site to enter the site to carry out 1 or more rehabilitation activities.	26
		27
		28
		29
		30
(2)	The authorisation must—	31

-
- | | | |
|--|--|----------------------------------|
| (a) | be in writing; and | 1 |
| (b) | state the period of the authorisation. | 2 |
| (3) | The authorisation authorises— | 3 |
| (a) | the holder to carry out a rehabilitation activity whether or not the holder is otherwise authorised to carry out the activity under this Act; and | 4
5
6
7 |
| (b) | the following persons to also enter the final rehabilitation site to carry out rehabilitation activities— | 8
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10 |
| (i) | an officer or employee of the holder; | 11 |
| (ii) | a person engaged by the holder under a contract or other arrangement to carry out the rehabilitation activities. | 12
13
14 |
| (4) | However, the authorisation does not authorise the holder to carry out an activity that is an act to which the right to negotiate provisions apply. | 15
16
17 |
|
344E Entering land to carry out remediation activities or rehabilitation activities | |
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19 |
| (1) | An authorised person may enter an abandoned mine site to carry out remediation activities, or a final rehabilitation site to carry out rehabilitation activities, if the authorised person has given the owner and occupier of the land the notice of entry required under section 344F. | 20
21
22
23
24
25 |
| (2) | An authorised person may enter affected land if the owner and occupier of the land have consented to the entry under section 344G. | 26
27
28 |
| (3) | An authorised person for an abandoned mine site or final rehabilitation site may enter land adjacent to the site if— | 29
30
31 |

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- (a) the entry is only for the purpose of entering the site under subsection (1) or (4); and
 - (b) entering the adjacent land is the only reasonably practicable way for the authorised person to enter the site; and
 - (c) the authorised person has given the owner and occupier of the adjacent land the notice of entry required under section 344F.
- (4) An authorised person may enter land mentioned in subsection (1), (2) or (3) without giving notice of entry to, or the consent of, the owner or occupier of the land to carry out remediation activities or rehabilitation activities, if carrying out the activities is necessary to preserve life or property.
- (5) This section does not authorise an authorised person to enter a structure used for residential purposes without the consent of the occupier of the structure.

344F Notice of entry

- (1) An authorised person who enters land under this part must give the owner and occupier of the land written notice about the entry—
- (a) if the land is entered to carry out remediation activities or rehabilitation activities necessary to preserve life or property—within 10 business days after entering the land; or
 - (b) otherwise, if the land is an abandoned mine site or final rehabilitation site—
 - (i) at least 10 business days before entering the land; or

-
- (ii) a shorter period agreed by the owner and occupier. 1
2
- (2) The written notice must state the following— 3
- (a) when the entry was made or is to be made; 4
- (b) the purpose of the entry; 5
- (c) if the notice relates to land other than affected land—that the authorised person is permitted under this Act to enter the land without consent or a warrant; 6
7
8
9
- (d) the remediation activities or rehabilitation activities carried out or proposed to be carried out. 10
11
12
- 344G Consent of owner or occupier to enter affected land** 13
14
- (1) This section applies if an authorised person intends to ask the owner or occupier of affected land for consent to enter the land. 15
16
17
- (2) For the purpose of asking the owner or occupier for the consent, the authorised person may, without the consent of the owner or occupier, or a warrant— 18
19
20
21
- (a) enter land around premises at the affected land to an extent that is reasonable to contact an occupier of the affected land; or 22
23
24
- (b) enter part of the affected land the authorised person reasonably considers members of the public ordinarily are allowed to enter when they wish to contact an occupier of the affected land. 25
26
27
28
29
- (3) When asking for the consent, the authorised person must tell the owner or occupier— 30
31
- (a) about the purpose of the entry; and 32

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- (b) the proposed day, time and duration of the entry; and 1
2
 - (c) that the owner or occupier is not required to consent; and 3
4
 - (d) that the consent may be— 5
 - (i) given subject to reasonable conditions, other than a condition requiring compensation for the entry; and 6
7
8
 - (ii) may be withdrawn at any time. 9
- (4) If the owner or occupier gives the consent, the authorised person may ask the owner or occupier to sign an acknowledgement of the consent. 10
11
12
- (5) The acknowledgement must state— 13
 - (a) the purpose of the entry, including the remediation activities to be carried out; and 14
15
 - (b) the following has been explained to the owner or occupier— 16
17
 - (i) the purpose of the entry, including the remediation activities to be carried out; 18
19
 - (ii) the proposed day, time and duration of the entry; 20
21
 - (iii) that the owner or occupier is not required to consent; 22
23
 - (iv) that the consent may be given subject to conditions, other than a condition requiring compensation for the entry, and may be withdrawn at any time; and 24
25
26
27
 - (c) the owner or occupier gives the authorised person consent to enter the land and carry out the remediation activities; and 28
29
30
 - (d) the day and time the consent was given; and 31
 - (e) any conditions of the consent. 32

-
- (6) If the owner or occupier signs the
acknowledgement, the authorised person must
give a copy of the acknowledgement to the owner
and occupier.

**344H Obligation of authorised person in carrying
out activities**

- An authorised person who enters land under this
part—
- (a) must not cause, or contribute to,
unnecessary damage to any structure or
works on the land; and
- (b) must take all reasonable steps to ensure the
person causes as little inconvenience, and
does as little other damage, as is practicable
in the circumstances.

**344I Report to owner and occupier after entry of
affected land**

- (1) This section applies if an authorised person enters
affected land to carry out remediation activities
with the consent of the owner and occupier of the
land given under section 344G.
- (2) The authorised person must give the owner and
occupier a report about the entry within 30 days
after the entry ends.
- (3) The report must state—
- (a) whether or not remediation activities were
carried out on the affected land; and
- (b) if activities were carried out on the land—
- (i) the nature and extent of the activities;
and

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- (ii) where on the land the activities were carried out; and 1
2
 - (c) another matter prescribed by regulation for the report. 3
4
- (4) However, the authorised person is not required to give a report to the owner or occupier of the affected land under this section if the owner or occupier does not wish to receive the report. 5
6
7
8

Division 3 Compensation 9

Clause 148 Replacement of s 399 (Mode of service of documents) 10

Section 399— 11

omit, insert— 12

399 Service of documents by prescribed persons 13

(1) This section applies— 14

(a) to each of the following persons (a *prescribed person*)— 15
16

(i) a holder of, or applicant for the grant of, a mining tenement; 17
18

(ii) a person who is carrying out, or intends to carry out, an activity under section 386V; and 19
20
21

(b) if the prescribed person is required to give a document to, or serve a document on, either of the following persons (the *recipient*)— 22
23
24

(i) an owner of land; 25

(ii) an affected person under section 64A or 252A. 26
27

(2) The prescribed person gives the document to the recipient, or serves the document on the recipient, 28
29

-
- if— 1
- (a) the document is served personally on the 2
recipient; or 3
- (b) the document is sent by registered post to 4
the recipient's place of residence or business 5
last known to the prescribed person; or 6
- (c) the document is sent to an email address that 7
the recipient— 8
- (i) gave the prescribed person to use to 9
communicate with the recipient; and 10
- (ii) has not asked the prescribed person to 11
stop using to communicate with the 12
recipient. 13
- (3) This section does not limit the *Electronic* 14
Transactions (Queensland) Act 2001. 15
- (4) In this section— 16
document includes information. 17

399A Service of documents generally 18

- (1) This section applies if the Minister, the Land 19
Court, the tribunal, an authorised officer or 20
another person (each a *sending entity*) is— 21
- (a) required or permitted to give a document to 22
a person; or 23
- (b) required to serve a document on a person. 24
- (2) However, this section does not apply for giving a 25
document to which section 399 or chapter 11, part 26
3, division 9 applies. 27
- (3) The sending entity gives the document to the 28
person, or serves the document on the person, if— 29
- (a) the document is served personally on the 30
person; or 31

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- (b) the document is left at the person’s address for service or other last known address; or 1
2
- (c) the document is sent by registered post to the person’s address for service or other last known address; or 3
4
5
- (d) if the sending entity is the Minister or an authorised officer—the document is sent to an email address that the person gave the Minister, chief executive or authorised officer. 6
7
8
9
10
- (4) If a person’s address for service is the name and address of someone else (the *nominated person*), the document is taken to be given to, or served on, the person if it is given to, or served on, the nominated person under subsection (3). 11
12
13
14
15
- (5) This section does not limit the *Electronic Transactions (Queensland) Act 2001*. 16
17
- (6) In this section— 18
- address for service*, for a person, see section 388(3). 19
20
- document* includes the following— 21
- (a) a direction; 22
- (b) a notice; 23
- (c) an order; 24
- (d) information. 25
- last known address*, for a person, means— 26
- (a) if an address for the person is recorded in the register—the address recorded in the register; or 27
28
29
- (b) otherwise—the place of residence or business of the person last known to the 30
31

	sending entity giving a document to, or serving a document on, the person.	1 2	
Clause 149	Amendment of s 411 (Indemnity against liability)	3	
	Section 411(1), ‘or 344A(1)’—	4	
	<i>omit, insert</i> —	5	
	, 344C or 344D	6	
Clause 150	Amendment of s 412 (Offences and recovery of penalties etc.)	7 8	
	Section 412(2)—	9	
	<i>omit, insert</i> —	10	
	(2) A proceeding for an offence against this Act must be started within—	11 12	
	(a) 1 year after the commission of the offence; or	13 14	
	(b) 1 year after the offence comes to the complainant’s knowledge, but within 2 years after the commission of the offence.	15 16 17	
Clause 151	Insertion of new ch 15, pt 19	18	
	Chapter 15—	19	
	<i>insert</i> —	20	
	Part 19	Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2020	21 22 23 24 25

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871 Power of Minister to refuse application for mining claim if compensation not determined	1 2
Section 85A(1)(d)(ii), as in force after the commencement, does not apply in relation to an application for the grant of a mining claim made, but not decided, before the commencement.	3 4 5 6
872 Application or tender for exploration permit made before commencement	7 8
(1) This section applies if—	9
(a) before the commencement, a person made an application under chapter 4, part 2, or a tender under chapter 4, part 3, for an exploration permit; and	10 11 12 13
(b) immediately before the commencement, the exploration permit had not been granted.	14 15
(2) Section 137 as in force immediately before the commencement applies in relation to the grant of the permit.	16 17 18
873 Power to impose or amend condition if changed holder of particular resource authorities	19 20 21
The power of the Minister to impose another condition on, or amend a condition of, a resource authority under section 141BA, 194ABA or 276C applies—	22 23 24 25
(a) whether the authority was granted before or after the commencement; and	26 27
(b) only if the change mentioned in section 141BA(1), 194ABA(1) or 276C(1) happens after the commencement.	28 29 30

874 Application for later specific purpose mining lease or transportation mining lease made before commencement	1 2 3
Section 271AB applies to an application for a later mining lease mentioned in section 271AB(1)(a) whether the application was made before or after the commencement.	4 5 6 7
875 Provision of security for particular mining leases	8 9
Section 277, as in force before the commencement, continues to apply for the holder of a mining lease as if the <i>Mineral and Energy Resources and Other Legislation Amendment Act 2020</i> had not been enacted if, immediately before the commencement, the holder had not deposited an amount of security the holder is required to deposit under that section.	10 11 12 13 14 15 16 17
876 Provision of security for existing applications for grant or renewal of mining lease	18 19
Section 277, as in force after the commencement, applies in relation to an application for the grant or renewal of a mining lease made, but not decided, before the commencement.	20 21 22 23
877 Power of Minister to refuse application for mining lease if compensation not determined	24 25
Section 279A(1)(d)(ii), as in force after the commencement, does not apply in relation to an application for the grant of a mining lease made, but not decided, before the commencement.	26 27 28 29

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878 Existing applications for grant or renewal of mining lease for prescribed mineral	1 2
(1) This section applies in relation to an application for the grant of a mining lease for a prescribed mineral that—	3 4 5
(a) was made, but not decided, before the commencement; and	6 7
(b) on the commencement, is an application to which section 246 applies.	8 9
(2) This section also applies in relation to an application for the renewal of a mining lease for a prescribed mineral that—	10 11 12
(a) was made, but not decided, before the commencement; and	13 14
(b) on the commencement, is an application to which section 286AA applies.	15 16
(3) Chapter 6, part 1, as in force before the commencement, applies for deciding the application and granting the proposed mining lease, or renewed lease, as if the <i>Mineral and Energy Resources and Other Legislation Amendment Act 2020</i> had not been enacted.	17 18 19 20 21 22
879 Application of amended Act to particular mining leases for prescribed minerals	23 24
(1) This section applies to a mining lease for a prescribed mineral that—	25 26
(a) on the commencement, is a prescribed mineral mining lease (a <i>transitioning mining lease</i>); or	27 28 29
(b) is a prescribed mineral mining lease granted or renewed before the transitional period ends on an application mentioned in section 878 (also a <i>transitioning mining lease</i>).	30 31 32 33

-
- (2) Sections 317F and 317G do not apply to the
transitioning mining lease until the earlier of the
following—
- (a) an initial development plan for the lease is
approved;
 - (b) the lease is renewed under section 286A on
an application for renewal made after the
commencement;
 - (c) the transitional period ends.
- (3) If subsection (2)(c) applies in relation to the
transitioning mining lease, the condition in
section 317F is complied with for the lease if a
proposed initial development plan for the lease—
- (a) is lodged; and
 - (b) complies with the initial development plan
requirements for a mining lease for a
prescribed mineral; and
 - (c) is accompanied by the relevant fee.
- (4) Subsection (3) applies until—
- (a) the proposed initial development plan
mentioned in that subsection is approved; or
 - (b) a decision to refuse to approve the proposed
plan, made after the end of the transitional
period, takes effect under section 317V.
- (5) In this section—
- relevant fee*, for the lodgement of the proposed
initial development plan, means—
- (a) if the proposed plan is lodged within 6
months before the end of the transitional
period—the fee prescribed by regulation for
section 317H(3), definition *relevant fee*,
paragraph (a)(i); or

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- (b) if, before the end of the transitional period, a decision to refuse to approve a proposed initial development plan is made and the proposed plan is another proposed initial development plan lodged within the transitional period—nil; or 1
2
3
4
5
6
 - (c) otherwise—an amount that is 10 times the fee mentioned in paragraph (a). 7
8
- transitional period* means the period of 3 years that starts on the commencement. 9
10

880 Mining lease granted or renewed after transitional period on existing application 11
12

- (1) This section applies if, after the end of the transitional period, a mining lease is granted or renewed on an application to which section 878 applies. 13
14
15
16
- (2) The mining lease is taken to— 17
 - (a) be a prescribed mineral mining lease under section 317C(1)(b); and 18
19
 - (b) have started to be a prescribed mineral mining lease under section 317C(2), when it is granted or renewed. 20
21
22
- (3) In this section— 23

transitional period means the period of 3 years that starts on the commencement. 24
25

881 Application for renewal of transitioning mining lease during transitional period 26
27

- (1) This section applies— 28
 - (a) if, during the transitional period, the holder of a transitioning mining lease under section 29
30

879 applies for a renewal of the lease under section 286; and	1 2
(b) despite sections 286AA and 286A(3A) as in force after the commencement.	3 4
(2) The application must include a proposed initial development plan that complies with the initial development plan requirements for the renewed lease.	5 6 7 8
<i>Note—</i>	9
See section 317K for the initial development plan requirements.	10 11
(3) The Minister may grant the application only if the applicant’s proposed initial development plan for the renewed lease is approved.	12 13 14
(4) In this section—	15
<i>transitional period</i> means the period of 3 years that starts on the commencement.	16 17
882 Application of ch 6, pt 1A, div 3 to proposed initial development plan for transitioning mining lease	18 19 20
The Minister must decide whether to approve a proposed initial development plan for a transitioning mining lease and, for that purpose, chapter 6, part 1A, division 3 applies in relation to the proposed plan with necessary changes.	21 22 23 24 25
883 Conferences with eligible claimants or owners or occupiers started before commencement	26 27
(1) This section applies if—	28
(a) an authorised officer asked parties to attend a conference under section 335G as in force before the commencement; and	29 30 31

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	(b) immediately before the commencement the conference had not taken place.	1 2
	(2) The conference must take place under chapter 13, part 2 as in force immediately before the commencement.	3 4 5
	(3) The Common Provisions Act, chapter 3, part 8 does not apply in relation to the conference.	6 7
	884 Existing authority to carry out remediation activities or rehabilitation activities	8 9
	(1) This section applies if, immediately before the commencement, a person was authorised by the chief executive—	10 11 12
	(a) under section 344A(1) to carry out remediation activities at land on which an abandoned mine exists; or	13 14 15
	(b) under section 344A(3) to carry out rehabilitation activities at land on which a final rehabilitation site exists.	16 17 18
	(2) An authorisation mentioned in subsection (1)(a) is taken to have been made under section 344C as in force on the commencement.	19 20 21
	(3) An authorisation mentioned in subsection (1)(b) is taken to have been made under section 344D as in force on the commencement.	22 23 24
Clause 152	Amendment of sch 2 (Dictionary)	25
	(1) Schedule 2, definitions <i>abandoned mine</i> , <i>closing time</i> , <i>conference election notice</i> , <i>development plan</i> , <i>eligible claimant</i> , <i>enter</i> , <i>initial development plan requirements</i> , <i>later development plan requirements</i> , <i>parties</i> , <i>plan period</i> , <i>prescribed criteria</i> , <i>rehabilitation activities</i> , <i>remediation activities</i> and <i>special criteria</i> —	26 27 28 29 30 31

<i>omit.</i>	1
(2) Schedule 2—	2
<i>insert—</i>	3
<i>abandoned mine site</i> , for chapter 13, part 4, see section 344.	4 5
<i>affected land</i> , for chapter 13, part 4, see section 344C(2).	6 7
<i>arbitration</i> , of a dispute, means arbitration of the dispute under the Common Provisions Act, chapter 5, part 3.	8 9 10
<i>call for mining lease tenders</i> see section 317Z.	11
<i>closing time—</i>	12
(a) for a call for EP (coal) tenders or EP (non-coal) tenders—see section 136C(2)(c); or	13 14 15
(b) for a call for mining lease tenders—see section 317Z(2)(b).	16 17
<i>current plan period</i> , for a prescribed mineral mining lease, means the plan period for the development plan for the lease.	18 19 20
<i>development plan—</i>	21
(a) for a prescribed mineral mining lease, see section 317E(1); or	22 23
(b) for a coal or oil shale mining lease, see section 318AH(1).	24 25
<i>enter</i> , for land—	26
(a) generally—includes remain on the land; and	27
(b) for chapter 13, part 4—see also section 344.	28
<i>information notice</i> means a notice stating—	29
(a) the reasons for the decision; and	30

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- (b) that the holder may appeal against the decision; and 1
2
- (c) how to appeal. 3
- initial development plan requirements***— 4
- (a) for a proposed mining lease for a prescribed mineral—see section 317J; or 5
6
- (b) for a mining lease for a prescribed mineral—see section 317K; or 7
8
- (c) for a proposed coal or oil shale mining lease—see section 318DS. 9
10
- initial plan period***, for a new prescribed mineral mining lease, see section 317D(2). 11
12
- later development plan requirements***— 13
- (a) for a prescribed mineral mining lease—see section 317Q; or 14
15
- (b) for a coal or oil shale mining lease—see section 318ED(4). 16
17
- lease year***, for a mining lease, means each period of 1 year that starts— 18
19
- (a) on the day the mining lease was granted; and 20
21
- (b) on each anniversary of that day. 22
- mining lease tender*** means a tender for a mining lease in response to a call for mining lease tenders. 23
24
25
- mining project*** means a resource project under the Environmental Protection Act— 26
27
- (a) comprised of activities carried out under 2 or more mining leases; and 28
29
- (b) for which an environmental authority is in force. 30
31

<i>mining safety legislation</i> see the Common Provisions Act, schedule 2.	1 2
<i>new prescribed mineral mining lease</i> see section 317D(1).	3 4
<i>plan period</i> —	5
(a) for a development plan for a prescribed mineral mining lease—see section 317E(3); or	6 7 8
(b) for a development plan for a coal or oil shale mining lease—see section 318AH(3).	9 10
<i>prescribed criteria</i> —	11
(a) for the grant of an exploration permit—see section 137; or	12 13
(b) for a call for mining lease tenders—see section 317Z(6).	14 15
<i>prescribed mineral</i> means a mineral prescribed by regulation to be a prescribed mineral.	16 17
<i>prescribed mineral mining lease</i> see section 317C.	18 19
<i>prescribed threshold</i> , for a prescribed mineral, means an amount of the mineral prescribed by regulation to be the prescribed threshold for the mineral.	20 21 22 23
<i>previous mining activities</i> , for chapter 13, part 4, see section 344.	24 25
<i>project year</i> , for a mining project, means each period of 1 year that starts on the first day in a calendar year that is an anniversary of the day a mining lease that is part of the mining project was granted.	26 27 28 29 30
<i>rehabilitation activities</i> , for chapter 12, part 4A, see section 334ZJE(2).	31 32

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- rehabilitation activity*, for chapter 13, part 4, see section 344B. 1
2
- remediation activity*, for chapter 13, part 4, see section 344A. 3
4
- special criteria*— 5
- (a) for a call for EP (coal) tenders or EP (non-coal) tenders—see section 136C(2)(g)(ii); or 6
7
8
- (b) for a call for mining lease tenders—see section 317Z(2)(d)(iii). 9
10
- threshold amount*, of a prescribed mineral, means an amount of the mineral that equals or exceeds the prescribed threshold for the mineral. 11
12
13
- (3) Schedule 2, definition *holder*, paragraph (b), after ‘authority’— 14
15
or PRCP schedule 16
- (4) Schedule 2, definition *tender security*, after ‘EP tender’— 17
insert— 18
or mining lease tender 19

Part 11 **Amendment of Mineral Resources Regulation 2013** 20 21

- Clause 153** **Regulation amended** 22
- This part amends the *Mineral Resources Regulation 2013*. 23
- Note*— 24
- See also the amendments in schedule 1. 25

- Clause 154** **Insertion of new s 97A** 26
- After section 97— 27

insert—

97A Prescribed minerals and prescribed thresholds

- (1) For schedule 2 of the Act, definition *prescribed mineral*, each mineral mentioned in schedule 2A is prescribed to be a prescribed mineral.
- (2) For schedule 2 of the Act, definition *prescribed threshold*, the amount mentioned opposite a prescribed mineral in schedule 2A is prescribed to be the prescribed threshold for the mineral.

Clause 155 Insertion of new sch 2A

After schedule 2—

insert—

Schedule 2A Prescribed minerals and prescribed thresholds

section 97A

Mineral	Threshold amount
Bauxite	500,000t
Clays	50,000t
Copper	1,000t
Diatomite	10,000t
Dimension stone	50,000t
Gold	100kg

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Mineral	Threshold amount
Gypsum	50,000t
Lead	5,000t
Limestone	100,000t
Magnesium rich materials	250,000t
Phosphate rock	10,000t
Silica	100,000t
Silver	5,000kg
Tin	100t
Titanium minerals	50,000t
Zinc	5,000t
Zircon	1,000t

Part 12 **Amendment of Mining and Quarrying Safety and Health Act 1999** 1
2
3

Clause 156 Act amended 4
This part amends the *Mining and Quarrying Safety and Health Act 1999*. 5
6
Note— 7
See also the amendments in schedule 1. 8

Clause 157 Insertion of new pt 3A 9
After part 3— 10
insert— 11

Part 3A **Industrial** 1
 manslaughter 2

45A Definitions for part 3

(1) In this part— 4

conduct means an act or omission to perform an 5
act. 6

employer, for a mine, means a person who 7
employs or otherwise engages a worker in relation 8
to operations at the mine. 9

executive officer, of a corporation, means a 10
person who is concerned with, or takes part in, the 11
corporation's management, whether or not the 12
person is a director or the person's position is 13
given the name of executive officer. 14

senior officer, of an employer for a mine, 15
means— 16

(a) if the employer is a corporation—an 17
executive officer of the corporation; or 18

(b) otherwise—the holder of an executive 19
position (however described) in relation to 20
the employer who makes, or takes part in 21
making, decisions affecting all, or a 22
substantial part, of the employer's functions. 23

(2) For this part, a person's conduct *causes* death if it 24
substantially contributes to the death. 25

45B Exception for the Criminal Code, s 23 26

The Criminal Code, section 23 does not apply in 27
relation to an offence against this part. 28

[s 157]

45C Industrial manslaughter—employer	1
(1) An employer for a mine commits an offence if—	2
(a) a worker—	3
(i) dies in the course of carrying out work at the mine; or	4
(ii) is injured in the course of carrying out work at the mine and later dies; and	5
(b) the employer’s conduct causes the death of the worker; and	6
(c) the employer is negligent about causing the death of the worker by the conduct.	7
Maximum penalty—	8
(a) for an individual—20 years imprisonment; or	9
(b) for a body corporate—100,000 penalty units.	10
<i>Note—</i>	11
See section 240 in relation to imputing to a body corporate particular conduct of officers, employees or agents of the body corporate.	12
(2) An offence against subsection (1) is a crime.	13
45D Industrial manslaughter—senior officer	14
(1) A senior officer of an employer for a mine commits an offence if—	15
(a) a worker—	16
(i) dies in the course of carrying out work at the mine; or	17
(ii) is injured in the course of carrying out work at the mine and later dies; and	18

	(b) the senior officer's conduct causes the death of the worker; and	1 2
	(c) the senior officer is negligent about causing the death of the worker by the conduct.	3 4
	Maximum penalty—20 years imprisonment.	5
	(2) An offence against subsection (1) is a crime.	6
Clause 158	Amendment of s 234 (Proceedings for offences)	7
(1)	Section 234(1), after 'this Act'—	8
	<i>insert—</i>	9
	, other than an offence against part 3A,	10
(2)	Section 234(4)—	11
	<i>insert—</i>	12
	<i>Note—</i>	13
	See, however, section 243 in relation to particular orders for costs.	14 15
(3)	Section 234—	16
	<i>insert—</i>	17
	(9A) Nothing in this section affects the ability of the director of public prosecutions to bring proceedings for an offence against this Act.	18 19 20
(4)	Section 234(10), definition <i>serious offence</i> —	21
	<i>insert—</i>	22
	(aa) an offence against part 3A; or	23
(5)	Section 234(10), definition <i>serious offence</i> , paragraphs (aa) and (b)—	24 25
	<i>renumber</i> as paragraphs (b) and (c).	26

[s 159]

Clause 159	Amendment of s 235B (Procedure if prosecution not brought)	1 2
	Section 235B(1)(c)—	3
	<i>omit, insert—</i>	4
	(c) the following period has elapsed from when the act or omission happened—	5 6
	(i) if the act or omission constitutes an offence against part 3A—at least 6 months;	7 8 9
	(ii) otherwise—at least 6 months but no more than 12 months.	10 11
Clause 160	Amendment of s 236 (Limitation on time for starting proceedings)	12 13
	Section 236—	14
	<i>insert—</i>	15
	(2) Subsection (1) does not apply to a proceeding for an offence against part 3A.	16 17
Clause 161	Amendment of s 243 (Costs of investigation)	18
	(1) Section 243, heading—	19
	<i>omit, insert—</i>	20
	243 Orders for costs	21
	(2) Section 243, before subsection (1)—	22
	<i>insert—</i>	23
	(1A) This section applies in relation to a proceeding for an offence against this Act.	24 25
	(1B) An Industrial Magistrates Court may award a represented party for the proceeding costs of the representation.	26 27 28

(1C)	Subsection (2) applies despite section 234(4) and the <i>Industrial Relations Act 2016</i> , section 530(6).	1 2
(3)	Section 243— <i>insert</i> —	3 4
(3)	In this section— <i>represented party</i> , for a proceeding, means a party to the proceeding, or a person ordered or permitted to appear or to be represented by a lawyer, who is represented by a lawyer.	5 6 7 8 9
(4)	Section 243(1A) to (3)— <i>renumber</i> as section 243(1) to (6).	10 11
Clause 162	Insertion of new pt 20, div 7	12
	Part 20— <i>insert</i> —	13 14
	Division 7	15
	Validation provision for Mineral and Energy Resources and Other Legislation Amendment Act 2020	16 17 18 19
	294 Validation of particular orders for costs	20
(1)	This section applies to a costs order purportedly made by an Industrial Magistrates Court before the commencement in relation to a proceeding for an offence against this Act.	21 22 23 24
(2)	The making of the costs order is, and is taken to always have been, as valid as it would have been if amended section 243 had been in effect from 16 March 2001.	25 26 27 28

[s 163]

(3)	Anything done under the costs order is, and is taken to always have been, as valid as it would have been if amended section 243 had been in effect from 16 March 2001.	1 2 3 4
(4)	If the repealed <i>Industrial Relations Act 1999</i> applied to the proceeding, amended section 243 applies as if the reference in section 243(3) to the <i>Industrial Relations Act 2016</i> , section 530(6) were a reference to section 319(3) of the repealed Act.	5 6 7 8 9 10
(5)	In this section—	11
	<i>amended section 243</i> means section 243 as amended by the <i>Mineral and Energy Resources and Other Legislation Amendment Act 2020</i> .	12 13 14
	<i>costs order</i> means an order awarding a represented party for a proceeding costs of the representation.	15 16 17
	<i>Industrial Magistrates Court</i> includes an Industrial Magistrates Court under the repealed <i>Industrial Relations Act 1999</i> .	18 19 20
	<i>represented party</i> , for a proceeding, means a party to the proceeding, or a person ordered or permitted to appear or to be represented by a lawyer, who is represented by a lawyer.	21 22 23 24
Clause 163	Amendment of sch 2 (Dictionary)	25
	Schedule 2—	26
	<i>insert</i> —	27
	<i>causes</i> , for part 3A, see section 45A(2).	28
	<i>conduct</i> , for part 3A, see section 45A(1).	29
	<i>employer</i> , for a mine, for part 3A, see section 45A(1).	30 31
	<i>executive officer</i> , of a corporation, for part 3A,	32

	see section 45A(1).	1
	<i>senior officer</i> , of an employer for a mine, for part 3A, see section 45A(1).	2 3
Part 13	Amendment of National Energy Retail Law (Queensland) Act 2014	4 5 6
Clause 164	Act amended	7
	This part amends the <i>National Energy Retail Law (Queensland) Act 2014</i> .	8 9
	<i>Editor's note—</i>	10
	For a consolidated reprint of the law as it applies in Queensland, see the <i>National Energy Retail Law (Queensland)</i> .	11 12
Clause 165	Amendment of schedule (Modification of application of National Energy Retail Law)	13 14
	Schedule, section 15, inserted section 22A(4), from 'for the first' to 'applies,'—	15 16
	<i>omit.</i>	17
Part 14	Amendment of New South Wales-Queensland Border Rivers Act 1946	18 19 20
Clause 166	Act amended	21
	This part amends the <i>New South Wales-Queensland Border Rivers Act 1946</i> .	22 23

[s 167]

Clause 167	Insertion of new s 22A	1
	Before section 23—	2
	<i>insert—</i>	3
	22A Authorisation of department in which Water Act 2000 administered	4
		5
	The department in which the <i>Water Act 2000</i> is administered is authorised in relation to the State of Queensland to exercise the powers conferred and fulfil the obligations imposed by the agreement on a controlling authority.	6
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Part 15	Amendment of Petroleum Act 1923	11
		12
Clause 168	Act amended	13
	This part amends the <i>Petroleum Act 1923</i> .	14
	<i>Note—</i>	15
	See also the amendments in schedule 1.	16
Clause 169	Amendment of s 2 (Definitions)	17
	Section 2, definitions <i>conference election notice, eligible claimant and parties—</i>	18
		19
	<i>omit.</i>	20
Clause 170	Insertion of new s 40AA	21
	After section 40A—	22
	<i>insert—</i>	23
	40AA Rejection of application if applicant disqualified	24
		25
	(1) The Minister must reject an application for a lease	26

[s 171]

	if the Minister decides the applicant is disqualified under the Common Provisions Act, chapter 7 from being granted the lease.	1 2 3
	(2) On rejection of the application, the Minister must give the applicant a notice about the decision.	4 5
Clause 171	Amendment of s 53E (Deciding whether to approve proposed plan)	6 7
	Section 53E—	8
	<i>insert—</i>	9
	(3) The Minister may give the holder of the lease a notice requiring the holder to give the Minister, within the reasonable period stated in the notice, information the Minister reasonably requires to decide whether to approve the proposed plan.	10 11 12 13 14
	(4) If the holder does not comply with the requirement, the Minister may refuse to approve the proposed plan.	15 16 17
Clause 172	Insertion of new s 74TA	18
	After section 74T—	19
	<i>insert—</i>	20
	74TA Power to impose or amend condition if changed holder of lease	21 22
	(1) This section applies if 1 of the following changes happens—	23 24
	(a) an entity starts or stops controlling the holder of a lease under the Corporations Act, section 50AA;	25 26 27
	(b) the holder of a lease starts or stops being a subsidiary of a corporation under the Corporations Act, section 46.	28 29 30

[s 172]

- (2) The Minister may consider whether, after the change, the holder of the lease has the financial and technical resources to comply with the conditions of the lease. 1
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- (3) If the Minister considers the holder of the lease may not have the financial and technical resources to comply with conditions of the lease, the Minister may impose another condition on, or amend a condition of, the lease. 5
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- (4) If the Minister believes a change mentioned in subsection (1) may have happened, the Minister may require the holder of the lease to give the Minister information or a document about whether or not the change has happened. 10
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- (5) Before deciding to impose another condition on, or amend a condition of, the lease under subsection (3), the Minister may require the holder of the lease to give the Minister information or a document the Minister requires to make the decision. 15
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- (6) A requirement under subsection (4) or (5) must— 21
- (a) be made by notice given to the holder; and 22
 - (b) state a period of at least 10 business days within which the holder must comply with the requirement. 23
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- (7) Before deciding to impose another condition on, or amend a condition of, the lease under subsection (3), the Minister must give the holder of the lease a notice stating— 26
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- (a) the proposed decision; and 30
 - (b) the reasons for the proposed decision; and 31
 - (c) that the holder may, within 10 business days after the notice is given, make submissions to the Minister about the proposed decision. 32
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	(8)	The Minister may extend the period mentioned in subsection (6)(b) or (7)(c) by notice given to the holder of the lease.	1 2 3
	(9)	In deciding whether to impose another condition on, or amend a condition of, the lease under subsection (3), the Minister—	4 5 6
	(a)	must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and	7 8 9
	(b)	may consider any other matter the Minister considers relevant.	10 11
	(10)	If the Minister decides to impose another condition on, or amend a condition of, the lease under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.	12 13 14 15 16 17
Clause 173	Omission of pt 6R (Conferences with eligible claimants or owners and occupiers)		18 19
	Part 6R—		20
	<i>omit.</i>		21
Clause 174	Insertion of new pt 17		22
	After section 207—		23
	<i>insert—</i>		24
	Part 17	Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2020	25 26 27 28 29

[s 175]

208 Power to impose or amend condition if changed holder of lease	1 2
The power of the Minister to impose another condition on, or amend a condition of, a lease under section 74TA applies—	3 4 5
(a) whether the lease was granted before or after the commencement; and	6 7
(b) only if the change mentioned in section 74TA(1) happens after the commencement.	8 9
209 Conferences with eligible claimants or owners or occupiers started before commencement	10 11
(1) This section applies if—	12
(a) an authorised officer asked parties to attend a conference under section 103B as in force before the commencement; and	13 14 15
(b) immediately before the commencement the conference had not taken place.	16 17
(2) The conference must take place under part 6R as in force immediately before the commencement.	18 19
(3) The Common Provisions Act, chapter 3, part 8 does not apply in relation to the conference.	20 21

Part 16	Amendment of Petroleum and Gas (Production and Safety) Act 2004	22 23 24
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Clause 175	Act amended	25
	This part amends the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	26 27

Note— 1
See also the amendments in schedule 1. 2

Clause 176	Insertion of new s 37A	3
	After section 37—	4
	<i>insert—</i>	5
	37A Rejection of tender if tenderer disqualified	6
	(1) The Minister must reject a tender for an authority to prospect if the Minister decides the tenderer is disqualified under the Common Provisions Act, chapter 7 from being granted the authority to prospect.	7 8 9 10 11
	(2) On rejection of the tender, the Minister must give the tenderer a notice about the decision.	12 13
Clause 177	Amendment of s 66 (Part usually required to be relinquished)	14 15
	Section 66(1), after ‘sections’—	16
	<i>insert—</i>	17
	66A,	18
Clause 178	Insertion of new ss 66A and 66B	19
	After section 66—	20
	<i>insert—</i>	21
	66A Standard relinquishment condition deferred while petroleum lease application is undecided	22 23 24
	(1) This section applies if—	25
	(a) the holder of an authority to prospect has made an application for a petroleum lease in relation to an identified area; and	26 27 28

[s 179]

	(b) at the end of the relinquishment day, the application has not been decided.	1 2
	(2) Section 66 does not apply to the authority to prospect in relation to the identified area until—	3 4
	(a) the petroleum lease is granted; or	5
	(b) 20 business days after the day the application is withdrawn or refused.	6 7
	(3) In this section—	8
	<i>identified area</i> means the sub-blocks of land identified in a relinquishment notice as the sub-blocks of land to which an authority to prospect will not apply after a reduction required under section 66(2).	9 10 11 12 13
	66B Sub-blocks that may be counted towards relinquishment	14 15
	(1) This section applies if, before a relinquishment day, the area of an authority to prospect is reduced under section 101 by the grant of a petroleum lease.	16 17 18 19
	(2) The sub-blocks in the area of the authority to prospect reduced by the grant may be counted as sub-blocks relinquished for the relinquishment condition.	20 21 22 23
Clause 179	Amendment of s 67 (Sub-blocks that can not be counted towards relinquishment)	24 25
	(1) Section 67(1)(b)— <i>omit.</i>	26 27
	(2) Section 67(1)(d), ‘petroleum lease or’— <i>omit.</i>	28 29
	(3) Section 67(1)(c) to (e)—	30

renumber as section 67(1)(b) to (d). 1

Clause 180 Amendment of s 68 (Adjustments for sub-blocks that can not be counted) 2
3

Section 68(3)(a), ‘petroleum lease or’— 4

omit. 5

Clause 181 Insertion of new s 80A 6

After section 80— 7

insert— 8

80A Power to impose or amend condition if changed holder of authority to prospect 9
10

(1) This section applies if 1 of the following changes happens— 11
12

(a) an entity starts or stops controlling the holder of an authority to prospect under the Corporations Act, section 50AA; 13
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(b) the holder of an authority to prospect starts or stops being a subsidiary of a corporation under the Corporations Act, section 46. 16
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(2) The Minister may consider whether, after the change, the holder of the authority to prospect has the financial and technical resources to comply with the conditions of the authority to prospect. 19
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(3) If the Minister considers the holder of the authority to prospect may not have the financial and technical resources to comply with conditions of the authority to prospect, the Minister may impose another condition on, or amend a condition of, the authority to prospect. 23
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(4) If the Minister believes a change mentioned in subsection (1) may have happened, the Minister may require the holder of the authority to prospect 29
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[s 181]

- to give the Minister information or a document 1
about whether or not the change has happened. 2
- (5) Before deciding to impose another condition on, 3
or amend a condition of, the authority to prospect 4
under subsection (3), the Minister may require the 5
holder of the authority to prospect to give the 6
Minister information or a document the Minister 7
requires to make the decision. 8
- (6) A requirement under subsection (4) or (5) must— 9
- (a) be made by notice given to the holder; and 10
- (b) state a period of at least 10 business days 11
within which the holder must comply with 12
the requirement. 13
- (7) Before deciding to impose another condition on, 14
or amend a condition of, the authority to prospect 15
under subsection (3), the Minister must give the 16
holder of the authority a notice stating— 17
- (a) the proposed decision; and 18
- (b) the reasons for the proposed decision; and 19
- (c) that the holder may, within 10 business days 20
after the notice is given, make submissions 21
to the Minister about the proposed decision. 22
- (8) The Minister may extend the period mentioned in 23
subsection (6)(b) or (7)(c) by notice given to the 24
holder of the authority to prospect. 25
- (9) In deciding whether to impose another condition 26
on, or amend a condition of, the authority to 27
prospect under subsection (3), the Minister— 28
- (a) must consider information or a document, if 29
any, given under subsection (6)(b) or (7)(c); 30
and 31
- (b) may consider any other matter the Minister 32
considers relevant. 33

-
- (10) If the Minister decides to impose another condition on, or amend a condition of, the authority to prospect under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.

- Clause 182 Amendment of s 107AD (Term of declaration)**
- (1) Section 107AD, from ‘in force for 15 years’—
omit, insert—
in force for—
- (a) 15 years from the making of the latest of the declarations of the potential commercial areas for the authorities to prospect that have been amalgamated; or
- (b) the shorter period decided by the Minister when making the declaration and stated in the notice given under section 107AE(1).
- (2) Section 107AD—
insert—
- (2) The matters that must be considered in deciding the shorter period include—
- (a) when any petroleum discovery was made; and
- (b) the report and proposed evaluation program mentioned in section 107AB(b) and (c) that accompanied the application for amalgamation or an independent viability assessment for, or that includes, the amalgamated potential commercial area.

[s 183]

Clause 183	Insertion of new s 118A	1
	After section 118—	2
	<i>insert—</i>	3
	118A Rejection of ATP-related application if applicant disqualified	4
		5
	(1) The Minister must reject an ATP-related application for a petroleum lease if the Minister decides the applicant is disqualified under the Common Provisions Act, chapter 7 from being granted the petroleum lease.	6
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	(2) On rejection of the application, the Minister must give the applicant a notice about the decision.	11
		12
Clause 184	Insertion of new s 128A	13
	After section 128—	14
	<i>insert—</i>	15
	128A Rejection of tender if tenderer disqualified	16
		17
	(1) The Minister must reject a tender for a petroleum lease if the Minister decides the tenderer is disqualified under the Common Provisions Act, chapter 7 from being granted the petroleum lease.	18
		19
		20
	(2) On rejection of the tender, the Minister must give the tenderer a notice about the decision.	21
		22
Clause 185	Amendment of s 147 (Deciding whether to approve proposed plan)	23
		24
	Section 147—	25
	<i>insert—</i>	26
	(5) The Minister may give the holder of the petroleum lease a notice requiring the holder to give the Minister, within the reasonable period stated in the notice, information the Minister	27
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reasonably requires to decide whether to approve 1
the proposed plan. 2

- (6) If the holder does not comply with the 3
requirement, the Minister may refuse to approve 4
the proposed plan. 5

Clause 186 Insertion of new s 160A 6

After section 160— 7

insert— 8

**160A Power to impose or amend condition if 9
changed holder of petroleum lease** 10

- (1) This section applies if 1 of the following changes 11
happens— 12

(a) an entity starts or stops controlling the 13
holder of a petroleum lease under the 14
Corporations Act, section 50AA; 15

(b) the holder of a petroleum lease starts or 16
stops being a subsidiary of a corporation 17
under the Corporations Act, section 46. 18

- (2) The Minister may consider whether, after the 19
change, the holder of the petroleum lease has the 20
financial and technical resources to comply with 21
the conditions of the petroleum lease. 22

- (3) If the Minister considers the holder of the 23
petroleum lease may not have the financial and 24
technical resources to comply with conditions of 25
the petroleum lease, the Minister may impose 26
another condition on, or amend a condition of, the 27
petroleum lease. 28

- (4) If the Minister believes a change mentioned in 29
subsection (1) may have happened, the Minister 30
may require the holder of the petroleum lease to 31
give the Minister information or a document 32
about whether or not the change has happened. 33

[s 186]

- (5) Before deciding to impose another condition on, or amend a condition of, the petroleum lease under subsection (3), the Minister may require the holder of the petroleum lease to give the Minister information or a document the Minister requires to make the decision. 1
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- (6) A requirement under subsection (4) or (5) must— 7
- (a) be made by notice given to the holder; and 8
- (b) state a period of at least 10 business days within which the holder must comply with the requirement. 9
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- (7) Before deciding to impose another condition on, or amend a condition of, the petroleum lease under subsection (3), the Minister must give the holder of the lease a notice stating— 12
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- (a) the proposed decision; and 16
- (b) the reasons for the proposed decision; and 17
- (c) that the holder may, within 10 business days after the notice is given, make submissions to the Minister about the proposed decision. 18
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- (8) The Minister may extend the period mentioned in subsection (6)(b) or (7)(c) by notice given to the holder of the petroleum lease. 21
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- (9) In deciding whether to impose another condition on, or amend a condition of, the petroleum lease under subsection (3), the Minister— 24
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26
- (a) must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and 27
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- (b) may consider any other matter the Minister considers relevant. 30
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- (10) If the Minister decides to impose another condition on, or amend a condition of, the 32
33

	petroleum lease under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.	1 2 3 4
Clause 187	Omission of s 170A (Application of subdivision)	5
	Section 170A—	6
	<i>omit.</i>	7
Clause 188	Amendment and renumbering of s 170B (Applying to amalgamate)	8 9
	(1) Section 170B, heading, after ‘amalgamate’—	10
	<i>insert—</i>	11
	petroleum leases	12
	(2) Section 170B, as amended—	13
	<i>renumber</i> as section 170A.	14
Clause 189	Insertion of new s 170B	15
	After section 170A, as renumbered by this Act—	16
	<i>insert—</i>	17
	170B Applying to amalgamate 1923 Act leases	18
	(1) A person may apply to the Minister to amalgamate 2 or more 1923 Act leases (each also an <i>individual lease</i>) into a single petroleum lease (also the <i>amalgamated lease</i>).	19 20 21 22
	(2) An application can be made only if—	23
	(a) the holder of each individual lease has also applied under section 908 for a petroleum lease for all or part of the area of the lease; and	24 25 26 27

[s 190]

	(b) all of the holders of the individual leases agree to the proposed amalgamation; and	1 2
	(c) the holders of the amalgamated lease will be the same as the holders of the individual leases.	3 4 5
	(3) Also, a person can not make an application under subsection (1) if any of the holders of individual leases have not complied with a provision of the 1923 Act.	6 7 8 9
	(4) If the application under section 908 is withdrawn, the application for amalgamation is taken to be withdrawn.	10 11 12
	(5) If the application under section 908 is rejected, the application for amalgamation is taken to have lapsed.	13 14 15
Clause 190	Amendment of s 317 (Proposed mining lease declared a coordinated project)	16 17
	Section 317(2)(c), ‘mining lease application’—	18
	<i>omit, insert—</i>	19
	petroleum lease application	20
Clause 191	Amendment of s 379 (Requirement for coordination arrangement to transfer petroleum lease in tenure area of mining lease)	21 22 23
	Section 379(2), from ‘are parties’—	24
	<i>omit, insert—</i>	25
	are—	26
	(a) the same entity; or	27
	(b) parties to a coordination arrangement about—	28 29

	(i) petroleum production under the petroleum lease; and	1 2
	(ii) coal or oil shale mining and any incidental coal seam gas mining under the mining lease.	3 4 5
Clause 192	Replacement of s 400 (Restriction if there is an existing geothermal, GHG or mining lease)	6 7
	Section 400—	8
	<i>omit, insert—</i>	9
	400 Restriction if there is an existing geothermal, GHG or mining lease	10 11
	(1) This section applies if land in the area of a pipeline licence is also in the area of a geothermal lease, GHG lease or mining lease (each an <i>existing lease</i>) that was granted before the licence.	12 13 14 15 16
	(2) The pipeline licence holder may carry out an authorised activity for the licence on land within the area of the existing lease only if—	17 18 19
	(a) both of the following apply—	20
	(i) the existing lease holder has agreed in writing to the carrying out of the activity;	21 22 23
	(ii) the pipeline licence holder has given a copy of the agreement mentioned in subparagraph (i) to the chief executive; or	24 25 26 27
	(b) both of the following apply—	28
	(i) carrying out the activity is consistent with an agreed co-existence plan;	29 30

[s 192]

- (ii) the pipeline licence holder has given a notice to the chief executive stating the following—
 - (A) that the plan is in place;
 - (B) the period for which the plan has effect;
 - (C) other information prescribed by regulation.
- (3) An agreed co-existence plan must—
 - (a) identify the parties to the plan; and
 - (b) set out an overview of the activities proposed to be carried out in the area mentioned in subsection (1), including the location of the activities and when they will start; and
 - (c) set out how the activities mentioned in paragraph (b) will comply with mining safety legislation; and
 - (d) state how the activities mentioned in paragraph (b) optimise the development and use of the State’s resources; and
 - (e) state whether any monetary or non-monetary compensation is to be given under the plan; and
 - (f) state the period for which the plan is to have effect; and
 - (g) include any other information prescribed by regulation.
- (4) The pipeline licence holder may give the existing lease holder a notice (the *negotiation notice*) that the pipeline licence holder wishes to negotiate a co-existence plan with the existing lease holder.
- (5) The negotiation notice is invalid if it does not

-
- comply with the prescribed requirements for the notice. 1
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- (6) The pipeline licence holder and the existing lease holder must negotiate in good faith and use all reasonable endeavours to agree on a co-existence plan. 3
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- (7) If the pipeline licence holder and the existing lease holder can not agree on a co-existence plan within 3 months after the giving of the negotiation notice, the pipeline licence holder may apply for arbitration of the dispute. 7
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- (8) Despite subsection (7), the pipeline licence holder and the existing lease holder may jointly apply for arbitration of the dispute at any time. 12
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- (9) It is a condition of both the pipeline licence and the existing lease that the holder must comply with each agreed co-existence plan that applies to the holder. 15
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18
- (10) In this section— 19
- agreed co-existence plan*** means— 20
- (a) if an agreed co-existence plan is agreed on under subsection (6)—the agreed co-existence plan; or 21
22
23
- (b) if an agreed co-existence plan is amended by the holders of the pipeline licence and the existing mining lease—the agreed co-existence plan as amended; or 24
25
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27
- (c) if an agreed co-existence plan is arbitrated as an agreed co-existence plan under the Common Provisions Act, chapter 5, part 3—the agreed co-existence plan as arbitrated. 28
29
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31

[s 193]

Clause 193	Insertion of new s 409B	1
	After section 409A—	2
	<i>insert—</i>	3
	409B Rejection of application if applicant disqualified	4
		5
	(1) The Minister must reject an application for a pipeline licence if the Minister decides the applicant is disqualified under the Common Provisions Act, chapter 7 from being granted the pipeline licence.	6 7 8 9 10
	(2) On rejection of the application, the Minister must give the applicant a notice about the decision.	11 12
Clause 194	Insertion of new s 424A	13
	After section 424—	14
	<i>insert—</i>	15
	424A Power to impose or amend condition if changed holder of pipeline licence	16 17
	(1) This section applies if 1 of the following changes happens—	18 19
	(a) an entity starts or stops controlling the holder of a pipeline licence under the Corporations Act, section 50AA;	20 21 22
	(b) the holder of a pipeline licence starts or stops being a subsidiary of a corporation under the Corporations Act, section 46.	23 24 25
	(2) The Minister may consider whether, after the change, the holder of the pipeline licence has the financial and technical resources to comply with the conditions of the pipeline licence.	26 27 28 29
	(3) If the Minister considers the holder of the pipeline licence may not have the financial and technical resources to comply with conditions of the	30 31 32

-
- pipeline licence, the Minister may impose another
condition on, or amend a condition of, the
pipeline licence. 1
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3
- (4) If the Minister believes a change mentioned in 4
subsection (1) may have happened, the Minister 5
may require the holder of the pipeline licence to 6
give the Minister information or a document 7
about whether or not the change has happened. 8
- (5) Before deciding to impose another condition on, 9
or amend a condition of, the pipeline licence 10
under subsection (3), the Minister may require the 11
holder of the pipeline licence to give the Minister 12
information or a document the Minister requires 13
to make the decision. 14
- (6) A requirement under subsection (4) or (5) must— 15
- (a) be made by notice given to the holder; and 16
- (b) state a period of at least 10 business days 17
within which the holder must comply with 18
the requirement. 19
- (7) Before deciding to impose another condition on, 20
or amend a condition of, the pipeline licence 21
under subsection (3), the Minister must give the 22
holder of the licence a notice stating— 23
- (a) the proposed decision; and 24
- (b) the reasons for the proposed decision; and 25
- (c) that the holder may, within 10 business days 26
after the notice is given, make submissions 27
to the Minister about the proposed decision. 28
- (8) The Minister may extend the period mentioned in 29
subsection (6)(b) or (7)(c) by notice given to the 30
holder of the pipeline licence. 31
- (9) In deciding whether to impose another condition 32
on, or amend a condition of, the pipeline licence 33
under subsection (3), the Minister— 34

[s 195]

	(a) must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and	1 2 3
	(b) may consider any other matter the Minister considers relevant.	4 5
	(10) If the Minister decides to impose another condition on, or amend a condition of, the pipeline licence under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.	6 7 8 9 10 11
Clause 195	Replacement of s 440 (Restriction if there is an existing mining lease)	12 13
	Section 440—	14
	<i>omit, insert—</i>	15
	440 Restriction if there is an existing mining lease	16
	(1) This section applies if land in the area of a petroleum facility licence is also in the area of a mining lease (the <i>existing lease</i>) that was granted before the licence.	17 18 19 20
	(2) The petroleum facility licence holder may carry out an authorised activity for the licence on land within the area of the existing lease only if—	21 22 23
	(a) both of the following apply—	24
	(i) the existing lease holder has agreed in writing to the carrying out of the activity;	25 26 27
	(ii) the petroleum facility licence holder has given a copy of the agreement mentioned in subparagraph (i) to the chief executive; or	28 29 30 31
	(b) both of the following apply—	32

-
- (i) carrying out the activity is consistent with an agreed co-existence plan; 1
2
- (ii) the petroleum facility licence holder has given a notice to the chief executive stating the following— 3
4
5
- (A) that the plan is in place; 6
- (B) the period for which the plan has effect; 7
8
- (C) other information prescribed by regulation. 9
10
- (3) An agreed co-existence plan must— 11
- (a) identify the parties to the plan; and 12
- (b) set out an overview of the activities proposed to be carried out in the area mentioned in subsection (1), including the location of the activities and when they will start; and 13
14
15
16
17
- (c) set out how the activities mentioned in paragraph (b) will comply with mining safety legislation; and 18
19
20
- (d) state how the activities mentioned in paragraph (b) optimise the development and use of the State's resources; and 21
22
23
- (e) state whether any monetary or non-monetary compensation is to be given under the plan; and 24
25
26
- (f) state the period for which the plan is to have effect; and 27
28
- (g) include any other information prescribed by regulation. 29
30
- (4) The petroleum facility licence holder may give the existing lease holder a notice (the *negotiation notice*) that the petroleum facility licence holder 31
32
33

[s 195]

- wishes to negotiate a co-existence plan with the existing lease holder. 1
2
- (5) The negotiation notice is invalid if it does not comply with the prescribed requirements for the notice. 3
4
5
- (6) The petroleum facility licence holder and the existing lease holder must negotiate in good faith and use all reasonable endeavours to agree on a co-existence plan. 6
7
8
9
- (7) If the petroleum facility licence holder and the existing lease holder can not agree on a co-existence plan within 3 months after the giving of the negotiation notice, the petroleum facility licence holder may apply for arbitration of the dispute. 10
11
12
13
14
15
- (8) Despite subsection (7), the petroleum facility licence holder and the existing lease holder may jointly apply for arbitration of the dispute at any time. 16
17
18
19
- (9) It is a condition of both the petroleum facility licence and the existing lease that the holder must comply with each agreed co-existence plan that applies to the holder. 20
21
22
23
- (10) In this section— 24
- agreed co-existence plan*** means— 25
- (a) if an agreed co-existence plan is agreed on under subsection (6)—the agreed co-existence plan; or 26
27
28
- (b) if an agreed co-existence plan is amended by the holders of the petroleum facility licence and the existing mining lease—the agreed co-existence plan as amended; or 29
30
31
32
- (c) if an agreed co-existence plan is arbitrated as an agreed co-existence plan under the 33
34

	Common Provisions Act, chapter 5, part 3—	1
	the agreed co-existence plan as arbitrated.	2
Clause 196	Insertion of new s 445B	3
	After section 445A—	4
	<i>insert—</i>	5
	445B Rejection of application if applicant disqualified	6
		7
	(1) The Minister must reject an application for a petroleum facility licence if the Minister decides the applicant is disqualified under the Common Provisions Act, chapter 7 from being granted the petroleum facility licence.	8 9 10 11 12
	(2) On rejection of the application, the Minister must give the applicant a notice about the decision.	13 14
Clause 197	Insertion of new s 455A	15
	After section 455—	16
	<i>insert—</i>	17
	455A Power to impose or amend condition if changed holder of petroleum facility licence	18
		19
	(1) This section applies if 1 of the following changes happens—	20 21
	(a) an entity starts or stops controlling the holder of a petroleum facility licence under the Corporations Act, section 50AA;	22 23 24
	(b) the holder of a petroleum facility licence starts or stops being a subsidiary of a corporation under the Corporations Act, section 46.	25 26 27 28
	(2) The Minister may consider whether, after the change, the holder of the petroleum facility	29 30

[s 197]

- licence has the financial and technical resources 1
to comply with the conditions of the petroleum 2
facility licence. 3
- (3) If the Minister considers the holder of the 4
petroleum facility licence may not have the 5
financial and technical resources to comply with 6
conditions of the petroleum facility licence, the 7
Minister may impose another condition on, or 8
amend a condition of, the petroleum facility 9
licence. 10
- (4) If the Minister believes a change mentioned in 11
subsection (1) may have happened, the Minister 12
may require the holder of the petroleum facility 13
licence to give the Minister information or a 14
document about whether or not the change has 15
happened. 16
- (5) Before deciding to impose another condition on, 17
or amend a condition of, the petroleum facility 18
licence under subsection (3), the Minister may 19
require the holder of the petroleum facility licence 20
to give the Minister information or a document 21
the Minister requires to make the decision. 22
- (6) A requirement under subsection (4) or (5) must— 23
- (a) be made by notice given to the holder; and 24
- (b) state a period of at least 10 business days 25
within which the holder must comply with 26
the requirement. 27
- (7) Before deciding to impose another condition on, 28
or amend a condition of, the petroleum facility 29
licence under subsection (3), the Minister must 30
give the holder of the licence a notice stating— 31
- (a) the proposed decision; and 32
- (b) the reasons for the proposed decision; and 33

	(c) that the holder may, within 10 business days after the notice is given, make submissions to the Minister about the proposed decision.	1 2 3
	(8) The Minister may extend the period mentioned in subsection (6)(b) or (7)(c) by notice given to the holder of the petroleum facility licence.	4 5 6
	(9) In deciding whether to impose another condition on, or amend a condition of, the petroleum facility licence under subsection (3), the Minister—	7 8 9
	(a) must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and	10 11 12
	(b) may consider any other matter the Minister considers relevant.	13 14
	(10) If the Minister decides to impose another condition on, or amend a condition of, the petroleum facility licence under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.	15 16 17 18 19 20 21
Clause 198	Amendment of ch 10, hdg (Conferences, investigations and enforcement)	22 23
	Chapter 10, heading, ‘Conferences, investigations’—	24
	<i>omit, insert—</i>	25
	Investigations	26
Clause 199	Omission of ch 10, pt 1AA (Conferences with eligible claimants or owners and occupiers)	27 28
	Chapter 10, part 1AA—	29
	<i>omit.</i>	30

[s 200]

Clause 200	Amendment of s 799B (Definitions for part)	1
(1)	Section 799B, definitions <i>authorised person</i> , <i>primary land</i> and <i>remediation activities</i> —	2
	<i>omit.</i>	3
		4
(2)	Section 799B—	5
	<i>insert</i> —	6
	<i>abandoned site</i> means land—	7
	(a) on which an abandoned operating plant is located; or	8
		9
	(b) within the boundary of a former tenure or authority for an abandoned operating plant.	10
		11
	<i>affected land</i> see section 799D(2).	12
	<i>authorised person</i> means—	13
	(a) for an abandoned site—a person authorised by the chief executive under section 799D(1) to enter the abandoned site; or	14
		15
		16
	(b) for affected land—a person authorised by the chief executive under section 799D(2) to enter the affected land.	17
		18
		19
	<i>remediation activity</i> see section 799CA.	20
Clause 201	Insertion of new s 799CA	21
	After section 799C—	22
	<i>insert</i> —	23
	799CA Meaning of <i>remediation activity</i>	24
(1)	Each of the following activities is a <i>remediation activity</i> —	25
		26
	(a) investigating the condition of—	27
	(i) an abandoned site or affected land; or	28

-
- | | |
|---|----------------------|
| (ii) an abandoned operating plant; or | 1 |
| (iii) a structure or equipment on an abandoned site or affected land related to the abandoned operating plant; | 2
3
4 |
| (b) capping a wellhead on an abandoned site; | 5 |
| (c) drilling a well or water bore on an abandoned site or affected land to monitor or remediate the site, land or an abandoned operating plant; | 6
7
8
9 |
| (d) maintaining an abandoned operating plant to make it safe; | 10
11 |
| <i>Examples—</i> | 12 |
| monitor, inspect, carry out repairs | 13 |
| (e) decommissioning an abandoned operating plant; | 14
15 |
| <i>Examples—</i> | 16 |
| degassing a facility, removing part of a facility | 17 |
| (f) removing, modifying or otherwise making safe structures or equipment on an abandoned site or affected land that are related to an abandoned operating plant; | 18
19
20
21 |
| (g) mitigating, managing, treating or cleaning up pollution that is on an abandoned site or affected land because of, directly or indirectly, an abandoned operating plant; | 22
23
24
25 |
| (h) maintaining, managing and monitoring the condition of an abandoned site or affected land, including, for example— | 26
27
28 |
| (i) repairing erosion of the site or land, or vegetation on the site or land; or | 29
30 |
| (ii) preventing further erosion of the site, land or vegetation; or | 31
32 |
| (iii) revegetating the site or land; | 33 |

[s 201]

- (i) if an abandoned site or affected land is contaminated land under the Environmental Protection Act—conducting work to remediate the site or land; 1
2
3
4
- (j) removing, mitigating or managing a hazard on an abandoned site or affected land because of, directly or indirectly, an abandoned operating plant; 5
6
7
8
- (k) mitigating, managing or monitoring risks to, or adverse impacts on, public health or safety, other property or the environment because of, directly or indirectly, an abandoned operating plant, including, by constructing infrastructure or installing equipment; 9
10
11
12
13
14
15
- (l) another activity on an abandoned site or affected land, or in relation to an abandoned operating plant, prescribed by regulation— 16
17
18
 - (i) to make the site, land or abandoned operating plant safe; 19
20
 - (ii) to mitigate, manage or monitor risks to, or adverse impacts on, public health or safety, other property or the environment because of, directly or indirectly, an abandoned operating plant. 21
22
23
24
25
26
- (2) In this section— 27
 - other property***, in relation to an abandoned operating plant, means— 28
29
 - (a) land that is not an abandoned site or affected land related to the abandoned operating plant; or 30
31
32
 - (b) a structure, equipment or other thing, other than a structure or equipment— 33
34

	(i) related to the abandoned operating plant; or	1 2
	(ii) on an abandoned site or affected land related to the abandoned operating plant.	3 4 5
Clause 202	Replacement of ss 799D–799G	6
	Section 799D to 799G—	7
	<i>omit, insert—</i>	8
	799D Authorised person to carry out remediation activities	9 10
	(1) The chief executive may authorise a person to enter an abandoned site to carry out 1 or more remediation activities.	11 12 13
	(2) Also, the chief executive may authorise a person to enter land (<i>affected land</i>) to carry out 1 or more remediation activities if the chief executive is satisfied—	14 15 16 17
	(a) the remediation activities may be, or are, required to be carried out on the land because of, directly or indirectly, an abandoned operating plant on an abandoned site; or	18 19 20 21 22
	(b) the entry is necessary to carry out remediation activities on an abandoned site.	23 24
	(3) The authorisation must—	25
	(a) be in writing; and	26
	(b) state the period of the authorisation.	27
	799E Entering land to carry out remediation activities	28 29
	(1) An authorised person may enter an abandoned site	30

[s 202]

- to carry out remediation activities if the authorised person has given the owner and occupier of the land the notice of entry required under section 799F.
- (2) An authorised person may enter affected land if the owner and occupier of the land have consented to the entry under section 799G.
- (3) An authorised person for an abandoned site may enter land adjacent to the site if—
- (a) the entry is only for the purpose of entering the site under subsection (1) or (4); and
 - (b) entering the adjacent land is the only reasonably practicable way for the authorised person to enter the site; and
 - (c) the authorised person has given the owner and occupier of the adjacent land the notice of entry required under section 799F.
- (4) An authorised person may enter land mentioned in subsection (1), (2) or (3) without giving notice of entry to, or the consent of, the owner or occupier of the land to carry out remediation activities if carrying out the activities are necessary to preserve life or property.
- (5) This section does not authorise an authorised person to enter a structure used for residential purposes without the consent of the occupier of the structure.

799F Notice of entry

- (1) An authorised person who enters land under this part must give the owner and occupier of the land written notice about the entry—
- (a) if the land is entered to carry out remediation activities necessary to preserve

-
- life or property—within 10 business days 1
after entering the land; or 2
- (b) otherwise, if the land is an abandoned site— 3
- (i) at least 10 business before entering the 4
land; or 5
- (ii) a shorter period agreed by the owner 6
and occupier. 7
- (2) The written notice must state the following— 8
- (a) when the entry was made or is to be made; 9
- (b) the purpose of the entry; 10
- (c) if the notice relates to land other than 11
affected land—that the authorised person is 12
permitted under this Act to enter the land 13
without consent or a warrant; 14
- (d) the remediation activities carried out or 15
proposed to be carried out. 16

**799G Consent of owner or occupier to enter 17
affected land 18**

- (1) This section applies if an authorised person 19
intends to ask the owner or occupier of affected 20
land for consent to enter the land. 21
- (2) For the purpose of asking the owner or occupier 22
for the consent, the authorised person may, 23
without the consent of the owner or occupier, or a 24
warrant— 25
- (a) enter land around premises at the affected 26
land to an extent that is reasonable to 27
contact an occupier of the affected land; or 28
- (b) enter part of the affected land the authorised 29
person reasonably considers members of the 30
public ordinarily are allowed to enter when 31

[s 202]

- they wish to contact an occupier of the affected land. 1
2
- (3) When asking for the consent, the authorised person must tell the owner or occupier— 3
4
- (a) about the purpose of the entry; and 5
- (b) the proposed day, time and duration of the entry; and 6
7
- (c) that the owner or occupier is not required to consent; and 8
9
- (d) that the consent may be— 10
- (i) given subject to reasonable conditions, other than a condition requiring compensation for the entry; and 11
12
13
- (ii) may be withdrawn at any time. 14
- (4) If the owner or occupier gives the consent, the authorised person may ask the owner or occupier to sign an acknowledgement of the consent. 15
16
17
- (5) The acknowledgement must state— 18
- (a) the purpose of the entry, including the remediation activities to be carried out; and 19
20
- (b) the following has been explained to the owner or occupier— 21
22
- (i) the purpose of the entry, including the remediation activities to be carried out; 23
24
- (ii) the proposed day, time and duration of the entry; 25
26
- (iii) that the owner or occupier is not required to consent; 27
28
- (iv) that the consent may be given subject to conditions, other than a condition requiring compensation for the entry, and may be withdrawn at any time; and 29
30
31
32

(c) the owner or occupier gives the authorised person consent to enter the land and carry out the remediation activities; and	1 2 3
(d) the day and time the consent was given; and	4
(e) any conditions of the consent.	5
(6) If the owner or occupier signs the acknowledgement, the authorised person must give a copy of the acknowledgement to the owner and occupier.	6 7 8 9
799GA Obligation of authorised person in carrying out remediation activities	10 11
An authorised person who enters land under this part—	12 13
(a) must not cause, or contribute to, unnecessary damage to any structure or works on the land; and	14 15 16
(b) must take all reasonable steps to ensure the person causes as little inconvenience, and does as little other damage, as is practicable in the circumstances.	17 18 19 20
799GB Report to owner and occupier after entry of affected land	21 22
(1) This section applies if an authorised person enters affected land to carry out remediation activities with the consent of the owner and occupier of the land given under section 799G.	23 24 25 26
(2) The authorised person must give the owner and occupier a report about the entry within 30 days after the entry ends.	27 28 29
(3) The report must state—	30

[s 203]

	(a) whether or not remediation activities were carried out on the affected land; and	1 2
	(b) if activities were carried out on the land—	3
	(i) the nature and extent of the activities; and	4 5
	(ii) where on the land the activities were carried out; and	6 7
	(c) another matter prescribed by regulation for the report.	8 9
	(4) However, the authorised person is not required to give a report to the owner or occupier of the affected land under this section if the owner or occupier does not wish to receive the report.	10 11 12 13
Clause 203	Insertion of new ch 11, pt 1AA	14
	Chapter 11, before part 1—	15
	<i>insert—</i>	16
	Part 1AA Industrial manslaughter	17 18
	799I Definitions for part	19
	(1) In this part—	20
	<i>conduct</i> means an act or omission to perform an act.	21 22
	<i>employer</i> , for an operating plant or gas work, means a person who employs or otherwise engages a worker in relation to the operating plant or gas work.	23 24 25 26
	<i>gas work</i> see section 725.	27
	<i>senior officer</i> , of an employer for an operating plant or gas work, means—	28 29

-
- (a) if the employer is a corporation—an executive officer of the corporation; or
- (b) otherwise—the holder of an executive position (however described) in relation to the employer who makes, or takes part in making, decisions affecting all, or a substantial part, of the employer’s functions.
- worker* means—
- (a) in relation to an operating plant—an individual who is employed or contracted to carry out work at the operating plant; or
- (b) in relation to gas work—an individual who is employed or contracted to carry out work at the place where the gas work is carried out.
- (2) For this part, a person’s conduct *causes* death if it substantially contributes to the death.

799J Exception for the Criminal Code, s 23

The Criminal Code, section 23 does not apply in relation to an offence against this part.

799K Industrial manslaughter—employer

- (1) An employer for an operating plant or gas work commits an offence if—
- (a) a worker—
- (i) dies in the course of carrying out work at the operating plant or the place where the gas work is carried out; or
- (ii) is injured in the course of carrying out work at the operating plant, or the place where the gas work is carried out, and later dies; and

[s 203]

- (b) the employer's conduct causes the death of the worker; and 1
2
- (c) the employer is negligent about causing the death of the worker by the conduct. 3
4
- Maximum penalty— 5
- (a) for an individual—20 years imprisonment; 6
or 7
- (b) for a body corporate—100,000 penalty units. 8
9
- Note—* 10
See section 840 in relation to imputing to a body corporate particular conduct of executive officers, employees or agents of the body corporate. 11
12
13
- (2) An offence against subsection (1) is a crime. 14

799L Industrial manslaughter—senior officer 15

- (1) A senior officer of an employer for an operating plant or gas work commits an offence if— 16
17
- (a) a worker— 18
- (i) dies in the course of carrying out work at the operating plant or the place where the gas work is carried out; or 19
20
21
- (ii) is injured in the course of carrying out work at the operating plant, or the place where the gas work is carried out, and later dies; and 22
23
24
25
- (b) the senior officer's conduct causes the death of the worker; and 26
27
- (c) the senior officer is negligent about causing the death of the worker by the conduct. 28
29
- Maximum penalty—20 years imprisonment. 30
- (2) An offence against subsection (1) is a crime. 31

Clause 204	Amendment of s 837 (Offences under Act are summary)	1
(1)	Section 837, heading—	2
	<i>omit, insert—</i>	3
	837 Proceedings for offences	4
(2)	Section 837(1), after ‘this Act’—	5
	<i>insert—</i>	6
	, other than an offence against chapter 11, part 1AA,	7
		8
(3)	Section 837(2), after ‘or 10’—	9
	<i>insert—</i>	10
	, or a provision of chapter 11, part 1AA,	11
(4)	Section 837—	12
	<i>insert—</i>	13
	(6A) Subsection (6) does not apply to a proceeding for an offence against chapter 11, part 1AA.	14
		15
	(7A) Nothing in this section affects the ability of the director of public prosecutions to bring proceedings for an offence against this Act.	16
		17
		18
(5)	Section 837(8), definition <i>serious offence</i> —	19
	<i>insert—</i>	20
	(aa) an offence against chapter 11, part 1AA; or	21
(6)	Section 837(8), definition <i>serious offence</i> , paragraphs (aa) and (b)—	22
		23
	<i>renumber</i> as paragraphs (b) and (c).	24
Clause 205	Amendment of s 837C (Procedure if prosecution not brought)	25
		26
	Section 837C(1)(c)—	27
	<i>omit, insert—</i>	28

[s 206]

- (c) the following period has elapsed from when the act or omission happened—
 - (i) if the act or omission constitutes an offence against chapter 11, part 1AA—
at least 6 months;
 - (ii) otherwise—at least 6 months but no more than 12 months.

Clause 206 Insertion of new s 991A

After section 991—

insert—

991A Validation of particular orders for costs

- (1) This section applies to a costs order purportedly made by an Industrial Magistrates Court before 5 December 2014 in relation to a proceeding for an offence against this Act.
- (2) The making of the costs order is, and is taken to always have been, as valid as it would have been if amended section 837 had been in effect from 31 December 2004.
- (3) Anything done under the costs order is, and is taken to always have been, as valid as it would have been if amended section 837 had been in effect from 31 December 2004.
- (4) Subsections (2) and (3) have effect despite section 837(3) and the repealed *Industrial Relations Act 1999*, section 319(3), as those provisions were in force from time to time before 5 December 2014.
- (5) In this section—
amended section 837 means section 837 as amended by the *Water Reform and Other Legislation Amendment Act 2014*.

costs order means an order awarding a represented party for a proceeding costs of the representation.

Industrial Magistrates Court means an Industrial Magistrates Court under the repealed *Industrial Relations Act 1999*.

represented party, for a proceeding, means a party to the proceeding, or a person ordered or permitted to appear or to be represented by a lawyer, who is represented by a lawyer.

Clause 207	Insertion of new ch 15, pt 27	11
	Chapter 15—	12
	<i>insert—</i>	13
	Part 27	Transitional provisions
		for Mineral and Energy
		Resources and Other
		Legislation
		Amendment Act 2020
	1013 Power to impose or amend condition if	19
	changed holder of particular petroleum	20
	authorities	21
	The power of the Minister to impose another	22
	condition on, or amend a condition of, a	23
	petroleum authority under section 80A, 160A,	24
	424A or 455A applies—	25
	(a) whether the authority was granted before or	26
	after the commencement; and	27
	(b) only if the change mentioned in section	28
	80A(1), 160A(1), 424A(1) or 455A(1)	29
	happens after the commencement.	30

[s 207]

1014 Restriction on pipeline licence if there is an existing geothermal, GHG or mining lease	1 2
Section 400 as in force after the commencement applies in relation to a pipeline licence whether the pipeline licence was granted before or after the commencement.	3 4 5 6
1015 Restriction on petroleum facility licence if there is an existing mining lease	7 8
Section 440 as in force after the commencement applies in relation to a petroleum facility licence whether the petroleum facility licence was granted before or after the commencement.	9 10 11 12
1016 Conferences with eligible claimants or owners or occupiers started before commencement	13 14 15
(1) This section applies if—	16
(a) an authorised officer asked parties to attend a conference under section 734C as in force before the commencement; and	17 18 19
(b) immediately before the commencement the conference had not taken place.	20 21
(2) The conference must take place under chapter 10, part 1AA as in force immediately before the commencement.	22 23 24
(3) The Common Provisions Act, chapter 3, part 8 does not apply in relation to the conference.	25 26
1017 Existing authority to carry out remediation activities	27 28
(1) This section applies if, immediately before the commencement, a person was authorised by the chief executive under section 799D to carry out	29 30 31

	remediation activities in relation to an abandoned operating plant.	1 2
(2)	The authorisation is taken to have been made under section 799D as in force on the commencement.	3 4 5
Clause 208	Amendment of sch 2 (Dictionary)	6
(1)	Schedule 2, definitions <i>conference election notice</i> , <i>eligible claimant</i> , <i>parties</i> , <i>primary land</i> , <i>remediation activities</i> and <i>worker</i> —	7 8 9
	<i>omit</i> .	10
(2)	Schedule 2—	11
	<i>insert</i> —	12
	<i>abandoned site</i> , for chapter 10, part 3, see section 799B.	13 14
	<i>affected land</i> , for chapter 10, part 3, see section 799D(2).	15 16
	<i>causes</i> , for chapter 11, part 1AA, see section 799I(2).	17 18
	<i>conduct</i> , for chapter 11, part 1AA, see section 799I(1).	19 20
	<i>employer</i> , for an operating plant or gas work, for chapter 11, part 1AA, see section 799I(1).	21 22
	<i>mining safety legislation</i> see the Common Provisions Act, schedule 2.	23 24
	<i>remediation activity</i> —	25
	(a) for chapter 2, part 10, division 5—see section 294B; or	26 27
	(b) for chapter 10, part 3—see section 799CA.	28
	<i>senior officer</i> , of an employer for an operating plant or gas work, for chapter 11, part 1AA, see	29 30

section 799I(1).	1
worker —	2
(a) in relation to an operating plant or gas work, for chapter 11, part 1AA, see section 799I(1); or	3 4 5
(b) at a place, means a person who is employed or contracted to carry out work at the place, whether or not the work is gas work.	6 7 8
(3) Schedule 2, definition <i>amalgamated lease</i> , after ‘see section’—	9 10
<i>insert</i> —	11
170A(1) or	12
(4) Schedule 2, definition <i>gas work</i> , after ‘part 6’—	13
<i>insert</i> —	14
and chapter 11, part 1AA	15
(5) Schedule 2, definition <i>individual lease</i> , after ‘see section’—	16
<i>insert</i> —	17
170A(1) or	18

Part 17	Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009	19 20 21 22
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Clause 209	Act amended	23
	This part amends the <i>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009</i> .	24 25

Clause 210	Amendment of 99BRCF (Power to adopt charges by board decision)	1 2
(1)	Section 99BRCF(2)(c)—	3
	<i>insert—</i>	4
	(iv) trunk infrastructure related to development for a non-State school under a designation.	5 6
(2)	Section 99BRCF—	7
	<i>insert—</i>	8
	(4) In this section—	9
	<i>designation</i> see the Planning Act, section 35(1).	10
	<i>non-State school</i> see the <i>Education (Accreditation of Non-State Schools) Act 2017</i> , section 6.	11 12 13
Clause 211	Amendment of s 99BT (Keeping particular documents available for inspection and purchase)	14 15
(1)	Section 99BT(2), ‘and (c)’—	16
	<i>omit, insert—</i>	17
	, (c) and (d)(ii)	18
(2)	Section 99BT—	19
	<i>insert—</i>	20
	(3) The information mentioned in section 99BU(1) must be kept available on the SEQ service provider’s website in a way that—	21 22 23
	(a) can be electronically searched by a person for information about a levied charge and the trunk infrastructure to which the charge relates; and	24 25 26 27
	(b) enables a person to download the results of an electronic search; and	28 29

	(c) states the day the information was last updated.	1 2
(3)	An SEQ service provider that contravenes this section commits an offence.	3 4
	Maximum penalty—200 penalty units.	5
Clause 212	Replacement of s 99BU (Requirements for infrastructure charges register)	6 7
	Section 99BU—	8
	<i>omit, insert—</i>	9
	99BU Requirements for infrastructure charges register	10 11
(1)	For section 99BT(1)(d)(ii), the infrastructure charges register must include the following information about each infrastructure charge levied by the distributor-retailer—	12 13 14 15
	(a) the amount of the charge;	16
	(b) whether the charge has been paid in full and, if not, the amount outstanding;	17 18
	(c) the real property description of the land to which the charge applies;	19 20
	(d) the suburb or other locality in which the land to which the charge applies is situated;	21 22
	(e) the charges schedule under which the charge was levied;	23 24
	(f) the charge rate, stated in the charges schedule, under which the charge was levied;	25 26 27
	(g) if an automatic increase provision under chapter 4C, part 7 applies to the charge—that the charge is subject to automatic increase and how the increase is worked out;	28 29 30 31

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- | | | |
|-----|--|----------------|
| (h) | if an offset was given in relation to the charge—the amount of the offset; | 1
2 |
| (i) | if a refund was given in relation to the charge—the amount of the refund; | 3
4 |
| (j) | if the charge was levied under a water approval— | 5
6 |
| | (i) the reference number of the approval;
and | 7
8 |
| | (ii) the day the approval starts; and | 9 |
| | (iii) the day the approval lapses; | 10 |
| (k) | if the charge is the subject of an infrastructure agreement— | 11
12 |
| | (i) the name of the agreement; and | 13 |
| | (ii) the day the agreement was entered into;
and | 14
15 |
| | (iii) the infrastructure to be supplied under the agreement. | 16
17 |
| (2) | The register must also include the following documents about infrastructure charges levied by the distributor-retailer— | 18
19
20 |
| | (a) a copy of each infrastructure charges notice issued by the distributor-retailer; | 21
22 |
| | (b) for each financial year—a document stating the charges levied in the financial year. | 23
24 |
| (3) | A document under subsection (2)(b) stating charges levied in a financial year must include the following information for the financial year— | 25
26
27 |
| | (a) the total amount of charges levied; | 28 |
| | (b) the total amount of offsets given; | 29 |
| | (c) the total amount of refunds given; | 30 |
| | (d) the total amount of charges collected; | 31 |

- (e) the total amount of collected charges spent by the distributor-retailer on providing trunk infrastructure; 1
2
3
- (f) the total amount of collected charges not spent by the distributor-retailer. 4
5
- (4) The register must also include the following documents about trunk infrastructure supplied by the distributor-retailer— 6
7
8
 - (a) for each quarter of each financial year—a document stating the trunk infrastructure supplied by the distributor-retailer in the quarter; 9
10
11
12
 - (b) for each financial year—a document stating the trunk infrastructure supplied by the distributor-retailer in the financial year. 13
14
15
- (5) A document under subsection (4)(a) stating trunk infrastructure supplied in a quarter must include the following information for the quarter— 16
17
18
 - (a) a description of the infrastructure; 19
 - (b) the suburb or other locality in which the infrastructure is situated; 20
21
 - (c) the cost of supplying the infrastructure; 22
 - (d) the trunk infrastructure network with which the infrastructure is associated; 23
24
 - (e) whether the infrastructure is included in the distributor-retailer’s water netserv plan and, if so, the reference number of the plan; 25
26
27
 - (f) whether the infrastructure was supplied under a water approval and, if so, the reference number of the approval; 28
29
30
 - (g) whether the infrastructure is the subject of an infrastructure agreement and, if so, the name of the agreement. 31
32
33

-
- (6) The register must also include the following information about infrastructure charges forecast to be levied, and trunk infrastructure forecast to be supplied, by the distributor-retailer—
- (a) for each financial year—
 - (i) an estimate of the infrastructure charges forecast to be levied by the distributor-retailer in the financial year; and
 - (ii) an estimate of the cost of trunk infrastructure forecast to be supplied by the distributor-retailer in the financial year;
 - (b) for each period of 3 consecutive financial years—
 - (i) an estimate of the infrastructure charges forecast to be levied by the distributor-retailer in the period; and
 - (ii) an estimate of the cost of trunk infrastructure forecast to be supplied by the distributor-retailer in the period.
- (7) Information mentioned in subsection (1) about an infrastructure charge must be included in the register as soon as practicable after the end of the quarter in which the charge was levied.
- (8) A copy of each infrastructure charges notice mentioned in subsection (2)(a) must be included in the register as soon as practicable after the end of the quarter in which the notice was issued.
- (9) A document for a quarter under subsection (4)(a) must be included in the register as soon as practicable after the end of the quarter.
- (10) A document for a financial year under subsection (2)(b) or (4)(b) must be included in the register

	within 5 months after the end of the financial year.	1
(11)	Information mentioned in subsection (6) about a forecast for a financial year, or a period of 3 consecutive financial years, must be included in the register before 1 December of the year before the start of the financial year or period.	2 3 4 5 6
(12)	A distributor-retailer that contravenes this section commits an offence.	7 8
	Maximum penalty—200 penalty units.	9
(13)	In this section—	10
	<i>infrastructure charge</i> means an adopted charge levied by a distributor-retailer in relation to trunk infrastructure.	11 12 13
	<i>quarter</i> , of a financial year, means a period of 3 months starting on 1 January, 1 April, 1 July or 1 October.	14 15 16
	<i>reference number</i> , of a document, means the identifying number allocated by a distributor-retailer to the document.	17 18 19
Clause 213	Insertion of new ch 6, pt 13	20
	Chapter 6—	21
	<i>insert</i> —	22
	Part 13	Transitional provision 23
		for Mineral and Energy 24
		Resources and Other 25
		Legislation 26
		Amendment Act 2020 27

153 Obligation of distributor-retailer to include documents and information in infrastructure charges register 1
2
3

An obligation under section 99BU(2)(b), 4(b) or 4 (6) of a distributor-retailer to include in an 5
infrastructure charges register documents or 6
information for a financial year or a period of 3 7
consecutive financial years applies only to a 8
financial year starting on or after 1 July 2021. 9

Part 18 Amendment of Water Supply (Safety and Reliability) Act 2008 10
11

Clause 214 Act amended 12
This part amends the *Water Supply (Safety and Reliability) 13
Act 2008*. 14

Clause 215 Amendment of s 41 (Restricting water supply) 15
(1) Section 41(2)(d), ‘section 22’— 16
omit, insert— 17
section 25B 18
(2) Section 41(2)(d), ‘section 23’— 19
omit, insert— 20
section 25F 21

Clause 216 Amendment of s 390 (Minister may declare temporary full supply level) 22
(1) Section 390(2), note— 23
omit, insert— 24
25

[s 217]

	<i>Notes—</i>	1
	1 Under the <i>Water Act 2000</i> , section 813(3)(c)(i) and (4)(a), if a declaration is in force for a temporary full supply level for the dam, a reference in the resource operations licence to the full supply level for the dam is taken to be a reference to the temporary full supply level declared for the dam.	2 3 4 5 6 7
	2 Under the <i>Water Act 2000</i> , section 813(3)(c) and (4)(c), if both a declaration is in force for a temporary full supply level for the dam, and the full supply level of the dam is reduced under chapter 4, part 4 of this Act, a reference in the resource operations licence to the full supply level for the dam is taken to be a reference to the lower of the temporary full supply level and the reduced full supply level under section 399B(2).	8 9 10 11 12 13 14 15 16
(2)	Section 390—	17
	<i>insert—</i>	18
	(6A) To remove any doubt, it is declared that, if the Minister declares a temporary full supply level for a dam under subsection (2), the owner of the dam may operate the dam at the temporary full supply level, including, for example, by releasing water from the dam to maintain the temporary full supply level.	19 20 21 22 23 24 25
(3)	Section 390(6A) and (7)—	26
	<i>renumber</i> as section 390(7) and (8).	27
Clause 217	Amendment of s 399B (Dam owner may reduce full supply level in certain circumstances)	28 29
(1)	Section 399B(2), ‘to a level acceptable to the owner’— <i>omit.</i>	30 31
(2)	Section 399B(2), note— <i>omit, insert—</i>	32 33

<i>Notes—</i>	1
1 Under the <i>Water Act 2000</i> , section 813(3)(c)(i) and (4)(b), if the full supply level for the dam is reduced, a reference in the resource operations licence to the full supply level for the dam is taken to be a reference to the reduced full supply level.	2 3 4 5 6
2 Under the <i>Water Act 2000</i> , section 813(3)(c) and (4)(c), if both a declaration is in force for a temporary full supply level for the dam under chapter 4, part 3 of this Act, and the full supply level of the dam is reduced under this part, a reference in the resource operations licence to the full supply level for the dam is taken to be a reference to the lower of the temporary full supply level under section 390(2) and the reduced full supply level.	7 8 9 10 11 12 13 14 15 16
(3) Section 399B—	17
<i>insert—</i>	18
(4A) To remove any doubt, it is declared that, if a dam owner reduces the full supply level for a dam under subsection (2), the owner may operate the dam at the reduced full supply level, including, for example, by releasing water from the dam to maintain the reduced full supply level.	19 20 21 22 23 24
(4) Section 399B(4A) to (6)—	25
<i>renumber</i> as section 399B(5) to (7).	26

Part 19	Minor and consequential amendments	27 28
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Clause 218	Legislation amended	29
	Schedule 1 amends the legislation it mentions.	30

Schedule 1	Minor and consequential amendments	1 2
	section 218	3
	Coal Mining Safety and Health Act 1999	4
1	Section 9(1)(f)(ii), ‘section 344A(3)’—	5
	<i>omit, insert—</i>	6
	section 344D	7
2	Section 64D, definition <i>arbitration</i>, ‘Common Provisions Act, chapter 4, part 6, division 4’—	8 9
	<i>omit, insert—</i>	10
	Common Provisions Act, chapter 5, part 3	11
	Geothermal Energy Act 2010	12
1	Section 351(2)(a)—	13
	<i>omit, insert—</i>	14
	(a) an application is made for a geothermal tenure, or for approval under the Common Provisions Act of a prescribed dealing that is a transfer of a geothermal tenure, for more than 1 proposed holder or transferee; and	15 16 17 18 19

2	Schedule 1, entry for Decisions under Common Provisions Act, s 19(3), ‘19(3)’—	1 2
	<i>omit, insert—</i>	3
	19(2)	4
3	Schedule 1, entry for Decisions under Common Provisions Act, s 19(3), ‘registration of a dealing’—	5 6
	<i>omit, insert—</i>	7
	a prescribed dealing	8
Greenhouse Gas Storage Act 2009		9
1	Section 370(2)(a)—	10
	<i>omit, insert—</i>	11
	(a) an application is made for a GHG authority, or for approval under the Common Provisions Act of a prescribed dealing that is a transfer of a GHG authority, for more than 1 proposed holder or transferee; and	12 13 14 15 16
2	Schedule 1, entry for Decisions under Common Provisions Act, s 19(3), ‘19(3)’—	17 18
	<i>omit, insert—</i>	19
	19(2)	20
3	Schedule 1, entry for Decisions under Common Provisions Act, s 19(3), ‘registration of a dealing’—	21 22
	<i>omit, insert—</i>	23
	a prescribed dealing	24

Mineral and Energy Resources (Common Provisions) Act 2014	1 2
1 Section 23(2)(a) and (4)(a), ‘give approval to register’—	3
<i>omit, insert—</i>	4
approve	5
2 Section 23(3), ‘Chapter 5’—	6
<i>omit, insert—</i>	7
Chapter 6	8
3 Section 23(4)(b) and (7), definition <i>prescribed applicant, ‘to register’—</i>	9 10
<i>omit, insert—</i>	11
of	12
4 Section 23(5)(a), after ‘transfer of the resource authority’—	13 14
<i>insert—</i>	15
, or a share in the resource authority,	16
5 Section 23(6), ‘sections 20 and 21’—	17
<i>omit, insert—</i>	18
sections 20, 21 and 22	19
6 Section 23(7), definition <i>prescribed applicant, ‘or (2)’—</i>	20
<i>omit.</i>	21
7 Section 24, heading, ‘pt 2’—	22
<i>omit, insert—</i>	23

	part	1
8	Sections 33(3), 35(2) and 41(4), ‘Chapter 5’—	2
	<i>omit, insert—</i>	3
	Chapter 6	4
9	Chapter 3, part 2, division 1, heading, ‘pt 2’—	5
	<i>omit, insert—</i>	6
	part	7
10	Section 37, heading, ‘pt 2’—	8
	<i>omit, insert—</i>	9
	part	10
11	Section 38, heading, ‘div 2’—	11
	<i>omit, insert—</i>	12
	division	13
12	Section 40, heading, ‘under div 2’—	14
	<i>omit.</i>	15
13	Section 46, heading, ‘div 4’—	16
	<i>omit, insert—</i>	17
	division	18
14	Section 56, heading, ‘div 1’—	19
	<i>omit, insert—</i>	20
	division	21

Schedule 1

15	Section 61, heading, ‘div 2’—	1
	<i>omit, insert—</i>	2
	division	3
16	Sections 66 and 67, heading, ‘pt 4’—	4
	<i>omit, insert—</i>	5
	part	6
17	Sections 73 and 74, heading, ‘pt 5’—	7
	<i>omit, insert—</i>	8
	part	9
18	Section 80, heading, ‘div 1’—	10
	<i>omit, insert—</i>	11
	division	12
19	Section 82, heading, ‘div 2’—	13
	<i>omit, insert—</i>	14
	division	15
20	Section 91A(8)—	16
	<i>omit.</i>	17
21	Sections 102 and 103, heading, ‘ch 4’—	18
	<i>omit, insert—</i>	19
	chapter	20

22	Section 103, definition <i>agreed joint development plan</i>, paragraph (c), ‘section 158’—	1
	<i>omit, insert—</i>	2
	section 174C	3
		4
23	Section 103, definition <i>agreed joint development plan</i>, paragraph (d), ‘part 6, division 4’—	5
	<i>omit, insert—</i>	6
	chapter 5, part 3	7
		8
24	Section 103, definition <i>arbitration</i>, ‘part 6, division 4’—	9
	<i>omit, insert—</i>	10
	chapter 5, part 3	11
25	Section 103, definition <i>prescribed arbitration institute—</i>	12
	<i>omit.</i>	13
26	Section 103, definition <i>replace</i>, ‘division 3’—	14
	<i>omit, insert—</i>	15
	division 2	16
27	Section 108, heading, ‘div 3’—	17
	<i>omit, insert—</i>	18
	division	19
28	Section 117(1)(f), ‘divisions 1 and 2’—	20
	<i>omit, insert—</i>	21
	division 1	22

Schedule 1

29	Section 117(1)—	1
	<i>insert—</i>	2
	(g) chapter 5, part 2.	3
30	Sections 118 and 119, heading, ‘pt 2’—	4
	<i>omit, insert—</i>	5
	part	6
31	Section 136, heading, ‘div 4’—	7
	<i>omit, insert—</i>	8
	division	9
32	Sections 139 and 140, heading, ‘pt 3’—	10
	<i>omit, insert—</i>	11
	part	12
33	Section 151, heading, ‘pt 5’—	13
	<i>omit, insert—</i>	14
	part	15
34	Section 161, heading, ‘div 3’—	16
	<i>omit, insert—</i>	17
	division	18
35	Section 175, heading, ‘div 4’—	19
	<i>omit, insert—</i>	20
	part	21

36	Section 176, heading, ‘div 4’—	1
	<i>omit, insert—</i>	2
	part	3
37	Section 182(3)(a), ‘part 6, division 2’—	4
	<i>omit, insert—</i>	5
	chapter 5, part 2	6
38	Sections 186 and 187, heading, ‘pt 1’—	7
	<i>omit, insert—</i>	8
	part	9
39	Schedule 2, definitions <i>application, authorising provision, deciding authority and invalid application</i>, ‘chapter 5’—	10
	<i>omit, insert—</i>	11
	chapter 6	12
		13
		14
40	Schedule 2, definition <i>replace</i>, ‘division 3’—	15
	<i>omit, insert—</i>	16
	division 2	17
	Mineral and Energy Resources (Common Provisions) Regulation 2016	18
		19
1	Sections 10, 11 and 12, heading, ‘Act’—	20
	<i>omit, insert—</i>	21
	Act,	22

Schedule 1

2	Sections 10(1) and 11(1), ‘sections 19(3)’—	1
	<i>omit, insert—</i>	2
	sections 19(2)	3
3	Section 12(2)(b), ‘section 10(2)(b) to (g)’—	4
	<i>omit, insert—</i>	5
	section 10(2)(b) to (h)	6
4	Section 36A—	7
	<i>omit.</i>	8
	Mineral and Energy Resources (Financial Provisioning) Act 2018	9
		10
1	Section 3(d)(i)—	11
	<i>omit, insert—</i>	12
	(i) remediation activities in relation to mining activities previously carried out on an abandoned mine site; and	13 14 15
2	Sections 47(3) and 55(5), ‘section 20A’—	16
	<i>omit, insert—</i>	17
	section 21	18
3	Sections 47(3) and 55(5), ‘section 20A(2)’—	19
	<i>omit, insert—</i>	20
	section 21(2)	21

4	Section 63(b), from ‘section 344A(1)’ to ‘mine exists’—	1
	<i>omit, insert—</i>	2
	section 344C, to carry out remediation activities	3
	in relation to mining activities previously carried	4
	out on an abandoned mine site	5
5	Section 64(3), ‘a pre-commencement abandoned mine,’—	6
	<i>omit, insert—</i>	7
	mining activities carried out on a	8
	pre-commencement abandoned mine site,	9
6	Section 64(5), definition <i>pre-commencement abandoned mine</i>—	10
	<i>omit, insert—</i>	11
	<i>pre-commencement abandoned mine site</i> means	12
	an abandoned mine site in existence before 1	13
	April 2019.	14
		15
7	Schedule 1, definitions <i>abandoned mine</i> and <i>remediation activities</i>—	16
	<i>omit.</i>	17
		18
8	Schedule 1—	19
	<i>insert—</i>	20
	<i>abandoned mine site</i> see the <i>Mineral Resources Act 1989</i> , section 344.	21
		22
	<i>remediation activity</i> —	23
	(a) in relation to mining activities previously	24
	carried out on an abandoned mine site—see	25
	the <i>Mineral Resources Act 1989</i> , section	26
	344A; or	27

Schedule 1

	(b) in relation to an abandoned operating plant—see the <i>Petroleum and Gas (Production and Safety) Act 2004</i> , section 799CA.	1 2 3 4
	Mineral Resources Act 1989	5
1	Section 10A(3), ‘317 and chapter 13, part 2’— <i>omit, insert—</i> 317,	6 7 8
2	Section 299(9), ‘section 277(11)’— <i>omit, insert—</i> section 277(10)	9 10 11
3	Section 318AAZM(1)(b), ‘registration of a dealing’— <i>omit, insert—</i> a prescribed dealing	12 13 14
4	Section 318AAZM(1)(b), ‘section 19(3)’— <i>omit, insert—</i> section 19(2)	15 16 17
5	Section 318DZ(2)— <i>omit.</i>	18 19
6	Section 318EH(5)— <i>omit.</i>	20 21

7	Section 318E1(2)(c), ‘a notice’—	1
	<i>omit, insert—</i>	2
	an information notice	3
8	Section 334ZZI(8)—	4
	<i>omit.</i>	5
9	Section 345(1), ‘under section 344A(3) to enter land’—	6
	<i>omit, insert—</i>	7
	to enter land under section 344D	8
10	Section 348(1) and (2), ‘section 344A(3)’—	9
	<i>omit, insert—</i>	10
	section 344D	11
11	Section 363(2)(ha), ‘section 344A(3)’—	12
	<i>omit, insert—</i>	13
	section 344D	14
12	Section 398(1A), ‘section 344A(3)’—	15
	<i>omit, insert—</i>	16
	section 344D	17
	Mineral Resources Regulation 2013	18
1	Section 24, definition <i>arbitration</i>, ‘Common Provisions Act, chapter 4, part 6, division 4’—	19
	<i>omit, insert—</i>	20
		21

	Common Provisions Act, chapter 5, part 3	1
	Mining and Quarrying Safety and Health Act 1999	2
1	Section 9(1)(g)(ii), ‘section 344A(3)’—	3
	<i>omit, insert—</i>	4
	section 344D	5
	North Stradbroke Island Protection and Sustainability Act 2011	6
		7
1	Section 14(2), definition <i>NSI mining interest</i>, ‘section 344A’—	8
	<i>omit, insert—</i>	9
	section 344C or 344D	10
		11
	Petroleum Act 1923	12
1	Section 2, definition <i>1923 Act petroleum tenure</i>, paragraph (b)(iv)—	13
	<i>omit, insert—</i>	14
	(iv) parts 6O and 6P.	15
		16
2	Section 25G(2)(d)(ii), from ‘a transfer’—	17
	<i>omit, insert—</i>	18

	a prescribed dealing that was a transfer of a share in the authority and the prescribed dealing has been approved under the Common Provisions Act, section 19;	1 2 3 4
3	Section 77Z(2), ‘for registration’— <i>omit.</i>	5 6
4	Section 79X(3)(c), ‘that for registration’— <i>omit, insert—</i> approved	7 8 9
5	Schedule, entry for Decisions under Common Provisions Act, s 19(3), ‘s 19(3)’— <i>omit, insert—</i> s 19(2)	10 11 12 13
6	Schedule, entry for Decisions under Common Provisions Act, s 19(3), ‘registration of a dealing’— <i>omit, insert—</i> a prescribed dealing	14 15 16 17
	Petroleum and Gas (Production and Safety) Act 2004	18
1	Section 59(4)(a)(i), ‘to register’— <i>omit, insert—</i> of	19 20 21

Schedule 1

2	Section 238, ‘with approval from the Minister for registration’—	1 2
	<i>omit, insert—</i>	3
	approved by the Minister	4
3	Section 379(2), ‘for registration under the Common Provisions Act, section 19’—	5 6
	<i>omit, insert—</i>	7
	as a prescribed dealing under the Common Provisions Act, section 19, or registered as a notifiable dealing under the Common Provisions Act, section 19B,	8 9 10 11
4	Schedule 1, entry for Decisions under Common Provisions Act, s 19(3), ‘19(3)’—	12 13
	<i>omit, insert—</i>	14
	19(2)	15
5	Schedule 1, entry for Decisions under Common Provisions Act, s 19(3), ‘registration of a dealing’—	16 17
	<i>omit, insert—</i>	18
	a prescribed dealing	19
6	Schedule 2, definition <i>arbitration</i>, ‘Common Provisions Act, chapter 4, part 6, division 4’—	20 21
	<i>omit, insert—</i>	22
	Common Provisions Act, chapter 5, part 3	23

Planning Regulation 2017	1
1 Schedule 21, section 1(18), from ‘at land on’—	2
<i>omit, insert—</i>	3
on an abandoned mine site under the <i>Mineral Resources Act 1989</i> , section 344C or 344D.	4
	5

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