



Queensland

Resources Legislation (Balance, Certainty and Efficiency) Amendment Bill 2011



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2011

A Bill

for

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

[s 1]

The Parliament of Queensland enacts— 1

Chapter 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Resources Legislation (Balance, Certainty and Efficiency) Amendment Act 2011*. 4
5

Clause 2 Commencement 6

The following provisions commence on a day to be fixed by proclamation— 7
8

(a) chapters 3 and 4; 9

(b) schedules 2 and 3. 10

Chapter 2 Amendments commencing on assent 11
12

Part 1 Amendments relating to Work Health and Safety Act 2011 13
14

Division 1 Amendment of Geothermal Energy Act 2010 15
16

Clause 3 Act amended 17

This division amends the *Geothermal Energy Act 2010*. 18

Note— 1

See also the amendments in—	2
(a) chapter 3, part 2; and	3
(b) schedules 2 and 3.	4

Clause 4	Replacement of ch 10, pt 3, div 12 (Amendment of Workplace Health and Safety Act 1995)	5
	Chapter 10, part 3, division 12—	6
	<i>omit, insert—</i>	7
‘Division 12	Amendment of Work Health and Safety Act 2011	8
		9
		10
‘583 Act amended		11
	‘This division amends the <i>Work Health and Safety Act 2011</i> as	12
	amended under the <i>Resources Legislation (Balance, Certainty</i>	13
	<i>and Efficiency) Amendment Act 2011</i> , chapter 2, part 1,	14
	division 2.	15
‘584 Amendment of sch 1 (Application of Act)		16
	‘(1) Schedule 1, section 2(1)(c) and (d)—	17
	<i>omit, insert—</i>	18
	‘(c) operating plant under the <i>Petroleum and Gas</i>	19
	<i>(Production and Safety) Act 2004</i> (the P&G Act), other	20
	than specified P&G Act authorised activity, for any of	21
	the following—	22
	(i) a 1923 Act petroleum tenure under the <i>Petroleum</i>	23
	<i>Act 1923</i> ;	24
	(ii) a petroleum authority under the P&G Act;	25
	(iii) a GHG authority under the <i>Greenhouse Gas</i>	26
	<i>Storage Act 2009</i> ;	27
	(iv) a geothermal tenure under the <i>Geothermal Energy</i>	1
	<i>Act 2010</i> ;	2

[s 4]

(v) a mining tenement under the <i>Mineral Resources Act 1989</i> .’	3 4
‘(2) Schedule 1, section 2(2) and (3)—	5
<i>omit, insert—</i>	6
‘(2) Despite subsection (1)(c)—	7
(a) this Act applies to construction work for operating plant under the P&G Act, unless the work is—	8 9
(i) the commissioning of an operating plant; or	10
(ii) the moving of a drill rig; or	11
(iii) the process called ‘rigging up and down’ of a drill rig; and	12 13
(b) both this Act and the P&G Act apply to construction work for a stage of operating plant or proposed operating plant mentioned in section 672(2) of that Act, unless the work is work mentioned in paragraph (a)(i), (ii) or (iii).	14 15 16 17 18
‘(3) Despite subsection (1)(c), a regulation under this Act applying in relation to a hazardous chemical or major hazard facility applies in relation to the chemical or facility even though it is at, or is, operating plant excluded from the application of this Act by subsection (1)(c).’	19 20 21 22 23
‘(3) Schedule 1, section 2(4), ‘Subject to subsections (2) and (3)’—	24 25
<i>omit, insert—</i>	26
‘Subject to subsection (3).’	27
‘(4) Schedule 1, section 2(4), ‘ <i>Petroleum and Gas (Production and Safety) Act 2004</i> ’—	28 29
<i>omit, insert—</i>	30
‘P&G Act’.	31
‘(5) Schedule 1, section 2(5)—	1
<i>insert—</i>	2

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

Editor’s note—

Legislation ultimately amended—

- *Work Health and Safety Act 2011*

Division 2 Amendment of Work Health and Safety Act 2011

Clause 5 Act amended

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

Clause 6 Amendment of sch 1 (Application of Act)

(1) This section amends schedule 1, section 2.

(2) Section 2(1), ‘Subject to subsections (2) and (3), this’—

omit, insert—

‘This’.

(3) Section 2(1)(c), before ‘operating’—

insert—

‘subject to subsections (2) and (3),’.

(4) Section 2(1)(d), before ‘a facility’—

insert—

‘subject to subsections (2) and (3),’.

(5) Section 2(2) and (3) ‘mine,’—

omit.

(6) Section 2(2) and (3), ‘mentioned in’—

omit, insert—

[s 7]

‘excluded from the application of this Act under’.	3
(7) Section 2(4)—	4
<i>renumber</i> as section 2(5).	5
(8) Section 2—	6
<i>insert</i> —	7
‘(4) Subject to subsections (2) and (3), if this Act, for a health and safety matter, conflicts with the <i>Petroleum and Gas (Production and Safety) Act 2004</i> , that Act prevails to the extent of the inconsistency.’.	8
	9
	10
	11

Part 2	Amendment of Greenhouse Gas Storage Act 2009	12
		13

Clause 7	Act amended	14
	This part amends the <i>Greenhouse Gas Storage Act 2009</i> .	15
	<i>Note</i> —	16
	See also the amendments in—	17
	(a) chapter 3, part 3; and	18
	(b) schedules 1, 2 and 3.	19

Clause 8	Amendment of s 78 (Relinquishment must be by blocks)	20
	Section 78—	21
	<i>insert</i> —	22
	‘(3) Despite subsection (1), a relinquishment can be by sub-block if the sub-block is in, or includes, a URA.’.	23
		24

Clause 9	Insertion of new ch 5, pt 6A	1
	Chapter 5—	2

<i>insert—</i>	3
‘Part 6A	
Restricted land and urban	4
restricted areas	5
‘Division 1	
Restricted land	6
‘277A Definitions for div 1	7
‘In this division—	8
<i>permanent building</i> means a building other than a building of a temporary nature.	9 10
<i>restricted land</i> means—	11
(a) land within 100m laterally of a permanent building used—	12 13
(i) mainly as accommodation or for business purposes; or	14 15
(ii) for community, sporting or recreational purposes; or	16 17
(iii) as a place of worship; or	18
(b) land within 50m laterally of any of the following features—	19 20
(i) a principal stockyard;	21
(ii) a bore or artesian well;	22
(iii) a dam;	23
(iv) another artificial water storage connected to a water supply;	24 25
(v) a cemetery or burial place.	26

[s 9]

‘277B Restriction on entry to restricted land	1
‘(1) A GHG authority authorises a person to enter the surface of	2
restricted land to carry out an authorised activity for the	3
authority only if—	4
(a) the holder of the authority gives a notice under section	5
277C about the proposed entry to the owner and the	6
occupier of the land where the relevant permanent	7
building, or relevant feature, for the land is situated; and	8
(b) the owner and the occupier consent in writing to the	9
entry; and	10
(c) the holder gives copies of the notice and consent to the	11
chief executive.	12
‘(2) A consent given by an owner or an occupier under subsection	13
(1)(b)—	14
(a) must state the period of the consent; and	15
(b) may be on conditions; and	16
(c) can not be withdrawn.	17
‘(3) A person who enters restricted land with a consent under this	18
section must comply with any conditions of the consent.	19
Maximum penalty—10 penalty units.	20
 ‘277C Requirements for notice	21
‘For section 277B(1)(a), the notice must—	22
(a) be in the approved form; and	23
(b) state the following—	24
(i) the activities proposed to be carried out on the	25
restricted land;	26
(ii) the location of the proposed activities and when the	27
activities will be carried out;	28
(iii) the reasons for carrying out the activities on the	29
land;	30

(iv) that entry to the land to carry out an authorised activity is not authorised unless the owner and occupier consent in writing;	1 2 3
(v) that any consent given by the owner or occupier—	4
(A) must state the period of the consent; and	5
(B) may be on conditions; and	6
(C) can not be withdrawn; and	7
(c) be accompanied by—	8
(i) a copy of the GHG authority; and	9
(ii) a copy of any relevant environmental authority for the GHG authority.	10 11
‘Division 2 Urban restricted areas	12
‘277D Declaration of urban restricted area	13
‘(1) The Minister may by gazette notice declare a part of the State to be an urban restricted area.	14 15
‘(2) In making the declaration, regard must be had to the public interest.	16 17
‘277E Restriction on carrying out authorised activities in URA	18
‘(1) Subsection (3) applies for a GHG authority (a <i>relevant GHG authority</i>) that relates to land in a URA, whether the authority is given before or after the URA is declared.	19 20 21
‘(2) However, subsection (3) does not apply for a GHG lease given before the URA is declared if—	22 23
(a) a development plan is in effect for the lease; and	24
(b) the development plan is not amended after the URA is declared; and	25 26

[s 9]

- (c) a proposed later development plan for the lease is not approved by the Minister after the URA is declared.
- ‘(3) The relevant GHG authority authorises a person to carry out authorised activities for the authority in the URA only if—
 - (a) the GHG authority holder gives the relevant local government for the URA a notice that complies with section 277F; and
 - (b) either—
 - (i) the relevant local government consents in writing to the carrying out of the authorised activities in the URA and the holder gives copies of the notice and consent to the chief executive; or
 - (ii) the Minister approves the carrying out of the authorised activities in the URA under section 277H(1).
- ‘(4) Consent given under subsection (3)(b)(i)—
 - (a) must state the period of the consent; and
 - (b) may be on conditions; and
 - (c) can not be withdrawn.
- ‘(5) A person who carries out an authorised activity in a URA with a consent under this section must comply with any conditions of the consent.
- Maximum penalty—10 penalty units.

‘277F Requirements for notice

- ‘For section 277E(3)(a), the notice must—
 - (a) be in the approved form; and
 - (b) state the following—
 - (i) the activities proposed to be carried out in the URA;

-
- (ii) the location of the proposed activities and when the activities will be carried out; 1
2
 - (iii) the reasons for carrying out the activities in the URA; 3
4
 - (iv) that carrying out the activities in the URA is not authorised unless the relevant local government consents in writing or the Minister gives approval under section 277H; 5
6
7
8
 - (v) that any consent given— 9
 - (A) must state the period of the consent; and 10
 - (B) may be on conditions; and 11
 - (C) can not be withdrawn; and 12
 - (c) be accompanied by— 13
 - (i) a copy of the relevant GHG authority; and 14
 - (ii) a copy of any relevant environmental authority for the GHG authority. 15
16

‘277G Application to Land Court

- ‘(1) This section applies if— 17
18
 - (a) a relevant local government is given a notice under section 277E(3)(a); and 19
20
 - (b) the relevant local government does not, within 40 business days after receiving the notice, consent to the carrying out of the authorised activities in the URA. 21
22
23
- ‘(2) The holder of the relevant GHG authority may apply to the Land Court for it to consider the issue of carrying out the authorised activities in the URA. 24
25
26
- ‘(3) The Land Court must fix a date for the hearing and give written notice of the date to each of the following— 27
28
 - (a) the holder of the relevant GHG authority; 29
 - (b) the relevant local government; 30

[s 9]

(c) the Minister.	1
‘(4) After hearing the application, the Land Court—	2
(a) must make a recommendation to the Minister about	3
whether to approve the carrying out of the authorised	4
activities in the URA under section 277H; and	5
(b) if the recommendation is that the Minister give an	6
approval—may recommend the conditions that should	7
be imposed on the approval.	8
 ‘277H Minister decides whether to approve authorised	9
activities in URA	10
‘(1) After receiving the Land Court’s recommendation under	11
section 277G, the Minister must decide whether to approve	12
the carrying out of the authorised activities for the relevant	13
GHG authority in the URA.	14
‘(2) In making the decision, the Minister must have regard to—	15
(a) the GHG authority; and	16
(b) the Land Court’s recommendation; and	17
(c) the overall State interest.	18
‘(3) The Minister may approve the carrying out of the activities in	19
the URA only if satisfied it is in the overall State interest.	20
‘(4) If the Minister decides to approve the carrying out of the	21
activities in the URA—	22
(a) the Minister must state the period for which the	23
activities are authorised to be carried out; and	24
(b) any conditions of the approval are taken to be conditions	25
of the GHG authority.	26
‘(5) After deciding the application, the Minister must give notice	27
of the decision, including the period mentioned in subsection	28
(4)(a) and any conditions, to the holder and the relevant local	29
government.	30

- ‘(6) A person who carries out an authorised activity in a URA under an approval given by the Minister must comply with the approval, including any conditions of the approval.
Maximum penalty—10 penalty units.
- ‘(7) In this section—
overall State interest means an interest that the Minister considers affects the economic, environmental or social interest of all or part of the State.’.

- Clause 10 Amendment of s 316 (Application of pt 9)**
Section 316(2)—
omit, insert—
- ‘(2) However, if the land is also private land, public land, restricted land or in a URA, this part does not limit part 6A, 7 or 8.’.

- Clause 11 Insertion of new ch 8, pt 3**
Chapter 8—
insert—

**‘Part 3 Transitional provision for
Resources Legislation
(Balance, Certainty and
Efficiency) Amendment Act
2011**

- ‘441 Existing GHG leases**
- ‘Section 277B does not apply to a GHG lease in effect immediately before the commencement of this section if—
- (a) a development plan is in effect for the lease; and
- (b) the development plan is not amended after the commencement; and

[s 12]

- (c) a proposed later development plan for the lease is not approved after the commencement.’. 1
2

Clause 12 Amendment of sch 2 (Dictionary) 3

Schedule 2— 4

insert— 5

‘*permanent building*, for chapter 5, part 6A, division 1, see section 277A. 6
7

relevant GHG authority, for chapter 5, part 6A, division 2, see section 277E(1). 8
9

relevant local government, for a URA, means each local government in whose area the URA is located. 10
11

restricted land see section 277A. 12

URA means urban restricted area. 13

urban restricted area means an area declared under section 277D as an urban restricted area.’. 14
15

**Part 3 Amendment of Mineral 16
Resources Act 1989 17**

Clause 13 Act amended 18

This part amends the *Mineral Resources Act 1989*. 19

Note— 20

See also the amendments in— 21

(a) chapter 3, part 4; and 22

(b) chapter 4, part 1; and 23

(c) schedules 2 and 3. 24

Clause 14	Amendment of s 19 (Consent required to enter certain land)	1 2
	(1) Section 19(4)—	3
	<i>omit.</i>	4
	(2) Section 19(5)—	5
	<i>renumber</i> as section 19(4).	6
	(3) Section 19(4), as renumbered, ‘Further’—	7
	<i>omit, insert—</i>	8
	‘In addition’.	9
	(4) Section 19—	10
	<i>insert—</i>	11
	‘Note—	12
	Entry is also restricted to the surface of land that is restricted land. See section 386C.’.	13 14
Clause 15	Amendment of s 20 (Provisions about consents to enter land)	15 16
	Section 20(1), after ‘consents’—	17
	<i>insert—</i>	18
	‘under section 19’.	19
Clause 16	Amendment of s 129 (Entitlements under exploration permit)	20 21
	(1) Section 129(3) and (4)—	22
	<i>omit.</i>	23
	(2) Section 129(5) to (16)—	24
	<i>renumber</i> as section 129(3) to (14).	25
	(3) Section 129(3), as renumbered, ‘subsection (6)’—	26
	<i>omit, insert—</i>	27

[s 17]

	‘subsection (4)’.	1
(4)	Section 129(7), as renumbered, ‘subsection (6) or (8)’—	2
	<i>omit, insert—</i>	3
	‘subsection (4) or (6)’.	4
(5)	Section 129(9), as renumbered, ‘subsection (10)’—	5
	<i>omit, insert—</i>	6
	‘subsection (8)’.	7
(6)	Section 129(9), as renumbered, ‘subsection (9)’—	8
	<i>omit, insert—</i>	9
	‘subsection (7)’.	10
(7)	Section 129(10), as renumbered, ‘subsection (10)’—	11
	<i>omit, insert—</i>	12
	‘subsection (8)’.	13
(8)	Section 129(12), as renumbered, ‘subsections (1)(a)(ii) and (3)’—	14
	<i>omit, insert—</i>	15
	‘subsection (1)(a)(ii)’.	16
		17

Clause 17	Amendment of s 181 (Obligations and entitlement under mineral development licence)	18
		19
(1)	Section 181(5), ‘subsection (11)’—	20
	<i>omit, insert—</i>	21
	‘subsection (8)’.	22
(2)	Section 181(8) and (9)—	23
	<i>omit.</i>	24
(3)	Section 181(11) to (21)—	25
	<i>renumber</i> as section 181(8) to (18).	26
(4)	Section 181(11), as renumbered, ‘subsection (11) or (13)’—	27

<i>omit, insert—</i>	1
‘subsection (8) or (10)’.	2
(5) Section 181(13), as renumbered, ‘subsection (15)’—	3
<i>omit, insert—</i>	4
‘subsection (12)’.	5
(6) Section 181(13), as renumbered, ‘subsection (14)’—	6
<i>omit, insert—</i>	7
‘subsection (11)’.	8
(7) Section 181(14), as renumbered, ‘subsection (15)’—	9
<i>omit, insert—</i>	10
‘subsection (12)’.	11
(8) Section 181(17), as renumbered, ‘subsections (4)(b)(ii) and (8)’—	12
	13
<i>omit, insert—</i>	14
‘subsection (4)(b)(ii)’.	15

Clause 18	Amendment of s 232 (Land subject to mining lease)	16
(1)	Section 232(3), ‘Despite subsection (1), a mining’—	17
	<i>omit, insert—</i>	18
	‘A mining’.	19
(2)	Section 232—	20
	<i>insert—</i>	21
‘(4)	A mining lease over the surface of land for open cut mining may be applied for by an eligible person in respect of contiguous land that is comprised in an exploration permit or exploration permits only if that land is not in a URA when the application is made.	22 23 24 25 26
‘(5)	Subsection (4) does not apply if the mining lease is for an industrial mineral.	27 28

[s 19]

‘(6) Subsections (3) and (4) apply despite subsection (1).’ 1

Clause 19 Insertion of new s 235A 2

After section 235— 3

insert— 4

‘235A Mining lease relating to URA 5

‘(1) This section applies for a mining lease for land in a URA if
the lease is granted after the URA is declared. 6
7

‘(2) An authorised activity for the mining lease that is open cut
mining may not be carried out in the URA.’. 8
9

Clause 20 Insertion of new pt 10B 10

After section 386A— 11

insert— 12

**‘Part 10B Restricted land and urban
restricted areas** 13
14

‘Division 1 Restricted land 15

‘386B Definition for div 1 16

‘In this division— 17

prescribed tenement means a prospecting permit, exploration
permit or mineral development licence. 18
19

‘386C Restriction on entry to restricted land 20

‘(1) A prescribed tenement authorises a person to enter the surface
of restricted land to carry out an authorised activity for the
tenement only if— 21
22
23

-
- (a) the holder of the tenement gives written notice under section 386D about the proposed entry to the owner and the occupier of the land where the relevant permanent building, or relevant feature, for the land is situated; and
 - (b) the owner and the occupier consent in writing to the entry; and
 - (c) the holder gives copies of the notice and consent to the chief executive.
- ‘(2) A consent given by an owner or an occupier under subsection (1)(b)—
- (a) must state the period of the consent; and
 - (b) may be on conditions; and
 - (c) can not be withdrawn.
- ‘(3) A person who enters restricted land with a consent under this section must comply with any conditions of the consent.
- Maximum penalty—10 penalty units.

‘386D Requirements for notice

‘For section 386C(1)(a), the notice must—

- (a) be in the approved form; and
- (b) state the following—
 - (i) the activities proposed to be carried out on the restricted land;
 - (ii) the location of the proposed activities and when the activities will be carried out;
 - (iii) the reasons for carrying out the activities on the land;
 - (iv) that entry to the land to carry out an authorised activity is not authorised unless the owner and occupier consent in writing;
 - (v) that any consent given by the owner or occupier—

[s 20]

(A)	must state the period of the consent; and	1
(B)	may be on conditions; and	2
(C)	can not be withdrawn; and	3
(c)	be accompanied by—	4
(i)	a copy of the prescribed tenement; and	5
(ii)	a copy of any relevant environmental authority for the tenement.	6 7
‘Division 2	Urban restricted areas	8
‘386E	Declaration of urban restricted area	9
‘(1)	The Minister may by gazette notice declare a part of the State to be an urban restricted area.	10 11
‘(2)	In making the declaration, regard must be had to the public interest.	12 13
‘386F	Restriction on carrying out authorised activities in URA	14
‘(1)	Subsection (3) applies for a mining tenement (a <i>relevant mining tenement</i>) that relates to land in a URA, whether the tenement is granted before or after the URA is declared.	15 16 17
‘(2)	However, subsection (3) does not apply for—	18
(a)	a coal or oil shale mining lease granted before the URA is declared if—	19 20
(i)	a development plan is in effect for the lease; and	21
(ii)	the development plan is not amended after the URA is declared; and	22 23
(iii)	a proposed later development plan for the lease is not approved after the URA is declared; or	24 25
(b)	a mining lease, other than a coal or oil shale mining lease, granted before the URA is declared if—	26 27

-
- (i) a plan of operations under the Environmental Protection Act is in effect for the relevant environmental authority for the lease; and
 - (B) the plan of operations is not amended or replaced after the URA is declared; or
 - (c) a mining claim if the claim is not renewed after the URA is declared; or
 - (d) a relevant mining tenement to the extent it is for an industrial mineral.
 - ‘(3) The relevant mining tenement authorises a person to carry out authorised activities for the tenement in the URA only if—
 - (a) the holder of the tenement gives the relevant local government for the URA a notice that complies with section 386G; and
 - (b) either—
 - (i) the relevant local government consents in writing to the carrying out of the authorised activities in the URA and the holder gives copies of the notice and consent to the chief executive; or
 - (ii) the Minister approves the carrying out of the authorised activities in the URA under section 386I(1).
 - ‘(4) Consent given under subsection (3)(b)(i)—
 - (a) must state the period of the consent; and
 - (b) may be on conditions; and
 - (c) can not be withdrawn.
 - ‘(5) A person who carries out an authorised activity in a URA with a consent under this section must comply with any conditions of the consent.
 - Maximum penalty—10 penalty units.

[s 20]

‘386G Requirements for notice	1
‘For section 386F(3)(a), the notice must—	2
(a) be in the approved form; and	3
(b) state the following—	4
(i) the activities proposed to be carried out in the URA;	5
	6
(ii) the location of the proposed activities and when the activities will be carried out;	7
	8
(iii) the reasons for carrying out the activities in the URA;	9
	10
(iv) that the carrying out of the activities in the URA is not authorised unless the relevant local government consents in writing or the Minister gives approval under section 386I;	11
	12
	13
	14
(v) that any consent given—	15
(A) must state the period of the consent; and	16
(B) may be on conditions; and	17
(C) can not be withdrawn; and	18
(c) be accompanied by—	19
(i) a copy of the relevant mining tenement; and	20
(ii) a copy of any relevant environmental authority for the tenement.	21
	22
 ‘386H Application to Land Court	 23
‘(1) This section applies if—	24
(a) a relevant local government for a URA is given a notice under section 386F(3)(a); and	25
	26
(b) the relevant local government does not, within 40 business days after receiving the notice, consent to the carrying out of the authorised activities in the URA.	27
	28
	29

-
- ‘(2) The holder of the relevant mining tenement may apply to the Land Court for it to consider the issue of carrying out the authorised activities in the URA. 1
2
3
 - ‘(3) The Land Court must fix a date for the hearing and give written notice of the date to each of the following— 4
5
 - (a) the holder of the tenement; 6
 - (b) the relevant local government; 7
 - (c) the Minister. 8
 - ‘(4) After hearing the application, the Land Court— 9
 - (a) must make a recommendation to the Minister about whether to approve the carrying out of the activities in the URA under section 386I; and 10
11
12
 - (b) if the recommendation is that the Minister give an approval—may recommend the conditions that should be imposed on the approval. 13
14
15

**‘386I Minister decides whether to approve authorised activities in URA 16
17**

- ‘(1) After receiving the Land Court’s recommendation under section 386H, the Minister must decide whether to approve the carrying out of the authorised activities for the relevant mining tenement in the URA. 18
19
20
21
- ‘(2) In making the decision, the Minister must have regard to— 22
 - (a) the relevant mining tenement; and 23
 - (b) the Land Court’s recommendation; and 24
 - (c) the overall State interest. 25
- ‘(3) The Minister may approve the carrying out of the activities in the URA only if satisfied it is in the overall State interest. 26
27
- ‘(4) If the Minister decides to approve the carrying out of the activities in the URA— 28
29

[s 21]

	(a) the Minister must state the period for which the activities are authorised to be carried out; and	1 2
	(b) any conditions of the approval are taken to be conditions of the relevant mining tenement.	3 4
	‘(5) After deciding the application, the Minister must give notice of the decision, including the period mentioned in subsection (4)(a) and any conditions, to the holder and the relevant local government.	5 6 7 8
	‘(6) A person who carries out an authorised activity in a URA under an approval given by the Minister must comply with the approval, including any conditions of the approval.	9 10 11
	Maximum penalty—10 penalty units.	12
	‘(7) In this section—	13
	<i>overall State interest</i> means an interest that the Minister considers affects the economic, environmental or social interest of all or part of the State.’.	14 15 16
Clause 21	Insertion of new pt 19, div 16	17
	Part 19—	18
	<i>insert—</i>	19
‘Division 16	Transitional provisions for Resources Legislation (Balance, Certainty and Efficiency) Amendment Act 2011—amendments commencing on assent	20 21 22 23 24 25
‘788	Existing mining tenements	26
	‘Section 386C applies to a prospecting permit, exploration permit or mineral development licence in effect immediately before the commencement of this section only if—	27 28 29

- (a) the permit or licence relates to restricted land; and 1
- (b) the owner of the restricted land has not given consent in 2
writing to the holder of the permit or licence entering 3
the land under section 19(4), 129(3) or 181(8) as in 4
force before the commencement.’. 5

Clause 22 Amendment of sch 2 (Dictionary) 6

- (1) Schedule 2, definitions *restricted land*, *restricted land* 7
(category A) and *restricted land (category B)*— 8
omit. 9
- (2) Schedule 2— 10
insert— 11
‘**industrial mineral** means a mineral prescribed under a 12
regulation as an industrial mineral. 13
prescribed tenement, for part 10B, division 1, see section 14
386B. 15
relevant mining tenement, for part 10B, division 2, see 16
section 386F(1). 17
restricted land means— 18
- (a) land within 100m laterally of a permanent building 19
used— 20
 - (i) mainly as accommodation or for business 21
purposes; or 22
 - (ii) for community, sporting or recreational purposes; 23
or 24
 - (iii) as a place of worship; or 25
- (b) land within 50m laterally of any of the following 26
features— 27
 - (i) a principal stockyard; 28
 - (ii) a bore or artesian well; 29

[s 23]

- (iii) a dam; 1
- (iv) another artificial water storage connected to a 2
water supply; 3
- (v) a cemetery or burial place. 4
- URA** means an urban restricted area. 5
- urban restricted area** means an area declared under section 6
386E as an urban restricted area.’. 7
- (3) Schedule 2, definition *relevant local government*, after ‘for 8
land’— 9
- insert—* 10
- ‘or a URA’. 11
- (4) Schedule 2, definition *relevant local government*, after ‘the 12
land’— 13
- insert—* 14
- ‘or URA’. 15

Part 4 **Amendment of Petroleum Act** 16
1923 17

- Clause 23** **Act amended** 18
- This part amends the *Petroleum Act 1923*. 19
- Note—* 20
- See also the amendments in— 21
- (a) chapter 3, part 5; and 22
 - (b) schedules 2 and 3. 23

Clause 24	Amendment of s 2 (Definitions)	1
	(1) Section 2—	2
	<i>insert—</i>	3
	<i>‘permanent building</i> , for part 6GA, division 1, see section 78KA.	4
		5
	<i>relevant tenure</i> , for part 6GA, division 2, see section 78KE(1).	6
		7
	<i>relevant local government</i> , for a URA, means each local government in whose area the URA is located.	8
		9
	<i>restricted land</i> see section 78KA.	10
	<i>URA</i> means urban restricted area.	11
	<i>urban restricted area</i> means an area declared under section 78KD as an urban restricted area.’	12
		13
	(2) Section 2, definition <i>1923 Act petroleum tenure</i> , paragraph (b), ‘parts 6H’—	14
		15
	<i>omit, insert—</i>	16
	‘parts 6GA, 6H’.	17
Clause 25	Amendment of s 74F (Relinquishment must be by blocks)	18
	Section 74F—	19
	<i>insert—</i>	20
	‘(3) Despite subsection (1), a relinquishment can be by sub-block if the sub-block is in, or includes, a URA.’.	21
		22
Clause 26	Amendment of s 75WD (Operation of sdiv 2)	23
	Section 75WD(3)(b), ‘parts 6H’—	24
	<i>omit, insert—</i>	25
	‘parts 6GA, 6H’.	26

[s 27]

Clause 27	Insertion of new pt 6GA	1
	After section 78K—	2
	<i>insert—</i>	3
‘Part 6GA	Restricted land and urban restricted areas	4 5
‘Division 1	Restricted land	6
‘78KA	Definitions for div 1	7
	‘In this division—	8
	<i>permanent building</i> means a building other than a building of a temporary nature.	9 10
	<i>restricted land</i> means—	11
	(a) land within 100m laterally of a permanent building used—	12 13
	(i) mainly as accommodation or for business purposes; or	14 15
	(ii) for community, sporting or recreational purposes; or	16 17
	(iii) as a place of worship; or	18
	(b) land within 50m laterally of any of the following features—	19 20
	(i) a principal stockyard;	21
	(ii) a bore or artesian well;	22
	(iii) a dam;	23
	(iv) another artificial water storage connected to a water supply;	24 25
	(v) a cemetery or burial place.	26

‘78KB Restriction on entry to restricted land

- ‘(1) A 1923 Act petroleum tenure authorises a person to enter the surface of restricted land to carry out an authorised activity for the tenure only if—
 - (a) the tenure holder gives a notice under section 78KC about the proposed entry to the owner and the occupier of the land where the relevant permanent building, or relevant feature, for the land is situated; and
 - (b) the owner and the occupier consent in writing to the entry; and
 - (c) the tenure holder gives copies of the notice and consent to the chief executive.
- ‘(2) A consent given by an owner or an occupier under subsection (1)(b)—
 - (a) must state the period of the consent; and
 - (b) may be on conditions; and
 - (c) can not be withdrawn.
- ‘(3) A person who enters restricted land with a consent under this section must comply with any conditions of the consent.
Maximum penalty—10 penalty units.

‘78KC Requirements for notice

- ‘For section 78KB(1)(a), the notice must—
- (a) be in the approved form; and
 - (b) state the following—
 - (i) the activities proposed to be carried out on the restricted land;
 - (ii) the location of the proposed activities and when the activities will be carried out;
 - (iii) the reasons for carrying out the activities on the land;

[s 27]

(iv)	that entry to the land to carry out an authorised activity is not authorised unless the owner and occupier consent in writing;	1 2 3
(v)	that any consent given by the owner or occupier—	4
(A)	must state the period of the consent; and	5
(B)	may be on conditions; and	6
(C)	can not be withdrawn; and	7
(c)	be accompanied by—	8
(i)	a copy of the 1923 Act petroleum tenure; and	9
(ii)	a copy of any relevant environmental authority for the tenure.	10 11
‘Division 2 Urban restricted areas		12
‘78KD Declaration of urban restricted area		13
‘(1)	The Minister may by gazette notice declare a part of the State to be an urban restricted area.	14 15
‘(2)	In making the declaration, regard must be had to the public interest.	16 17
‘78KE Restriction on carrying out authorised activities in URA		18
‘(1)	Subsection (3) applies for a 1923 Act petroleum tenure (a <i>relevant tenure</i>) that relates to land in a URA, whether the tenure is granted before or after the URA is declared.	19 20 21
‘(2)	However, subsection (3) does not apply for—	22
(a)	a lease granted under part 6 before the URA is declared if—	23 24
(i)	a development plan is in effect for the lease; and	25
(ii)	the development plan is not amended after the URA is declared; and	26 27

[s 27]

-
- (iii) a proposed later development plan for the lease is not approved after the URA is declared; or
 - (b) a water monitoring authority given before the URA is declared.
 - ‘(3) The relevant tenure authorises a person to carry out authorised activities for the tenure in the URA only if—
 - (a) the tenure holder gives the relevant local government for the URA a notice that complies with section 78KF; and
 - (b) either—
 - (i) the relevant local government consents in writing to the carrying out of the authorised activities in the URA and the holder gives copies of the notice and consent to the chief executive; or
 - (ii) the Minister approves the carrying out of the authorised activities in the URA under section 78KH(1).
 - ‘(4) Consent given under subsection (3)(b)(i)—
 - (a) must state the period of the consent; and
 - (b) may be on conditions; and
 - (c) can not be withdrawn.
 - ‘(5) A person who carries out an authorised activity in a URA with a consent under this section must comply with any conditions of the consent.
 - Maximum penalty—10 penalty units.

‘78KF Requirements for notice

‘For section 78KE(3)(a), the notice must—

- (a) be in the approved form; and
- (b) state the following—
 - (i) the activities proposed to be carried out in the URA;

[s 27]

- (ii) the location of the proposed activities and when the activities will be carried out; 1
2
- (iii) the reasons for carrying out the activities in the URA; 3
4
- (iv) that carrying out the activities in the URA is not authorised unless the relevant local government consents in writing or the Minister gives approval under section 78KH; 5
6
7
8
- (v) that any consent given— 9
 - (A) must state the period of the consent; and 10
 - (B) may be on conditions; and 11
 - (C) can not be withdrawn; and 12
- (c) be accompanied by— 13
 - (i) a copy of the relevant tenure; and 14
 - (ii) a copy of any relevant environmental authority for the tenure. 15
16

‘78KG Application to Land Court

- ‘(1) This section applies if— 17
18
 - (a) a relevant local government for a URA is given a notice under section 78KE(3)(a); and 19
20
 - (b) the relevant local government does not, within 40 business days after receiving the notice, consent to the carrying out of the authorised activities in the URA. 21
22
23
- ‘(2) The holder of the relevant tenure may apply to the Land Court for it to consider the issue of carrying out the authorised activities in the URA. 24
25
26
- ‘(3) The Land Court must fix a date for the hearing and give written notice of the date to each of the following— 27
28
 - (a) the holder of the relevant tenure; 29
 - (b) the relevant local government; 30

(c) the Minister.	1
‘(4) After hearing the application, the Land Court—	2
(a) must make a recommendation to the Minister about whether to approve the carrying out of the activities in the URA under section 78KH; and	3 4 5
(b) if the recommendation is that the Minister give an approval—may recommend the conditions that should be imposed on the approval.	6 7 8
‘78KH Minister decides whether to approve activities in URA	9
‘(1) After receiving the Land Court’s recommendation under section 78KG, the Minister must decide whether to approve the carrying out of the authorised activities for the relevant tenure in the URA.	10 11 12 13
‘(2) In making the decision, the Minister must have regard to—	14
(a) the relevant tenure; and	15
(b) the Land Court’s recommendation; and	16
(c) the overall State interest.	17
‘(3) The Minister may approve the carrying out of the activities in the URA only if satisfied it is in the overall State interest.	18 19
‘(4) If the Minister decides to approve the carrying out of the activities in the URA—	20 21
(a) the Minister must state the period for which the activities are authorised to be carried out; and	22 23
(b) any conditions of the approval are taken to be conditions of the relevant tenure.	24 25
‘(5) After deciding the application, the Minister must give notice of the decision, including the period mentioned in subsection (4)(a) and any conditions, to the holder and the relevant local government.	26 27 28 29

[s 28]

	‘(6) A person who carries out an authorised activity in a URA under an approval given by the Minister must comply with the approval, including any conditions of the approval.	1 2 3
	Maximum penalty—10 penalty units.	4
	‘(7) In this section—	5
	<i>overall State interest</i> means an interest that the Minister considers affects the economic, environmental or social interest of all or part of the State.’.	6 7 8
Clause 28	Amendment of s 79M (Application of pt 6J)	9
	Section 79M(2)—	10
	<i>omit, insert—</i>	11
	‘(2) However, if the land is also private land, public land, restricted land or in a URA, this part does not limit part 6GA, 6H or 6I.’.	12 13
Clause 29	Insertion of new pt 14	14
	After section 189—	15
	<i>insert—</i>	16

‘Part 14	Transitional provisions for Resources Legislation (Balance, Certainty and Efficiency) Amendment Act 2011	1 2 3 4 5
‘Division 1	Provision for amendments commencing on assent	6 7
‘190	Existing petroleum leases and water monitoring authorities	8 9
	‘Section 78KB does not apply to—	10
	(a) a lease under part 6 in effect immediately before the commencement of this section if—	11 12
	(i) a development plan is in effect for the lease; and	13
	(ii) the development plan is not amended after the commencement; and	14 15
	(iii) a proposed later development plan for the lease is not approved after the commencement; or	16 17
	(b) a water monitoring authority in effect immediately before the commencement.’.	18 19

[s 30]

Part 5	Amendment of Petroleum and Gas (Production and Safety) Act 2004	1 2 3
Clause 30	Act amended	4
	This part amends the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	5 6
	<i>Note—</i>	7
	See also the amendments in—	8
	(a) chapter 3, part 6; and	9
	(b) schedules 1, 2 and 3.	10
Clause 31	Insertion of new s 15A	11
	After section 15—	12
	<i>insert—</i>	13
‘15A	What is <i>produced water</i>	14
	‘(1) <i>Produced water</i> is—	15
	(a) CSG water; or	16
	(b) associated water for a petroleum tenure.	17
	‘(2) A reference to <i>produced water</i> includes—	18
	(a) treated and untreated CSG water; and	19
	(b) concentrated saline waste water produced during the treatment of CSG water.’.	20 21
Clause 32	Amendment of s 16 (What is a <i>pipeline</i>)	22
	Section 16(1)(a), ‘fuel gas’—	23
	<i>omit, insert—</i>	24
	‘fuel gas, produced water’.	25

Clause 33	Amendment of s 70 (Relinquishment must be by blocks)	1
	Section 70—	2
	<i>insert—</i>	3
	‘(3) Despite subsection (1), a relinquishment can be by sub-block if the sub-block is in, or includes, a URA.’.	4
		5
Clause 34	Amendment of s 98 (Area of authority to prospect)	6
	Section 98(6)—	7
	<i>omit, insert—</i>	8
	‘(6) The area may include a part of a block (a <i>residual block</i>) only if the part consists of all areas within the block that are left after taking away—	9
		10
	(a) all unavailable land within the block; or	11
	(b) land that is within a URA.’.	12
		13
Clause 35	Replacement of s 110 (Petroleum pipeline and water pipeline construction and operation)	14
	Section 110—	15
	<i>omit, insert—</i>	16
	‘110 Construction and operation of petroleum pipelines	17
	‘(1) The lease holder may construct and operate petroleum pipelines in the area of the lease.	18
		19
	‘(2) However, if a petroleum pipeline extends beyond the area of the lease, subsection (1) applies only if the pipeline is completely within—	20
		21
	(a) the area of the lease; and	22
	(b) the area of 1 or more other petroleum leases that—	23
	(i) are also held by the holder of the lease; or	24
		25
		26

[s 36]

- (ii) are the subject of a coordination arrangement between the holder of the lease and the holder of each other lease.

‘(3) In this section—

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

Notes—

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

Clause 36 Insertion of new s 111A

After section 111—

insert—

‘111A Processing produced water

‘(1) The lease holder may do each of the following in the area of the lease—

- (a) carry out the processing of produced water;
- (b) construct and operate a facility for—
 - (i) the processing and storage of produced water, if the holder is the owner of the land on which the facility will be located; and
 - (ii) the transport of produced water.

‘(2) Subsection (1) applies for produced water—

- (a) produced in or outside the area of the lease; and
- (b) whether or not it is produced by the lease holder.

‘(3) In this section—

processing of produced water includes—

- (a) treating produced water; and

- (b) applying mechanical or chemical processes, or energy,
to produced water.’. 1
2

Clause 37 Insertion of new ch 2, pt 2, div 7, sdiv 3 3

After section 175— 4

insert— 5

**‘Subdivision 3 Changing production
commencement day** 6
7

**‘175AA When holder may apply to change production
commencement day** 8
9

‘The holder of a petroleum lease may apply to change the
production commencement day for the lease to a new day
only if— 10
11
12

- (a) the holder has a relevant arrangement in place to supply
petroleum produced from the area of the lease; and 13
14
- (b) the day by which petroleum production under the lease
is to start is more than 2 years after the day the lease
took effect; and 15
16
17
- (c) the application is made no later than 1 year before the
day by which petroleum production under the lease is to
start. 18
19
20

‘175AB Requirements for making application 21

‘An application to change a production commencement day to
a new day must— 22
23

- (a) be made to the Minister in the approved form; and 24
- (b) state— 25
- (i) the proposed new day; and 26
- (ii) the grounds for seeking the change; and 27

[s 37]

- (c) be supported by information, documents or instruments detailing— 1
2
- (i) the petroleum production required under all relevant arrangements relating to the lease; and 3
4
- (ii) the reserves, resources and characteristics of natural underground reservoirs of all petroleum authorities required to supply petroleum under the relevant arrangements. 5
6
7
8

‘175AC Deciding application 9

- ‘(1) After receiving an application to change a production commencement day to a new day, the Minister must decide whether or not to make the change. 10
11
12
- ‘(2) The Minister may, if the holder of the lease agrees in writing, change the production commencement day for the lease to another day. 13
14
15
- ‘(3) In deciding the application, the Minister must consider— 16
 - (a) whether the holder has substantially complied with the lease; and 17
18
 - (b) whether petroleum production under the lease will be optimised in the best interests of the State; and 19
20
 - (c) the public interest. 21
- ‘(4) If the Minister decides to change the production commencement day to a new day, the Minister must amend the lease to give effect to the change. 22
23
24

Note— 25

A change in the production commencement day may require a later development plan for the lease to be lodged—see section 159. 26
27

‘175AD Information notice about decision 28

- ‘If the Minister decides not to change the production commencement day for a lease to a new day, the Minister 29
30

must give the applicant an information notice about the
decision.’. 1
2

Clause 38 Insertion of new s 399A 3

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

insert— 5

**‘399A Written permission binds owner’s successors and
assigns** 6
7

‘(1) This section applies if a pipeline licence holder obtains the
written permission of the owner of land to enter the land to
construct and operate a pipeline the subject of the licence. 8
9
10

‘(2) The permission is— 11

(a) for the benefit of anyone who holds the licence from
time to time; and 12
13

(b) taken to have been given by, and is binding on, each of
the owner’s successors and assigns for the land. 14
15

‘(3) However, subsection (2)(b) does not apply to a person who is
a successor or assignee for the land if— 16
17

(a) an easement over the land is not registered as mentioned
in section 437A within 9 months after the pipeline
licence holder gives notice of completion of the pipeline 18
19
20
21

(b) the person became the owner of the land after the end of
the 9 months. 22
23

‘(4) This section does not limit section 537E(1).’ 24

**Clause 39 Amendment of s 401 (Construction and operation of
pipeline)** 25
26

Section 401(3), from ‘authorise’— 27

omit, insert— 28

‘authorise— 29

[s 40]

- | | | |
|-----|---|---|
| (a) | the construction or operation of a pipeline on other land | 1 |
| | in the area of the licence; or | 2 |
| (b) | taking, interfering with or using produced water.’. | 3 |

Clause 40	Amendment of s 418 (Obligation to consult with particular owners and occupiers)	4 5
	Section 418(4), ‘chapter 5, part 2 or 3’—	6
	<i>omit, insert—</i>	7
	‘chapter 5, part 1A, 2 or 3’.	8

Clause 41	Amendment of s 419A (Notice to chief inspector before construction starts)	9 10
	Section 419A—	11
	<i>insert—</i>	12
	‘(5) This section does not apply to the holder of a pipeline licence if the pipeline to be constructed is for transporting produced water.’.	13 14 15

Clause 42	Amendment of s 422 (Obligations in operating pipeline)	16
	Section 422(1)(a), ‘or fuel gas’—	17
	<i>omit, insert—</i>	18
	‘, fuel gas or produced water’.	19

Clause 43	Insertion of new s 422A	20
	After section 422—	21
	<i>insert—</i>	22
	‘422A Obligation to hold relevant environmental authority and water licence	23 24
	‘The holder of a pipeline licence for transporting produced water must, for the term of the licence, be the holder of—	25 26

- (a) a relevant environmental authority for the licence; and 1
- (b) any water licence required under the Water Act for 2
taking or interfering with produced water.’. 3

Clause 44 Insertion of new s 437A 4

Chapter 4, part 2, division 8— 5

insert— 6

‘437A Creation of easement by registration 7

- ‘(1) An easement over pipeline land or public land may be created 8
for a pipeline licence holder by registering a document 9
creating the easement under the *Land Act 1994* or an 10
instrument of easement under the *Land Title Act 1994*. 11
- ‘(2) Subsection (1)— 12
 - (a) applies even though the easement is not attached to, or 13
used or enjoyed with, other land; and 14
 - (b) is subject to— 15
 - (i) the *Land Act 1994*, other than section 369(2); and 16
 - (ii) the *Land Title Act 1994*, other than section 89(2). 17
- ‘(3) The *Land Act 1994*, chapter 6, part 4, division 8 or the *Land* 18
Title Act 1994, part 6, division 4 applies to the easement as 19
if— 20
 - (a) it were a public utility easement; and 21
 - (b) the pipeline licence holder were a public utility 22
provider; and 23
 - (c) if the land is forest land— 24
 - (i) a reference in the *Land Act 1994*, sections 362(1), 25
363(1)(c) and 369A(1) to the Minister were a 26
reference to the Minister administering the 27
Forestry Act 1959, part 4; and 28

[s 45]

	(ii) the owner of the land were the chief executive of the department administering the <i>Forestry Act 1959</i> , part 4.	1 2 3
	<i>Note—</i>	4
	Under the <i>Land Act 1994</i> , section 363(4), the owner of a reserve or of unallocated State land for the purpose of consenting to the creation of an easement is the State.	5 6 7
	‘(4) This section applies despite the <i>Forestry Act 1959</i> , section 26(1A).	8 9
	‘(5) In this section—	10
	<i>forest land</i> means land that is a State forest or timber reserve under the <i>Forestry Act 1959</i> .’.	11 12
Clause 45	Amendment of s 451 (Obligation to consult with particular owners and occupiers)	13 14
	Section 451(4), ‘chapter 5, part 2 or 3’—	15
	<i>omit, insert—</i>	16
	‘chapter 5, part 1A, 2 or 3’.	17
Clause 46	Insertion of new ch 5, pt 1A	18
	Chapter 5—	19
	<i>insert—</i>	20
‘Part 1A	Restricted land and urban restricted areas	21 22
‘Division 1	Restricted land	23
‘494A	Definitions for div 1	24
	‘In this division—	25
	<i>permanent building</i> means a building other than a building of a temporary nature.	26 27

-
- restricted land* means— 1
- (a) land within 100m laterally of a permanent building 2
 - used— 3
 - (i) mainly as accommodation or for business 4
purposes; or 5
 - (ii) for community, sporting or recreational purposes; 6
or 7
 - (iii) as a place of worship; or 8
 - (b) land within 50m laterally of any of the following 9
features— 10
 - (i) a principal stockyard; 11
 - (ii) a bore or artesian well; 12
 - (iii) a dam; 13
 - (iv) another artificial water storage connected to a 14
water supply; 15
 - (v) a cemetery or burial place. 16

‘494B Restriction on entry to restricted land 17

- ‘(1) A petroleum authority authorises a person to enter the surface 18
of restricted land to carry out an authorised activity for the 19
authority only if— 20
 - (a) the holder of the authority gives a notice under section 21
494C about the proposed entry to the owner and the 22
occupier of the land where the relevant permanent 23
building, or relevant feature, for the land is situated; and 24
 - (b) the owner and the occupier consent in writing to the 25
entry; and 26
 - (c) the holder gives copies of the notice and consent to the 27
chief executive. 28
- ‘(2) A consent given by an owner or an occupier under subsection 29
(1)(b)— 30

[s 46]

- (a) must state the period of the consent; and 1
 - (b) may be on conditions; and 2
 - (c) can not be withdrawn. 3
- ‘(3) A person who enters restricted land with a consent under this 4
section must comply with any conditions of the consent. 5
- Maximum penalty—10 penalty units. 6

‘494C Requirements for notice 7

‘For section 494B(1)(a), the notice must— 8

- (a) be in the approved form; and 9
- (b) state the following— 10

- (i) the activities proposed to be carried out on the 11
restricted land; 12

- (ii) the location of the proposed activities and when the 13
activities will be carried out; 14

- (iii) the reasons for carrying out the activities on the 15
land; 16

- (iv) that entry to the land to carry out an authorised 17
activity is not authorised unless the owner and 18
occupier consent in writing; 19

- (v) that any consent given by the owner or occupier— 20

- (A) must state the period of the consent; and 21

- (B) may be on conditions; and 22

- (C) can not be withdrawn; and 23

- (c) be accompanied by— 24

- (i) a copy of the petroleum authority; and 25

- (ii) a copy of any relevant environmental authority for 26
the petroleum authority. 27

‘Division 2	Urban restricted areas	1
‘494D	Declaration of urban restricted area	2
‘(1)	The Minister may by gazette notice declare a part of the State to be an urban restricted area.	3 4
‘(2)	In making the declaration, regard must be had to the public interest.	5 6
‘494E	Restriction on carrying out authorised activities in URA	7
‘(1)	Subsection (3) applies for a petroleum authority (a <i>relevant petroleum authority</i>) that relates to land in a URA, whether the authority is granted before or after the URA is declared.	8 9 10
‘(2)	However, subsection (3) does not apply to—	11
(a)	a water monitoring authority, survey licence, pipeline licence or petroleum facility licence given before the URA is declared; or	12 13 14
(b)	a petroleum lease given before the URA is declared if—	15
(i)	a development plan is in effect for the lease; and	16
(ii)	the development plan is not amended after the URA is declared; and	17 18
(iii)	a proposed later development plan for the lease is not approved after the URA is declared.	19 20
‘(3)	The relevant petroleum authority authorises a person to carry out authorised activities for the authority in the URA only if—	21 22
(a)	the authority holder gives the relevant local government for the URA a notice that complies with section 494F; and	23 24 25
(b)	either—	26
(i)	the relevant local government consents in writing to the carrying out of the authorised activities in	27 28

[s 46]

the URA and the holder gives copies of the notice	1
and consent to the chief executive; or	2
(ii) the Minister approves the carrying out of the	3
authorised activities in the URA under section	4
494H.	5
‘(4) Consent given under subsection (3)(b)(i)—	6
(a) must state the period of the consent; and	7
(b) may be on conditions; and	8
(c) can not be withdrawn.	9
‘(5) A person who carries out an authorised activity in a URA with	10
a consent under this section must comply with any conditions	11
of the consent.	12
Maximum penalty—10 penalty units.	13
‘494F Requirements for notice	14
‘For section 494E(3)(a), the notice must—	15
(a) be in the approved form; and	16
(b) state the following—	17
(i) the activities proposed to be carried out in the	18
URA;	19
(ii) the location of the proposed activities and when the	20
activities will be carried out;	21
(iii) the reasons for carrying out the activities in the	22
URA;	23
(iv) that carrying out the activities is not authorised	24
unless the relevant local government consents in	25
writing or the Minister gives approval under	26
section 494H;	27
(v) any consent given—	28
(A) must state the period of the consent; and	29

(B)	may be on conditions; and	1
(C)	can not be withdrawn; and	2
(c)	be accompanied by—	3
(i)	a copy of the relevant petroleum authority; and	4
(ii)	a copy of any relevant environmental authority for the petroleum authority.	5 6
‘494G	Application to Land Court	7
‘(1)	This section applies if—	8
(a)	a relevant local government for a URA is given a notice under section 494E(3)(a); and	9 10
(b)	the relevant local government does not, within 40 business days after receiving the notice, consent to the carrying out of the authorised activities in the URA.	11 12 13
‘(2)	The holder of the relevant petroleum authority may apply to the Land Court for it to consider the issue of carrying out the authorised activities in the URA.	14 15 16
‘(3)	The Land Court must fix a date for the hearing and give written notice of the date to each of the following—	17 18
(a)	the holder of the relevant petroleum authority;	19
(b)	the relevant local government;	20
(c)	the Minister.	21
‘(4)	After hearing the application, the Land Court—	22
(a)	must make a recommendation to the Minister about whether to approve the carrying out of the activities in the URA under section 494H; and	23 24 25
(b)	if the recommendation is that the Minister give an approval—may recommend the conditions that should be imposed on the approval.	26 27 28

[s 46]

‘494H Minister decides whether to approve activities in URA	1
‘(1) After receiving the Land Court’s recommendation under	2
section 494G, the Minister must decide whether to approve	3
the carrying out of the authorised activities for the relevant	4
petroleum authority in the URA.	5
‘(2) In making the decision, the Minister must have regard to—	6
(a) the relevant petroleum authority; and	7
(b) the Land Court’s recommendation; and	8
(c) the overall State interest.	9
‘(3) The Minister may approve the carrying out of the activities in	10
the URA only if satisfied it is in the overall State interest.	11
‘(4) If the Minister decides to approve the carrying out of the	12
activities in the URA—	13
(a) the Minister must state the period for which the	14
activities are authorised to be carried out; and	15
(b) any conditions of the approval are taken to be conditions	16
of the relevant petroleum authority.	17
‘(5) After deciding the application, the Minister must give notice	18
of the decision, including the period mentioned in subsection	19
(4)(a) and any conditions, to the holder and the relevant local	20
government.	21
‘(6) A person who carries out an authorised activity in a URA	22
under an approval given by the Minister must comply with the	23
approval, including any conditions of the approval.	24
Maximum penalty—10 penalty units.	25
‘(7) In this section—	26
<i>overall State interest</i> means an interest that the Minister	27
considers affects the economic, environmental or social	28
interest of all or part of the State.’.	29

Clause 47	Insertion of new ss 552A and 552B	1
	After section 552—	2
	<i>insert—</i>	3
‘552A	Obligation to lodge infrastructure report for petroleum lease	4
		5
	‘The holder of a petroleum lease must, on or before 1	6
	September each year, lodge an infrastructure report about the	7
	lease for the preceding financial year that complies with	8
	section 552B.	9
‘552B	Content requirements for infrastructure report for petroleum leases	10
		11
	‘An infrastructure report under section 552A must state the	12
	following information for the petroleum lease the subject of	13
	the report for the financial year to which the report relates—	14
	(a) details of the authorised activities for the lease carried	15
	out in the area of the lease in the financial year;	16
	(b) details of infrastructure and works constructed in the	17
	area of the lease in the financial year, including the	18
	location of the infrastructure and works;	19
	<i>Examples of infrastructure and works—</i>	20
	communication systems, compressors, powerlines, pumping	21
	stations, reservoirs, roads, evaporation or storage ponds and	22
	tanks, mobile and temporary camps	23
	(c) any other information prescribed under a regulation.’.	24
Clause 48	Amendment of s 670 (What is an <i>operating plant</i>)	25
	Section 670(2)(d), after ‘authority’—	26
	<i>insert—</i>	27
	‘, other than a pipeline that transports produced water’.	28

[s 49]

Clause 49	Amendment of s 802 (Restriction on pipeline construction or operation)	1 2
	Section 802(1), after ‘distribution pipeline’—	3
	<i>insert—</i>	4
	‘or a pipeline for transporting produced water’.	5
Clause 50	Amendment of s 809 (Unlawful taking of petroleum or fuel gas prohibited)	6 7
	Section 809, ‘or fuel gas’—	8
	<i>omit, insert—</i>	9
	‘, fuel gas or produced water’.	10
Clause 51	Amendment of s 889 (Other applications made before introduction of Petroleum and Other Legislation Amendment Bill 2004)	11 12 13
	Section 889—	14
	<i>insert—</i>	15
	‘(2) The closing time for the call is taken to be the day on which this subsection commenced.’.	16 17
Clause 52	Amendment of s 910 (Renewal application provisions apply for making and deciding grant application)	18 19
	Section 910(1)(b)(i), ‘and 163’—	20
	<i>omit, insert—</i>	21
	‘, 163 and 165(4)’.	22
Clause 53	Amendment of s 912 (Restrictions on term and renewed terms)	23 24
	Section 912(5)(b)—	25
	<i>omit, insert—</i>	26

‘(b) a day decided by the Minister.’. 1

Clause 54 Insertion of new ch 15, pt 13 2

Chapter 15— 3

insert— 4

‘Part 13 Transitional provisions for 5
Resources Legislation 6
(Balance, Certainty and 7
Efficiency) Amendment Act 8
2011 9

‘Division 1 Preliminary 10

‘957 Definition for pt 13 11

‘In this part— 12

amending Act means the *Resources Legislation (Balance,* 13
Certainty and Efficiency) Amendment Act 2011. 14

‘Division 2 Provisions for amendments 15
commencing on assent of 16
amending Act 17

‘958 Definitions for div 2 18

‘In this division— 19

commencement means the commencement of this section. 20

former, for a provision of this Act, means the provision as in 21
force immediately before the commencement. 22

[s 54]

‘959	Existing water pipeline for petroleum lease	1
‘(1)	This section applies if, before the commencement, the holder of a petroleum lease had started constructing or operating a water pipeline under former section 110.	2 3 4
‘(2)	Former section 110 continues to apply to the holder of the relevant lease until 1 year after the commencement as if the amending Act had not commenced.	5 6 7
‘960	Existing written permission to enter land to construct and operate pipeline	8 9
‘(1)	This section applies if, before the commencement, a pipeline licence holder has obtained the written permission of the owner of land to enter the land to construct and operate a pipeline the subject of the licence.	10 11 12 13
‘(2)	Section 399A(2)(b) does not apply to the owner’s successors and assigns for the land.	14 15
‘961	Existing petroleum authorities	16
	‘Section 494B does not apply to—	17
(a)	a water monitoring authority, survey licence, pipeline licence or petroleum facility licence in effect immediately before the commencement; or	18 19 20
(b)	a petroleum lease in effect immediately before the commencement if—	21 22
(i)	a development plan is in effect for the lease; and	23
(ii)	the development plan is not amended after the commencement; and	24 25
(iii)	a proposed later development plan for the lease is not approved after the commencement.	26 27

‘962	Particular requirements for infrastructure reports under s 552A for existing petroleum leases	1 2
‘(1)	This section applies to the holder of a petroleum lease (an <i>existing petroleum lease</i>) that is in effect immediately before the commencement.	3 4 5
‘(2)	The first infrastructure report lodged after the commencement by the holder under section 552A for an existing petroleum lease must, in addition to the requirements mentioned in section 552B, also state—	6 7 8 9
(a)	details of the authorised activities for the lease carried out since the lease was granted; and	10 11
(b)	details of infrastructure and works constructed in the area of the lease since the lease was granted, including the location of the infrastructure and works.	12 13 14
‘963	Authority to prospect taken to be properly granted	15
‘(1)	This section applies to a 1923 Act ATP application mentioned in section 889.	16 17
‘(2)	An authority to prospect granted under chapter 2, part 1, division 2 before the commencement is taken to be, and to have always been, validly granted as if the closing time for the call for tenders for the authority was the day before the authority was granted.	18 19 20 21 22
‘964	Grant applications	23
‘(1)	Sections 910 and 912, as amended under the amending Act, apply to a grant application that was made, but not decided, before the commencement.	24 25 26
‘(2)	In this section— <i>grant application</i> see section 908.’.	27 28

[s 55]

Clause 55	Amendment of sch 1 (Reviews and appeals)	1
	Schedule 1, table 2, under heading ‘Petroleum leases’—	2
	<i>insert—</i>	3
	‘175AC(1) Decision not to change production Land Court’.	
	commencement day for a petroleum lease	
Clause 56	Amendment of sch 2 (Dictionary)	4
	(1) Schedule 2, definition <i>production commencement day</i> —	5
	<i>omit.</i>	6
	(2) Schedule 2—	7
	<i>insert—</i>	8
	‘ CSG water means underground water brought to the surface	9
	of the earth in connection with exploring for or producing coal	10
	seam gas under a petroleum tenure.	11
	permanent building , for chapter 5, part 1A, division 1, see	12
	section 494A.	13
	produced water see section 15A.	14
	production commencement day , for a petroleum lease,	15
	means—	16
	(a) generally—the day stated under section 123(3)(c) for	17
	the lease; or	18
	(b) if the day mentioned in paragraph (a) has been changed	19
	under section 175AC—that day as changed from time to	20
	time under section 175AC.	21
	relevant local government , for a URA, means each local	22
	government in whose area the URA is located.	23
	relevant petroleum authority , for chapter 5, part 1A, division	24
	2, see section 494E(1).	25
	restricted land see section 494A.	26
	URA means urban restricted area.	27

urban restricted area means an area declared under section 494D as an urban restricted area.’ 1
2

- (3) Schedule 2, definition *operate*, paragraph 2(a), ‘or fuel gas’— 3
omit, insert— 4
‘, fuel gas or produced water’. 5

Part 6 Amendment of other Acts 6

Clause 57 Acts amended 7
Schedule 1 amends the Acts it mentions. 8

Chapter 3 Amendments commencing by proclamation other than amendments relating to restructure of the Mineral Resources Act 1989 9 10 11 12 13

Part 1 Amendment of Environmental Protection Act 1994 14 15

Clause 58 Act amended 16
This part amends the *Environmental Protection Act 1994*. 17

Clause 59 Insertion of new s 309A 18
Chapter 5, part 12, division 3, subdivision 1— 19

<i>insert—</i>	1
‘309A Particular requirement for annual return for existing petroleum tenure under P&G Act	2
	3
‘(1) This section applies if—	4
(a) immediately before the commencement of the section,	5
an authority to prospect or petroleum lease is in effect;	6
and	7
(b) an environmental authority for the authority to prospect	8
or lease has been issued; and	9
(c) after the commencement, the holder of the authority to	10
prospect or lease carries out an incidental activity under	11
the P&G Act in the area of the authority or lease that is	12
reasonably necessary for, or incidental to, an authorised	13
activity for another authority to prospect or petroleum	14
lease; and	15
(d) the holder must give the administering authority an	16
annual return under section 308(3)(a) for the	17
environmental authority.	18
‘(2) The annual return for the environmental authority must	19
include—	20
(a) details of the incidental activity carried out in the area of	21
the authority to prospect or lease, including how the	22
activity will be carried out; and	23
(b) details of the environmental risks of the activity.	24
‘(3) In this section—	25
<i>authorised activity</i> , for an authority to prospect or petroleum	26
lease, see the P&G Act, section 22.	27
<i>authority to prospect</i> means an authority to prospect under the	28
P&G Act.’.	29

Part 2	Amendment of Geothermal Energy Act 2010	1 2
Clause 60	Act amended	3
	This part amends the <i>Geothermal Energy Act 2010</i> .	4
	<i>Note—</i>	5
	See also the amendments in—	6
	(a) chapter 2, part 1, division 1; and	7
	(b) schedules 2 and 3.	8
Clause 61	Amendment of s 35 (Who may apply)	9
	(1) Section 35(1)(d)—	10
	<i>omit, insert—</i>	11
	‘(d) land that has been in a geothermal tenure’s area and less than 2 months has passed since the end of the month in which the land ceased to be in—	12 13 14
	(i) the geothermal tenure; or	15
	(ii) if the geothermal tenure has ended—the former geothermal tenure’s area; or	16 17
	(e) land that has been the subject of an earlier geothermal tenure application that has been refused or withdrawn and less than 2 months has passed since the end of the month in which the earlier geothermal tenure application was refused or withdrawn.’.	18 19 20 21 22
Clause 62	Amendment of s 39 (Deciding whether to grant geothermal permit)	23 24
	Section 39(3) and (4)—	25
	<i>omit, insert—</i>	26

[s 63]

- ‘(3) The Minister can not grant a geothermal permit unless the applicant— 1
- 2
- (a) has paid the annual rent for the first year of the geothermal permit; and 3
- 4
- (b) if the Minister requires the applicant to give security under section 204—has given the security.’. 5
- 6

- Clause 63 Amendment of s 190 (Relinquishment report for partial relinquishment)** 7
- 8
- Section 190(3)— 9
- omit, insert—* 10
- ‘(3) The report must— 11
- (a) be— 12
- (i) given electronically using the system for submission of reports made or approved by the chief executive; and 13
- 14
- 15
- (ii) in the digital format made or approved by the chief executive; or 16
- 17
- (b) if a way of giving the report is prescribed under a regulation—be given in that way.’. 18
- 19

- Clause 64 Amendment of s 274 (Access to register)** 20
- (1) Section 274(1)(b), after ‘person’— 21
- insert—* 22
- ‘, other than a person accessing the register on the department’s website’. 23
- 24
- (2) Section 274(1)— 25
- insert—* 26
- ‘(d) make the register available, free of charge, on the department’s website.’. 27
- 28

Clause 65	Replacement of ch 6, pt 11 (Dealings)	1
	Chapter 6, part 11—	2
	<i>omit, insert—</i>	3
‘Part 11	Dealings	4
‘Division 1	Preliminary	5
‘278AA	Definitions for pt 11	6
	‘In this part—	7
	<i>assessable transfer</i> see section 280(2).	8
	<i>non-assessable transfer</i> see section 280(1).	9
‘278	What is a <i>dealing</i> with a geothermal tenure	10
	‘Each of the following is a <i>dealing</i> with a geothermal	11
	tenure—	12
	(a) a transfer of the geothermal tenure or of a share in the	13
	geothermal tenure;	14
	(b) a mortgage over the geothermal tenure or a share in the	15
	geothermal tenure;	16
	(c) a release, transfer or surrender of a mortgage mentioned	17
	in paragraph (b);	18
	(d) a change to the geothermal tenure holder’s name even if	19
	the holder continues to be the same person after the	20
	change;	21
	(e) if the geothermal tenure is a geothermal lease—	22
	(i) a sublease of the geothermal lease; or	23
	(ii) a transfer of a sublease of the geothermal lease or	24
	of a share in a sublease of the geothermal lease.	25

‘279	Prohibited dealings	1
	‘A dealing that has the effect of transferring a divided part of the area of a geothermal tenure is prohibited.	2
		3
	<i>Examples of a divided part of the area of a geothermal tenure—</i>	4
	• a particular part of the surface of the area	5
	• a particular strata beneath the surface of the area	6
‘280	Types of transfers	7
	‘(1) The following transfers (each a <i>non-assessable transfer</i>) do not require assessment before being registered—	8
		9
	(a) a transfer of a geothermal tenure or of a share in a geothermal tenure if—	10
		11
	(i) the transferee is an entity having the same Australian Business Number as the entity comprising all or part of the transferor; or	12
		13
		14
	(ii) part of one holder’s share in the geothermal tenure will be transferred to another holder of the geothermal tenure;	15
		16
		17
	(b) a transmission by death of a geothermal tenure or of a share in a geothermal tenure;	18
		19
	(c) a transfer of a geothermal tenure or of a share in a geothermal tenure by operation of law;	20
		21
	(d) a transfer of a mortgage over a geothermal tenure or over a share in a geothermal tenure;	22
		23
	(e) a transfer of a sublease of a geothermal lease or of a share in a sublease of a geothermal lease.	24
		25
	‘(2) A transfer of a geothermal tenure or of a share in a geothermal tenure not mentioned in subsection (1) is an <i>assessable transfer</i> and must be approved by the Minister under division 3 before it can be registered.	26
		27
		28
		29

‘Division 2	Registration of dealings generally	1
‘281	Registration required for all dealings	2
‘(1)	A dealing with a geothermal tenure has no effect until it is registered.	3 4
‘(2)	A registered dealing takes effect on—	5
(a)	for a dealing that is a non-assessable transfer—the day the transfer is registered; or	6 7
(b)	for a dealing that is an assessable transfer—the day the transfer was approved under division 3; or	8 9
(c)	for any other dealing—the day notice of the dealing was given to the chief executive under section 282.	10 11
‘282	Obtaining registration	12
‘(1)	Registration of a dealing, other than an assessable transfer, may be sought by giving the chief executive a notice of the dealing in the approved form.	13 14 15
‘(2)	However, a dealing prohibited under section 279 can not be registered and is of no effect.	16 17
‘(3)	The approved form must be accompanied by the fee prescribed under a regulation.	18 19
‘(4)	Registration of an assessable transfer must be carried out by the chief executive only after receiving notice under section 289 of the decision to approve the transfer.	20 21 22
‘284	Effect of approval and registration	23
	‘The registration of a dealing, or an approval of an assessable transfer under division 3, allows the dealing or transfer to have effect according to its terms but does not of itself give the dealing any more effect or validity than it would otherwise have.	24 25 26 27 28

‘Division 3	Approval of assessable transfers	1
‘286	Applying for approval	2
‘(1)	The holder of a geothermal tenure may apply for approval of an assessable transfer relating to the tenure.	3 4
‘(2)	However, an application can not be made under subsection (1) if the proposed transferee is not an eligible person.	5 6
‘(3)	The application must be made to the Minister, in the approved form, and be accompanied by each of the following—	7 8
(a)	the instrument for the transfer, signed by the parties to the transfer, and a copy of it certified to be a true copy of the original;	9 10 11
(b)	for a transfer of a share in a geothermal tenure, a written consent to the transfer by—	12 13
(i)	each person, other than the transferor, who holds a share of the geothermal tenure; and	14 15
(ii)	if the share is subject to a mortgage—the mortgagee;	16 17
(c)	the fee prescribed under a regulation.	18
‘287	Deciding application	19
‘(1)	The Minister must decide whether or not to give the approval.	20
‘(2)	In deciding whether or not to give the approval, the Minister must consider—	21 22
(a)	the transferor’s and transferee’s history of compliance with this Act; and	23 24
(b)	the application and any additional information accompanying the application; and	25 26
(c)	the criteria that apply under chapter 2 or 3 for obtaining the type of geothermal tenure the subject of the transfer; and	27 28 29

(d)	whether any geothermal royalty payable under this Act by the holder of the geothermal tenure remains unpaid; and	1 2 3
(e)	the public interest.	4
‘(3)	The approval may be given only if—	5
(a)	the proposed transferee is—	6
(i)	an eligible person; and	7
(ii)	a registered suitable operator under the Environmental Protection Act; and	8 9
(iii)	a holder of any relevant Water Act authorisation required for the purposes of the geothermal tenure; and	10 11 12
(b)	either—	13
(i)	any financial assurance required, under the Environmental Protection Act for the relevant environmental authority for the geothermal tenure the subject of the transfer, has been given; or	14 15 16 17
(ii)	the administering authority under that Act has given the Minister notice that it has not required financial assurance under that Act from the proposed transferee for the environmental authority.	18 19 20 21 22
‘288	Security may be required	23
‘(1)	The Minister may as a condition of deciding to give the approval require the proposed transferee to give, under section 204, security for the geothermal tenure the subject of the transfer as if the proposed transferee were an applicant for the geothermal tenure.	24 25 26 27 28
‘(2)	If the proposed transferee does not comply with the requirement, the application may be refused.	29 30

[s 66]

	‘(3) When the transfer of the geothermal tenure is complete, the section as mentioned in subsection (1) applies to the transferee of the geothermal tenure as holder.	1 2 3
‘289	Notice of decision	4
	‘(1) If the Minister decides to give the approval, the Minister must give the applicant and the chief executive notice of the decision.	5 6 7
	‘(2) If the Minister decides not to give the approval, the Minister must give the applicant an information notice for the decision.’.	8 9 10
Clause 66	Insertion of new ch 6, pts 11A and 11B	11
	Chapter 6, before part 12—	12
	<i>insert—</i>	13
‘Part 11A	Recording associated agreements	14 15
‘289A	Definition for pt 11A	16
	‘In this part—	17
	<i>associated agreement</i> , for a geothermal tenure, means an agreement relating to the geothermal tenure, other than the following—	18 19 20
	(a) a dealing with the geothermal tenure;	21
	(b) a dealing prohibited under section 279;	22
	(c) another agreement prescribed under a regulation as unsuitable to be recorded in the geothermal register.	23 24

‘289B Recording associated agreements	1
‘(1) An associated agreement for a geothermal tenure may be recorded in the geothermal register against the geothermal tenure.	2 3 4
‘(2) Registration of an associated agreement may be sought by giving the chief executive a notice of the agreement in the approved form.	5 6 7
‘(3) An approved form given to the chief executive under subsection (2) must be accompanied by the fee prescribed under a regulation.	8 9 10
 ‘289C Effect of recording associated agreements	 11
‘The recording of an associated agreement under this division does not of itself—	12 13
(a) give the agreement any more effect or validity than it would otherwise have; or	14 15
(b) create an interest in the geothermal tenure against which it is recorded.	16 17
 ‘Part 11B Caveats	 18
 ‘289D Requirements of caveats	 19
‘(1) A caveat must—	20
(a) be lodged in the approved form; and	21
(b) be signed by the caveator, the caveator’s solicitor or other person authorised in writing by the caveator; and	22 23
(c) state the name and address for service of 1 person upon whom any notice may be served in order to serve the caveator; and	24 25 26
(d) identify the geothermal tenure the subject of the caveat; and	27 28

[s 66]

- (e) state the nature of the right or interest claimed by the caveator; and 1
2
 - (f) state the period for which the caveat is to continue in force; and 3
4
 - (g) if a person consents to the lodging of the caveat, be endorsed with the person's consent; and 5
6
 - (h) be accompanied by the prescribed lodgement fee. 7
- ‘(2) A caveat that does not comply with subsection (1) is of no effect. 8
9

‘289E Lodging of caveat 10

- ‘A caveat may be lodged by any of the following— 11
- (a) a person claiming an interest in a geothermal tenure; 12
 - (b) the registered holder of a geothermal tenure; 13
 - (c) a person to whom an Australian court has ordered that an interest in a geothermal tenure be transferred; 14
15
 - (d) a person who has the benefit of a subsisting order of an Australian court restraining a registered holder of a geothermal tenure from dealing with the geothermal tenure. 16
17
18
19

‘289F Chief executive's functions upon receipt of caveat 20

- ‘(1) Upon receipt of a caveat complying with section 289D(1), the chief executive must— 21
22
- (a) notify each holder of the affected geothermal tenure; and 23
24
 - (b) notify all other persons who have an interest in the geothermal tenure as recorded in the geothermal register including any subsisting prior caveator; and 25
26
27
 - (c) record the existence of the caveat in the geothermal register. 28
29

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

‘289G Effect of lodging caveat

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

‘(4) Lodgement of a caveat does not create in the caveator an interest in the geothermal tenure affected by the caveat.	1 2
‘289H Lapsing, withdrawal or removal of a caveat	3
‘(1) An agreed caveat lapses at the expiration of the term stated in the caveat but, if no term is stated, the caveat continues until it is withdrawn or removed.	4 5 6
‘(2) A caveat that is not an agreed caveat lapses—	7
(a) if the Land Court ordered the caveat to be lodged—at the expiration of the order; or	8 9
(b) otherwise—at the expiration of 3 months after the date of lodgement of the caveat or a shorter term stated in the caveat.	10 11 12
‘(3) A caveator may withdraw the caveat by notifying the chief executive in writing.	13 14
‘(4) An affected person for a caveat may apply to the Land Court for an order that the caveat be removed.	15 16
‘(5) The Land Court may make the order whether or not the caveator has been served with the application, and may make the order on the terms it considers appropriate.	17 18 19
‘(6) If a caveat is withdrawn, lapses or is ordered to be removed, the chief executive must record the withdrawal, lapse or removal in the appropriate register.	20 21 22
‘(7) In this section—	23
<i>affected person</i> , for a caveat, means a person—	24
(a) who has a right or interest (present or prospective) in the geothermal tenure the subject of the caveat; or	25 26
(b) whose right (present or prospective) to deal with the geothermal tenure the subject of the caveat is affected by the caveat.	27 28 29

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

- ‘289I Further caveat not available to same person**
- ‘(1) This section applies if a caveat (the *original caveat*) is lodged
in relation to an interest.
- ‘(2) A further caveat with the same caveator can never be lodged
in relation to the interest on the same, or substantially the
same, grounds as the grounds stated in the original caveat
unless—
- (a) the consent of each holder of the geothermal tenure the
subject of the caveat has been lodged with the caveat; or
- (b) the leave of a court of competent jurisdiction to lodge
the further caveat has been granted.

- ‘289J Compensation for lodging caveat without reasonable
cause**
- ‘A person who lodges a caveat in relation to a geothermal
tenure without reasonable cause is liable to compensate
anyone else who suffers loss or damage because of the
caveat.’.

- Clause 67 Amendment of s 363 (Place for making applications,
lodging documents or making submissions)**
- (1) Section 363, heading, after ‘Place’—
insert—
‘or way’.
- (2) Section 363(2)—
omit, insert—
- ‘(2) The application, document or submission may be made or
given only—

[s 68]

- (a) at the following place— 1
 - (i) the office of the department provided for under the 2
relevant approved form for that purpose; 3
 - (ii) if the relevant approved form does not make 4
provision as mentioned in subparagraph (i) or if 5
there is no relevant approved form—the office of 6
the department notified on the department’s 7
website; or 8
- (b) in the way prescribed under a regulation. 9
- ‘(3) This section does not apply to the following— 10
 - (a) the making of an application to the Land Court; 11
 - (b) the giving of a royalty return under section 106 to the 12
chief executive; 13
 - (c) the giving of a document that, under this Act, must be 14
given in the required way for giving reports to the chief 15
executive.’. 16

Clause 68 Amendment of s 364 (Requirements for making an application) 17
18
Section 364(1), after ‘purported application’— 19
insert— 20
‘, other than to the Land Court,’. 21

Clause 69 Replacement of s 365 (Request to applicant about application) 22
23
Section 365— 24
omit, insert— 25
‘365 Request to applicant about application 26
‘(1) For an application under this Act, the chief executive may by 27
notice require the applicant to do all or any of the following 28
within a stated reasonable period— 29

-
- | | | |
|------|---|-------------------------|
| (a) | complete or correct the application if it appears to the chief executive to be incorrect, incomplete or defective; | 1
2 |
| (b) | give the chief executive or a stated officer of the department additional information about, or relevant to, the application; | 3
4
5 |
| | <i>Example—</i> | 6 |
| | The application is for a geothermal tenure. The chief executive may require a document, prepared by an appropriately qualified person, independently verifying geological or predictive migration data given in the proposed work program or development plan for the tenure. | 7
8
9
10
11 |
| (c) | give the chief executive or a stated officer of the department an independent report by an appropriately qualified person or a statutory declaration verifying all or any of the following— | 12
13
14
15 |
| | (i) any information included in the application; | 16 |
| | (ii) any additional information required under paragraph (b); | 17
18 |
| | (iii) if the application is for a geothermal tenure—that the applicant meets the capability criteria. | 19
20 |
| ‘(2) | For subsection (1)(b), if the application is for a geothermal tenure, a required document may include a survey or resurvey of the area of the proposed tenure carried out by a person who is a cadastral surveyor under the <i>Surveyors Act 2003</i> . | 21
22
23
24 |
| ‘(3) | For subsection (1)(c), the notice may require the statutory declaration— | 25
26 |
| | (a) to be made by an appropriately qualified independent person or by the applicant; and | 27
28 |
| | (b) if the applicant is a corporation—to be made for the applicant by an executive officer of the applicant. | 29
30 |
| ‘(4) | The applicant must bear any costs incurred in complying with the notice. | 31
32 |
| ‘(5) | The chief executive may extend the period for complying with the notice. | 33
34 |
-

- ‘(6) In this section— 1
application does not include an application to the Land Court. 2
information includes a document. 3

- ‘365A Notice to progress geothermal tenure or renewal 4
application 5**
‘The Minister may by notice require an applicant for, or to 6
renew, a geothermal tenure application to, within a stated 7
reasonable period, do any thing required of the applicant 8
under this Act or another Act to allow the application to be 9
decided or the tenure to be granted or renewed.’. 10

- Clause 70 Amendment of s 366 (Refusing application for failure to 11
comply with request) 12**
(1) Section 366(a), after ‘section 365’— 13
insert— 14
‘or 365A’. 15
(2) Section 366(c), ‘Minister’s’— 16
omit, insert— 17
‘chief executive’s’. 18

- Clause 71 Amendment of s 383 (Practice manual) 19**
Section 383(4)— 20
omit, insert— 21
‘(4) The information must be given at the place or in the way that 22
the information would be required to be given under section 23
363 if the information were a document.’. 24

- Clause 72 Amendment of s 385 (Regulation-making power) 25**
Section 385(2)— 26

-
- 1
- insert—*
- 2
- ‘(e) the way an application, document or submission must be
- 3
- made or given for section 363(2)(b), or the way a report
- 4
- must be given for section 190(3)(b), including, for
- 5
- example—
- 6
- (i) practices and procedures for lodgement of
- 7
- applications and other documents; and
- 8
- (ii) methods for acknowledging receipt of documents;
- 9
- and
- 10
- (iii) methods for acceptance of the lodgement of
- 11
- documents.’.

Clause 73 Replacement of ch 9, pt 2, hdg (Transitional provisions) 12

Chapter 9, part 2, heading— 13

omit, insert— 14

‘Part 2 Transitional provisions for Act 15

No. 31 of 2010’. 16

Clause 74 Insertion of new ch 9, pt 3 17

Chapter 9— 18

insert— 19

‘Part 3 Transitional provisions for 20

Resources Legislation 21

(Balance, Certainty and 22

Efficiency) Amendment Act 23

2011 24

‘404 Definitions for pt 3 25

‘In this part— 26

[s 74]

	<i>Amending Act</i> means the <i>Resources Legislation (Balance, Certainty and Efficiency) Amendment Act 2011</i> .	1 2
	<i>commencement</i> means the commencement of the section in which the term is used.	3 4
	<i>former</i> , in relation to a provision, means the provision as in force before the commencement.	5 6
‘405	Undecided applications for approval of particular dealing	7 8
	‘(1) This section applies to an application for approval of a third party transfer or sublease—	9 10
	(a) made, before the commencement, under former chapter 6, part 11, division 3; and	11 12
	(b) not decided before the commencement.	13
	‘(2) The Minister may continue to deal with the application under former chapter 6, part 11, division 3 as if the division had not been repealed under the Amending Act.	14 15 16
	‘(3) In this section—	17
	<i>third party transfer</i> has the meaning given by former section 280.	18 19
‘406	Uncommenced appeals about refusal to approve particular dealing	20 21
	‘(1) This section applies to a person if—	22
	(a) before the commencement, the person could appeal to the Land Court under section 335 in relation to a refusal to approve and register a third party transfer or sublease under former section 287; but	23 24 25 26
	(b) the person had not started the appeal before the commencement.	27 28

-
- ‘(2) Despite the amendment of schedule 1 under the Amending Act, the person continues to be a person who may start an appeal under section 335, subject to sections 336 and 337. 1
2
3
- ‘407 Unfinished appeals about refusal to approve particular dealing 4
5**
- ‘(1) This section applies if, before the commencement— 6
- (a) a person started an appeal under section 337 in relation 7
to a refusal to approve and register a third party transfer 8
or sublease under former section 287; and 9
- (b) the Land Court had not yet decided the appeal. 10
- ‘(2) The Land Court may continue, under chapter 7, part 4, to 11
grant a stay of the decision being appealed, and hear and 12
decide the appeal.’. 13

Clause 75 Amendment of sch 1 (Decisions subject to appeal) 14

Schedule 1, entry for section 287— 15

omit, insert— 16

‘287 refusal to approve an assessable transfer’. 17

Clause 76 Amendment of sch 3 (Dictionary) 18

(1) Schedule 3, definition *third party transfer*— 19

omit. 20

(2) Schedule 3— 21

insert— 22

‘*apply*, in relation to making an application, has the meaning 23
affected by section 363. 24

assessable transfer see section 280(2). 25

associated agreement, for chapter 6, part 11A, see section 26
289A, 27

[s 77]

<i>give</i> , a document to the Minister or the chief executive, has the meaning affected by section 363.	1
	2
<i>make submissions</i> has the meaning affected by section 363.	3
<i>non-assessable transfer</i> , for chapter 6, part 11, see section 280(1).’.	4
	5
(3) Schedule 3, definition <i>made</i> , after ‘place’—	6
<i>insert</i> —	7
‘or in the way’.	8

Part 3	Amendment of Greenhouse Gas Storage Act 2009	9
		10

Clause 77	Act amended	11
	This part amends the <i>Greenhouse Gas Storage Act 2009</i> .	12
	<i>Note</i> —	13
	See also the amendments in—	14
	(a) chapter 2, part 2; and	15
	(b) schedules 1, 2 and 3.	16
Clause 78	Amendment of s 255 (Relinquishment report by GHG permit holder)	17
	Section 255(2)—	18
	<i>omit, insert</i> —	19
	‘(2) The report must—	20
	(a) be—	21
	(i) given electronically using the system for submission of reports made or approved by the chief executive; and	22
		23
		24
		25

	(ii) in the digital format made or approved by the chief executive; or	1 2
	(b) if a way of giving the report is prescribed under a regulation—be given in that way.’.	3 4
Clause 79	Amendment of s 341 (Access to register)	5
	(1) Section 341(1)(b), after ‘person’—	6
	<i>insert—</i>	7
	‘, other than a person accessing the register on the department’s website.’.	8 9
	(2) Section 341(1)—	10
	<i>insert—</i>	11
	‘(d) make the register available, free of charge, on the department’s website.’.	12 13
Clause 80	Replacement of ch 5, pt 14 (Dealings)	14
	Chapter 5, part 14—	15
	<i>omit, insert—</i>	16
‘Part 14	Dealings	17
‘Division 1	Preliminary	18
‘345AA Definitions for pt 14		19
	‘In this part—	20
	<i>assessable transfer</i> see section 347(2).	21
	<i>non-assessable transfer</i> see section 347(1).	22

‘345	What is a <i>dealing</i> with a GHG authority	1
	‘Each of the following is a <i>dealing</i> with a GHG authority—	2
(a)	a transfer of the GHG authority or of a share in the GHG authority;	3 4
(b)	a mortgage over the GHG authority or over a share in the GHG authority;	5 6
(c)	a release, transfer or surrender of a mortgage mentioned in paragraph (b);	7 8
(d)	a change to the GHG authority holder’s name even if the holder continues to be the same person after the change;	9 10
(e)	if the GHG authority is a GHG lease—	11
(i)	a sublease of the GHG lease; or	12
(ii)	a transfer of a sublease of a GHG lease or of a share in a sublease of a GHG lease.	13 14
‘346	Prohibited dealings	15
	‘The following dealings are prohibited—	16
(a)	a transfer of a pipeline constructed or operated under section 31 or 111;	17 18
(b)	a dealing that has the effect of transferring a divided part of the area of a GHG authority;	19 20
	<i>Examples of a divided part of the area of a GHG authority—</i>	21
	• a particular part of the surface of the area	22
	• a particular strata beneath the surface of the area	23
(c)	a transfer of a GHG data acquisition authority or of a share in a data acquisition authority other than a transfer by operation of law under section 240.	24 25 26

‘347	Types of transfers	1
‘(1)	The following transfers (each a <i>non-assessable transfer</i>) do not require assessment before being registered—	2 3
(a)	a transfer of a GHG authority or of a share in a GHG authority under which—	4 5
(i)	the transferee is an entity having the same Australian Business Number as the entity comprising all or part of the transferor; or	6 7 8
(ii)	part of one holder’s share in the GHG authority will be transferred to another holder of the GHG authority;	9 10 11
(b)	a transmission by death of a GHG authority or of a share in a GHG authority;	12 13
(c)	a transfer of a GHG authority or of a share in a GHG authority by operation of law;	14 15
(d)	a transfer of a mortgage over a GHG authority or over a share in a GHG authority;	16 17
(e)	a transfer of a sublease of a GHG lease or of a share in a sublease of a GHG lease.	18 19
‘(2)	A transfer of a GHG authority or of a share in a GHG authority not mentioned in subsection (1) is an <i>assessable transfer</i> and must be approved by the Minister under division 3 before it can be registered.	20 21 22 23
‘Division 2	Registration of dealings generally	24
‘348	Registration required for all dealings	25
‘(1)	A dealing with a GHG authority has no effect until it is registered.	26 27
‘(2)	A registered dealing takes effect on—	28
(a)	for a dealing that is a non-assessable transfer—the day the transfer is registered; or	29 30

(b)	for a dealing that is an assessable transfer—the day the transfer was approved under division 3; or	1 2
(c)	for any other dealing—the day notice of the dealing was given to the chief executive under section 350.	3 4
‘350	Obtaining registration	5
‘(1)	Registration of a dealing, other than an assessable transfer, may be sought by giving the chief executive a notice of the dealing in the approved form.	6 7 8
‘(2)	However, a dealing prohibited under section 346 can not be registered and is of no effect.	9 10
‘(3)	The approved form must be accompanied by the fee prescribed under a regulation.	11 12
‘(4)	Registration of an assessable transfer must be carried out by the chief executive only after receiving notice under section 355 of the decision to approve the transfer.	13 14 15
‘351	Effect of approval and registration	16
	‘The registration of a dealing, or an approval of an assessable transfer under division 3, allows the dealing or transfer to have effect according to its terms but does not of itself give the dealing any more effect or validity than it would otherwise have.	17 18 19 20 21
‘Division 3	Approval of assessable transfers	22
‘352	Applying for approval	23
‘(1)	The holder of a GHG authority may apply for approval of an assessable transfer relating to the authority.	24 25
‘(2)	However, an application can not be made under subsection (1) if the proposed transferee is not an eligible person.	26 27

-
- ‘(3) The application must be made to the Minister, in the approved form, and accompanied by each of the following—
1
2
 - (a) the instrument for the transfer, signed by the parties to the transfer, and a copy of it certified to be a true copy of the original;
3
4
5
 - (b) for a transfer of a share in a GHG authority, a written consent to the transfer by—
6
7
 - (i) each person, other than the transferor, who holds a share of the GHG authority; and
8
9
 - (ii) if the share is subject to a mortgage—the mortgagee;
10
11
 - (c) the fee prescribed under a regulation.
12

‘353 Deciding application 13

- ‘(1) The Minister must decide whether or not to give the approval.
14
- ‘(2) In deciding whether or not to give the approval, the Minister must consider—
15
16
- (a) the transferor’s and transferee’s history of compliance with this Act; and
17
18
- (b) the application and any additional information accompanying the application; and
19
20
- (c) if the approval relates to a transfer of a GHG tenure—the relevant criteria that apply under chapter 2 or 3 for obtaining the type of GHG tenure the subject of the transfer.
21
22
23
24
- ‘(3) The approval may be given only if—
25
- (a) the proposed transferee is a registered suitable operator under the Environmental Protection Act; and
26
27
- (b) either—
28
- (i) any financial assurance required, under the Environmental Protection Act for the relevant
29
30

[s 81]

	environmental authority for the GHG tenure the subject of the transfer, has been given; or	1 2
	(ii) the administering authority under that Act has given the Minister notice that it has not required financial assurance under that Act from the proposed transferee for the environmental authority.	3 4 5 6 7
‘354	Security may be required	8
	‘(1) The Minister may as a condition of deciding to give the approval require the proposed transferee to give, under section 271, security for the GHG authority the subject of the transfer as if the proposed transferee were an applicant for the GHG authority.	9 10 11 12 13
	‘(2) If the proposed transferee does not comply with the requirement, the application may be refused.	14 15
	‘(3) When the transfer of the GHG authority is complete, the section, as mentioned in subsection (1), applies to the transferee of the GHG authority as holder.	16 17 18
‘355	Notice of decision	19
	‘(1) If the Minister decides to give the approval, the Minister must give the applicant and the chief executive notice of the decision.	20 21 22
	‘(2) If the Minister decides not to give the approval, the Minister must give the applicant an information notice of the decision.’.	23 24
Clause 81	Insertion of new ch 5, pts 14A and 14B	25
	Chapter 5, before part 15—	26
	<i>insert—</i>	27

‘Part 14A	Recording associated agreements	1
		2
‘355A Definition for pt 14A		3
‘In this part—		4
<i>associated agreement</i> , for a GHG authority, means an		5
agreement relating to the GHG authority, other than the		6
following—		7
(a) a dealing with the GHG authority;		8
(b) a dealing prohibited under section 346;		9
(c) another agreement prescribed under a regulation as		10
unsuitable to be recorded in the GHG register.		11
‘355B Recording associated agreements		12
‘(1) An associated agreement for a GHG authority may be		13
recorded in the GHG register against the GHG authority.		14
‘(2) Registration of an associated agreement may be sought by		15
giving the chief executive a notice of the agreement in the		16
approved form.		17
‘(3) An approved form given to the chief executive under this		18
section must be accompanied by the fee prescribed under a		19
regulation.		20
‘355C Effect of recording associated agreements		21
‘The recording of an associated agreement under this division		22
does not of itself—		23
(a) give the agreement any more effect or validity than it		24
would otherwise have; or		25
(b) create an interest in the GHG authority against which it		26
is recorded.		27

‘Part 14B	Caveats	1
‘355D	Requirements of caveats	2
‘(1)	A caveat must—	3
(a)	be lodged in the approved form; and	4
(b)	be signed by the caveator, the caveator’s solicitor or other person authorised in writing by the caveator; and	5 6
(c)	state the name and address for service of 1 person upon whom any notice may be served in order to serve the caveator; and	7 8 9
(d)	identify the GHG authority the subject of the caveat; and	10
(e)	state the nature of the right or interest claimed by the caveator; and	11 12
(f)	state the period for which the caveat is to continue in force; and	13 14
(g)	if a person consents to the lodging of the caveat, be endorsed with the person’s consent; and	15 16
(h)	be accompanied by the prescribed lodgement fee.	17
‘(2)	A caveat that does not comply with subsection (1) is of no effect.	18 19
‘355E	Lodging of caveat	20
‘A caveat may be lodged by any of the following—		21
(a)	a person claiming an interest in a GHG authority;	22
(b)	the registered holder of a GHG authority;	23
(c)	a person to whom an Australian court has ordered that an interest in a GHG authority be transferred;	24 25
(d)	a person who has the benefit of a subsisting order of an Australian court restraining a registered holder of a GHG authority from dealing with the GHG authority.	26 27 28

‘355F Chief executive’s functions upon receipt of caveat	1
‘(1) Upon receipt of a caveat complying with section 355D(1), the chief executive must—	2 3
(a) notify each holder of the affected GHG authority; and	4
(b) notify all other persons who have an interest in the GHG authority as recorded in the GHG register, including any subsisting prior caveator; and	5 6 7
(c) record the existence of the caveat in the GHG register.	8
‘(2) For subsection (1)(b), a person does not have an interest in the GHG authority only because the person is a party to an associated agreement recorded in the GHG register against the GHG authority.	9 10 11 12
 ‘355G Effect of lodging caveat	 13
‘(1) Until a caveat lapses, or is removed or withdrawn, the caveat prevents registration of an instrument affecting the GHG authority over which the caveat is lodged from the date and time endorsed by the chief executive on the caveat as the caveat’s date and time of lodgement.	14 15 16 17 18
‘(2) However, lodgement of a caveat does not prevent registration of the following—	19 20
(a) an instrument stated in the caveat as an instrument to which the caveat does not apply;	21 22
(b) an instrument if the caveator consents, in the approved form, to its registration and the consent is lodged with the chief executive;	23 24 25
(c) an instrument executed by a mortgagee whose interest was registered before lodgement of the caveat if—	26 27
(i) the mortgagee has power under the mortgage to execute the instrument; and	28 29
(ii) the caveator claims an interest in the GHG authority as security for the payment of money or the money’s worth;	30 31 32

[s 81]

(d)	an instrument of transfer of mortgage executed by a mortgagee whose interest was registered before lodgement of the caveat;	1 2 3
(e)	another interest that, if registered, will not affect the interest claimed by the caveator.	4 5
‘(3)	The exception in subsection (2)(d) does not apply to a caveat lodged by the GHG authority holder.	6 7
‘(4)	Lodgement of a caveat does not create in the caveator an interest in the GHG authority affected by the caveat.	8 9
‘355H	Lapsing, withdrawal or removal of a caveat	10
‘(1)	An agreed caveat lapses at the expiration of the term stated in the caveat but, if no term is stated, the caveat continues until it is withdrawn or removed.	11 12 13
‘(2)	A caveat that is not an agreed caveat lapses—	14
(a)	if the Land Court ordered the caveat to be lodged—at the expiration of the order; or	15 16
(b)	otherwise—at the expiration of 3 months after the date of lodgement of the caveat or a shorter term stated in the caveat.	17 18 19
‘(3)	A caveator may withdraw the caveat by notifying the chief executive in writing.	20 21
‘(4)	An affected person for a caveat may apply to the Land Court for an order that the caveat be removed.	22 23
‘(5)	The Land Court may make the order whether or not the caveator has been served with the application, and may make the order on the terms it considers appropriate.	24 25 26
‘(6)	If a caveat is withdrawn, lapses or is ordered to be removed, the chief executive must record the withdrawal, lapse or removal in the appropriate register.	27 28 29
‘(7)	In this section—	30
	<i>affected person</i> , for a caveat, means a person—	31

- | | |
|--|-------------|
| (a) who has a right or interest (present or prospective) in the GHG authority the subject of the caveat; or | 1
2 |
| (b) whose right (present or prospective) to deal with the GHG authority the subject of the caveat is affected by the caveat. | 3
4
5 |
| <i>agreed caveat</i> means a caveat consented to by each holder of the GHG authority the subject of the caveat if the consent has been lodged with the caveat. | 6
7
8 |

‘355I Further caveat not available to same person 9

- | | |
|---|----------------------|
| ‘(1) This section applies if a caveat (the <i>original caveat</i>) is lodged in relation to an interest. | 10
11 |
| ‘(2) A further caveat with the same caveator can never be lodged in relation to the interest on the same, or substantially the same, grounds as the grounds stated in the original caveat unless— | 12
13
14
15 |
| (a) the consent of each holder of the GHG authority the subject of the caveat has been lodged with the caveat; or | 16
17 |
| (b) the leave of a court of competent jurisdiction to lodge the further caveat has been granted. | 18
19 |

‘355J Compensation for lodging caveat without reasonable cause 20
21

‘A person who lodges a caveat in relation to a GHG authority without reasonable cause is liable to compensate anyone else who suffers loss or damage because of the caveat.’.	22 23 24
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Clause 82 Amendment of s 370 (Joint holders of a GHG authority) 25

Section 370(2)(a), ‘to transfer’—	26
<i>omit, insert—</i>	27
‘of an assessable transfer’.	28

Clause 83	Amendment of s 411 (Place for making applications, lodging documents or making submissions)	1 2
	(1) Section 411, heading, after ‘Place’—	3
	<i>insert—</i>	4
	‘or way’.	5
	(2) Section 411(2)—	6
	<i>omit, insert—</i>	7
	‘(2) The application, document or submission may be made or given only—	8 9
	(a) at the following place—	10
	(i) the office of the department provided for under the relevant approved form for that purpose;	11 12
	(ii) if the relevant approved form does not make provision as mentioned in subparagraph (i) or if there is no relevant approved form—the office of the department notified on the department’s website; or	13 14 15 16 17
	(b) in the way prescribed under a regulation.	18
	‘(3) This section does not apply to the following—	19
	(a) the making of an application to the Land Court;	20
	(b) the giving of a document that, under this Act, must be given in the required way for giving reports to the chief executive.’.	21 22 23
Clause 84	Replacement of s 412 (Substantial compliance with application requirements may be accepted)	24 25
	Section 412—	26
	<i>omit, insert—</i>	27

‘412	Requirements for making an application	1
‘(1)	The Minister must refuse to receive or process a purported application, other than to the Land court, not made under the requirements under this Act for making the application.	2 3 4
‘(2)	However, the Minister may decide to allow the application to proceed and be decided as if it did comply with the requirements if the Minister is satisfied the application substantially complies with the requirements.’.	5 6 7 8
Clause 85	Replacement of s 413 (Additional information may be required about application)	9 10
	Section 413—	11
	<i>omit, insert—</i>	12
‘413	Request to applicant about application	13
‘(1)	For an application under this Act, the chief executive may by notice require the applicant to do all or any of the following within a stated reasonable period—	14 15 16
(a)	complete or correct the application if it appears to the chief executive to be incorrect, incomplete or defective;	17 18
(b)	give the chief executive or a stated officer of the department additional information about, or relevant to, the application;	19 20 21
	<i>Example—</i>	22
	The application is for a GHG tenure. The chief executive may require a document, prepared by an appropriately qualified person, independently verifying geological or predictive migration data given in the proposed work program or development plan for the GHG tenure.	23 24 25 26 27
(c)	give the chief executive or a stated officer of the department an independent report by an appropriately qualified person or a statutory declaration verifying all or any of the following—	28 29 30 31
(i)	any information included in the application;	32

-
- (ii) any additional information required under paragraph (b);
 - (iii) if the application is for a GHG tenure—that the applicant meets the relevant capability criteria under chapter 2 or 3.
 - ‘(2) For subsection (1)(b), if the application is for a GHG authority, a required document may include a survey or resurvey of the area of the proposed authority carried out by a person who is a cadastral surveyor under the *Surveyors Act 2003*.
 - ‘(3) For subsection (1)(c), the notice may require the statutory declaration—
 - (a) to be made by an appropriately qualified independent person or by the applicant; and
 - (b) if the applicant is a corporation—to be made for the applicant by an executive officer of the applicant.
 - ‘(4) The applicant must bear any costs incurred in complying with the notice.
 - ‘(5) The chief executive may extend the period for complying with the notice.
 - ‘(6) In this section—
 - application* does not include an application to the Land Court.
 - information* includes a document.
- ‘413A Refusing application for failure to comply with request**
- ‘The Minister may refuse an application if—
- (a) a notice under section 413 has been given for the application; and
 - (b) the period stated in the notice for complying with it has ended; and
 - (c) the request has not been complied with to the chief executive’s satisfaction.

‘413B Notice to progress GHG authority or renewal applications	1 2
‘(1) The Minister may by notice require an applicant for, or to renew, a GHG authority to, within a stated reasonable period, do any thing required of the applicant under this Act or another Act to allow the application to be decided or the authority to be granted or renewed.	3 4 5 6 7
‘(2) The Minister may refuse the application if the applicant does not comply with the requirement.’.	8 9
 Clause 86 Amendment of s 427 (Practice manual)	 10
Section 427(4)—	11
<i>omit, insert—</i>	12
‘(4) The information must be given at the place or in the way that the information would be required to be given under section 411 if the information were a document.’.	13 14 15
 Clause 87 Amendment of s 429 (Regulation-making power)	 16
Section 429(2)—	17
<i>insert—</i>	18
‘(c) be made about the way an application, document or submission must be made or given for section 411(2)(b), or the way a report must be given for section 255(2)(b), including, for example—	19 20 21 22
(i) practices and procedures for lodgement of applications and other documents; and	23 24
(ii) methods for acknowledging receipt of documents;	25
(iii) methods for acceptance of the lodgement of documents.’.	26 27

Clause 88	Insertion of new ch 8, pt 3	1
	Chapter 8—	2
	<i>insert—</i>	3
‘Part 3	Transitional provisions for	4
	Resources Legislation	5
	(Balance, Certainty and	6
	Efficiency) Amendment Act	7
	2011	8
‘441	Definitions for pt 3	9
	‘In this part—	10
	<i>commencement</i> means the commencement of the section in	11
	which the term is used.	12
	<i>former</i> , in relation to a provision, means the provision as in	13
	force before the commencement.	14
	<i>Amending Act</i> means the <i>Resources Legislation (Balance,</i>	15
	<i>Certainty and Efficiency) Amendment Act 2011.</i>	16
‘442	Undecided applications for approval of particular dealing	17
	‘(1) This section applies to an application for approval of a third	18
	party transfer—	19
	(a) made, before the commencement, under former chapter	20
	5, part 14, division 3; and	21
	(b) not decided before the commencement.	22
	‘(2) The Minister may continue to deal with the application under	23
	former chapter 5, part 14, division 3 as if the division had not	24
	been repealed under the Amending Act.	25
	‘(3) In this section—	26
	<i>third party transfer</i> has the meaning given by former section	27
	347.	28

‘443	Uncommenced appeals about refusal to approve particular dealing	1
		2
‘(1)	This section applies to a person if—	3
(a)	before the commencement, the person could appeal to the Land Court under section 395 in relation to a refusal to approve a third party transfer under former section 353; but	4
		5
		6
		7
(b)	the person had not started the appeal before the commencement.	8
		9
‘(2)	Despite the amendment of schedule 1 under the Amending Act, the person continues to be a person who may start an appeal under section 395, subject to sections 396 and 397.	10
		11
		12
‘444	Unfinished appeals about refusal to approve particular dealing	13
		14
‘(1)	This section applies if, before the commencement—	15
(a)	a person started an appeal under section 397 in relation to a refusal to approve an assessable transfer under former section 353; and	16
		17
		18
(b)	the Land Court had not yet decided the appeal.	19
‘(2)	The Land Court may continue, under chapter 6, part 3, to grant a stay of the decision being appealed, and hear and decide the appeal.’.	20
		21
		22
Clause 89	Amendment of sch 1 (Decisions subject to appeal)	23
	Schedule 1, entry for section 353—	24
	<i>omit, insert—</i>	25
	‘353 refusal to approve an assessable transfer’.	26
Clause 90	Amendment of sch 2 (Dictionary)	27
	(1) Schedule 2, definition <i>third party transfer</i> —	28

[s 91]

<i>omit.</i>	1
(2) Schedule 2—	2
<i>insert—</i>	3
‘ <i>apply</i> , in relation to making an application, has the meaning affected by section 411.	4 5
<i>assessable transfer</i> see section 347(2).	6
<i>associated agreement</i> see section 355A.	7
<i>give</i> , a document to the Minister or the chief executive, has the meaning affected by section 411.	8 9
<i>make submissions</i> has the meaning affected by section 411.	10
<i>non-assessable transfer</i> , for part 14, see section 347(1).’.	11

Part 4	Amendment of Mineral Resources Act 1989	12 13
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Clause 91	Act amended	14
(1)	This part amends the <i>Mineral Resources Act 1989</i> .	15
(2)	If schedule 2 amends a provision renumbered in this part, the renumbering in this part takes effect immediately after the amendment of the provision in schedule 2.	16 17 18
	<i>Note—</i>	19
	See also the amendments in—	20
	(a) chapter 2, part 3; and	21
	(b) chapter 4, part 1; and	22
	(c) schedules 2 and 3.	23

Clause 92	Insertion of new s 6D	24
	After section 6C—	25

insert—

‘6D Types of authority under Act

‘The types of authority under this Act are—

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

**Clause 93 Amendment of s 10A (Extension of certain entitlements
to registered native title bodies corporate and registered
native title claimants)**

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

omit, insert—

‘sections 34, 125, 231(6) and 317’.

- (2) Section 10A(4)—

renumber as section 10A(5).

- (3) Section 10A—

insert—

- ‘(4) To the extent that section 318AAY(1) applies for a transfer of
a mining claim, mineral development licence or mining claim,
a reference to the applicant is taken to include a reference to
any registered native title body corporate or registered native
title claimant under the Commonwealth Native Title Act in
relation to any of the land.’.

**Clause 94 Replacement of s 63 (Priority of applications for grant of
mining claims)**

Section 63—

omit, insert—

‘63 Priority of mining claim applications

- ‘(1) Applications made under this Act for the grant of mining claims for the same land must be considered and decided according to the day on which they are lodged.
- ‘(2) If the applications were lodged on the same day, they take the priority the mining registrar decides, after considering the relative merits of each application.’.

Clause 95 Insertion of new ss 71A–71B

After section 71—

insert—

‘71A Objection may be withdrawn

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

‘71B Effect of withdrawal of objection

- ‘(1) This section applies if—
- (a) an application for a mining claim is referred to the Land Court under section 72; and
- (b) before the Land Court gives an instruction or recommendation for the application under section 78, all objections to the application are withdrawn.

- | | | |
|--|---|---|
| | ‘(2) The referral and any Land Court hearing are of no further effect. | 1 |
| | | 2 |
| | ‘(3) However, the applicant may, within 15 business days after receiving the last notice of withdrawal under section 71A(1), apply to the Land Court for costs against any objector to the application.’. | 3 |
| | | 4 |
| | | 5 |
| | | 6 |

- | | | |
|------------------|---|----|
| Clause 96 | Amendment of s 72 (Referral to Land Court of application and objections) | 7 |
| | | 8 |
| | Section 72(5) and (6)— | 9 |
| | <i>omit, insert—</i> | 10 |
| | ‘(5) In this section— | 11 |
| | <i>properly made objection</i> means an objection— | 12 |
| | (a) lodged under section 71; and | 13 |
| | (b) for which section 71(4) has been complied with; and | 14 |
| | (c) that has not been withdrawn.’. | 15 |

- | | | |
|------------------|--|----|
| Clause 97 | Amendment of s 78 (Land Court’s determination on hearing) | 16 |
| | | 17 |
| | Section 78(5), from ‘The Land Court’ to ‘may award’— | 18 |
| | <i>omit, insert—</i> | 19 |
| | ‘Subject to section 71B(3), the Land Court may, on the application of an applicant for a mining claim, award’. | 20 |
| | | 21 |

- | | | |
|------------------|---|----|
| Clause 98 | Amendment of s 91 (Initial term of mining claim) | 22 |
| | (1) Section 91(2)— | 23 |
| | <i>renumber</i> as section 91(4). | 24 |
| | (2) Section 91(1)— | 25 |
| | <i>omit, insert—</i> | 26 |

[s 99]

- ‘(1) The initial term of a mining claim is the period not greater than 5 years approved by the mining registrar, unless the claim is sooner terminated. 1
2
3
- ‘(2) Despite subsection (1), the term of the mining claim must not be for a period longer than the period for which compensation has been agreed or determined under section 85 or 86. 4
5
6
- ‘(3) The initial term of a mining claim commences on the first day of the month that next follows the day the mining claim is granted.’. 7
8
9

Clause 99 Amendment of s 93 (Renewal of mining claim) 10

- (1) Section 93(4) to (8)— 11
renumber as section 93(7) to (11). 12
- (2) Section 93(3)— 13
omit, insert— 14
- ‘(3) Subsection (4) applies for an application for renewal of a mining claim if— 15
16
 - (a) if the application relates to a mining claim subject to a condition that the holder is not entitled to have the mining claim renewed— 17
18
19
 - (i) the mining registrar is satisfied the mining claim should be renewed; and 20
21
 - (ii) if the condition was imposed by the Governor in Council—the Governor in Council consents to the renewal; and 22
23
24
 - (iii) if the condition was imposed by the Land Court—the Land Court consents to the renewal; and 25
26
27
 - (b) the mining registrar is satisfied— 28
 - (i) the holder has complied with the conditions of the mining claim; and 29
30

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

- Clause 100 Amendment of s 93D (Renewal of claim must be in name of last recorded assignee)**
- (1) Section 93D, ‘assignee’—
omit, insert—
‘transferee’.
 - (2) Section 93D(1), ‘an assignment of a mining claim is approved and recorded under section 96(5)’—
omit, insert—

[s 101]

‘a transfer of a mining claim is registered under section 318AAT’. 1
2

- (3) Section 93D(2), ‘assignment approved and recorded’— 3
omit, insert— 4
‘transfer registered’. 5

Clause 101 Omission of ss 96–102 6
Sections 96 to 102— 7
omit. 8

Clause 102 Amendment of s 105 (Mining other minerals) 9
(1) Section 105(4) and (5)— 10
renumber as section 105(5) and (6). 11
(2) Section 105(3)— 12
omit, insert— 13
‘(3) The application and any other application for the grant of a 14
mining lease for the same minerals must be considered and 15
decided according to the day on which they are lodged. 16
‘(4) If the applications were lodged on the same day, they take the 17
priority the mining registrar decides, after considering the 18
relative merits of each application.’. 19

Clause 103 Amendment of s 129 (Entitlements under exploration permit) 20
21
(1) Section 129(1)(a), ‘exploration;’— 22
omit, insert— 23
‘exploration; and’. 24
(2) Section 129(1)(b)— 25
omit, insert— 26

- ‘(b) the holder of the permit may, subject to compliance with this Act, have considered for grant, in priority to all other persons, an application for the grant of a mineral development licence or mining lease for all or part of the area of the permit; and
- (c) the holder of the permit may enter the area of the permit for the following purposes—
- (i) doing all acts necessary to comply with this Act for an application mentioned in paragraph (b);
- Example for paragraph (c)(i)—*
- The holder of the permit wishes to apply for the grant of a mining lease for the area of the permit. The holder may enter the area to mark out the boundary of the area under section 240.
- (ii) doing all acts necessary to comply with the Environmental Protection Act for an EIS or an application for an environmental authority under that Act, if the EIS or application relates to an application mentioned in paragraph (b).
- Example for paragraph (c)(ii)—*
- The holder of the permit wishes to apply for the grant of a mining lease for the area of the permit. The holder also wishes to apply for an environmental authority for a mining activity that relates to the mining lease under the Environmental Protection Act. The holder may enter the area to carry out an environmental assessment for the environmental authority application under the Environmental Protection Act, section 125(1)(l).’

Clause 104	Replacement of s 131 (Restriction on grant of exploration permits over same sub-block)	29
		30
	Section 131—	31
	<i>omit, insert—</i>	32

‘131 Who may apply

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

an exploration permit the person had surrendered to be 1
granted a further exploration permit for the sub-block.’. 2

Clause 105 Omission of s 133A (Minister may request information) 3

Section 133A— 4

omit. 5

**Clause 106 Omission of s 135 (No application for exploration permit 6
within 2 months of land ceasing to be subject to 7
exploration permit) 8**

Section 135— 9

omit. 10

**Clause 107 Amendment of s 139 (Periodic reduction in land covered 11
by exploration permit) 12**

(1) Section 139(1), from ‘reduced—’— 13

omit, insert— 14

‘reduced— 15

(a) by 50% by the end of the first 3 years after the permit is 16
granted; and 17

(b) by a further 50% by the end of each subsequent 3-year 18
period.’. 19

(2) Section 139(1A)— 20

omit. 21

Clause 108 Insertion of new s 146A 22

After section 146— 23

insert— 24

‘146A Continuation of permit while relevant application being dealt with	1 2
‘(1) This section applies to an exploration permit if the holder of the permit makes a relevant application and—	3 4
(a) the relevant application has not been abandoned, rejected or granted before the permit’s expiry day ends; and	5 6 7
(b) after the expiry day, the holder—	8
(i) continues to pay rental on the permit and other amounts required to be paid under this Act; and	9 10
(ii) otherwise complies with this Act and the permit conditions.	11 12
‘(2) If the relevant application is a properly made application, the permit continues in force subject to the rights, entitlements and obligations in effect immediately before the end of the expiry day until the earliest of the following happens—	13 14 15 16
(a) the start of the term of the mining tenement for which the relevant application is made;	17 18
(b) the relevant application is abandoned;	19
(c) the relevant application is rejected.	20
‘(3) In this section—	21
<i>properly made application</i> , for a relevant application, means—	22 23
(a) for an application for a mineral development licence—an application that complies with all of section 183(1); or	24 25 26
(b) for an application for a mining lease—an application that complies with all of section 245(1).	27 28
<i>relevant application</i> means an application for—	29
(a) a mineral development licence; or	30
(b) a mining lease.’	31

Clause 109	Omission of s 147AA (Minister may request information)	1
	Section 147AA—	2
	<i>omit.</i>	3
Clause 110	Amendment of s 147A (Decision on application)	4
	(1) Section 147A(1)—	5
	<i>insert—</i>	6
	‘(e) unless the Minister considers there are special circumstances, the renewal will not result in the cumulative term for the permit being more than 15 years.’.	7 8 9 10
	(2) Section 147A—	11
	<i>insert—</i>	12
	‘(6) In this section—	13
	<i>cumulative term</i> , for an exploration permit, means the total of—	14 15
	(a) the initial term of the exploration permit; and	16
	(b) each term for which the exploration permit has been renewed.’.	17 18
Clause 111	Amendment of s 147C (Continuation of permit while application being dealt with)	19 20
	(1) Section 147C, heading, after ‘while’—	21
	<i>insert—</i>	22
	‘renewal’.	23
	(2) Section 147C(3)(b), from ‘information’ to ‘section 147AA(2)’—	24 25
	<i>omit, insert—</i>	26
	‘action that must be taken under section 386K(1)’.	27

[s 112]

- | | |
|--|---|
| (3) Section 147C(4), definition <i>outstanding request application</i> , | 1 |
| paragraph (b)(i), (ii) and (iii)— | 2 |
| <i>omit, insert—</i> | 3 |
| ‘(i) the chief executive has given a notice under section | 4 |
| 386J(1); and | 5 |
| (ii) the period to comply with the notice under section | 6 |
| 386K(1) ends after the permit’s expiry day; and | 7 |
| (iii) the notice has not been complied with.’ | 8 |

Clause 112	Amendment of s 147F (Renewal of permit must be in name of last recorded assignee)	9
		10

- | | |
|--|----|
| (1) Section 147F, ‘assignee’— | 11 |
| <i>omit, insert—</i> | 12 |
| ‘transferee’. | 13 |
| (2) Section 147F(1), ‘an assignment of an exploration permit is | 14 |
| approved and recorded under section 151(5)’— | 15 |
| <i>omit, insert—</i> | 16 |
| ‘a transfer of an exploration permit is registered under section | 17 |
| 318AAT’. | 18 |
| (3) Section 147F(2), ‘assignment approved and recorded’— | 19 |
| <i>omit, insert—</i> | 20 |
| ‘transfer registered’. | 21 |

Clause 113	Omission of ss 151–158	22
	Sections 151 to 158—	23
	<i>omit.</i>	24

Clause 114	Amendment of s 160 (Contravention by holder of exploration permit)	25
		26
	Section 160(5), ‘recorded pursuant to section 158.’—	27

omit, insert— 1
‘registered under part 7AAAB.’. 2

Clause 115 Omission of s 183A (Minister may request information) 3
Section 183A— 4
omit. 5

Clause 116 Amendment of s 193 (Rental payable on mineral development licence) 6
Section 193(5)(a), ‘recorded pursuant to section 205)’— 7
omit, insert— 9
‘registered under part 7AAAB)’ 10

Clause 117 Omission of s 197AA (Minister may request information) 11
Section 197AA— 12
omit. 13

Clause 118 Amendment of s 197C (Continuation of licence while application being dealt with) 14
(1) Section 197C(3)(b), from ‘information’ to ‘section 197AA(2)’— 15
omit, insert— 17
‘action that must be taken under section 386K(1)’ 18
(2) Section 197C(4), definition *outstanding request application*, paragraph (b)(i), (ii) and (iii)— 19
omit, insert— 20
‘(i) the chief executive has given a notice under section 386J(1); and 21
22
23
24

	(ii) the period to comply with the notice under section 386K(1) ends after the licence expiry day; and	1 2
	(iii) the notice has not been complied with.’.	3
Clause 119	Amendment of s 197F (Renewal of licence must be in name of last recorded assignee)	4 5
	(1) Section 197F, ‘assignee’—	6
	<i>omit, insert—</i>	7
	‘transferee’.	8
	(2) Section 197F(1), ‘an assignment of a mineral development licence is approved and recorded under section 198(6)’—	9 10
	<i>omit, insert—</i>	11
	‘a transfer of a mineral development licence is registered under section 318AAT’.	12 13
	(3) Section 197F(2), ‘assignment approved and recorded’—	14
	<i>omit, insert—</i>	15
	‘transfer registered’.	16
Clause 120	Omission of s 198–205	17
	Sections 198 to 205—	18
	<i>omit.</i>	19
Clause 121	Amendment of s 209 (Contravention by holder of mineral development licence)	20 21
	Section 209(5), ‘recorded pursuant to section 205.’—	22
	<i>omit, insert—</i>	23
	‘registered under part 7AAAB.’.	24

Clause 122	Amendment of s 231G (Conditions of mineral development licence (194))	1 2
	Section 231G(1)(f), ‘, and in the way,’—	3
	<i>omit.</i>	4
Clause 123	Amendment of s 231I (Requirements for assigning or mortgaging mineral development licences (198))	5 6
	(1) Section 231I, heading, ‘assigning’—	7
	<i>omit, insert—</i>	8
	‘transferring’.	9
	(2) Section 231I, heading, ‘(198)’—	10
	<i>omit.</i>	11
	(3) Section 231I(1), ‘section 198.’—	12
	<i>omit, insert—</i>	13
	‘part 7AAAB, divisions 2 and 3.’.	14
	(4) Section 231I(2), ‘assigned’—	15
	<i>omit, insert—</i>	16
	‘transferred’.	17
	(5) Section 231I(2), ‘assignment’—	18
	<i>omit, insert—</i>	19
	‘transfer’.	20
Clause 124	Amendment of s 234 (Governor in Council may grant mining lease)	21 22
	Section 234, ‘Governor in Council’—	23
	<i>omit, insert—</i>	24
	‘Minister’.	25

Clause	125	Omission of s 238 (Mining lease over surface of reserve or land near a dwelling house)	1 2
		Section 238—	3
		<i>omit.</i>	4
Clause	126	Amendment of s 245 (Application for grant of mining lease)	5 6
		Section 245(1)(m), from ‘personally’—	7
		<i>omit, insert—</i>	8
		‘personally; and’.	9
Clause	127	Omission of 245A (Mining registrar may request information)	10 11
		Section 245A—	12
		<i>omit.</i>	13
Clause	128	Amendment of s 250 (Rejection of application by mining registrar)	14 15
		Section 250(1)—	16
		<i>omit, insert—</i>	17
		‘(1) If an application for a mining lease does not comply with section 245(1), the mining registrar may reject the application.’.	18 19 20
Clause	129	Replacement of s 251 (Priority of applications for grant of mining lease)	21 22
		Section 251—	23
		<i>omit, insert—</i>	24

‘251	Priority of mining lease applications	1
‘(1)	Applications made under this Act for the grant of mining leases for the same land must be considered and decided according to the day on which they are lodged.	2 3 4
‘(2)	If the applications were lodged on the same day, they take the priority the mining registrar decides, after considering the relative merits of each application.’.	5 6 7
Clause 130	Insertion of new ss 260A–260B	8
	After section 260—	9
	<i>insert—</i>	10
‘260A	Objection may be withdrawn	11
‘(1)	An objection to an application for a mining lease may be withdrawn by the objector giving written notice of the withdrawal to—	12 13 14
	(a) the mining registrar; and	15
	(b) if the objection has been referred to the Land Court under section 265—	16 17
	(i) the Land Court; and	18
	(ii) the applicant.	19
‘(2)	A withdrawal of an objection can not be revoked.	20
‘260B	Effect of withdrawal of objection	21
‘(1)	This section applies if—	22
	(a) an application for a mining lease is referred to the Land Court under section 265; and	23 24
	(b) before the Land Court gives its recommendation for the application to the Minister under section 269, all objections to the application are withdrawn.	25 26 27
‘(2)	The referral and any Land Court hearing are of no further effect.	28 29

[s 131]

- ‘(3) However, the applicant may, within 15 business days after
receiving the last notice of withdrawal under section 260A(1),
apply to the Land Court for costs against any objector for the
application.’.

- Clause 131 Amendment of s 265 (Referral of application and
objections to Land Court)**
- (1) Section 265(3) to (5)—
renumber as section 265(5) to (7).
- (2) Section 265(1) and (2)—
omit, insert—
- ‘(1) Subsection (2) applies if—
- (a) a properly made objection is made for an application for
a mining lease; and
- (b) the application relates to an application (an
environmental authority application) under the
Environmental Protection Act for an environmental
authority for a mining activity relating to a mining lease;
and
- (c) either—
- (i) an objection notice for a submission about the
environmental authority application is given to the
EPA administering authority under the
Environmental Protection Act, section 182(2); or
- (ii) the applicant for the environmental authority
application has requested under the Environmental
Protection Act, section 183(1), that the application
be referred to the Land Court.
- ‘(2) The mining registrar must, within 10 business days after the
later of the following, refer the application for the mining
lease and all properly made objections to it to the Land Court
for hearing—
- (a) the last objection day for the application;

- (b) if an objection is lodged after the last objection day under section 260(2)—the end of the period for lodging an objection under that subsection; 1
2
3
- (c) the receipt by the EPA administering authority of the last objection notice for the environmental authority application under the Environmental Protection Act, section 182; 4
5
6
7
- (d) the receipt by the EPA administering authority of a request for referral for the environmental authority application under the Environmental Protection Act, section 183. 8
9
10
11
- ‘(3) Subsection (4) applies if a properly made objection is made for an application for a mining lease, other than an application mentioned in subsection (1). 12
13
14
- ‘(4) The mining registrar must, within 10 business days after the later of the following, refer the application and all properly made objections to it to the Land Court for hearing— 15
16
17
 - (a) the last objection day for the application; 18
 - (b) if an objection is lodged after the last objection day under section 260(2)—the end of the period for lodging an objection under that subsection.’. 19
20
21
- (3) Section 265(7), as renumbered, definition *properly made objection*— 22
23
omit, insert— 24
‘properly made objection means an objection lodged under section 260 that has not been withdrawn.’. 25
26

- Clause 132 Amendment of s 268 (Hearing of application for grant of mining lease)** 27
28
- Section 268(9), from ‘The Land Court’ to ‘may award’— 29
omit, insert— 30
- ‘Subject to section 260B(3), the Land Court may, on the application of an applicant for a mining lease, award’. 31
32

Clause	133	Amendment of s 269 (Land Court's recommendation on hearing)	1 2
	(1)	Section 269(1)—	3
		<i>insert—</i>	4
		<i>'Note—</i>	5
		For other relevant provisions about forwarding documents, see section 386M.'	6 7
	(2)	Section 269(2)—	8
		<i>omit, insert—</i>	9
	'(2)	For subsection (1)(d), the Land Court's recommendation must consist of—	10 11
	(a)	a recommendation to the Minister that the application be granted or rejected in whole or in part; and	12 13
	(b)	if the application relates to land that is the surface of a reserve and the owner of the reserve has not consented to the grant of a mining lease over the surface area, the following—	14 15 16 17
	(i)	a recommendation to the Minister as to whether the Governor in Council should consent to the grant over the surface area;	18 19 20
	(ii)	any conditions to which the mining lease should be subject.'	21 22
Clause	134	Replacement of s 271 (Minister to consider application for grant of mining lease)	23 24
		Section 271—	25
		<i>omit, insert—</i>	26
	'271	Criteria for deciding mining lease application	27
		'In considering an application for the grant of a mining lease, the Minister must consider—	28 29
	(a)	any Land Court recommendation for the application; and	30 31

(b)	the matters mentioned in section 269(4); and	1
(c)	any native title issues decision made by the tribunal	2
	under part 17, division 4 or any substituted decision	3
	made by the Minister under part 17, division 4 in	4
	overruling the tribunal's decision.	5
'271A	Deciding mining lease application	6
'(1)	The Minister may, after considering the criteria under section	7
	271 for a mining lease application, decide to—	8
(a)	grant the applicant a mining lease for the whole or part	9
	of the land in the application; or	10
(b)	reject the application; or	11
(c)	refer the matter to the Land Court to conduct a hearing	12
	or further hearing on the application generally or on	13
	specific matters raised by the Minister.	14
'(2)	However, a mining lease may only be granted for land that is	15
	the surface of a reserve if—	16
(a)	the owner of the land has given written consent to the	17
	grant over the surface area and the applicant has lodged	18
	the consent with the mining registrar; or	19
(b)	the Governor in Council has consented to the grant over	20
	the surface area.	21
'(3)	Also, a mining lease may only be granted over the surface of	22
	land that was restricted land when the application was lodged	23
	if—	24
(a)	the owner of the land where the relevant permanent	25
	building, or relevant feature, is situated has given	26
	written consent to the application; and	27
(b)	the applicant has lodged the consent with the mining	28
	registrar.	29
'(4)	If a mining lease is granted for only part of the land, the	30
	application is taken to have been rejected for the rest of the	31
	land.	32

‘(5) A consent given for subsection (3) can not be withdrawn. 1

‘271B Steps to be taken after application decided 2

‘(1) This section applies if a mining lease is rejected in whole or in 3
part or the Minister refers the matter to the Land Court (the 4
referral). 5

‘(2) The Minister must, as soon as practicable, give the applicant a 6
written notice stating the rejection or the referral and the 7
reasons for it.’. 8

Clause 135 Amendment of s 276 (General conditions of mining lease) 9

(1) Section 276(1)(f), ‘as prescribed’— 10

omit, insert— 11

‘as required under this Act’. 12

(2) Section 276(1)(n) and (1A), ‘Governor in Council’— 13

omit, insert— 14

‘Minister’. 15

(3) Section 276(2), ‘Governor in Council may, on the 16
recommendation of the Minister,’— 17

omit, insert— 18

‘Minister may’. 19

Clause 136 Amendment of s 284 (Initial term of mining lease) 20

(1) Section 284(2)— 21

renumber as section 284(4). 22

(2) Section 284(1)— 23

omit, insert— 24

‘(1) The initial term of a mining lease is the period approved by 25
the Minister, unless the lease is sooner terminated. 26

- | | |
|---|-------------|
| ‘(2) Despite subsection (1), the term of the mining lease must not be for a period longer than the period for which compensation has been agreed or determined under section 279, 281 or 282. | 1
2
3 |
| ‘(3) The initial term of a mining lease commences on the first day of the month that next follows the day the mining lease is granted.’. | 4
5
6 |

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|---|----------------------|
| Clause 137 Amendment of s 285 (Mining lease may be specified it is not renewable) | 7
8 |
| (1) Section 285(1) and (2)— | 9 |
| <i>omit, insert—</i> | 10 |
| ‘(1) Subsection (2) applies if the Minister is satisfied the land the subject of an application for grant or renewal of a mining lease is, or will be, required for some purpose other than mining. | 11
12
13
14 |
| ‘(2) The Minister may grant the lease or renewal subject to a condition that the holder is not entitled to have the mining lease renewed or further renewed.’. | 15
16
17 |
| (2) Section 285(3), from ‘referred’ to ‘therefor’— | 18 |
| <i>omit, insert—</i> | 19 |
| ‘under subsection (2), the Minister must give written notice of the reasons for the decision’. | 20
21 |

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|---|----------|
| Clause 138 Omission of s 286AA (Mining registrar may request information) | 22
23 |
| Section 286AA— | 24 |
| <i>omit.</i> | 25 |

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|--|----------|
| Clause 139 Amendment of s 286A (Decision on application) | 26 |
| (1) Section 286A(1), from ‘Governor in Council’ to ‘Minister is’— | 27
28 |

<i>omit, insert—</i>	1
‘Minister may grant an application for the renewal of a mining lease if’.	2
	3
(2) Section 286A(2)—	4
<i>omit.</i>	5
(3) Section 286A(3) to (8)—	6
<i>renumber</i> as section 286A(2) to (7).	7
(4) Section 286A(2), (3)(b) and (4), as renumbered, ‘Governor in Council’—	8
	9
<i>omit, insert—</i>	10
‘Minister’.	11
(5) Section 286A(4), as renumbered, ‘subsection (4)’—	12
<i>omit, insert—</i>	13
‘subsection (3)’.	14
(6) Section 286A(6), as renumbered, ‘subsection (6)(b)’—	15
<i>omit, insert—</i>	16
‘subsection (5)(b)’.	17
(7) Section 286A(7)(b), as renumbered—	18
<i>omit, insert—</i>	19
‘(b) if the decision is to grant the renewal on conditions or refuse the renewal—the reasons for the decision.’.	20
	21

Clause 140	Amendment of s 286F (Renewal of lease must be in name of last recorded assignee)	22
		23
(1)	Section 286F, ‘assignee’—	24
	<i>omit, insert—</i>	25
	‘transferee’.	26
(2)	Section 286F(1), ‘an assignment of a mining lease is approved and recorded under section 300(8)’—	27
		28

omit, insert— 1

‘a transfer of a mining lease is registered under section 2
318AAT’. 2
3

(3) Section 286F(2), ‘assignment approved and recorded’— 4

omit, insert— 5

‘transfer registered’. 6

Clause 141 Amendment of s 289 (Mining registrar may issue instrument of mining lease) 7
8

Section 289(1), ‘Governor in Council’— 9

omit, insert— 10

‘Minister’. 11

Clause 142 Amendment of s 294 (Variation of conditions of mining lease) 12
13

(1) Section 294(1)— 14

omit, insert— 15

‘(1) The conditions to which a mining lease is for the time being 16
subject may be varied by— 17

(a) the Minister, in terms not inconsistent with this Act; and 18

(b) an agreement in writing of the holder of the mining 19
lease.’. 20

(2) Section 294(2) and (3), ‘Governor in Council’— 21

omit, insert— 22

‘Minister’. 23

Clause 143 Amendment of s 295 (Variation of mining lease for accuracy etc.) 24
25

Section 295(1)— 26

[s 144]

-
- omit, insert—* 1
- ‘(1) The Minister may vary a mining lease for all or any of the 2
following reasons— 3
- (a) the boundaries and area of the mining lease have been 4
more accurately worked out and described by survey or 5
another method approved by the Minister; 6
- (b) the lease is contiguous to another mining lease and— 7
- (i) the holders of the mining leases have agreed to 8
exchange areas adjoining a part of a boundary 9
common to both mining leases; and 10
- (ii) the Minister has approved the exchange; 11
- (c) new facts have arisen since the grant of the mining lease 12
that satisfy the Minister that the variation should be 13
made to more accurately reflect the holder’s 14
entitlements under the lease.’. 15

- Clause 144 Amendment of s 298 (Mining other minerals or use for 16
other purposes) 17**
- (1) Section 298(3)— 18
- omit, insert—* 19
- ‘(3) The application and any other application for the grant of a 20
mining lease for the same minerals must be considered and 21
decided according to the day on which they are lodged. 22
- ‘(3A) If the applications were lodged on the same day, they take the 23
priority the Minister decides, after considering the relative 24
merits of each application.’. 25
- (2) Section 298(9), ‘subsection (8)’— 26
- omit, insert—* 27
- ‘subsection (9)’. 28
- (3) Section 298(11), ‘subsection (12)(a)’— 29
- omit, insert—* 30

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- | | | |
|-----|--|---|
| | ‘subsection (13)(a)’. | 1 |
| (4) | Section 298(12)(a)— | 2 |
| | <i>omit, insert—</i> | 3 |
| | ‘(a) conditions; and’. | 4 |
| (5) | Section 298(3A) to (13)— | 5 |
| | <i>renumber</i> as section 298(4) to (14). | 6 |

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|-------------------|---|----|
| Clause 145 | Amendment of s 299 (Consolidation of mining leases) | 7 |
| | (1) Section 299, ‘Governor in Council’— | 8 |
| | <i>omit, insert—</i> | 9 |
| | ‘Minister’. | 10 |
| | (2) Section 299(8), from ‘The provisions’ to ‘and 275’— | 11 |
| | <i>omit, insert—</i> | 12 |
| | ‘Sections 232, 240, 241, 243, 245, 251 to 254, 260, 265, 266, | 13 |
| | 268, 269, 271 to 272, 274 and 275’. | 14 |

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|-------------------|-------------------------------|----|
| Clause 146 | Omission of ss 300–306 | 15 |
| | Section 300 to 306— | 16 |
| | <i>omit.</i> | 17 |

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|-------------------|--|----|
| Clause 147 | Amendment of s 316 (Mining lease for transportation through land) | 18 |
| | Section 316(2), ‘Governor in Council may’— | 19 |
| | <i>omit, insert—</i> | 20 |
| | ‘Minister may’. | 21 |
| | | 22 |

Clause 148	Amendment of s 318AAD (Application for grant of mining lease (245))	1 2
	(1) Section 318AAD(f)—	3
	<i>omit.</i>	4
	(2) Section 318AAD(g)—	5
	<i>renumber</i> as section 318AAD(f).	6
Clause 149	Amendment of s 318AAH (General conditions of mining lease (276))	7 8
	Section 318AAH(1)(n) and (2), ‘Governor in Council’—	9
	<i>omit, insert—</i>	10
	‘Minister’.	11
Clause 150	Amendment of s 318AAI (Initial term of mining lease (284))	12 13
	Section 318AAI(1), ‘Governor in Council’—	14
	<i>omit, insert—</i>	15
	‘Minister’.	16
Clause 151	Amendment of s 318AAK (Requirements for assigning, mortgaging or subleasing mining leases (300))	17 18
	(1) Section 318AAK, heading, ‘assigning’—	19
	<i>omit, insert—</i>	20
	‘ transferring ’.	21
	(2) Section 318AAK, heading, ‘(300)’—	22
	<i>omit.</i>	23
	(3) Section 318AAK(1), ‘section 300.’—	24
	<i>omit, insert—</i>	25
	‘part 7AAAB, divisions 2 and 3.’.	26

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|-----|----------------------------------|---|
| (4) | Section 318AAK(2), ‘assigned’— | 1 |
| | <i>omit, insert—</i> | 2 |
| | ‘transferred’. | 3 |
| (5) | Section 318AAK(2), ‘assignment’— | 4 |
| | <i>omit, insert—</i> | 5 |
| | ‘transfer’. | 6 |

Clause 152	Insertion of new pts 7AAAB–7AAAE	7
	After section 318AAM—	8
	<i>insert—</i>	9

‘Part 7AAAB	Dealings and transfers	10
	affecting applications for	11
	mining leases	12

‘Division 1	Preliminary	13
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‘318AAN Application of pt 7AAAB	14
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|------|--|----|
| ‘(1) | This part applies to the following mining tenements— | 15 |
| | (a) a mining claim; | 16 |
| | (b) an exploration permit; | 17 |
| | (c) a mineral development licence; | 18 |
| | (d) a mining lease. | 19 |
| ‘(2) | This part also applies to the following transfers (each an | 20 |
| | <i>application transfer</i>)— | 21 |
| | (a) a transfer of an application for a mining lease; | 22 |
| | (b) a transfer of an interest in an application for a mining | 23 |
| | lease. | 24 |

‘318AAO Definitions for pt 7AAAB	1
‘In this part—	2
<i>non-assessable transfer</i> see section 318AAR(1).	3
‘318AAP What is a <i>dealing</i> with a mining tenement	4
‘Each of the following is a <i>dealing</i> with a mining tenement—	5
(a) a transfer of the mining tenement or of a share in the mining tenement;	6
(b) a mortgage over the mining tenement or over a share in the mining tenement;	8
(c) a release, transfer or surrender of a mortgage mentioned in paragraph (b);	10
(d) a change to the mining tenement holder’s name even if the holder continues to be the same person after the change;	12
(e) if the mining tenement is a mining lease—	15
(i) a sublease of the mining lease;	16
(ii) a transfer of a sublease of the mining lease or of a share in a sublease of the mining lease.	17
‘318AAQ Prohibited dealings	19
‘A dealing that has the effect of transferring a divided part of the area of a mining tenement is prohibited.	20
<i>Examples of a divided part of the area of a mining tenement—</i>	22
• a particular part of the surface of the area	23
• a particular strata beneath the surface of the area	24
‘318AAR Types of transfers	25
‘(1) The following transfers (each a <i>non-assessable transfer</i>) do not require assessment before being registered—	26
	27

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|---|----------------|
| (a) a transfer of a mining tenement or of a share in a mining tenement if— | 1
2 |
| (i) the transferee is an entity having the same Australian Business Number as the entity comprising all or part of the transferor; or | 3
4
5 |
| (ii) part of one holder's share in the mining tenement will be transferred to another holder of the mining tenement; | 6
7
8 |
| (b) a transmission by death of a mining tenement or of a share in a mining tenement; | 9
10 |
| (c) a transfer of a mining tenement or of a share in a mining tenement by operation of law; | 11
12 |
| (d) a transfer of a mortgage over a mining tenement or over a share in a mining tenement; | 13
14 |
| (e) a transfer of a sublease of a mining lease or of a share in a sublease of a mining lease. | 15
16 |
| ‘(2) The following transfers (each an <i>assessable transfer</i>) must be approved by the Minister under division 3 before they can be registered— | 17
18
19 |
| (a) a transfer of a mining tenement or of a share in a mining tenement not mentioned in subsection (1); | 20
21 |
| (b) an application transfer. | 22 |

‘Division 2Registration generally23

‘318AAS Registration required for all dealings and application transfers 24 25

- | | |
|--|----------|
| ‘(1) A dealing with a mining tenement or an application transfer has no effect until it is registered. | 26
27 |
| ‘(2) A registered dealing takes effect on— | 28 |
| (a) for a dealing that is a non-assessable transfer—the day the transfer is registered; or | 29
30 |

- (b) for a dealing that is an assessable transfer—the day the transfer was approved under division 3; or 1
2
- (c) for any other dealing—the day notice of the dealing was given to the chief executive under section 318AAT. 3
4
- ‘(3) A registered application transfer takes effect on the day the transfer was approved under division 3. 5
6

‘318AAT Obtaining registration 7

- ‘(1) Registration of a dealing, other than an assessable transfer, may be sought by giving the chief executive a notice of the dealing in the approved form. 8
9
10
- ‘(2) However, a dealing prohibited under section 318AAQ can not be registered and is of no effect. 11
12
- ‘(3) The approved form must be accompanied by the fee prescribed under a regulation. 13
14
- ‘(4) Registration of an assessable transfer must be carried out by the chief executive after receiving notice under section 318AAY of the decision to approve the transfer. 15
16
17

Note— 18

An application transfer is an assessable dealing and must be approved by the Minister under division 3 before registration of the transfer. 19
20

‘318AAU Effect of approval and registration 21

‘The registration of a dealing or application transfer, or an approval of an assessable transfer under division 3, allows the dealing or transfer to have effect according to its terms but does not of itself give the dealing or transfer any more effect or validity than it would otherwise have. 22
23
24
25
26

‘Division 3	Approval of assessable transfers	1
‘318AAV Applying for approval		2
‘(1)	The holder of a mining tenement may apply for approval of an assessable transfer for the mining tenement.	3 4
‘(2)	An application under subsection (1) must be—	5
(a)	made to—	6
(i)	for a transfer relating to a mining claim—the mining registrar; or	7 8
(ii)	otherwise—the Minister; and	9
(b)	in the approved form; and	10
(c)	accompanied by each of the following—	11
(i)	the instrument for the transfer, signed by the parties to the transfer, and a copy of it certified to be a true copy of the original;	12 13 14
(ii)	for a transfer of a share in a mining tenement, a written consent to the transfer by—	15 16
(A)	each person, other than the transferor, who holds a share of the mining tenement; and	17 18
(B)	if the share is subject to a mortgage—the mortgagee;	19 20
(iii)	the fee prescribed under a regulation.	21
‘(3)	An applicant for an application for a mining lease or the holder of an interest in an application for a mining lease may apply for approval of an assessable transfer for the application or interest.	22 23 24 25
‘(4)	An application under subsection (3) must be made to the Minister, in the approved form, and be accompanied by each of the following—	26 27 28

[s 152]

- (a) the instrument for the transfer, signed by the parties to the transfer, and a copy of it certified to be a true copy of the original; 1
2
3
 - (b) a written consent to the transfer by— 4
 - (i) for the transfer of an application—each person, other than the transferor, who is an applicant for the application; or 5
6
7
 - (ii) for the transfer of an interest in an application—each person, other than the transferor, who is the holder of the interest; 8
9
10
 - (c) the fee prescribed under a regulation. 11
- ‘(5) However, an application can not be made under this section if the proposed transferee is not an eligible person. 12
13

‘318AAW Deciding application 14

- ‘(1) The Minister or mining registrar must decide whether or not to give the approval. 15
16
- ‘(2) In deciding whether or not to give the approval, the Minister or mining registrar must consider— 17
18
 - (a) the transferor’s and transferee’s history of compliance with this Act; and 19
20
 - (b) the application for approval and any additional information given accompanying the application; and 21
22
 - (c) for a transfer of a mining tenement or of a share in a mining tenement—whether any royalty payable under this Act by the holder of the mining tenement remains unpaid; and 23
24
25
26
 - (d) the public interest. 27
- ‘(3) The approval may be given only if— 28
 - (a) the proposed transferee is— 29
 - (i) an eligible person; and 30

-
- (ii) a registered suitable operator under the Environmental Protection Act; and
 - (b) either—
 - (i) any financial assurance required under the Environmental Protection Act for the relevant environmental authority has been given; or
 - (ii) the administering authority under that Act has given the Minister or mining registrar notice that it has not required financial assurance under that Act from the proposed transferee for the environmental authority.
 - ‘(4) Subsection (5) also applies for a transfer of any of the following—
 - (a) an exploration permit or a share in an exploration permit;
 - (b) a mineral development licence or a share in a mineral development licence;
 - (c) a mining lease or a share in a mining lease.
 - ‘(5) The approval may only be given if the Minister is satisfied the transferee has the human, technical and financial resources to comply with—
 - (a) if the application relates to an exploration permit—the conditions of the exploration permit under section 141; or
 - (b) if the application relates to a mineral development licence—the conditions of the mineral development licence under section 194; or
 - (c) if the application relates to a mining lease—the conditions of the mining lease under section 276.
 - ‘(6) In this section—

relevant environmental authority, for a mining tenement, means the environmental authority required under the Environmental Protection Act issued for all of the authorised
-

activities for the mining tenement that are environmentally 1
relevant activities under that Act. 2

‘318AAX Security may be required 3

- ‘(1) This section applies to an assessable transfer other than an 4
application transfer. 5
- ‘(2) The Minister or mining registrar may as a condition of 6
deciding to give the approval require the proposed transferee 7
to give under the following sections, security for the mining 8
tenement the subject of the transfer as if the proposed 9
transferee were an applicant for the mining tenement— 10
- (a) for an approval relating to a mining claim—section 83; 11
- (b) for an approval relating to an exploration 12
permit—section 144; 13
- (c) for an approval relating to a mineral development 14
licence—section 190; 15
- (d) for an approval relating to a mining lease—section 277. 16
- ‘(3) If the proposed transferee does not comply with the 17
requirement, the application may be refused. 18
- ‘(4) When the transfer of the mining tenement is complete, the 19
section as mentioned in subsection (2) applies to the 20
transferee of the mining tenement as holder. 21

‘318AAY Written notice about decision 22

- ‘(1) If the Minister or mining registrar decides to give the 23
approval, the Minister or mining registrar must give the 24
applicant for the approval written notice of the decision. 25
- ‘(2) If the Minister or mining registrar decides not to give the 26
approval, the Minister or mining registrar must give the 27
applicant for the approval written notice of the decision 28
stating the following— 29
- (a) the decision, and the reasons for it; 30

-
- (b) the rights of appeal under this Act; 1
 - (c) the period in which any appeal under this Act must be
started; 2
3
 - (d) how rights of appeal under this Act are to be exercised; 4
 - (e) that a stay of a decision the subject of an appeal under
this Act may be applied for under this Act. 5
6
 - Note—* 7
 - For appeals against refusal to approve an assessable dealing, see part
7AAAE. 8
9

‘Part 7AAAC Recording associated agreements 10 11

‘318AAZ Application of pt 7AAAC 12

- ‘This part applies to the following mining tenements— 13
- (a) a mining claim; and 14
- (b) an exploration permit; and 15
- (c) a mineral development licence; and 16
- (d) a mining lease. 17

‘318AAZA Definition for pt 7AAAC 18

- ‘In this part— 19
- associated agreement*, for a mining tenement, means an
agreement relating to the mining tenement, other than the
following— 20
21
22
- (a) a dealing with the mining tenement; 23
- (b) a dealing prohibited under section 318AAQ; 24

(c) another agreement prescribed under a regulation as unsuitable to be recorded in the register.	1 2
‘318AAZB Recording associated agreements	3
‘(1) An associated agreement for a mining tenement may be recorded in the register against the mining tenement.	4 5
‘(2) Registration of an associated agreement may be sought by giving the chief executive a notice of the agreement in the approved form.	6 7 8
‘(3) An approved form given to the chief executive under this section must be accompanied by the fee prescribed under a regulation.	9 10 11
‘318AAZC Effect of recording associated agreements	12
‘The recording of an associated agreement under this division does not of itself—	13 14
(a) give the agreement any more effect or validity than it would otherwise have; or	15 16
(b) create an interest in the mining tenement against which it is recorded.	17 18
‘Part 7AAAD Caveats	19
‘318AAZD Application of pt 7AAAD	20
‘(1) This part applies to the following mining tenements—	21
(a) a mining claim;	22
(b) an exploration permit;	23
(c) a mineral development licence;	24

(d) a mining lease.	1
‘(2) This part also applies to application transfers.	2
‘318AAZE Requirements of caveats	3
‘(1) A caveat must—	4
(a) be lodged in the approved form; and	5
(b) be signed by the caveator, the caveator’s solicitor or other person authorised in writing by the caveator; and	6 7
(c) state the name and address for service of 1 person upon whom any notice may be served in order to serve the caveator; and	8 9 10
(d) identify the mining tenement, or application for a mining lease, the subject of the caveat; and	11 12
(e) state the nature of the right or interest claimed by the caveator; and	13 14
(f) state the period for which the caveat is to continue in force; and	15 16
(g) if a person consents to the lodging of the caveat, be endorsed with the person’s consent; and	17 18
(h) be accompanied by the prescribed lodgement fee.	19
‘(2) A caveat that does not comply with subsection (1) is of no effect.	20 21
‘318AAZF Lodging of caveat	22
‘A caveat may be lodged by any of the following—	23
(a) a person claiming an interest in a mining tenement or application for a mining lease;	24 25
(b) the registered holder of a mining tenement or an applicant for an application for a mining lease;	26 27

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- (c) a person to whom an Australian court has ordered that
an interest in a mining tenement or application for a
mining lease be transferred; 1
2
3
- (d) a person who has the benefit of a subsisting order of an 4
Australian court restraining— 5
 - (i) a registered holder of a mining tenement from 6
dealing with the mining tenement; or 7
 - (ii) an applicant for an application for a mining lease 8
from dealing with the application. 9

‘318AAZG Chief executive’s functions upon receipt of caveat 10

- ‘(1) Upon receipt of a caveat complying with section 11
318AAZE(1), the chief executive must— 12
 - (a) notify— 13
 - (i) each holder of the affected mining tenement; or 14
 - (ii) each applicant for the affected application for a 15
mining lease; and 16
 - (b) notify all other persons who have an interest in the 17
mining tenement or application as recorded in the 18
register, including any subsisting prior caveator; and 19
 - (c) record the existence of the caveat in the register. 20
- ‘(2) For subsection (1)(b), a person does not have an interest in a 21
mining tenement only because the person is a party to an 22
associated agreement recorded in the register against the 23
mining tenement. 24

‘318AAZH Effect of lodging caveat 25

- ‘(1) Until a caveat lapses, or is removed or withdrawn, the caveat 26
prevents registration of an instrument affecting the mining 27
tenement or application for a mining lease over which the 28
caveat is lodged from the date and time endorsed by the 29

registrar or chief executive on the caveat as the caveat's date and time of lodgement.	1 2
'(2) However, lodgement of a caveat does not prevent registration of the following—	3 4
(a) an instrument stated in the caveat as an instrument to which the caveat does not apply;	5 6
(b) an instrument if the caveator consents, in the approved form, to its registration and the consent is lodged with a mining registrar or the chief executive;	7 8 9
(c) an instrument executed by a mortgagee whose interest was registered before lodgement of the caveat if—	10 11
(i) the mortgagee has power under the mortgage to execute the instrument; and	12 13
(ii) the caveator claims an interest in the mining tenement as security for the payment of money or money's worth;	14 15 16
(d) an instrument of transfer of mortgage executed by a mortgagee whose interest was registered before lodgement of the caveat;	17 18 19
(e) another interest that, if registered, will not affect the interest claimed by the caveator.	20 21
'(3) The exception in subsection (2)(d) does not apply to a caveat lodged by the mining tenement holder.	22 23
'(4) Lodgement of a caveat does not create in the caveator an interest in the mining tenement, or the application for a mining lease, affected by the caveat.	24 25 26
'318AAZI Lapsing, withdrawal or removal of a caveat	27
'(1) An agreed caveat lapses at the expiration of the term stated in the caveat but, if no term is stated, the caveat continues until it is withdrawn or removed.	28 29 30
'(2) A caveat that is not an agreed caveat lapses—	31

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|------|--|----------------------|
| (a) | if the Land Court ordered the caveat to be lodged—at the expiration of the order; or | 1
2 |
| (b) | otherwise—at the expiration of 3 months after the date of lodgement of the caveat or a shorter term stated in the caveat. | 3
4
5 |
| ‘(3) | A caveator may withdraw the caveat by notifying the mining registrar in writing. | 6
7 |
| ‘(4) | An affected person for a caveat may apply to the Land Court for an order that the caveat be removed. | 8
9 |
| ‘(5) | The Land Court may make the order whether or not the caveator has been served with the application, and may make the order on the terms it considers appropriate. | 10
11
12 |
| ‘(6) | If a caveat is withdrawn, lapses or is ordered to be removed, the mining registrar must record the withdrawal, lapse or removal in the register. | 13
14
15 |
| ‘(7) | In this section— | 16 |
| | <i>affected person</i> , for a caveat, means a person— | 17 |
| (a) | who has a right or interest (present or prospective) in the mining tenement, or the application for a mining lease, the subject of the caveat; or | 18
19
20 |
| (b) | whose right (present or prospective) to deal with the mining tenement, or the application for a mining lease, the subject of the caveat is affected by the caveat. | 21
22
23 |
| | <i>agreed caveat</i> means a caveat to which— | 24 |
| (i) | for a caveat affecting a mining tenement—each holder of the mining tenement the subject of the caveat consented, if the consent has been lodged with the caveat; or | 25
26
27
28 |
| (ii) | for a caveat affecting an application for a mining lease—each applicant for the application the subject of the caveat consented, if the consent has been lodged with the caveat. | 29
30
31
32 |

‘318AAZJ Further caveat not available to same person	1
‘(1) This section applies if a caveat (the <i>original caveat</i>) is lodged in relation to an interest.	2 3
‘(2) A further caveat with the same caveator can never be lodged in relation to the interest on the same, or substantially the same, grounds as the grounds stated in the original caveat unless—	4 5 6 7
(a) for a caveat affecting a mining tenement—the consent of each holder of the mining tenement the subject of the caveat has been lodged with the caveat; or	8 9 10
(b) for a caveat affecting an application for a mining lease—each applicant for the application the subject of the caveat has been lodged with the caveat; or	11 12 13
(c) generally—the leave of a court of competent jurisdiction to lodge the further caveat has been granted.	14 15
‘318AAZK Compensation for lodging caveat without reasonable cause	16 17
‘A person who lodges a caveat in relation to a mining tenement or an application for a mining lease without reasonable cause is liable to compensate anyone else who suffers loss or damage because of the caveat.	18 19 20 21
‘Part 7AAAE Appeals about approvals of assessable transfers	22 23
‘318AAZL Who may appeal	24
‘(1) A person whose interests are affected by a decision of the Minister, or mining registrar, to refuse to approve an assessable transfer may appeal against the decision to the Land Court.	25 26 27 28

‘(2) For this section, a person who has been given or is entitled to be given a notice about the decision under section 318AAY is taken to be a person whose interests are affected by the decision.	1 2 3 4
‘318AAZM Period to appeal	5
‘(1) The appeal must be started within 20 business days after—	6
(a) if the person has been given a notice about the decision—the day the person is given the notice; or	7 8
(b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the decision.	9 10
‘(2) However, the Land Court may at any time within the 20 business days extend the period for starting the appeal.	11 12
‘318AAZN Starting appeal	13
‘(1) The appeal is started by filing a written notice of appeal with the Land Court.	14 15
‘(2) The appellant must give the chief executive a copy of the notice.	16 17
‘318AAZO Stay of operation of decision	18
‘(1) The Land Court may grant a stay of the decision to secure the effectiveness of the appeal.	19 20
‘(2) A stay—	21
(a) may be given on the conditions the Land Court considers appropriate; and	22 23
(b) operates for the period fixed by the Land Court; and	24
(c) may be amended or cancelled by the Land Court.	25
‘(3) The period of a stay under this section must not extend past the time when the Land Court decides the appeal.	26 27

‘(4) The appeal affects the decision or carrying out of the decision only if it is stayed.	1 2
‘318AAZP Hearing procedures	3
‘(1) In deciding an appeal, the Land Court—	4
(a) has the same powers as the Minister or mining registrar; and	5 6
(b) is not bound by the rules of evidence; and	7
(c) must comply with natural justice; and	8
(d) may hear the appeal in court or in chambers.	9
‘(2) An appeal is by way of rehearing unaffected by the decision.	10
‘(3) Subject to subsections (1) and (2), the procedure for the appeal is—	11 12
(a) in accordance with the rules for the Land Court; or	13
(b) in the absence of relevant rules, as directed by the Land Court.	14 15
‘(4) A power under an Act to make rules for the Land Court includes power to make rules for appeals under this part.	16 17
‘318AAZQ Land Court’s powers on appeal	18
‘(1) In deciding an appeal under this part, the Land Court may—	19
(a) confirm the decision; or	20
(b) set aside the decision and substitute another decision; or	21
(c) set aside the decision and return the issue to the Minister or mining registrar with the directions the court considers appropriate.	22 23 24
‘(2) If the Land Court substitutes another decision, the substituted decision is for this Act, other than this part, taken to be the decision of the Minister or mining registrar.’	25 26 27

Clause 153	Amendment of s 318AB (Relationship with pts 5–7)	1
	(1) Section 318AB, heading, after ‘5–7’—	2
	<i>insert—</i>	3
	‘ and 7AAAB ’.	4
	(2) Section 318AB, ‘5 to 7’—	5
	<i>omit, insert—</i>	6
	‘5 to 7 and 7AAAB’.	7
	(3) Section 318AB(2), ‘assignment’—	8
	<i>omit, insert—</i>	9
	‘transfer’.	10
	(4) Section 318AB(2), ‘assigned’—	11
	<i>omit, insert—</i>	12
	‘transferred’.	13
Clause 154	Amendment of s 318BN (Publication of outcome of application)	14
	Section 318BN, ‘Governor in Council’—	15
	<i>omit, insert—</i>	16
	‘Minister’.	17
Clause 155	Amendment of s 318CI (Restriction)	18
	Section 318CI(1)(b)—	19
	<i>omit, insert—</i>	20
	‘(b) a copy of the agreement has been lodged; and’.	21
Clause 156	Amendment of pt 7AA, div 8, sdiv 8, hdg (Restriction on assignment or subletting)	22
	Part 7AA, division 8, subdivision 8, heading, ‘assignment’—	23
		24
		25

omit, insert— 1
‘**transfer**’. 2

Clause 157 Amendment of s 318DO (Requirement for coordination arrangement to assign or sublet mining lease in area of petroleum lease) 3
4
5
(1) Section 318DO, heading ‘assign’— 6
omit, insert— 7
‘**transfer**’. 8
(2) Section 318DO(2), from ‘The’ to ‘assignee’— 9
omit, insert— 10
‘The chief executive must not, under section 318AAT, register 11
a transfer or sublease of the mining lease unless the proposed 12
transferee’. 13

Clause 158 Amendment of s 318ELAJ (Assignments) 14
(1) Section 318ELAJ, heading ‘Assignments’— 15
omit, insert— 16
‘**Transfers**’. 17
(2) Section 318ELAJ(1), ‘assigned’— 18
omit, insert— 19
‘transferred’. 20
(3) Section 318ELAJ(2) and (3), ‘assignment’— 21
omit, insert— 22
‘transfer’. 23
(4) Section 318ELAJ(3), ‘assignee’— 24
omit, insert— 25
‘transferee’. 26

Clause 159	Amendment of s 318ELBH (Publication of outcome of application)	1 2
	Section 318ELBH, ‘Governor in Council’—	3
	<i>omit, insert</i> —	4
	‘Minister’.	5
Clause 160	Replacement of s 318ELBM (Minister may refuse application)	6 7
	Section 318ELBM—	8
	<i>omit, insert</i> —	9
	‘318ELBM Minister may refuse application	10
	‘The Minister may refuse the application if satisfied the applicant has not, in a timely manner—	11 12
	(a) taken any step for the application required of the applicant under part 7, part 7AA or this part; or	13 14
	(b) satisfied the Minister about a matter that, under part 7, part 7AA or this part, is required for the Minister to grant the mining lease.’.	15 16 17
Clause 161	Amendment of s 318ELBT (Requirement to continue geothermal or GHG coordination arrangement after renewal of or dealing with mining lease)	18 19 20
	Section 318ELBT(1)(c), ‘assignment’—	21
	<i>omit, insert</i> —	22
	‘transfer’.	23
Clause 162	Amendment of s 325 (Royalty return and payment upon assignment or surrender of mining claim or mining lease)	24 25
	(1) Section 325, heading ‘assignment’—	26
	<i>omit, insert</i> —	27
	‘transfer’.	28

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- | | | |
|-----|---------------------------------------|---|
| (2) | Section 325(1), ‘assigns’— | 1 |
| | <i>omit, insert—</i> | 2 |
| | ‘transfers’. | 3 |
| (3) | Section 325(1) and (2), ‘assignment’— | 4 |
| | <i>omit, insert—</i> | 5 |
| | ‘transfer’. | 6 |

- | | | |
|-------------------|---|----|
| Clause 163 | Insertion of new pt 10, div 2AAA | 7 |
| | Part 10, after section 343— | 8 |
| | <i>insert—</i> | 9 |
| | ‘Division 2AAA Chief executive | 10 |

- | | | |
|--------------|--|----|
| ‘343A | Chief executive has functions and powers of mining registrars | 11 |
| | | 12 |
| ‘(1) | The chief executive may perform any function or exercise any power of a mining registrar under this Act. | 13 |
| | | 14 |
| ‘(2) | For subsection (1), in this Act, other than this section, a reference to a mining registrar includes a reference to the chief executive.’. | 15 |
| | | 16 |
| | | 17 |

- | | | |
|-------------------|---|----|
| Clause 164 | Replacement of s 387 (Registers to be maintained) | 18 |
| | Section 387— | 19 |
| | <i>omit, insert—</i> | 20 |
| | ‘386J Request to applicant about application | 21 |
| ‘(1) | For a relevant application under this Act, the chief executive may, by written notice, require the applicant to do all or any of the following within a stated reasonable period— | 22 |
| | | 23 |
| | | 24 |
| (a) | complete or correct the application if it appears to the chief executive to be incorrect, incomplete or defective; | 25 |
| | | 26 |

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- | | | |
|------|---|----------------------------|
| (b) | give the chief executive or a stated officer of the department additional information about, or relevant to, the application; | 1
2
3 |
| | <i>Example—</i> | 4 |
| | The application is for a mining lease. The chief executive may require a document, prepared by an appropriately qualified person, independently verifying a resource model given in the proposed mining program for the lease. | 5
6
7
8 |
| (c) | give the chief executive or a stated officer of the department an independent report by an appropriately qualified person or a statutory declaration verifying all or any of the following— | 9
10
11
12 |
| | (i) any information included in the application; | 13 |
| | (ii) any additional information required under paragraph (b). | 14
15 |
| ‘(2) | For subsection (1)(b), if the application is for a mining tenement, a required document may include a survey or resurvey of the area of the proposed tenement carried out by a person who is a cadastral surveyor under the <i>Surveyors Act 2003</i> . | 16
17
18
19
20 |
| ‘(3) | For subsection (1)(c), the notice may require the statutory declaration— | 21
22 |
| | (a) to be made by an appropriately qualified independent person or by the applicant; and | 23
24 |
| | (b) if the applicant is a corporation—to be made for the applicant by an executive officer of the applicant. | 25
26 |
| ‘(4) | The applicant must bear any costs incurred in complying with the notice. | 27
28 |
| ‘(5) | The chief executive may extend the period for complying with the notice. | 29
30 |
| ‘(6) | In this section— | 31 |
| | application does not include— | 32 |
| | (a) an application to a court or tribunal; or | 33 |
-

(b) an internal review application under part 10, division 1A. 1
2

executive officer, of a corporation, means a person who is 3
concerned with or takes part in its management, whether or 4
not the person is a director or the person's position is given the 5
name of executive officer. 6

information includes a document. 7

relevant application means an application, other than an 8
application relating to a prospecting permit or mining claim. 9

'386K Refusing application for failure to comply with request 10

'(1) The Minister may refuse an application if— 11

(a) a notice under section 386J has been given for the 12
application; and 13

(b) the period stated in the notice for complying with it has 14
ended; and 15

(c) the request has not been complied with to the chief 16
executive's satisfaction. 17

'(2) To remove any doubt, subsection (1) applies despite another 18
provision of this Act that provides the application must be 19
granted in particular circumstances or if particular 20
requirements have been complied with. 21

'386L Notice to progress relevant applications 22

'(1) The relevant person may by notice require an applicant for, or 23
to renew, a relevant mining tenement to, within a stated 24
reasonable period, do any thing required of the applicant 25
under this Act or another Act to allow the application to be 26
decided or the tenement to be granted or renewed. 27

'(2) The relevant person may reject the application if the applicant 28
does not comply with the requirement. 29

'(3) In this section— 30

[s 164]

<i>relevant mining tenement</i> means a mining tenement other than a prospecting permit.	1 2
<i>relevant person</i> means—	3
(a) for a relevant application under part 4—the mining registrar; or	4 5
(b) otherwise—the Minister.	6
‘386M Place or way for making applications, giving, filing, forwarding or lodging documents or making submissions	7 8 9
‘(1) This section applies to any of the following under this Act—	10
(a) the making of an application;	11
(b) the giving of a document to the Minister, chief executive or mining registrar;	12 13
(c) the filing, forwarding or lodging of a document;	14
(d) the making of a submission.	15
‘(2) The application, document or submission may be made, given, filed or lodged only—	16 17
(a) at the following place (the <i>required place</i>)—	18
(i) the office of the department provided for under the relevant approved form for that purpose;	19 20
(ii) if the relevant approved form does not make provision as mentioned in subparagraph (i) or if there is no relevant approved form—the office of the department notified on the department’s website; or	21 22 23 24 25
(b) in the way prescribed under a regulation.	26
‘(3) The document may be forwarded only to the required place or in the way prescribed under a regulation.	27 28
‘(4) This section does not apply to the following—	29

(a)	the making of an application to the Land Court or the tribunal;	1 2
(b)	the lodging of any of the following—	3
(i)	a notice of appeal to the Land Court under section 86(2)(a), 282(2)(a) or 318AAZN(1);	4 5
(ii)	a notice under section 753;	6
(iii)	a report under section 761;	7
(iv)	a proposed initial development plan for a lease under section 758.	8 9
'386N	Requirements for making an application	10
'(1)	This section applies to a purported application, other than to the Land Court or the tribunal, not made under the requirements under this Act for making the application.	11 12 13
'(2)	The decision-maker for the application must refuse to receive or process the purported application.	14 15
'(3)	However, the decision-maker may decide to allow the application to proceed and be decided as if it did comply with the requirements if the decision-maker is satisfied the application substantially complies with the requirements.	16 17 18 19
'387	Register to be kept	20
'(1)	The chief executive must keep a register in which must be recorded particulars as prescribed of—	21 22
(a)	all prospecting permits, mining claims and mining leases the applications for the grant of which were lodged with a mining registrar; and	23 24 25
(b)	applications for the grant of mining claims and of mining leases the lodgement of which is accepted by a mining registrar; and	26 27 28
(c)	dealings lodged with the mining registrar and, if necessary, approved under part 7AAB, division 3; and	29 30

[s 165]

- | | | |
|------|--|--------------|
| (d) | transfers of applications for mining leases; and | 1 |
| (e) | caveats lodged in relation to mining authorities under
part 7AAAD; and | 2
3 |
| (f) | all exploration permits and mineral development
licences; and | 4
5 |
| (g) | applications for the grant of exploration permits and of
mineral development licences; and | 6
7 |
| (h) | transfers of exploration permits and transfers and
mortgages of mineral development licences lodged and
approved under this Act; and | 8
9
10 |
| (i) | caveats lodged for exploration permits and for mineral
development licences; and | 11
12 |
| (j) | any other matters prescribed under a regulation. | 13 |
| ‘(2) | The chief executive may decide the form in which the register
is kept.’. | 14
15 |

Clause 165	Replacement of s 387A (Access to registers)	16
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Section 387A—	17
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<i>omit, insert—</i>	18
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‘387A Access to register	19
---------------------------------	----

- | | | |
|------|--|----------------------|
| ‘(1) | The chief executive must— | 20 |
| (a) | keep the register open for inspection by the public
during office hours on business days at the places the
chief executive considers appropriate; and | 21
22
23 |
| (b) | allow a person, other than a person accessing the register
on the department’s website, on payment of the fee
prescribed under a regulation, to search and take extracts
from the register; and | 24
25
26
27 |

- (c) give a person who asks for it a copy of all or part of a notice, a document or information held in the register, on payment of the fee prescribed under a regulation; and
- (d) make the register available, free of charge, on the department's website.
- '(2) Subsection (1) is subject to section 387B.'

Clause 166 Insertion of new s 387D

After section 387C—

insert—

'387D Chief executive may correct register

- '(1) The chief executive may correct the register if satisfied—
 - (a) the register is incorrect; and
 - (b) the correction will not prejudice any rights recorded in the register.
- '(2) The power to correct includes power to correct information in the register or a document forming part of the register.
- '(3) If the register is corrected, the chief executive must record in it—
 - (a) the state of the register before the correction; and
 - (b) the time, date and circumstances of the correction.
- '(4) A correction under this section has the same effect as if the relevant error had not been made.
- '(5) For subsection (1)(b), a right is not prejudiced if the relevant person acquired or has dealt with the right with actual or constructive knowledge that the register was incorrect and how it was incorrect.'

Clause 167 Amendment of s 391A (Restriction on decisions or recommendations about mining tenements)

- (1) Section 391A(1)(a), 'assign,'—

<i>omit.</i>	1
(2) Section 391A(1)(b), ‘assigned,’—	2
<i>omit.</i>	3
(3) Section 391A(4)—	4
<i>omit.</i>	5
(4) Section 391A(5) and (6)—	6
<i>renumber</i> as section 391A(4) and (5).	7

Clause 168	Amendment of s 392 (Substantial compliance with Act may be accepted as compliance)	8
		9
	Section 392—	10
	<i>insert</i> —	11
	‘(2) Subsection (1) is subject to section 386N.’.	12

Clause 169	Replacement of s 398 (Delegation)	13
	Section 398—	14
	<i>omit, insert</i> —	15
‘398	Delegation by Minister and chief executive	16
	‘(1) The Minister or the chief executive may delegate their respective functions under this Act to an appropriately qualified officer or employee of the department.	17
		18
		19
	‘(2) However, the following functions of the Minister can not be delegated—	20
		21
	(a) granting a mining lease;	22
	(b) renewing a mining lease.	23
	‘(3) In this section—	24
	<i>functions</i> includes powers.’.	25

Clause 170	Amendment of s 401A (Protection against liability as condition of approval)	1 2
	(1) Section 401A(1), ‘section 96, 151, 198 or 300.’—	3
	<i>omit, insert—</i>	4
	‘part 7AAAB, division 3.’.	5
	(2) Section 401A(4), definition <i>relevant matter</i> , paragraph (c), ‘section 96, 151, 198 or 300,’—	6 7
	<i>omit, insert—</i>	8
	‘part 7AAAB, division 3.’.	9
Clause 171	Amendment of s 416B (Practice manual)	10
	Section 416B(4)—	11
	<i>omit, insert—</i>	12
	‘(4) The information must be given at the place or in the way that the information would be required to be given under section 386M if the information were a document.’.	13 14 15
Clause 172	Amendment of s 417 (Regulation-making power)	16
	Section 417(2)—	17
	<i>insert—</i>	18
	‘(r) the way an application, document or submission must be made, given, filed, forwarded or lodged for section 386M(2)(b), including, for example—	19 20 21
	(i) practices and procedures for lodgement of applications and other documents; and	22 23
	(ii) methods for acknowledging receipt of documents; and	24 25
	(iii) methods for acceptance of the lodgement of documents.’.	26 27

Clause 173	Amendment of s 653 (Content of written notice)	1
	Section 653(1)(h), ‘Governor in Council’—	2
	<i>omit, insert</i> —	3
	‘Minister’.	4
Clause 174	Amendment of s 657 (Ending of additional requirements)	5
	Section 657(2), ‘Governor in Council’—	6
	<i>omit, insert</i> —	7
	‘Minister’.	8
Clause 175	Amendment of s 666 (Process for consultation and negotiation—negotiated agreement with or without conditions attached)	9
	Section 666(4), ‘Governor in Council’—	10
	<i>omit, insert</i> —	11
	‘Minister’.	12
Clause 176	Amendment of s 687 (Contract conditions)	13
	Section 687(1), ‘Governor in Council’—	14
	<i>omit, insert</i> —	15
	‘Minister’.	16
Clause 177	Amendment of s 688 (Notice of grant to registered native title parties)	17
	Section 688(1), ‘Governor in Council’—	18
	<i>omit, insert</i> —	19
	‘Minister’.	20
		21
		22
		23

Clause 178	Amendment of s 708 (Agreement for compensation)	1
	Section 708(2)(b), ‘in the office of the mining registrar’—	2
	<i>omit.</i>	3
Clause 179	Amendment of s 745 (Application of pt 7AA)	4
	(1) Section 745(1), ‘immediately’—	5
	<i>omit.</i>	6
	(2) Section 745(1)(b)—	7
	<i>renumber</i> as section 745(1)(c).	8
	(3) Section 745(1)(a)—	9
	<i>omit, insert—</i>	10
	‘(a) a coal or oil shale mining lease application was made;	11
	and	12
	(b) a recommendation about the application had not been	13
	made to the Governor in Council under section	14
	271(3)(a)(i); and’.	15
	(4) Section 745(5)—	16
	<i>omit.</i>	17
Clause 180	Insertion of new pt 19, div 17	18
	Part 19—	19
	<i>insert—</i>	20

‘Division 17	Transitional provisions for Resources Legislation (Balance, Certainty and Efficiency) Amendment Act 2011—amendments commencing by proclamation	1 2 3 4 5 6
‘Subdivision 1	Preliminary	7
‘789	Definitions for div 17	8
	‘In this division—	9
	<i>amending Act</i> means the <i>Resources Legislation (Balance, Certainty and Efficiency) Amendment Act 2011</i> .	10 11
	<i>commencement</i> means the commencement of the section in which the term is used.	12 13
	<i>former</i> , for a provision of this Act, means the provision as in force immediately before the commencement.	14 15
	<i>new</i> , for a provision of this Act, means the provision as in force immediately after the commencement.	16 17
‘Subdivision 2	Provisions relating to exploration permits	18 19
‘790	Particular applications for exploration permits	20
	‘(1) This section applies if—	21
	(a) an application for an exploration permit was made before the commencement; and	22 23
	(b) apart from this section, new section 131(1)(c) would prevent the grant of the exploration permit applied for.	24 25
	‘(2) New section 131 does not apply for the application.	26

‘(3) The application must be decided under former section 131.	1
‘791 Particular applications to renew exploration permits	2
‘(1) This section applies if—	3
(a) an application to renew an exploration permit was made, but not decided, before the commencement; and	4 5
(b) apart from this section, new section 147A(1)(e) would prevent the grant of the exploration permit applied for.	6 7
‘(2) New section 147A does not apply for the application.	8
‘(3) The application must be decided under former section 147A.	9
‘792 Periodic reduction in land covered by existing exploration permit	10 11
‘(1) This section applies to an exploration permit in existence immediately before the commencement.	12 13
‘(2) For the current remaining term of the exploration permit—	14
(a) new section 139 does not apply to the exploration permit; and	15 16
(b) the area of the exploration permit must be reduced under former section 139.	17 18
‘(3) In this section—	19
<i>current remaining term</i> means the period from the commencement until the expiry of the exploration permit.’.	20 21
‘Subdivision 3 Provisions relating to mining claims	22
‘793 Existing referral of mining claim to the Land Court	23
‘(1) This section applies if—	24
(a) before the commencement—	25

(i)	an application for a mining claim was made, but not decided, under part 4; and	1 2
(ii)	the application was referred to the Land Court under section 72; and	3 4
(b)	before the Land Court gives its instruction or recommendation for the application under section 78, all objections for the application are withdrawn.	5 6 7
‘(2)	Section 71B(2) applies for the referral and Land Court hearing.	8 9
‘(3)	If the last objection to the application was withdrawn before the commencement, the applicant may, within 15 business days after the commencement, apply to the Land Court for costs against any objector to the application.	10 11 12 13
‘794	Existing applications for mining claim or renewal of mining claim	14 15
‘(1)	This section applies if an application for a mining claim or renewal of a mining claim was made, but not decided, under part 4 before the commencement.	16 17 18
‘(2)	Sections 91 and 93, as amended under the amending Act, apply to the grant of any mining claim or renewal for the application.	19 20 21
‘Subdivision 4	Provisions relating to mining leases	22
‘795	Existing referral of mining lease to the Land Court	23
‘(1)	This section applies if—	24
(a)	before the commencement—	25
(i)	an application for a mining lease was made, but not decided, under part 7; and	26 27
(ii)	the application was referred to the Land Court under section 265; and	28 29

(b)	before the Land Court gives its recommendation for the application under section 269, all objections for the application are withdrawn.	1 2 3
‘(2)	Section 260B(2) applies for the referral and Land Court hearing.	4 5
‘(3)	If the last objection to the application was withdrawn before the commencement, the applicant may, within 15 business days after the commencement, apply to the Land Court for costs against any objector to the application.	6 7 8 9
‘796	Minister to decide particular applications for or about mining leases	10 11
‘(1)	This section applies if—	12
(a)	before the commencement, an application was made for—	13 14
(i)	a mining lease under section 245; or	15
(ii)	the renewal of a mining lease under section 286; or	16
(iii)	the consolidation of mining leases under section 299; or	17 18
(iv)	a mining lease for the transportation of a thing through, over or under land under section 316; and	19 20
(b)	the Governor in Council has not decided the application.	21
‘(2)	The Minister must decide the application under—	22
(a)	if the application is for a mining lease—new section 271A; or	23 24
(b)	if the application is for the renewal of a mining lease—section 286A, as amended under the amending Act; or	25 26 27
(c)	if the application is for the consolidation of mining leases—section 299, as amended under the amending Act; or	28 29 30

	(d) if the application is for a mining lease for the transportation of a thing—section 316, as amended under the amending Act.	1 2 3
‘Subdivision 5	Provisions common to mining tenements	4 5
‘797	Unfinished actions under former s 96, 151, 198 or 300	6
	‘(1) This section applies if a person had an obligation under former section 96, 151, 198 or 300 and the person had not discharged the obligation before the commencement.	7 8 9
	‘(2) Despite the repeal of the section under the amending Act, the section continues to have effect in relation to the person until the obligation is discharged.	10 11 12
‘798	Continued functions for caveats received before the commencement	13 14
	‘(1) Despite the repeal of sections 98 and 302 under the amending Act—	15 16
	(a) former sections 98 and 302 continue to apply to the mining registrar in relation to a relevant caveat received by the mining registrar before the commencement; and	17 18 19
	(b) former sections 153 and 200 continue to apply to the chief executive in relation to a relevant caveat received by the chief executive before the commencement.	20 21 22
	‘(2) In this section—	23
	<i>relevant caveat</i> —	24
	(a) for the mining registrar—means a caveat to which former section 98 or 302 applied; or	25 26
	(b) for the chief executive—means a caveat to which former section 153 or 200 applied.	27 28

‘799	Continued functions for removal or withdrawal of caveat	1
	‘Despite the repeal of sections 101, 156, 203 and 305 under the amending Act—	2
		3
	(a) former sections 101 and 305 continue to apply to the mining registrar in relation to the following—	4
		5
	(i) an order of the Land Court, under former section 101(3) and 305(3), that a caveat be removed;	6
		7
	(ii) a notice, under former section 101(5) and 305(4), about the withdrawal of a caveat if given to the registrar before the commencement; and	8
		9
		10
	(b) former sections 156 and 203 continue to apply to the mining registrar in relation to the following—	11
		12
	(i) an order of the Land Court, under former section 156(3) and 203(3) that a caveat be removed;	13
		14
	(ii) a notice, under former section 156(5) and 203(5), about the withdrawal of a caveat if given to the registrar before the commencement.	15
		16
		17
‘Subdivision 6	Other provisions	18
‘800	Existing requests for information	19
	‘(1) This section applies if a request for information was made, but not complied with, under the following provisions before the commencement—	20
		21
		22
	(a) former section 133A;	23
	(b) former section 147AA;	24
	(c) former section 183A;	25
	(d) former section 197AA;	26
	(e) former section 245A;	27
	(f) former section 286AA.	28

- ‘(2) On the commencement, the request is taken to have been made under section 386J(1).’.

Clause 181	Amendment of sch 2 (Dictionary)	3
(1)	Schedule 2, definitions <i>register</i> and <i>relevant departmental office</i> —	4
	<i>omit.</i>	5
(2)	Schedule 2—	6
	<i>insert</i> —	7
	‘ <i>application transfer</i> see section 318AAN(2).	8
	<i>apply</i> , in relation to making an application, has the meaning affected by section 386M.	9
	<i>appropriately qualified</i> , for the performance of a function or exercise of a power, includes having the qualifications, experience and competence to perform the function or exercise the power.’.	10
	<i>assessable transfer</i> see section 318AAR(2).	11
	<i>associated agreement</i> see section 318AAZA.	12
	<i>dealing</i> , with a mining tenement, see section 318AAP.	13
	<i>file</i> , a document, has the meaning affected by section 386M.	14
	<i>forward</i> , a document, has the meaning affected by section 386M.	15
	<i>give</i> , a document to the Minister, chief executive or mining registrar, has the meaning affected by section 386M.	16
	<i>lodge</i> , a document, has the meaning affected by section 386M.	17
	<i>make a submission</i> has the meaning affected by section 386M.	18
	<i>non-assessable transfer</i> , for part 7AAAB, see section 318AAO.	19
	<i>register</i> means the register kept under section 387.	20
		21
		22
		23
		24
		25
		26
		27
		28
		29

registration, for a dealing or an application transfer, means
recorded in the register.’. 1
2

Part 5 Amendment of Petroleum Act 1923 3 4

Clause 182 Act amended 5
This part amends the *Petroleum Act 1923*. 6
Note— 7
See also the amendments in— 8
(a) chapter 2, part 4; and 9
(b) schedules 2 and 3. 10

Clause 183 Amendment of s 2 (Definitions) 11
(1) Section 2, definitions *dealing* and *relevant departmental* 12
office— 13
omit. 14
(2) Section 2— 15
insert— 16
‘*amending Act*, for part 14, division 2, see section 191. 17
apply, in relation to making an application, has the meaning 18
affected by section 124A. 19
appropriately qualified, for the performance of a function or 20
exercise of a power, includes having the qualifications, 21
experience and competence to perform the function or 22
exercise the power. 23
assessable transfer see section 80G(2). 24
commencement, for part 14, division 2, see section 191. 25

[s 184]

<i>dealing</i> , with a 1923 Act petroleum tenure, see section 80E.	1
<i>executive officer</i> , of a corporation, means a person who is concerned with or takes part in its management, whether or not the person is a director or the person's position is given the name of executive officer.	2 3 4 5
<i>former</i> , for part 14, division 2, see section 191.	6
<i>give</i> , a document to the Minister or the chief executive, has the meaning affected by section 124A.	7 8
<i>lodge</i> , a document, has the meaning affected by section 124A.	9
<i>make submissions</i> has the meaning affected by section 124A.	10
<i>non-assessable transfer</i> , for part 6N, see section 80G(1).'	11

Clause 184	Amendment of s 40 (Lease to holder of authority to prospect)	12 13
(1)	Section 40(4) and (5)(b), 'Governor in Council'— <i>omit, insert</i> — 'Minister'.	14 15 16
(2)	Section 40(6), 'Governor in Council may, if in the Governor in Council's'— <i>omit, insert</i> — 'Minister may, if in the Minister's'.	17 18 19 20
Clause 185	Amendment of s 44 (Form etc. of lease)	21
	Section 44, 'Governor in Council'— <i>omit, insert</i> — 'Minister'.	22 23 24
Clause 186	Amendment of s 45 (Entitlement to renewal of lease)	25
	Section 45(1), 'Governor in Council'—	26

	<i>omit, insert—</i>	1
	‘Minister’.	2

Clause 187	Amendment of s 65 (Reservations in favour of State)	3
	Section 65(1), ‘Governor in Council’—	4
	<i>omit, insert—</i>	5
	‘Minister’.	6

Clause 188	Omission of s 75AA (Notice of change of holder’s name)	7
	Section 75AA—	8
	<i>omit.</i>	9

Clause 189	Amendment of s 75WN (Amending water monitoring authority by application)	10
	(1) Section 75WN(3)(b)—	11
	<i>omit.</i>	12
	(2) Section 75WN(3)(c)—	13
	<i>renumber as section 75WN(3)(b).</i>	14
		15

Clause 190	Amendment of s 75X (Requirement to report outcome of testing)	16
	Section 75X(2), from ‘test’—	17
	<i>omit, insert—</i>	18
	‘test.’.	19
		20

Clause 191	Amendment of s 76B (Requirement to lodge records and samples)	21
	Section 76B(2)—	22
	<i>omit, insert—</i>	23
		24

- ‘(2) The copy of the record must— 1
- (a) be— 2
- (i) given electronically using the system for 3
submission of reports made or approved by the 4
chief executive; and 5
- (ii) in the digital format made or approved by the chief 6
executive; or 7
- (b) if a way of giving the copy is prescribed under a 8
regulation—be given in that way.’. 9

**Clause 192 Amendment of s 79X (General provision about ownership 10
while tenure is in force for pipeline) 11**

Section 79X(3)(c), ‘80G’— 12

omit, insert— 13

‘80H’. 14

Clause 193 Amendment of s 80C (Access to register) 15

(1) Section 80C(1)(b), after ‘person’— 16

insert— 17

‘, other than a person accessing the register on the 18
department’s website’. 19

(2) Section 80C(1)— 20

insert— 21

‘(d) make the register available, free of charge, on the 22
department’s website.’. 23

Clause 194 Replacement of part 6N 24

Part 6N— 25

omit, insert— 26

‘Part 6N	Dealings	1
‘Division 1	Preliminary	2
‘80DA	Definitions for pt 6N	3
	‘In this part—	4
	<i>assessable transfer</i> see section 80G(2).	5
	<i>non-assessable transfer</i> see section 80G(1).	6
‘80E	What is a <i>dealing</i> with a 1923 Act petroleum tenure	7
	‘Each of the following is a <i>dealing</i> with a 1923 Act petroleum tenure—	8
		9
	(a) a transfer of the 1923 Act petroleum tenure, or of a share in the 1923 Act petroleum tenure;	10
		11
	(b) a mortgage over the 1923 Act petroleum tenure, or over a share in the 1923 Act petroleum tenure;	12
		13
	(c) a release, transfer or surrender of a mortgage mentioned in paragraph (b);	14
		15
	(d) a change to the 1923 Act petroleum tenure holder’s name even if the holder continues to be the same person after the change;	16
		17
		18
	(e) if the 1923 Act petroleum tenure is a lease—	19
	(i) a sublease of the lease; or	20
	(ii) a transfer of a sublease of the lease or a share in a sublease of the lease.	21
		22
‘80F	Prohibited dealings	23
	‘A dealing that has the effect of transferring a divided part of the area of a 1923 Act petroleum tenure is prohibited.	24
		25

<i>Examples of a divided part of the area of a 1923 Act petroleum tenure—</i>	1
• a particular part of the surface of the area	2
• a particular strata beneath the surface of the area	3
‘80G Types of transfers	4
‘(1) The following transfers (each a <i>non-assessable transfer</i>) do not require assessment before being registered—	5
(a) a transfer of a 1923 Act petroleum tenure or of a share in a 1923 Act petroleum tenure if—	7
(i) the transferee is an entity having the same Australian Business Number as the entity comprising all or part of the transferor; or	9
(ii) part of one holder’s share in the 1923 Act petroleum tenure will be transferred to another holder of the 1923 Act petroleum tenure;	12
(b) a transmission by death of a 1923 Act petroleum tenure or of a share in a 1923 Act petroleum tenure;	15
(c) a transfer of a 1923 Act petroleum tenure or of a share in a 1923 Act petroleum tenure by operation of law;	17
(d) a transfer of a mortgage over a 1923 Act petroleum tenure or a share in a 1923 Act petroleum tenure;	19
(e) a transfer of a sublease of a lease or of a share in a sublease of a lease.	21
‘(2) A transfer of a 1923 Act petroleum tenure or of a share in a 1923 Act petroleum tenure not mentioned in subsection (1) is an <i>assessable transfer</i> and must be approved by the Minister under division 3 before it can be registered.	23
	24
	25
	26

‘Division 2	Registration of dealings generally	1
‘80H	Registration required for all dealings	2
‘(1)	A dealing with a 1923 Act petroleum tenure has no effect until it is registered.	3 4
‘(2)	A registered dealing takes effect on—	5
(a)	for a dealing that is a non-assessable transfer—the day the transfer is registered; or	6 7
(b)	for a dealing that is an assessable transfer—the day the transfer was approved under division 3; or	8 9
(c)	for any other dealing—the day notice of the dealing was given to the chief executive under section 80I.	10 11
‘80I	Obtaining registration	12
‘(1)	Registration of a dealing, other than an assessable transfer, may be sought by giving the chief executive a notice of the dealing in the approved form.	13 14 15
‘(2)	However, a dealing prohibited under section 80F can not be registered and is of no effect.	16 17
‘(3)	The approved form must be accompanied by the fee prescribed under a regulation.	18 19
‘(4)	Registration of an assessable transfer must be carried out by the chief executive only after receiving notice under section 80KC of the decision to approve the transfer.	20 21 22
‘80J	Effect of approval and registration	23
	‘The registration of a dealing, or an approval of an assessable transfer under division 3, allows the dealing or transfer to have effect according to its terms but does not of itself give the dealing any more effect or validity than it would otherwise have.	24 25 26 27 28

‘Division 3	Approval of assessable transfers	1
‘80K	Applying for approval	2
‘(1)	The holder of a 1923 Act petroleum tenure may apply for approval of an assessable transfer relating to the 1923 Act petroleum tenure.	3 4 5
‘(2)	The application must be made to the Minister, in the approved form, and accompanied by each of the following—	6 7
(a)	the instrument for the transfer, signed by the parties to the transfer, and a copy of it certified to be a true copy of the original;	8 9 10
(b)	for a transfer of a share in a 1923 Act petroleum tenure, a written consent to the transfer by—	11 12
(i)	each person, other than the transferor, who holds a share of the tenure; and	13 14
(ii)	if the share is subject to a mortgage—the mortgagee;	15 16
(c)	the fee prescribed under a regulation.	17
‘80KA	Deciding application	18
‘(1)	The Minister must decide whether or not to give the approval.	19
‘(2)	In deciding whether or not to give the approval, the Minister must consider—	20 21
(a)	the transferor’s and transferee’s history of compliance with this Act; and	22 23
(b)	the application and any additional information accompanying the application; and	24 25
(c)	the capability criteria for the tenure; and	26
(d)	whether any petroleum royalty payable by the holder of the 1923 Act petroleum tenure remains unpaid; and	27 28
(e)	the public interest.	29

‘(3) The approval may be given only if—	1
(a) the proposed transferee is a registered suitable operator under the Environmental Protection Act; and	2 3
(b) either—	4
(i) any financial assurance required under the Environmental Protection Act for the relevant environmental authority for the 1923 Act petroleum tenure the subject of the transfer has been given; or	5 6 7 8 9
(ii) the administering authority under that Act has given the Minister notice that it has not required financial assurance under that Act from the proposed transferee for the environmental authority.	10 11 12 13 14
 ‘80KB Security may be required	 15
‘(1) The Minister may, as a condition of deciding to give the approval, require the proposed transferee to give, under section 78D, security for the 1923 Act petroleum tenure the subject of the transfer as if the proposed transferee were an applicant for the 1923 Act petroleum tenure.	16 17 18 19 20
‘(2) If the proposed transferee does not comply with the requirement, the application may be refused.	21 22
‘(3) When the transfer of the 1923 Act petroleum tenure is complete, the section as mentioned in subsection (1) applies to the transferee of the 1923 Act petroleum tenure as holder.	23 24 25
 ‘80KC Notice of decision	 26
‘(1) If the Minister decides to give the approval, the Minister must give the applicant and the chief executive notice of the decision.	27 28 29

[s 195]

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

Clause 195 Insertion of new pts 6NA and 6NB

Before part 6O—

insert—

‘Part 6NA Recording associated agreements

‘80KD Definition for pt 6NA

‘In this part—

associated agreement, for a 1923 Act petroleum tenure, means an agreement relating to the 1923 Act petroleum tenure, other than the following—

- (a) a dealing with the 1923 Act petroleum tenure;
- (b) a dealing prohibited under section 80F;
- (c) another agreement prescribed under a regulation as unsuitable to be recorded in the petroleum register.

‘80KE Recording associated agreements

- ‘(1) An associated agreement for a 1923 Act petroleum tenure may be recorded in the register against the 1923 Act petroleum tenure.
- ‘(2) Registration of an associated agreement may be sought by giving the chief executive a notice of the agreement in the approved form.
- ‘(3) An approved form given to the chief executive under this section must be accompanied by the fee prescribed under a regulation.

‘80KF Effect of recording associated agreements	1
‘The recording of an associated agreement under this division	2
does not of itself—	3
(a) give the agreement any more effect or validity than it	4
would otherwise have; or	5
(b) create an interest in the 1923 Act petroleum tenure	6
against which it is recorded.	7
 ‘Part 6NB Caveats	8
 ‘80KG Requirements of caveats	9
‘(1) A caveat must—	10
(a) be lodged in the approved form; and	11
(b) be signed by the caveator, the caveator’s solicitor or	12
other person authorised in writing by the caveator; and	13
(c) state the name and address for service of 1 person upon	14
whom any notice may be served in order to serve the	15
caveator; and	16
(d) identify the 1923 Act petroleum tenure the subject of the	17
caveat; and	18
(e) state the nature of the right or interest claimed by the	19
caveator; and	20
(f) state the period for which the caveat is to continue in	21
force; and	22
(g) if a person consents to the lodging of the caveat, be	23
endorsed with the person’s consent; and	24
(h) be accompanied by the prescribed lodgement fee.	25
‘(2) A caveat that does not comply with subsection (1) is of no	26
effect.	27

‘80KH Lodging of caveat	1
‘A caveat may be lodged by any of the following—	2
(a) a person claiming an interest in a 1923 Act petroleum	3
tenure;	4
(b) the registered holder of a 1923 Act petroleum tenure;	5
(c) a person to whom an Australian court has ordered that	6
an interest in a 1923 Act petroleum tenure be	7
transferred;	8
(d) a person who has the benefit of a subsisting order of an	9
Australian court in restraining a registered holder of a	10
1923 Act petroleum tenure from dealing with the 1923	11
Act petroleum tenure.	12
 ‘80KI Chief executive’s functions upon receipt of caveat	13
‘(1) Upon receipt of a caveat complying with section 80KG(1), the	14
chief executive must—	15
(a) notify each holder of the affected 1923 Act petroleum	16
tenure; and	17
(b) notify all other persons who have an interest in the 1923	18
Act petroleum tenure as recorded in the register	19
including any subsisting prior caveator; and	20
(c) record the existence of the caveat in the register.	21
‘(2) For subsection (1)(b), a person does not have an interest in the	22
1923 Act petroleum tenure only because the person is a party	23
to an associated agreement recorded in the register against the	24
1923 Act petroleum tenure.	25
 ‘80KJ Effect of lodging caveat	26
‘(1) Until a caveat lapses, or is removed or withdrawn, the caveat	27
prevents registration of an instrument affecting the 1923 Act	28
petroleum tenure over which the caveat is lodged from the	29

-
- date and time endorsed by the chief executive on the caveat as
the caveat's date and time of lodgement. 1 2
- ‘(2) However, lodgement of a caveat does not prevent registration
of the following— 3 4
- (a) an instrument stated in the caveat as an instrument to
which the caveat does not apply; 5 6
 - (b) an instrument if the caveator consents, in the approved
form, to its registration and the consent is lodged with
the chief executive; 7 8 9
 - (c) an instrument executed by a mortgagee whose interest
was registered before lodgement of the caveat if— 10 11
 - (i) the mortgagee has power under the mortgage to
execute the instrument; and 12 13
 - (ii) the caveator claims an interest in the 1923 Act
petroleum tenure as security for the payment of
money or money's worth; 14 15 16
 - (d) an instrument of transfer of mortgage executed by a
mortgagee whose interest was registered before
lodgement of the caveat; 17 18 19
 - (e) another interest that, if registered, will not affect the
interest claimed by the caveator. 20 21
- ‘(3) The exception in subsection (2)(d) does not apply to a caveat
lodged by the 1923 Act petroleum tenure holder. 22 23
- ‘(4) Lodgement of a caveat does not create in the caveator an
interest in the 1923 Act petroleum tenure affected by the
caveat. 24 25 26

‘80KK Lapsing, withdrawal or removal of a caveat 27

- ‘(1) An agreed caveat lapses at the expiration of the term stated in
the caveat but, if no term is stated, the caveat continues until it
is withdrawn or removed. 28 29 30
- ‘(2) A caveat that is not an agreed caveat lapses— 31

(a)	if the Land Court ordered the caveat to be lodged—at the expiration of the order; or	1 2
(b)	otherwise—at the expiration of 3 months after the date of lodgement of the caveat or a shorter term stated in the caveat.	3 4 5
‘(3)	A caveator may withdraw the caveat by notifying the chief executive in writing.	6 7
‘(4)	An affected person for a caveat may apply to the Land Court for an order that the caveat be removed.	8 9
‘(5)	The Land Court may make the order whether or not the caveator has been served with the application, and may make the order on the terms it considers appropriate.	10 11 12
‘(6)	If a caveat is withdrawn, lapses or is ordered to be removed, the chief executive must record the withdrawal, lapse or removal in the appropriate register.	13 14 15
‘(7)	In this section—	16
	<i>affected person</i> , for a caveat, means a person—	17
(a)	who has a right or interest (present or prospective) in the 1923 Act petroleum tenure the subject of the caveat; or	18 19
(b)	whose right (present or prospective) to deal with the 1923 Act petroleum tenure the subject of the caveat is affected by the caveat.	20 21 22
	<i>agreed caveat</i> means a caveat to which each holder of the 1923 Act petroleum tenure the subject of the caveat consented, if the consent has been lodged with the caveat.	23 24 25
‘80KL Further caveat not available to same person		26
‘(1)	This section applies if a caveat (the <i>original caveat</i>) is lodged in relation to an interest.	27 28
‘(2)	A further caveat with the same caveator can never be lodged in relation to the interest on the same, or substantially the same, grounds as the grounds stated in the original caveat unless—	29 30 31 32

- | | | |
|--|---|---|
| | (a) the consent of each holder of the 1923 Act petroleum | 1 |
| | tenure the subject of the caveat has been lodged with the | 2 |
| | caveat; or | 3 |
| | (b) the leave of a court of competent jurisdiction to lodge | 4 |
| | the further caveat has been granted. | 5 |

	‘80KM Compensation for lodging caveat without reasonable	6
	cause	7

	‘A person who lodges a caveat in relation to a 1923 Act	8
	petroleum tenure without reasonable cause is liable to	9
	compensate anyone else who suffers loss or damage because	10
	of the caveat.’.	11

Clause	196	Replacement of s 120 (Substantial compliance with	12
		application requirements may be accepted)	13
		Section 120—	14
		<i>omit, insert—</i>	15

	‘120 Requirements for making an application	16
--	--	----

- | | | |
|--|---|----|
| | ‘(1) The Minister must refuse to receive or process a purported | 17 |
| | application, other than to the Land Court, not made under the | 18 |
| | requirements under this Act for making the application. | 19 |
| | ‘(2) However, the Minister may decide to allow the application to | 20 |
| | proceed and be decided as if it did comply with the | 21 |
| | requirements if the Minister is satisfied the application | 22 |
| | substantially complies with the requirements.’. | 23 |

Clause	197	Replacement of s 121 (Additional information may be	24
		required about application)	25
		Section 121—	26
		<i>omit, insert—</i>	27

‘121 Request to applicant about application

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

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

Example—

The application is for a lease. The chief executive may require a document, prepared by an appropriately qualified person, independently verifying reserve data given in the proposed development plan for the lease.

- (c) give the chief executive or a stated officer of the department an independent report by an appropriately qualified person or a statutory declaration verifying all or any of the following—

- (i) any information included in the application;
- (ii) any additional information required under paragraph (b);
- (iii) if the application is to renew an authority to prospect—that the applicant meets the relevant capability criteria under part 4.

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

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

- (a) to be made by an appropriately qualified independent person or by the applicant; and
- (b) if the applicant is a corporation—to be made for the applicant by an executive officer of the applicant.

‘(4) The applicant must bear any costs incurred in complying with the notice.	1 2
‘(5) The chief executive may extend the period for complying with the notice.	3 4
‘(6) In this section—	5
<i>application</i> does not include an application to the Land Court.	6
<i>information</i> includes a document.	7
‘121A Refusing application for failure to comply with request	8
‘(1) The Minister may refuse an application if—	9
(a) a notice under section 121 has been given for the application; and	10 11
(b) the period stated in the notice for complying with it has ended; and	12 13
(c) the request has not been complied with to the chief executive’s satisfaction.	14 15
‘(2) To remove any doubt, subsection (1) applies despite another provision of this Act that provides the application must be granted in particular circumstances or if particular requirements have been complied with.	16 17 18 19
‘121B Particular criteria generally not exhaustive	20
‘(1) This section applies if another provision of this Act permits or requires the Minister to consider particular criteria in deciding an application.	21 22 23
‘(2) To remove any doubt, it is declared that the Minister may in making the decision consider any other criteria the Minister considers relevant.	24 25 26
‘(3) However, subsection (2) does not apply if the provision otherwise provides.	27 28

‘(4) In this section—	1
<i>criteria</i> includes issues and matters.	2
‘121C Particular grounds for refusal generally not exhaustive	3
‘(1) This section applies if another provision of this Act provides for particular grounds on which the Minister may refuse an application.	4 5 6
‘(2) To remove any doubt, it is declared that, unless the other provision otherwise provides, the Minister may refuse the application on another reasonable and relevant ground.	7 8 9
‘(3) In this section—	10
<i>refuse</i> , an application, includes refuse the thing the subject of the application.’.	11 12
Clause 198 Insertion of new pt 9, div 1A	13
Part 9—	14
<i>insert</i> —	15
‘Division 1A How to lodge or give particular documents, make particular applications or make submissions	16 17 18
‘124A Place or way for making applications, giving or lodging documents or making submissions	19 20
‘(1) This section applies to any of the following under this Act—	21
(a) the making of an application;	22
(b) the giving of a document to the Minister or the chief executive;	23 24
(c) the lodging of a document;	25
(d) the making of a submission.	26

-
- ‘(2)
The application, document or submission may be made, given or lodged only—
1
2
 - (a)
at the following place—
3
 - (i)
the office of the department provided for under the relevant approved form for that purpose;
4
5
 - (ii)
if the relevant approved form does not make provision as mentioned in subparagraph (i) or if there is no relevant approved form—the office of the department notified on the department’s website; or
6
7
8
9
10
 - (b)
in the way prescribed under a regulation.
11
 - ‘(3)
This section does not apply to the following—
12
 - (a)
the making of an application to the Land Court;
13
 - (b)
the giving, to the chief executive, of a document that under this Act must be lodged electronically using the system for submission of reports made or approved by the chief executive;
14
15
16
17
 - (c)
the lodging of a copy of an agreement mentioned in section 178 under that section.’.
18
19

Clause 199 Amendment of s 142 (Practice manual) 20

Section 142(4)— 21

omit, insert— 22

- ‘(4)
The information must be given at the place or in the way that the information would be required to be given under section 124A if the information were a document.’.
23
24
25

Clause 200 Amendment of s 149 (Regulation-making power) 26

Section 149(2)— 27

insert— 28

[s 201]

- ‘(c) the way an application or document must be made, 1
 given or lodged for section 124A(2)(b), or the way a 2
 copy of a record must be given for section 76(2)(b), 3
 including, for example— 4
- (i) practices and procedures for lodgement of 5
 applications and other documents; and 6
- (ii) methods for acknowledging receipt of documents; 7
 and 8
- (iii) methods for acceptance of the lodgement of 9
 documents.’. 10

Clause 201 Amendment of s 150 (Declaration about certain 1923 Act 11
petroleum tenures) 12

Section 150(3)(a) and (b), after ‘Governor in Council’— 13
insert— 14
 ‘or Minister’. 15

Clause 202 Insertion of new pt 14, div 2 16

Part 14, as inserted by this Act— 17
insert— 18

‘Division 2 Provisions for amendments 19
commencing by proclamation 20

‘191 Definitions for div 2 21

‘In this division— 22

amending Act means the *Resources Legislation (Balance, 23*
Certainty and Efficiency) Amendment Act 2011. 24

commencement means the commencement of the section in 25
 which the term is used. 26

<i>former</i> , in relation to a provision, means the provision as in force before the commencement.	1 2
‘192 Minister to decide particular applications for or about leases	3 4
‘(1) This section applies if—	5
(a) before the commencement, an application was made for—	6 7
(i) the grant of a lease under section 40; or	8
(ii) the renewal of a lease under section 45; and	9
(b) the Governor in Council has not decided the application.	10
‘(2) The Minister must decide the application under—	11
(a) if it is for the grant of a lease—section 40, as amended by the amending Act; or	12 13
(b) if it is for the renewal of a lease—section 45, as amended by the amending Act.	14 15
‘193 Unfinished indications about approval of dealing	16
‘(1) This section applies if—	17
(a) a party to a proposed dealing made a request to the Minister under former section 80H; and	18 19
(b) the Minister had not given the party an indication before the commencement.	20 21
‘(2) The Minister may continue to consider the request and give an indication under former section 80H as if the section had not been repealed by the amending Act.	22 23 24
‘194 Undecided applications for approval of dealing	25
‘(1) This section applies if—	26

[s 202]

(a)	a holder of a 1923 Act petroleum tenure or interest made an application for approval of a dealing under former section 80I; and	1 2 3
(b)	the Minister had not granted or refused the approval before the commencement.	4 5
‘(2)	Despite the replacement of former part 6N under the amending Act—	6 7
(a)	the Minister may continue to deal with the application; and	8 9
(b)	former sections 80J and 80K apply to the Minister’s decision about the application.	10 11
‘195	Uncommenced appeals about refusal to approve particular dealing	12 13
‘(1)	This section applies to a person if—	14
(a)	before the commencement, the person could have appealed to the Land Court under section 104 in relation to a refusal to approve a dealing under former section 80J(1); but	15 16 17 18
(b)	the person had not started the appeal before the commencement.	19 20
‘(2)	Despite the amendment of the schedule under the amending Act, the person continues to be a person who may start an appeal under section 104, subject to sections 105 and 106.	21 22 23
‘196	Unfinished appeals about refusal to approve particular dealing	24 25
‘(1)	This section applies if, before the commencement—	26
(a)	a person started an appeal under section 106 in relation to a refusal to approve a dealing under former section 80J(1); and	27 28 29
(b)	the Land Court had not yet decided the appeal.	30

‘(2) The Land Court may continue, under part 7, to grant a stay of
the decision being appealed, and hear and decide the appeal.’. 1
2

Clause 203 Amendment of schedule (Decisions subject to appeal) 3
Schedule, entry for section 80J(1)— 4
omit, insert— 5
‘80KA refusal to approve assessable transfer 6
80KB decisions to require security’. 7

Part 6 Amendment of Petroleum and Gas (Production and Safety) Act 2004 8 9 10

Clause 204 Act amended 11
This part amends the *Petroleum and Gas (Production and Safety) Act 2004*. 12
13
Note— 14
See also the amendments in— 15
(a) chapter 2, part 5; and 16
(b) schedules 1, 2 and 3. 17

Clause 205 Amendment of s 33 (Incidental activities) 18
Section 33(1), after ‘section 32(1)’— 19
insert— 20
‘for the authority or another authority to prospect’. 21

Clause 206	Amendment of s 59 (Restrictions on amending work program)	1 2
	(1) Section 59(2)(d)(i), ‘authority;’—	3
	<i>omit, insert—</i>	4
	‘authority; or’.	5
	(2) Section 59(2)(d)(ii), ‘section 573’—	6
	<i>omit, insert—</i>	7
	‘section 573B’.	8
Clause 207	Amendment of s 60 (Applying for approval to amend)	9
	(1) Section 60(1)—	10
	<i>insert—</i>	11
	‘Note—	12
	For other relevant provisions about applications, see chapter 14, part 1	13
	and section 851AA.	14
	(2) Section 60—	15
	<i>insert—</i>	16
	‘(3) The application must be accompanied by the fee prescribed	17
	under a regulation.’.	18
Clause 208	Amendment of s 112 (Incidental activities)	19
	Section 112(1), from ‘incidental to’ to ‘the lease.’—	20
	<i>omit, insert—</i>	21
	‘incidental to—	22
	(a) another authorised activity for the lease; or	23
	(b) an authorised activity for another petroleum lease.’.	24

Clause 209	Amendment of s 118 (Requirements for making ATP-related application)	1
		2
	Section 118(2) and (3)—	3
	<i>omit.</i>	4
Clause 210	Amendment of s 548 (Requirement to lodge records and samples)	5
		6
	Section 548(2)—	7
	<i>omit, insert—</i>	8
	‘(2) The copy of the record must—	9
	(a) be—	10
	(i) given electronically using the system for	11
	submission of reports made or approved by the	12
	chief executive; and	13
	(ii) in the digital format made or approved by the chief	14
	executive; or	15
	(b) if a way of giving the copy is prescribed under a	16
	regulation—be given in that way.’.	17
Clause 211	Omission of s 558A (Notice of change of holder’s name)	18
	Section 558A—	19
	<i>omit.</i>	20
Clause 212	Amendment of s 566 (Access to register)	21
	(1) Section 566(1)(b), after ‘person’—	22
	<i>insert—</i>	23
	‘, other than a person accessing the register on the	24
	department’s website’.	25
	(2) Section 566(1)—	26
	<i>insert—</i>	27

‘(d) make the register available, free of charge, on the
department’s website.’. 1
2

Clause 213 Replacement of ch 5, pt 10 (Dealings) 3

Chapter 5, part 10— 4

omit, insert— 5

‘Part 10 Dealings 6

‘Division 1 Preliminary 7

‘567A Definitions for pt 10 8

‘In this part— 9

assessable transfer see section 570(2). 10

non-assessable transfer see section 570(1). 11

‘568 What is a *dealing* with a petroleum authority 12

‘Each of the following is a *dealing* with a petroleum
authority— 13
14

(a) a transfer of the petroleum authority or of a share in the
petroleum authority; 15
16

(b) a mortgage over the petroleum authority or over a share
in the petroleum authority; 17
18

(c) a release, transfer or surrender of a mortgage mentioned
in paragraph (b); 19
20

(d) a change to the petroleum authority holder’s name even
if the holder continues to be the same person after the
change; 21
22
23

(e) if the petroleum authority is a petroleum lease— 24

(i) a sublease of the petroleum lease; or 25

(ii)	a transfer of a sublease of the petroleum lease or a share in a sublease of the petroleum lease.	1 2
'569	Prohibited dealings	3
	'The following dealings are prohibited and of no effect—	4
(a)	a transfer of a survey licence;	5
(b)	a transfer of a pipeline authorised under section 33 or 110;	6 7
	<i>Note—</i>	8
	See also part 6, division 1.	9
(c)	a dealing that has the effect of transferring a divided part of the area of a petroleum authority;	10 11
	<i>Examples of a divided part of the area of a petroleum authority—</i>	12
	• a particular part of the surface of the area	13
	• a particular strata beneath the surface of the area.	14
(d)	a transfer of a pipeline licence, unless the pipeline the subject of the licence and the pipeline land for the licence are also to be transferred to the transferee of the pipeline licence;	15 16 17 18
(e)	a transfer of a petroleum facility licence, unless the petroleum facility and petroleum facility land the subject of the licence are also to be transferred to the transferee of the licence;	19 20 21 22
(f)	a transfer of a water monitoring authority, or of a share in a water monitoring authority, other than a transfer by operation of law under section 201;	23 24 25
(g)	a transfer of a data acquisition authority, or of a share in a data acquisition authority, other than a transfer by operation of law under section 182.	26 27 28

‘570	Types of transfers	1
‘(1)	The following transfers (each a <i>non-assessable transfer</i>) do not require assessment before being registered—	2 3
(a)	a transfer of a petroleum authority or of a share in a petroleum authority under which—	4 5
(i)	the transferee is an entity having the same Australian Business Number as the entity comprising all or part of the transferor; or	6 7 8
(ii)	part of one holder’s share in the petroleum authority will be transferred to another holder of the petroleum authority;	9 10 11
(b)	a transmission by death of a petroleum authority or of a share in a petroleum authority;	12 13
(c)	a transfer of a petroleum authority or of a share in a petroleum authority by operation of law;	14 15
(d)	a transfer of a mortgage over a petroleum authority or over a share in a petroleum authority;	16 17
(e)	a transfer of a sublease of a petroleum lease or a share in a sublease of a petroleum lease.	18 19
‘(2)	A transfer of a petroleum authority, or of a share in a petroleum authority, not mentioned in subsection (1) is an <i>assessable transfer</i> and must be approved by the Minister under division 3 before it can be registered.	20 21 22 23
‘Division 2	Registration of dealings generally	24
‘571	Registration required for all dealings	25
‘(1)	A dealing with a petroleum authority has no effect until it is registered.	26 27
‘(2)	A registered dealing takes effect on—	28
(a)	for a dealing that is a non-assessable transfer—the day the transfer is registered; or	29 30

- (b) for a dealing that is an assessable transfer—the day the transfer was approved under division 3; or 1
2
- (c) for any other dealing—the day notice of the dealing was given to the chief executive under section 572. 3
4

‘572 Obtaining registration 5

- ‘(1) Registration of a dealing, other than an assessable transfer, may be sought by giving the chief executive a notice of the dealing in the approved form. 6
7
8
- ‘(2) However, a dealing prohibited under section 569 can not be registered. 9
10
- ‘(3) The approved form must be accompanied by the fee prescribed under a regulation. 11
12
- ‘(4) Registration of an assessable transfer must be carried out by the chief executive only after receiving notice under section 573D of the decision to approve the transfer. 13
14
15

‘573 Effect of approval and registration 16

‘The registration of a dealing, or an approval of an assessable transfer under division 3, allows the dealing or transfer to have effect according to its terms but does not of itself give the dealing any more effect or validity than it would otherwise have. 17
18
19
20
21

‘Division 3 Approval of assessable transfers 22

‘573A Applying for approval 23

- ‘(1) The holder of a petroleum authority may apply for approval of an assessable transfer relating to the petroleum authority. 24
25
- ‘(2) However, an application can not be made under subsection (1) if the proposed transferee is not an eligible person. 26
27

- ‘(3) The application must be made to the Minister in the approved form and be accompanied by each of the following—
 - (a) the instrument for the transfer, signed by the parties to the transfer, and a copy of it certified to be a true copy of the original;
 - (b) for a transfer of a share in a petroleum authority, a written consent to the transfer by—
 - (i) each person who holds that interest and each other person who holds a share of the authority; and
 - (ii) if the interest is subject to a mortgage—the mortgagee;
 - (c) the fee prescribed under a regulation.

‘573B Deciding application

- ‘(1) The Minister must decide whether or not to give the approval.
- ‘(2) In deciding whether or not to give the approval, the Minister must consider—
 - (a) the transferor’s and transferee’s history of compliance with this Act; and
 - (b) the application and any additional information accompanying the application; and
 - (c) the criteria applying under chapter 2 or 4 for obtaining the type of authority the subject of the transfer; and
 - (d) whether any petroleum royalty payable by the holder of the petroleum authority remains unpaid; and
 - (e) the public interest.
- ‘(3) The approval may be given only if—
 - (a) the proposed transferee is a registered suitable operator under the Environmental Protection Act; and
 - (b) either—

- (i) any financial assurance required under the Environmental Protection Act for the relevant environmental authority for the petroleum authority the subject of the transfer has been given; or
- (ii) the administering authority under that Act has given the Minister notice that it has not required financial assurance under that Act from the proposed transferee for the environmental authority.

‘573C Security may be required

- ‘(1) The Minister may, as a condition of deciding to give the approval, require the proposed transferee to give, under section 488, security for the petroleum authority the subject of the transfer as if the proposed transferee were an applicant for the petroleum authority.
- ‘(2) If the proposed transferee does not comply with the requirement, the application may be refused.
- ‘(3) When the transfer of the petroleum authority is complete, the section as mentioned in subsection (1) applies to the transferee of the petroleum authority as holder.

‘573D Notice of decision

- ‘(1) If the Minister decides to give the approval, the Minister must give the applicant and the chief executive notice of the decision.
- ‘(2) If the Minister decides not to give the approval, the Minister must give the applicant an information notice for the decision.’.

Clause 214 Insertion of new ch 5, pts 10A and 10B

Chapter 5, before part 11—

<i>insert—</i>	1
‘Part 10A Recording associated agreements	2 3
‘573E Definition for pt 10A	4
‘In this part—	5
<i>associated agreement</i> , for a petroleum authority, means an agreement relating to the petroleum authority, other than the following—	6 7 8
(a) a dealing with the petroleum authority;	9
(b) a dealing prohibited under section 569;	10
(c) another agreement prescribed under a regulation as unsuitable to be recorded in the petroleum register.	11 12
‘573F Recording associated agreements	13
‘(1) An associated agreement for a petroleum authority may be recorded in the petroleum register against the petroleum authority.	14 15 16
‘(2) Registration of an associated agreement may be sought by giving the chief executive a notice of the agreement in the approved form.	17 18 19
‘(3) An approved form given to the chief executive under this section must be accompanied by the fee prescribed under a regulation.	20 21 22
‘573G Effect of recording associated agreements	23
‘The recording of an associated agreement under this part does not of itself—	24 25
(a) give the agreement any more effect or validity than it would otherwise have; or	26 27

- (b) create an interest in the petroleum authority against which it is recorded. 1
2

‘Part 10B Caveats 3

‘573H Requirements of caveats 4

- ‘(1) A caveat must— 5
 - (a) be lodged in the approved form; and 6
 - (b) be signed by the caveator, the caveator’s solicitor or another person authorised in writing by the caveator; and 7
8
9
 - (c) state the name and address for service of 1 person upon whom any notice may be served in order to serve the caveator; and 10
11
12
 - (d) identify the petroleum authority the subject of the caveat; and 13
14
 - (e) state the nature of the right or interest claimed by the caveator; and 15
16
 - (f) state the period for which the caveat is to continue in force; and 17
18
 - (g) if a person consents to the lodging of the caveat, be endorsed with the person’s consent; and 19
20
 - (h) be accompanied by the prescribed lodgement fee. 21
- ‘(2) A caveat that does not comply with subsection (1) is of no effect. 22
23

‘573I Lodging of caveat 24

- ‘A caveat may be lodged by any of the following— 25
 - (a) a person claiming an interest in a petroleum authority; 26

- (b) the registered holder of a petroleum authority; 1
- (c) a person to whom an Australian court has ordered that 2
an interest in a petroleum authority be transferred; 3
- (d) a person who has the benefit of a subsisting order of an 4
Australian court restraining a registered holder of a 5
petroleum authority from dealing with the petroleum 6
authority. 7

‘573J Chief executive’s functions upon receipt of caveat 8

- ‘(1) Upon receipt of a caveat complying with section 573H(1), the 9
chief executive must— 10
 - (a) notify the holder or holders of the affected petroleum 11
authority; and 12
 - (b) notify all other persons who have an interest in the 13
petroleum authority as recorded in the petroleum 14
register, including any subsisting prior caveator; and 15
 - (c) record the existence of the caveat in the petroleum 16
register. 17
- ‘(2) For subsection (1)(b), a person does not have an interest in the 18
petroleum authority only because the person is a party to an 19
associated agreement recorded in the petroleum register 20
against the petroleum authority. 21

‘573K Effect of lodging caveat 22

- ‘(1) Until a caveat lapses, or is removed or withdrawn, the caveat 23
prevents registration of an instrument affecting the petroleum 24
authority over which the caveat is lodged from the date and 25
time endorsed by the chief executive on the caveat as the 26
caveat’s date and time of lodgement. 27
- ‘(2) However, lodgement of a caveat does not prevent registration 28
of the following— 29
 - (a) an instrument stated in the caveat as an instrument to 30
which the caveat does not apply; 31

-
- (b) an instrument if the caveator consents, in the approved form, to its registration and the consent is lodged with the chief executive;

1

2

3
 - (c) an instrument executed by a mortgagee whose interest was registered before lodgement of the caveat if—

 - (i) the mortgagee has power under the mortgage to execute the instrument; and
 - (ii) the caveator claims an interest in the petroleum authority as security for the payment of money or money's worth;

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 - (d) an instrument of transfer of mortgage executed by a mortgagee whose interest was registered before lodgement of the caveat;

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13
 - (e) another interest that, if registered, will not affect the interest claimed by the caveator.

14

15
 - ‘(3) The exception in subsection (2)(d) does not apply to a caveat lodged by the petroleum authority holder.

16

17
 - ‘(4) Lodgement of a caveat does not create in the caveator an interest in the petroleum authority affected by the caveat.

18

19

‘573L Lapsing, withdrawal or removal of caveat

- ‘(1) An agreed caveat lapses at the expiration of the term stated in the caveat but, if no term is stated, the caveat continues until it is withdrawn or removed.

20

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22

23
- ‘(2) A caveat that is not an agreed caveat lapses—

 - (a) if the Land Court ordered the caveat to be lodged—at the expiration of the order; or
 - (b) otherwise—at the expiration of 3 months after the date of lodgement of the caveat or a shorter term stated in the caveat.

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- ‘(3) A caveator may withdraw the caveat by notifying the chief executive in writing.

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- ‘(4) An affected person for a caveat may apply to the Land Court for an order that the caveat be removed.
1
2
- ‘(5) The Land Court may make the order whether or not the caveator has been served with the application, and may make the order on the terms it considers appropriate.
3
4
5
- ‘(6) If a caveat is withdrawn, lapses or is ordered to be removed, the chief executive must record the withdrawal, lapse or removal in the appropriate register.
6
7
8
- ‘(7) In this section—
9
- affected person*, for a caveat, means a person—
10
- (a) who has a right or interest (present or prospective) in the petroleum authority the subject of the caveat; or
11
12
- (b) whose right (present or prospective) to deal with the petroleum authority the subject of the caveat is affected by the caveat.
13
14
15
- agreed caveat* means a caveat to which each holder of the petroleum authority the subject of the caveat consented, if the consent has been lodged with the caveat.
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‘573M Further caveat not available to same person 19

- ‘(1) This section applies if a caveat (the *original caveat*) is lodged in relation to an interest.
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21
- ‘(2) A further caveat with the same caveator can never be lodged in relation to the interest on the same, or substantially the same, grounds as the grounds stated in the original caveat unless—
22
23
24
25
- (a) the consent of each holder of the petroleum authority the subject of the caveat has been lodged with the caveat; or
26
27
- (b) the leave of a court of competent jurisdiction to lodge the further caveat has been granted.
28
29

‘573N Compensation for lodging caveat without reasonable cause	1 2
‘A person who lodges a caveat in relation to a petroleum authority without reasonable cause is liable to compensate anyone else who suffers loss or damage because of the caveat.’.	3 4 5 6
Clause 215 Replacement of s 842 (Substantial compliance with application requirements may be accepted)	7 8
Section 842—	9
<i>omit, insert—</i>	10
‘842 Requirements for making an application	11
‘(1) This section applies to a purported application, other than to the Land Court, not made under the requirements under this Act for making the application.	12 13 14
‘(2) The decision-maker for the application must refuse to receive or process the purported application.	15 16
‘(3) However, the decision-maker may decide to allow the application to proceed and be decided as if it did comply with the requirements if the decision-maker is satisfied the application substantially complies with the requirements.’.	17 18 19 20
Clause 216 Replacement of s 843 (Additional information may be required about application)	21 22
Section 843—	23
<i>omit, insert—</i>	24
‘843 Request to applicant about application	25
‘(1) For an application under this Act, the relevant person for the application may by notice require the applicant to do all or any of the following within a stated reasonable period—	26 27 28
(a) complete or correct the application if it appears to the relevant person to be incorrect, incomplete or defective;	29 30

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- | | | |
|------|--|----------------------------|
| (b) | give the relevant person or another stated officer of the department additional information about, or relevant to, the application; | 1
2
3 |
| | <i>Example—</i> | 4 |
| | The application is for a petroleum lease. The chief executive may require a document, prepared by an appropriately qualified person, independently verifying reserve data given in the proposed development plan for the lease. | 5
6
7
8 |
| (c) | give the relevant person or another stated officer of the department an independent report by an appropriately qualified person, or a statutory declaration, verifying all or any of the following— | 9
10
11
12 |
| | (i) any information included in the application; | 13 |
| | (ii) any additional information required under paragraph (b); | 14
15 |
| | (iii) if the application is for a petroleum tenure—that the applicant meets the relevant capability criteria under chapter 2. | 16
17
18 |
| ‘(2) | For subsection (1)(b), if the application is for a petroleum authority, a required document may include a survey or resurvey of the area of the proposed authority carried out by a person who is a cadastral surveyor under the <i>Surveyors Act 2003</i> . | 19
20
21
22
23 |
| ‘(3) | For subsection (1)(c), the notice may require the statutory declaration— | 24
25 |
| | (a) to be made by an appropriately qualified independent person or by the applicant; and | 26
27 |
| | (b) if the applicant is a corporation—to be made for the applicant by an executive officer of the applicant. | 28
29 |
| ‘(4) | The applicant must bear any costs incurred in complying with the notice. | 30
31 |
| ‘(5) | The relevant person may extend the period for complying with the notice. | 32
33 |
| ‘(6) | In this section— | 34 |
-

application does not include—

- (a) an application to a court or tribunal; or
- (b) an internal review application under chapter 12, part 1.

information includes a document.

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

- (a) the chief inspector if the application is made under—
 - (i) section 389, 622 or 728; or
 - (ii) chapter 9, part 1; or
- (b) otherwise—the chief executive.

‘843A Refusing application for failure to comply with request

‘(1) This section applies for an application if—

- (a) the chief executive or the chief inspector gives a notice under section 843 for the application; and
- (b) the period stated in the notice for complying with it has ended; and
- (c) the request has not been complied with to the satisfaction of the person who gave the notice.

‘(2) The application may be refused by—

- (a) if the notice was given by the chief executive—the Minister; or
- (b) if the notice was given by the chief inspector—the chief inspector.

‘(3) To remove any doubt, it is declared that subsection (2) applies despite another provision of this Act that provides the application must be granted in particular circumstances or if particular requirements have been complied with.

‘843B Notice to progress petroleum authority or renewal applications	1 2
‘(1) The Minister may by notice require an applicant for, or to renew, a petroleum authority to, within a stated reasonable period, do any thing required of the applicant under this Act or another Act to allow the application to be decided or the authority to be granted or renewed.	3 4 5 6 7
‘(2) The Minister may refuse the application if the applicant does not comply with the requirement.	8 9
‘843C Particular criteria generally not exhaustive	10
‘(1) This section applies if another provision of this Act permits or requires the decision-maker for an application under this Act to consider particular criteria in deciding the application.	11 12 13
‘(2) To remove any doubt, it is declared that the decision-maker may, in making the decision, consider any other criteria the decision-maker considers relevant.	14 15 16
‘(3) However, subsection (2) does not apply if the provision otherwise provides.	17 18
‘(4) In this section— <i>criteria</i> includes issues and matters.	19 20
‘843D Particular grounds for refusal generally not exhaustive	21
‘(1) This section applies if another provision of this Act provides for particular grounds on which the decision-maker for an application under this Act may refuse the application.	22 23 24
‘(2) To remove any doubt, it is declared that, unless the other provision otherwise provides, the decision-maker may refuse the application on another reasonable and relevant ground.	25 26 27
‘(3) In this section— <i>refuse</i> , an application, includes refuse the thing the subject of the application.’.	28 29 30

Clause 217	Insertion of new s 851AA	1
	Chapter 14, part 3, after section 851—	2
	<i>insert—</i>	3
	‘851AA Place or way for making applications or giving or lodging documents	4
		5
	‘(1) This section applies to any of the following under this Act—	6
	(a) the making of an application;	7
	(b) the giving of a document to the Minister, chief executive or chief inspector;	8
	(c) the lodging of a document.	9
		10
	‘(2) The application or document may be made, given or lodged only—	11
		12
	(a) at the following place—	13
	(i) the office of the department provided for under the relevant approved form for that purpose;	14
		15
	(ii) if the relevant approved form does not make provision as mentioned in subparagraph (i) or if there is no relevant approved form—the office of the department notified on the department’s website; or	16
		17
		18
		19
		20
	(b) in the way prescribed under a regulation.	21
	‘(3) This section does not apply to the following—	22
	(a) the making of an application to the Land Court;	23
	(b) the making of an application for a warrant under section 748;	24
		25
	(c) the giving of a royalty estimate to the Minister under section 599A;	26
		27
	(d) the lodging of any of the following—	28
	(i) a submission to a public road authority under section 427;	29
		30

- (ii) a royalty return under section 594; 1
- (iii) a reconciliation return under section 597; 2
- (iv) an annual royalty return under section 599; 3
- (v) submissions under section 604; 4
- (vi) a proposed later development plan for a converted 5
lease under section 897; 6
- (vii) a statement under section 934A; 7
- (viii) a document that under this Act must be lodged 8
electronically using the system for submission of 9
reports made or approved by the chief executive.’. 10

Clause 218 Amendment of s 858A (Practice manual) 11

Section 858A(4)— 12

omit, insert— 13

- ‘(4) The information must be given at the place or in the way that 14
the information would be required to be given under section 15
851AA if the information were a document.’. 16

Clause 219 Amendment of s 859 (Regulation-making power) 17

Section 859(2)— 18

insert— 19

- ‘(c) the way an application or document must be made, 20
given or lodged for section 851AA(2)(b), or the way a 21
copy of a record must be given for section 548(2)(b), 22
including, for example— 23
- (i) practices and procedures for lodgement of 24
applications and other documents; and 25
- (ii) methods for acknowledging receipt of documents; 26
and 27
- (iii) methods for acceptance of the lodgement of 28
documents.’. 29

Clause 220	Insertion of new ch 15, pt 13, div 3	1
	Chapter 15, part 13, as inserted by this Act—	2
	<i>insert—</i>	3
‘Division 3	Provisions for amendments	4
	commencing after assent of	5
	amending Act	6
‘965	Definitions for div 3	7
	‘In this division—	8
	<i>commencement</i> means the commencement of the section in	9
	which the term is used.	10
	<i>former</i> , in relation to a provision, means the provision as in	11
	force before the commencement.	12
‘966	Unfinished indications about approval of dealing	13
	‘(1) This section applies if—	14
	(a) a party to a proposed dealing made a request to the	15
	Minister under former section 571; and	16
	(b) the Minister had not given the party an indication before	17
	the commencement.	18
	‘(2) The Minister may continue to consider the request and give	19
	the indication under former section 571 as if the section had	20
	not been repealed by the amending Act.	21
‘967	Undecided applications for approval of dealing	22
	‘(1) This section applies if—	23
	(a) a holder of a petroleum authority or interest made an	24
	application for approval of a dealing under former	25
	section 572; and	26

(b)	the Minister had not granted or refused the approval before the commencement.	1 2
‘(2)	Despite the replacement of former chapter 5, part 10 by the amending Act—	3 4
(a)	the Minister may continue to deal with the application; and	5 6
(b)	former sections 573 and 574 apply to the Minister’s decision about the application.	7 8
‘968	Uncommenced review of refusal to approve particular dealing	9 10
‘(1)	This section applies to a person if—	11
(a)	before the commencement, the person could have applied under section 817 for an internal review of a decision about a refusal to approve a dealing under former section 573(1); but	12 13 14 15
(b)	the person had not made the application before the commencement.	16 17
‘(2)	Despite the amendment of schedule 1 by the amending Act, the person continues to be a person who may apply under section 817, subject to section 818.	18 19 20
‘969	Unfinished review of refusal to approve particular dealing	21 22
‘(1)	This section applies if, before the commencement—	23
(a)	a person applied under section 817 for an internal review about a refusal to approve a dealing under former section 573(1); and	24 25 26
(b)	the reviewer had not yet decided the review.	27
‘(2)	The reviewer may continue, under chapter 12, part 1, to grant a stay of the decision being reviewed and decide the review.’.	28 29

Clause 221	Amendment of sch 1 (Reviews and appeals)	1
	Schedule 1, table 2, entry for section 573(1)—	2
	<i>omit, insert—</i>	3
	‘573B(1) Refusal to approve dealing Land Court’.	
Clause 222	Amendment of sch 2 (Dictionary)	4
(1)	Schedule 2, definitions <i>dealing</i> and <i>relevant departmental office—</i>	5
	<i>omit.</i>	6
(2)	Schedule 2—	7
	‘ <i>apply</i> , in relation to making an application, has the meaning affected by section 851AA.	8
	<i>assessable transfer</i> see section 572.	9
	<i>dealing</i> , with a petroleum authority, see section 568.	10
	<i>give</i> , a document to the Minister, chief executive or chief inspector, has the meaning affected by section 851AA.	11
	<i>lodge</i> , a document, has the meaning affected by section 851AA.	12
	<i>make submissions</i> has the meaning affected by section 851AA.	13
	<i>non-assessable transfer</i> , for chapter 5, part 10, see section 571.’.	14
		15
		16
		17
		18
		19
		20

Part 7 **Amendment of other Acts** 21

Clause 223	Acts amended	22
	Schedule 2 amends the Acts it mentions.	23

[s 224]

Chapter 4 Amendments relating to 1
restructure of the Mineral 2
Resources Act 1989 3

Part 1 Amendment of Mineral 4
Resources Act 1989 5

Clause 224 Act amended 6

(1) This part amends the *Mineral Resources Act 1989*. 7

(2) If schedule 3 amends a provision renumbered in this part, the 8
renumbering in this part takes effect immediately after the 9
amendment of the provision in schedule 3. 10

Note— 11

See also the amendments in— 12

(a) chapter 2, part 3; and 13

(b) chapter 3, part 4; and 14

(c) schedules 2 and 3. 15

Clause 225 Replacement of pt 1, hdg (Preliminary) 16

Part 1, heading— 17

omit, insert— 18

‘Chapter 1 Preliminary 19

‘Part 1 Introduction’. 20

Clause 226 Insertion of new ch 1, pt 2, hdg 21

After section 2— 22

insert— 23

‘Part 2	Application of Act generally etc.’.	1
		2
Clause 227	Insertion of new ch 1, pt 3, hdg and ch 1, pt 4, hdg	3
	After section 4—	4
	<i>insert—</i>	5
‘Part 3	Relationship with Sustainable Planning Act 2009	6
		7
‘Part 4	Interpretation’.	8
Clause 228	Insertion of new ch 1, pt 5, hdg	9
	After section 7—	10
	<i>insert—</i>	11
‘Part 5	General provisions for minerals and mining tenements’.	12
		13
Clause 229	Replacement of pt 2, hdg (Mining districts)	14
	Part 2, heading—	15
	<i>omit, insert—</i>	16
‘Part 6	Mining districts’.	17
Clause 230	Replacement of particular headings in pt 3	18
	(1) This section amends particular headings in part 3 to convert the part into a chapter and divisions into parts.	19
		20

[s 231]

- (2) A heading mentioned in column 1 of the following table is 1
omitted and replaced with the heading mentioned in column 2 2
of the table opposite the heading— 3

Column 1	Column 2
Heading	Heading after amendment
Part 3, heading	Chapter 2 Prospecting permits
Part 3, division 1, heading	Part 1 Prospecting permit categories and entitlements
Part 3, division 2, heading	Part 2 Other provisions about prospecting permits

Clause 231	Replacement of pt 4, hdg (Mining claims)	4
	Part 4, heading—	5
	<i>omit, insert—</i>	6

‘Chapter 3 Mining claims’. 7

Clause 232	Replacement of pt 5, hdg (Exploration permits)	8
	Part 5, heading—	9
	<i>omit, insert—</i>	10

‘Chapter 4 Exploration permits’. 11

Clause 233	Replacement of pt 6, hdg (Mineral development licences)	12
	Part 6, heading—	13
	<i>omit, insert—</i>	14

‘Chapter 5	Mineral development licences	1
		2
‘Part 1	Mineral development licences generally’.	3
		4
Clause 234	Replacement of pt 6A, hdg (Mineral development licence for Aurukun project)	5
		6
	Part 6A, heading—	7
	<i>omit, insert—</i>	8
‘Part 2	Mineral development licence for Aurukun project’.	9
		10
Clause 235	Replacement of pt 7, hdg (Mining leases)	11
	Part 7, heading—	12
	<i>omit, insert—</i>	13
‘Chapter 6	Mining leases	14
‘Part 1	Mining leases generally’.	15
Clause 236	Replacement of pt 7AAA, hdg (Mining lease for Aurukun project)	16
		17
	Part 7AAA, heading—	18
	<i>omit, insert—</i>	19
‘Part 2	Mining lease for Aurukun project’.	20
		21

[s 237]

Clause 237	Replacement of pt 7AAAB, hdg (Dealings and transfers affecting applications for mining leases)	1 2
	Part 7AAAB, heading, as inserted by this Act—	3
	<i>omit, insert—</i>	4
‘Chapter 7	Common provisions for mining tenements	5 6
‘Part 1	Dealings and transfers affecting applications for mining leases’.	7 8 9
Clause 238	Replacement of pt 7AAAC, hdg (Recording associated agreements)	10 11
	Part 7AAAC, heading, as inserted by this Act—	12
	<i>omit, insert—</i>	13
‘Part 2	Recording associated agreements’.	14 15
Clause 239	Replacement of pt 7AAAD, hdg (Caveats)	16
	Part 7AAAD, heading, as inserted by this Act—	17
	<i>omit, insert—</i>	18
‘Part 3	Caveats’.	19
Clause 240	Replacement of pt 7AAAE, hdg (Appeals about approvals of assessable transfers)	20 21
	Part 7AAAE, heading, as inserted by this Act—	22
	<i>omit, insert—</i>	23

Page 235

[s 241]

Column 1	Column 2
Part 7AA, division 2, subdivision 6, heading	Division 6 Ministerial decision about whether to give any preference to petroleum development
Part 7AA, division 2, subdivision 7, heading	Division 7 Process if preference decision is to give any preference to petroleum development
Part 7AA, division 2, subdivision 8, heading	Division 8 Deciding mining lease
Part 7AA, division 3, heading	Part 3 Obtaining coal or oil shale mining lease over land in area of authority to prospect (by or jointly with, or with the consent of, authority to prospect holder)
Part 7AA, division 4, heading	Part 4 Coal mining lease and oil shale mining lease applications in response to Petroleum and Gas (Production and Safety) Act preference decision
Part 7AA, division 5, heading	Part 5 Obtaining coal or oil shale mining lease over land in area of petroleum lease (other than by or jointly with petroleum lease holder)
Part 7AA, division 6, heading	Part 6 Obtaining coal or oil shale mining lease over land in area of petroleum lease (by or jointly with petroleum lease holder)
Part 7AA, division 7, heading	Part 7 Additional provisions for coal and oil shale exploration tenements
Part 7AA, division 7, subdivision 1, heading	Division 1 Grant of coal or oil shale exploration tenement in area of authority to prospect
Part 7AA, division 7, subdivision 2, heading	Division 2 Restriction on authorised activities on petroleum lease land
Part 7AA, division 7, subdivision 3, heading	Division 3 Conditions
Part 7AA, division 8, heading	Part 8 Additional provisions for coal mining leases and oil shale mining leases
Part 7AA, division 8, subdivision 1, heading	Division 1 Entitlement to coal seam gas

Column 1

Column 2

Part 7AA, division 8, subdivision 2, heading	Division 2 Provisions for mining coal seam gas from coextensive natural underground reservoirs
Part 7AA, division 8, subdivision 3, heading	Division 3 Conditions
Part 7AA, division 8, subdivision 4, heading	Division 4 Amendment of relinquishment condition by application
Part 7AA, division 8, subdivision 5, heading, as amended by this Act	Division 5 Restriction on amending other conditions
Part 7AA, division 8, subdivision 6, heading	Division 6 Renewals
Part 7AA, division 8, subdivision 7, heading	Division 7 Consolidations
Part 7AA, division 8, subdivision 8, heading	Division 8 Restriction on transfer or subletting
Part 7AA, division 9, heading	Part 9 Development plans for coal mining leases and oil shale mining leases
Part 7AA, division 9, subdivision 1, heading	Division 1 General provisions about development plans
Part 7AA, division 9, subdivision 2, heading	Division 2 Requirements for proposed initial development plans
Part 7AA, division 9, subdivision 3, heading	Division 3 Approval of proposed initial development plans
Part 7AA, division 9, subdivision 4, heading	Division 4 Approval of proposed later development plans
Part 7AA, division 9, subdivision 5, heading	Division 5 Appeals
Part 7AA, division 10, heading	Part 10 Confidentiality of information

Clause 242	Relocation and renumbering of pt 7AAB (Provisions for McFarlane oil shale deposit)	1 2
	(1) Part 7AAB—	3
	<i>relocate</i> to chapter 12, as inserted by this Act, and <i>renumber</i> as part 1 of that chapter.	4 5

[s 243]

(2) Sections 318ELAA to 318ELAL—	1
<i>renumber</i> as sections 334E to 334P.	2
<i>Note</i> —	3
Schedule 3 amends provisions relocated and renumbered by this section	4
and, under section 224(2), those amendments take effect before the	5
relocation and renumbering by this section.	6

Clause 243	Replacement of particular headings in pt 7AAC	7
(1)	This section amends particular headings in part 7AAC to convert the part into a chapter, divisions into parts and subdivisions into divisions.	8 9 10
(2)	A heading mentioned in column 1 of the following table is omitted and replaced with the heading mentioned in column 2 of the table opposite the heading—	11 12 13

Column 1	Column 2
Heading	Heading after amendment
Part 7AAC, heading	Chapter 9 Provisions for geothermal tenures and GHG authorities
Part 7AAC, division 1, heading	Part 1 Preliminary
Part 7AAC, division 2, heading	Part 2 Obtaining mining lease if overlapping tenure
Part 7AAC, division 2, subdivision 1, heading	Division 1 Preliminary
Part 7AAC, division 2, subdivision 2, heading	Division 2 Requirements for application
Part 7AAC, division 2, subdivision 3, heading	Division 3 Consultation provisions
Part 7AAC, division 2, subdivision 4, heading	Division 4 Resource management decision if overlapping permit
Part 7AAC, division 2, subdivision 5, heading	Division 5 Process if resource management decision is to give overlapping authority priority

Column 1	Column 2
Part 7AAC, division 2, subdivision 6, heading, (as amended by this Act)	Division 6 Resource management decision not to grant and not to give priority
Part 7AAC, division 2, subdivision 7, heading	Division 7 Deciding application
Part 7AAC, division 3, heading	Part 3 Priority to particular geothermal or GHG lease applications
Part 7AAC, division 4, heading	Part 4 Mining lease applications in response to invitation under Geothermal Act or GHG storage Act
Part 7AAC, division 5, heading	Part 5 Additional provisions for particular mining tenements
Part 7AAC, division 5, subdivision 1, heading	Division 1 Restrictions on authorised activities for particular mining tenements
Part 7AAC, division 5, subdivision 2, heading	Division 2 Provisions about conditions

- Clause 244 Replacement of particular headings in pt 7A** 1
- (1) This section amends particular headings in part 7A to convert 2
the part into a chapter and divisions into parts. 3
- (2) A heading mentioned in column 1 of the following table is 4
omitted and replaced with the heading mentioned in column 2 5
of the table opposite the heading— 6

Column 1	Column 2
Heading	Heading after amendment
Part 7A, heading	Chapter 10 Roads
Part 7A, division 1, heading	Part 1 Preliminary
Part 7A, division 2, heading	Part 2 Notifiable road uses
Part 7A, division 3, heading	Part 3 Compensation for notifiable road uses

[s 245]

Clause	245	Omission of pt 8, hdg (Relationship with Sustainable Planning Act 2009)	1 2
		Part 8, heading—	3
		<i>omit.</i>	4
Clause	246	Relocation and renumbering of s 319 (Effect on development)	5 6
		Section 319—	7
		<i>relocate</i> to chapter 1, part 3, as inserted by this Act, and	8
		<i>renumber</i> as section 4A.	9
Clause	247	Relocation, renumbering and amendment of s 319A (Effect on planning schemes)	10 11
	(1)	Section 319A, heading, ‘Effect on planning schemes’—	12
		<i>omit, insert—</i>	13
		‘Notice to local government and chief executive (planning of particular mining tenements’.	14 15
	(2)	Section 319A—	16
		<i>relocate</i> to chapter 1, part 3, as inserted by this Act, and	17
		<i>renumber</i> as section 4B.	18
Clause	248	Replacement of particular headings in pt 9	19
	(1)	This section amends particular headings in part 9 to convert the part into a chapter and divisions into parts.	20 21
	(2)	A heading mentioned in column 1 of the following table is omitted and replaced with the heading mentioned in column 2 of the table opposite the heading—	22 23 24
		Column 1	Column 2
		Heading	Heading after amendment
		Part 9, heading	Chapter 11 Royalties

Column 1

Column 2

Part 9, division 1, heading

Part 1 Payment of royalty

Part 9, division 2, heading

Part 2 Records and information

Part 9, division 3, heading

Part 3 Reassessment and enforcement

Part 9, division 4, heading

Part 4 Confidentiality

Clause 249	Insertion of new ch 12, hdg and ch 12, pts 5 and 6, hdgs	1
	After section 334D—	2
	<i>insert—</i>	3
	‘Chapter 12 Provisions about particular	4
	areas, matters or mining	5
	tenements	6
	‘Part 5 Cherwell Creek provisions	7
	‘Part 6 Other provisions’.	8
Clause 250	Replacement of particular headings in pt 10	9
	(1) This section amends particular headings in part 10 to convert	10
	the part into a chapter, divisions into parts and subdivisions	11
	into divisions.	12
	(2) A heading mentioned in column 1 of the following table is	13
	omitted and replaced with the heading mentioned in column 2	14
	of the table opposite the heading—	15

Column 1

Column 2

Heading

Heading after amendment

Part 10, heading

Chapter 13 Administration and judicial
functions

[s 251]

Column 1	Column 2
Part 10, division 1A, heading	Part 1 Directions to remedy contravention
Part 10, division 1B, heading	Part 2 Conferences with eligible claimants or owners and occupiers
Part 10, division 1B, subdivision 1, heading	Division 1 Preliminary
Part 10, division 1B, subdivision 2, heading	Division 2 Calling conference and attendance
Part 10, division 1B, subdivision 3, heading	Division 3 Conduct of conference
Part 10, division 1, heading	Part 3 Mining registrars and other officers
Part 10, division 2AAA, heading, (as inserted by this Act)	Part 4 Chief executive
Part 10, division 2AA, heading	Part 5 Access to abandoned mines
Part 10, division 2, heading	Part 6 The Land Court

Clause 251	Relocation and renumbering of pt 10AA (Collingwood Park State guarantee)	1
		2
	(1) Part 10AA—	3
	<i>relocate</i> to chapter 12, as inserted by this Act, and <i>renumber</i> as part 2 of that chapter.	4
		5
	(2) Sections 381A to 381E—	6
	<i>renumber</i> as sections 334Q to 334U.	7
	<i>Note</i> —	8
	Schedule 3 amends provisions relocated and renumbered by this section and, under section 224(2), those amendments take effect before the relocation and renumbering by this section.	9
		10
		11
Clause 252	Relocation and renumbering of pt 10A (Wild river areas)	12
	(1) Part 10A—	13
	<i>relocate</i> to chapter 12, as inserted by this Act, and <i>renumber</i> as part 3 of that chapter.	14
		15

- (2) Sections 382 to 386A— 1
renumber as sections 334V to 334ZA. 2
Note— 3
Schedule 3 amends provisions relocated and renumbered by this section 4
and, under section 224(2), those amendments take effect before the 5
relocation and renumbering by this section. 6

- Clause 253 Relocation and renumbering of pt 10B (Restricted land 7
and urban restricted areas) 8**
(1) Part 10B, as inserted by this Act— 9
relocate to chapter 12, as inserted by this Act, and *renumber* 10
as part 4 of that chapter. 11
(2) Sections 386B to 386I, as inserted by this Act— 12
renumber as sections 334ZB to 334ZI. 13
Note— 14
Schedule 3 amends provisions relocated and renumbered by this section 15
and, under section 224(2), those amendments take effect before the 16
relocation and renumbering by this section. 17

- Clause 254 Replacement of pt 11, hdg (General) 18**
Part 11, heading— 19
omit, insert— 20

‘Chapter 14 Miscellaneous provisions’. 21

- Clause 255 Relocation of s 418 (References to repealed Acts) 22**
Section 418— 23
relocate to chapter 15, part 1, as inserted by this Act and 24
renumber as section 722H. 25

[s 256]

Clause 256	Relocation and renumbering of ss 418A–418D	1
	Sections 418A to 418D—	2
	<i>relocate</i> to chapter 12, part 6, as inserted by this Act, and	3
	<i>renumber</i> as sections 334ZS to 334ZW.	4
	<i>Note</i> —	5
	Schedule 3 amends provisions relocated and renumbered by this section	6
	and, under section 224(2), those amendments take effect before the	7
	relocation and renumbering by this section.	8
Clause 257	Relocation of pts 12–18	9
	Parts 12 to 18—	10
	<i>relocate</i> to schedule 2, as inserted by this Act, and <i>renumber</i>	11
	as parts 1 to 7 of that schedule.	12
Clause 258	Omission of pt 18A, hdg (Provisions about particular mining easements)	13
	Part 18A, heading—	14
	<i>omit</i> .	15
		16
Clause 259	Relocation and renumbering of ss 722A–722G	17
	Sections 722A to 722G—	18
	<i>relocate</i> to chapter 12, part 5, as inserted by this Act, and	19
	<i>renumber</i> as sections 334ZJ to 334ZR.	20
	<i>Note</i> —	21
	Schedule 3 amends provisions relocated and renumbered by this section	22
	and, under section 224(2), those amendments take effect before the	23
	relocation and renumbering by this section.	24
Clause 260	Replacement of pt 19, hdg (Transitional provisions)	25
	Part 19, heading—	26
	<i>omit, insert</i> —	27

‘Chapter 15	Transitional provisions	1
‘Part 1	General transitional provision	2
‘Part 2	Transitional provisions before Resource Legislation (Balance, Certainty and Efficiency) Amendment Act 2011	3 4 5 6
	<i>Note—</i>	7
	This Act, including this chapter, was amended by the <i>Resource Legislation (Balance, Certainty and Efficiency) Amendment Act 2011</i> , chapter 4 to convert parts into chapters, divisions into parts and subdivisions into divisions and to relocate and renumber particular provisions. Cross-references to provisions of this Act appearing in this part have not been updated and remain as they were immediately before the conversion, relocation and renumbering.’.	8 9 10 11 12 13 14
Clause 261	Replacement of pt 19, div 16, hdg (Transitional provisions for Resources Legislation (Balance, Certainty and Efficiency) Amendment Act 2011—amendments commencing on assent)	15 16 17 18
	Part 19, division 16, heading, as inserted by this Act—	19
	<i>omit, insert—</i>	20
‘Part 3	Transitional provisions for Resource Legislation (Balance, Certainty and Efficiency) Amendment Act 2011—amendments commencing on assent’.	21 22 23 24 25 26

[s 262]

Clause 262	Replacement of pt 19, div 17, hdg (Transitional provisions for Resources Legislation (Balance, Certainty and Efficiency) Amendment Act 2011—amendments commencing by proclamation)	1 2 3 4
	Part 19, division 17, heading, as inserted by this Act—	5
	<i>omit, insert—</i>	6
	‘Part 4 Transitional provisions for Resource Legislation (Balance, Certainty and Efficiency) Amendment Act 2011—amendments commencing by proclamation’.	7 8 9 10 11 12
Clause 263	Insertion of new s 802	13
	After section 800, as inserted by this Act—	14
	<i>insert—</i>	15
‘802	Relocation and renumbering of provisions	16
	‘(1) If a provision of this Act (a <i>relocated or renumbered provision</i>) is relocated or renumbered by chapter 4 of the amending Act—	17 18 19
	(a) the relocation or renumbering does not affect the operation or meaning of the relocated or renumbered provision; and	20 21 22
	(b) unless a contrary intention appears in this Act, the relocated or renumbered provision is to be interpreted as if it had not been so relocated or renumbered.	23 24 25
	‘(2) If a reference in a provision of this Act (the <i>amended provision</i>) to a relocated or renumbered provision is amended by chapter 4 of the amending Act to reflect the new numbering of the relocated or renumbered provision—	26 27 28 29

- (a) the amendment of the amended provision does not affect the operation or meaning of the relocated or renumbered provision or the amended provision; and
- (b) unless a contrary intention appears in this Act, the relocated or renumbered provision and the amended provision are to be interpreted as if—
 - (i) the relocated or renumbered provision had not been so relocated or renumbered; and
 - (ii) the amended provision had not been so amended.
- ‘(3) Subsections (1) and (2) apply whether or not the relocated or renumbered provision, or the amended provision, is otherwise amended by the amending Act, but has effect subject to any amendment.’.

Clause 264 Renumbering of sch 2 (Dictionary)
Schedule 2—
renumber as schedule 3.

Clause 265 Insertion of new sch 2
After schedule 1—
insert—

‘Schedule 2 Native title provisions’.

Part 2 Amendment of other Acts

Clause 266 Acts amended
Schedule 3 amends the Acts it mentions.

Schedule 1

Schedule 1	Minor and consequential amendments commencing on assent	1 2 3
	section 57	4
	Greenhouse Gas Storage Act 2009	5
1	Sections 29 and 109, notes—	6
	<i>insert—</i>	7
	‘3 For restrictions on authorised activities on restricted land or in urban restricted areas, see chapter 5, part 6A.’	8 9
2	Section 238, notes—	10
	<i>insert—</i>	11
	‘3 For restrictions on authorised activities on restricted land or in urban restricted areas, see part 6A.’	12 13
3	Section 337, ‘carry out of’—	14
	<i>omit, insert—</i>	15
	‘carry out’.	16
	Petroleum and Gas (Production and Safety) Act 2004	17
1	Section 3(1)(e), ‘an efficient’—	18
	<i>omit, insert—</i>	19
	‘and efficient’.	20

2	Section 27(2)(b), ‘right do’—	1
	<i>omit, insert—</i>	2
	‘right to do’.	3
3	Section 123(3)(c), ‘(the <i>production commencement day</i>)’—	4
	<i>omit.</i>	5
		6
4	Section 538, note, ‘110 (Petroleum pipeline and water pipeline construction and operation)’—	7
	<i>omit, insert—</i>	8
		9
	‘110 (Construction and operation of petroleum pipelines)’.	10

Schedule 2

Schedule 2	Minor and consequential amendments commencing by proclamation other than amendments relating to restructure of the Mineral Resources Act 1989	1 2 3 4 5 6
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section 223	7
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Geothermal Energy Act 2010	8
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1	Section 36—	9
	<i>insert—</i>	10
	<i>‘Note—</i>	11
	For other relevant provisions about applications, see chapter 8, part 2.’	12

2	Section 50(3)—	13
	<i>insert—</i>	14
	<i>‘Note—</i>	15
	For other relevant provisions about giving documents to the Minister, see section 363.’	16 17

3	Section 68(4)—	18
	<i>insert—</i>	19
	<i>‘Note—</i>	20
	For other relevant provisions about giving documents to the chief executive, see section 363.’	21 22

4	Section 72(3)—	23
	<i>insert—</i>	24
	<i>‘Note—</i>	25

	For other relevant provisions about making a submission, see section 363.’.	1 2
5	Section 169(2), ‘section 365’— <i>omit, insert—</i> ‘section 365 or 366’.	3 4 5
6	Section 169(2), editor’s note— <i>omit.</i>	6 7
7	Section 358(2)(a), after ‘accommodation’— <i>insert—</i> ‘or’.	8 9 10
	Greenhouse Gas Storage Act 2009	11
1	Section 47(4)— <i>insert—</i> ‘Note— For other relevant provisions about giving documents to the Minister, see section 411.’.	12 13 14 15 16
2	Section 67— <i>insert—</i> ‘Note— For other relevant provisions about applications, see chapter 7, part 1.’.	17 18 19 20
3	Section 104(4)— <i>insert—</i>	21 22

Schedule 2

	<i>‘Note—</i>	1
	For other relevant provisions about giving documents to the chief executive, see section 411.’.	2 3
4	Section 107(1)(d)—	4
	<i>insert—</i>	5
	<i>‘Note—</i>	6
	For other relevant provisions about making a submission, see section 411.’.	7 8
5	Section 218(2) and editor’s note—	9
	<i>omit, insert—</i>	10
	‘(2) Subsection (1) does not limit section 413 or 413A.’.	11
	 Land and Resources Tribunal Act 1999	 12
1	Schedule 1, entry for Mineral Resources Act 1989, entry for Mining claims, entry for 53(6)(b), column 2, ‘the subject’—	13 14 15
	<i>omit.</i>	16
2	Schedule 1, entry for Mineral Resources Act 1989, entry for Exploration permits, entries for 145 and 174(1)—	17 18
	<i>omit.</i>	19
3	Schedule 1, entry for Mineral Resources Act 1989, entry for Mineral development licences, entries for 191 and 222(1)—	20 21 22
	<i>omit.</i>	23

4	Schedule 1, entry for Mineral Resources Act 1989, entry for Mining leases, entry for 259(1)—	1
	<i>omit.</i>	3
5	Schedule 1, entry for Mineral Resources Act 1989, entry for Mining leases, entry for 299, column 2, ‘land’—	4
	<i>omit, insert—</i>	6
	‘areas’.	7
	 Mineral Resources Act 1989	 8
1	Section 3A(3)(b)—	9
	<i>omit, insert—</i>	10
	‘(b) a copy of the agreement has been lodged; and	11
	<i>Note—</i>	12
	For other relevant provisions about lodging documents, see section 386M.’.	13
		14
2	Section 3A(6)(a) and (7)(b), ‘at the relevant office’—	15
	<i>omit.</i>	16
3	Sections 4(1)(a), 16(4)(b), 26(9)(a) and (b), 32(1), 93(7), 288(1), 316(4) and 722EA(1), ‘covered by’—	17
	<i>omit, insert—</i>	18
	‘in the area of’.	19
		20
4	Section 6A(4)(b), ‘on a mining lease’—	21
	<i>omit, insert—</i>	22
	‘in the area of a mining lease’.	23

Schedule 2

5	Section 6C(1), ‘land subject to’—	1
	<i>omit, insert—</i>	2
	‘area of’.	3
6	Sections 10AA(2), 208(6), 237(5)(b), 275(3)(b), 298(13), 309(6)(b)(i), 386(7)(b)(ii) and 386A(4)(b)(ii), ‘appropriate’—	4
	<i>omit.</i>	5
		6
7	Section 16(1), ‘covered by’—	7
	<i>omit.</i>	8
8	Section 16(1)(a), before ‘a mining claim’—	9
	<i>insert—</i>	10
	‘in the area of’.	11
9	Section 16(1)(b), before ‘an application’—	12
	<i>insert—</i>	13
	‘covered by’.	14
10	Section 16(3), before ‘covered by’—	15
	<i>insert—</i>	16
	‘in the area of or’.	17
11	Section 20(6)—	18
	<i>insert—</i>	19
	‘Note—	20
	For other relevant provisions about giving the mining registrar documents, see section 386M.’.	21
		22
12	Sections 28(2), 81(1)(l), 90, 93(2)(a), 105(1), 109(1)(b), 125(1) and (2)(a), 214(1)(b), 231(1) and (2)(a), 286A(1)(b),	23
		24

	309(6), 317(1), 318(1)(b), 465(6), 525(2) and (6), 582(2) and (6), 689(6), ‘land the subject of’—	1 2
	<i>omit, insert—</i>	3
	‘area of’.	4
13	Section 30(1) and (2), ‘to which the prospecting permit applies’—	5 6
	<i>omit, insert—</i>	7
	‘in the area of the prospecting permit’.	8
14	Section 39(2)—	9
	<i>insert—</i>	10
	<i>Note—</i>	11
	For other relevant provisions about filing documents, see section 386M.’.	12 13
15	Section 48, heading, ‘Land’—	14
	<i>omit, insert—</i>	15
	‘Area’.	16
16	Section 48(1), ‘land comprised in’—	17
	<i>omit, insert—</i>	18
	‘the area of’.	19
17	Section 48(2)—	20
	<i>omit, insert—</i>	21
	‘(2) The area of a mining claim must include the whole of the surface of the land within the boundaries of the area of the mining claim.’.	22 23 24

Schedule 2

18	Sections 50(1)(a) and (2), 81(1)(a), (d), (g) and (k)(iii), 107(6) and (7), 129(1)(a)(i) and (ii), 141(1)(c), 181(4)(a)(ii), (4)(b)(i) and (ii) and (16), 194(1)(c), 210(2)(b), (3) and (7), 231G(1)(c), 236(1), 276(1)(a), (c) and (k)(iii), 286A(1)(d), 295(7), (10), (12) and (15), 309(4) and (12), 318AAH(1)(a), (c) and (k)(iii), and 418A(3), ‘land comprised in’—	1 2 3 4 5 6
	<i>omit, insert—</i>	7
	‘area of’.	8
19	Sections 50(1)(b)(i) and (3), 121(5), 189(1) and (2A), 210(2)(b)(i) and (ii), 386A(1)(c) and (3)(a), 404B(1)(a) and (d), 431(1)(a), 542(3)(c) and (d), 707(6), 712(2), 714(1), 715(1), 716(1)(b), 719(1) and (2), 720(4) and 721(3), ‘land’—	9 10 11 12 13
	<i>omit, insert—</i>	14
	‘area’.	15
20	Section 50(1)(b)(iii), from ‘using’—	16
	<i>omit, insert—</i>	17
	‘using the area of the mining claim for a purpose for which it was granted) not being of a permanent nature on that area;’.	18 19
21	Section 51(1), before ‘covered by’—	20
	<i>insert—</i>	21
	‘in the area of or’.	22
22	Section 53(4) and (5), ‘land the subject’—	23
	<i>omit, insert—</i>	24
	‘area’.	25
23	Section 59—	26
	<i>insert—</i>	27

	<i>Note—</i>	1
	For other relevant provisions about applications, see section 386M.’.	2
24	Section 61(1)(f), after ‘boundary of the’—	3
	<i>insert—</i>	4
	‘land the subject of the’.	5
25	Section 61(1)(f), ‘over which the mining claim is sought’—	6
	<i>omit, insert—</i>	7
	‘applied for’.	8
26	Section 61(1)(i)—	9
	<i>omit, insert—</i>	10
	‘(i) be lodged by the applicant personally;’.	11
27	Section 61(1)(j)(iv), ‘on the mining claim’—	12
	<i>omit, insert—</i>	13
	‘in the land applied for’.	14
28	Section 62(b), after ‘boundaries of the’—	15
	<i>insert—</i>	16
	‘land the subject of the’.	17
29	Section 81(1)(f), ‘on the land comprising’—	18
	<i>omit, insert—</i>	19
	‘in the area of’.	20
30	Sections 81(1)(h), 112(1), 113, 129(2), 141(1)(d), 181(7), 194(1)(d), 231G(1)(d), 276(1)(d), 318AAH(1)(d),	21 22

Schedule 2

	318ELAA(1)(c), 320(1) and (4) and 417(2)(c), ‘land the subject of’—	1 2
	<i>omit, insert—</i>	3
	‘the area of’.	4
31	Section 81(1)(l), ‘land has’—	5
	<i>omit, insert—</i>	6
	‘area has’.	7
32	Section 85(3)(b), ‘in the office of the mining registrar’—	8
	<i>omit.</i>	9
33	Section 90, ‘land is’—	10
	<i>omit, insert—</i>	11
	‘area is’.	12
34	Section 103(1)(a), ‘and area of the land comprised in’—	13
	<i>omit, insert—</i>	14
	‘of the area of’.	15
35	Section 108(1), ‘to which the application relates’—	16
	<i>omit, insert—</i>	17
	‘applied for in the application’.	18
36	Sections 110, 111, 125, 231, 242, 275 and 317, heading, ‘land’—	19 20
	<i>omit, insert—</i>	21
	‘area’.	22

37	Section 110(1), ‘mining claims situated’—	1
	<i>omit, insert—</i>	2
	‘mining claim areas’.	3
38	Section 111, ‘land the subject of any mining claim within that area’—	4
	<i>omit, insert—</i>	5
	‘the area of any mining claim within that part’.	6
39	Sections 121(2) and 226A(1)(a), ‘same land’—	8
	<i>omit, insert—</i>	9
	‘same area’.	10
40	Section 121(3), ‘mark the land’—	11
	<i>omit, insert—</i>	12
	‘mark the area’.	13
41	Sections 121(4), 228(2) and (3), 312(2) and (4) and 319A(2), (4)(a) and (c)(i), ‘land covered by’—	14
	<i>omit, insert—</i>	15
	‘area of’.	16
42	Section 123(1), ‘land covered by’—	18
	<i>omit, insert—</i>	19
	‘the area of’.	20
43	Section 125(10)(b), ‘in the office of the mining registrar’—	21
	<i>omit.</i>	22

Schedule 2

44	Section 129(12), ‘the land to which the permit applies’—	1
	<i>omit, insert—</i>	2
	‘the area of the permit’.	3
45	Section 132, heading, after ‘from’—	4
	<i>insert—</i>	5
	‘area of’.	6
46	Section 132(2)(b), from ‘boundaries’ to ‘granted’—	7
	<i>omit, insert—</i>	8
	‘boundaries of the area of an exploration permit that land shall	9
	become part of the area of the exploration permit’.	10
47	Section 133(f)—	11
	<i>omit.</i>	12
48	Section 133(g) and (h)—	13
	<i>renumber</i> as section 133(f) and (g).	14
49	Section 134A(1), ‘section 133(f)’—	15
	<i>omit, insert—</i>	16
	‘this Act’.	17
50	Section 139, heading, ‘land covered by’—	18
	<i>omit, insert—</i>	19
	‘area of’.	20
51	Section 139(3), ‘land in respect of which a particular	21
	exploration permit applies’—	22
	<i>omit, insert—</i>	23

	‘a particular exploration permit’.	1
52	Section 139(4), ‘land is to be reduced in respect of an exploration permit’—	2
	<i>omit, insert—</i>	3
	‘an exploration permit is to be reduced’.	4
53	Section 139(4)—	6
	<i>insert—</i>	7
	<i>Note—</i>	8
	For other relevant provisions about making a submission, see section 386M.’.	9
		10
54	Section 139(5), from ‘reduction of’ to ‘land is’—	11
	<i>omit, insert—</i>	12
	‘reduction of the area of the exploration permit and the reduction complies with subsection (1), then on and from the date when the area is’.	13
		14
		15
55	Section 139(8), ‘covered by’—	16
	<i>omit, insert—</i>	17
	‘of’.	18
56	Section 140, heading, ‘land covered by’—	19
	<i>omit, insert—</i>	20
	‘area of’.	21
57	Section 140(1)(a), ‘land to which the permit applies’—	22
	<i>omit, insert—</i>	23
	‘the permit’.	24

Schedule 2

58	Section 141(1)(f), ‘, in the way and’—	1
	<i>omit.</i>	2
59	Section 141(1)(fa), ‘and in the way’—	3
	<i>omit.</i>	4
60	Section 141(1)(fa)—	5
	<i>insert—</i>	6
	‘Note—	7
	For other relevant provisions about giving documents to the Minister, see section 386M.’.	8
		9
61	Section 148(1) and (2), ‘land to which the exploration permit applies’—	10
	<i>omit, insert—</i>	11
	‘part of the area of the exploration permit’.	12
		13
62	Section 161(3), ‘land to which the first mentioned exploration permit applies’—	14
	<i>omit, insert—</i>	15
	‘area of the exploration permit to be surrendered’.	16
		17
63	Section 162(1), ‘to which the permit applies’—	18
	<i>omit, insert—</i>	19
	‘of the permit’.	20
64	Section 166(1)(b), ‘land the subject of the terminated permit’—	21
	<i>omit, insert—</i>	22
	‘area of the terminated permit’.	23
		24

65	Section 177, heading, ‘land under’—	1
	<i>omit, insert—</i>	2
	‘area of’.	3
66	Section 177, from ‘same land’ to ‘applies’	4
	<i>omit, insert—</i>	5
	‘same area for the same mineral (whether or not at the	6
	direction of the Minister) or by an eligible person with the	7
	consent of the holder, the area of the exploration permit’.	8
67	Sections 179, 190(7) and 722E(7), definition <i>prescribed</i>	9
	<i>land</i>, paragraphs (a) and (b)(ii), ‘comprised in’—	10
	<i>omit, insert—</i>	11
	‘in the area of’.	12
68	Section 181(3)(a), ‘land comprised in the mineral	13
	development licence’—	14
	<i>omit, insert—</i>	15
	‘the area of the mineral development licence’.	16
69	Section 181(4)(c), ‘(or part thereof) to which the mineral	17
	development licence applies’—	18
	<i>omit, insert—</i>	19
	‘in the area of the mineral development licence’.	20
70	Section 181(5), after ‘land’—	21
	<i>insert—</i>	22
	‘in the area of the licence’.	23
71	Section 181(6), ‘land in question’—	24
	<i>omit, insert—</i>	25

Schedule 2

	‘area’.	1
72	Section 181(7) and (10), after ‘land’—	2
	<i>insert—</i>	3
	‘in the area of a mineral development licence’.	4
73	Section 181(9) and (11), ‘that is a reserve’—	5
	<i>omit, insert—</i>	6
	‘in the area of a mineral development licence that is a reserve’.	7
		8
74	Section 181(15), ‘a part only of the land in question’—	9
	<i>omit, insert—</i>	10
	‘only a part of the area’.	11
75	Section 182, heading, after ‘from’—	12
	<i>insert—</i>	13
	‘area of’.	14
76	Section 182(1)(b)—	15
	<i>omit, insert—</i>	16
	‘(b) all or some of the land applied for in the accepted application is—	17
		18
	(i) in the area of an existing mining claim or mining lease; or	19
		20
	(ii) land applied for in an earlier application for a mining claim or mining lease.’.	21
		22
77	Section 182(2), after ‘boundaries of the’—	23
	<i>insert—</i>	24

	‘land applied for in the’.	1
78	Section 182(2), from ‘land covered’—	2
	<i>omit, insert—</i>	3
	‘area of a mineral development licence granted for the land	4
	applied for in the accepted application.’.	5
79	Section 182(3)(a) and (b)(ii), ‘covered by’—	6
	<i>omit, insert—</i>	7
	‘in the area of’.	8
80	Section 182(4), after ‘boundaries of the’—	9
	<i>insert—</i>	10
	‘area of the’.	11
81	Section 182(4), after ‘included in the’—	12
	<i>insert—</i>	13
	‘area of the’.	14
82	Section 183(1)(d), ‘the subject of’—	15
	<i>omit, insert—</i>	16
	‘applied for in’.	17
83	Section 183(1)(i), after ‘boundary of the’—	18
	<i>insert—</i>	19
	‘land the subject of the’.	20
84	Section 184(b), after ‘boundaries of the’—	21
	<i>insert—</i>	22

Schedule 2

	‘land applied for under the’.	1
85	Section 184(c), ‘over which the mineral development licence is sought shall’—	2
	<i>omit, insert—</i>	3
	‘applied for under the mineral development licence must’.	4
86	Section 184(d), after ‘mining lease or’—	6
	<i>insert—</i>	7
	‘earlier’.	8
87	Section 184(d), ‘sought’—	9
	<i>omit, insert—</i>	10
	‘sought in the current application’.	11
88	Section 184(d), ‘the subject of the’—	12
	<i>omit, insert—</i>	13
	‘applied for in the current’.	14
89	Section 187, ‘subject to’—	15
	<i>omit, insert—</i>	16
	‘in the area of’.	17
90	Section 190(8)(a), ‘the subject of’—	18
	<i>omit, insert—</i>	19
	‘in the area of’.	20
91	Section 194(1)(f), ‘, in the way and’—	21
	<i>omit.</i>	22

92	Section 194(1)(fa), ‘and in the way’—	1
	<i>omit.</i>	2
93	Section 206(a), ‘and area of the land comprised in’—	3
	<i>omit, insert—</i>	4
	‘and size of the area of’.	5
94	Section 207(3), ‘kept by the chief executive’—	6
	<i>omit.</i>	7
95	Section 210(1) and (2), ‘land comprised therein’—	8
	<i>omit, insert—</i>	9
	‘area of the mineral development licence’.	10
96	Section 210(2)(b)(iii), from ‘specified’ to ‘land—’—	11
	<i>omit, insert—</i>	12
	‘in the area of the mineral development licence is required as	13
	access from a point outside the boundary of the area to be	14
	retained to any part on the surface of that area—’.	15
97	Section 210(7), ‘land retained’—	16
	<i>omit, insert—</i>	17
	‘area retained’.	18
98	Section 210(12), from ‘land comprised therein’ to	19
	‘comprised in’—	20
	<i>omit, insert—</i>	21
	‘area of the mineral development licence, the holder applies	22
	for a new mineral development licence for the whole or part of	23
	the area of’.	24

Schedule 2

99	Section 215(1), ‘land to which the licence applies’—	1
	<i>omit, insert—</i>	2
	‘part of the area of the licence’.	3
100	Section 215(1) and (2), ‘lease in respect of’—	4
	<i>omit, insert—</i>	5
	‘lease for’.	6
101	Section 215(1), ‘had in respect of the land’—	7
	<i>omit, insert—</i>	8
	‘had for the part of the area’.	9
102	Section 215(1), ‘part in respect of the land’—	10
	<i>omit, insert—</i>	11
	‘part for the part of the area’.	12
103	Section 215(2), ‘land to which a mineral development licence applies’—	13
	<i>omit, insert—</i>	14
	‘land in the area of a mineral development licence’.	15
		16
104	Section 225(1), ‘land comprised in the licence’—	17
	<i>omit, insert—</i>	18
	‘part of the area of the licence’.	19
105	Section 225(4), from ‘land comprised in the’—	20
	<i>omit, insert—</i>	21
	‘land in the area of the mineral development licence does not	22
	become part of the area of any current exploration permit.’.	23

106	Section 226A, heading, ‘land under’—	1
	<i>omit, insert—</i>	2
	‘area of’.	3
107	Section 226A(2)—	4
	<i>omit, insert—</i>	5
	‘(2) The area of the licence must be reduced by omitting the area of the mining lease.’.	6
		7
108	Section 231C(c), ‘of the licence’—	8
	<i>omit, insert—</i>	9
	‘of the land applied for’.	10
109	Section 232(1) and (3), ‘comprised in’—	11
	<i>omit, insert—</i>	12
	‘in the area or areas of’.	13
110	Section 235(1)(a)(i), ‘the land comprised in’—	14
	<i>omit, insert—</i>	15
	‘the area of’.	16
111	Section 245(1)(d), ‘the subject of’—	17
	<i>omit, insert—</i>	18
	‘applied for in’.	19
112	Section 245(1)(g), ‘section 238(2)’—	20
	<i>omit, insert—</i>	21
	‘section 271A(3)’.	22

Schedule 2

113	Section 245(1)(h), from ‘boundary’—	1
	<i>omit, insert—</i>	2
	‘boundary of the land applied for in the application acceptable	3
	to the mining registrar to land applied for in the application;	4
	and’.	5
114	Section 246(b) and (d), after ‘boundaries of the’—	6
	<i>insert—</i>	7
	‘land applied for in the application for the’.	8
115	Section 246(c), ‘referred to’—	9
	<i>omit, insert—</i>	10
	‘applied for’.	11
116	Section 246(d), ‘mining lease applied for’—	12
	<i>omit, insert—</i>	13
	‘mining lease’.	14
117	Section 246(e), after ‘mining lease or’—	15
	<i>insert—</i>	16
	‘earlier’.	17
118	Section 246(e), ‘sought’—	18
	<i>omit, insert—</i>	19
	‘sought in the current application’.	20
119	Section 246(e), ‘the subject of the’—	21
	<i>omit, insert—</i>	22
	‘applied for in the current’.	23

120	Section 248(2), ‘over land covered by’—	1
	<i>omit, insert—</i>	2
	‘for the area of, or land within the area of,’.	3
121	Section 249(1)(b), ‘over, or in the area of, land covered by’—	4
	<i>omit, insert—</i>	5
	‘for any land applied for in’.	6
		7
122	Section 249(2) and (4)(b)(i), ‘covered by’—	8
	<i>omit, insert—</i>	9
	‘applied for in’.	10
123	Section 250(2), ‘covered by’—	11
	<i>omit, insert—</i>	12
	‘in the area of’.	13
124	Section 250(3), ‘land’—	14
	<i>omit, insert—</i>	15
	‘area or land’.	16
125	Section 272(1), from ‘section 271(3)(c)’ to ‘lease’—	17
	<i>omit, insert—</i>	18
	‘section 271A(1)(c), refers the matter to the Land Court’.	19
126	Section 274, ‘land the subject’—	20
	<i>omit, insert—</i>	21
	‘area’.	22

Schedule 2

127	Section 274, ‘land is not’—	1
	<i>omit, insert—</i>	2
	‘area is not’.	3
128	Section 275(1), ‘portion’—	4
	<i>omit, insert—</i>	5
	‘part’.	6
129	Section 275(1), ‘land to which that mining lease relates’—	7
	<i>omit, insert—</i>	8
	‘area of that mining lease’.	9
130	Section 275(1), ‘area of surface of that land’—	10
	<i>omit, insert—</i>	11
	‘part of the surface of that area’.	12
131	Section 276(1)(i), ‘land the subject’—	13
	<i>omit, insert—</i>	14
	‘area’.	15
132	Section 276(1)(i), ‘land has’—	16
	<i>omit, insert—</i>	17
	‘area has’.	18
133	Section 279(3)(b), ‘in the office of the mining registrar’—	19
	<i>omit.</i>	20
134	Section 280(2)(b), ‘in the office of the mining registrar’—	21
	<i>omit.</i>	22

135	Section 295(11), ‘area of the land comprised in’—	1
	<i>omit, insert—</i>	2
	‘area of the area of’.	3
136	Section 295(11), ‘area of land that has ceased to be part of the land comprised in’—	4
	<i>omit, insert—</i>	5
	‘land that has ceased to be part of the area of’.	6
		7
137	Section 295(13), ‘areas of land comprised in mining leases’—	8
	<i>omit, insert—</i>	9
	‘parts of land’.	10
		11
138	Section 295(13)(a), ‘land comprised in’—	12
	<i>omit.</i>	13
139	Section 295(13)(b), ‘area of land that has ceased to be part of the land comprised in’—	14
	<i>omit, insert—</i>	15
	‘part of land that has ceased to be part of the area of’.	16
		17
140	Section 295(16), ‘part of a mining lease’—	18
	<i>omit, insert—</i>	19
	‘part of the area of a mining lease’.	20
141	Section 295(17), ‘comprised in the mining lease’—	21
	<i>omit, insert—</i>	22
	‘a part of the area of the mining lease’.	23

Schedule 2

142	Section 299(1), ‘land’—	1
	<i>omit, insert—</i>	2
	‘areas’.	3
143	Section 299(1), ‘area of the mining leases is’—	4
	<i>omit, insert—</i>	5
	‘combined areas of the mining leases are’.	6
144	Section 299(3), ‘land is’—	7
	<i>omit, insert—</i>	8
	‘areas are’.	9
145	Section 299(3), ‘land to be adjoining land’—	10
	<i>omit, insert—</i>	11
	‘areas to be adjoining areas’.	12
146	Section 307(1) and (4), ‘to which the application relates’—	13
	<i>omit, insert—</i>	14
	‘applied for’.	15
147	Section 309(1) and (2), ‘land comprised therein’—	16
	<i>omit, insert—</i>	17
	‘area of the mining lease’.	18
148	Section 309(2)(b), ‘all the land comprised in’—	19
	<i>omit, insert—</i>	20
	‘the whole of the area of’.	21

149	Section 309(6)(a), ‘land not surrendered’—	1
	<i>omit, insert—</i>	2
	‘part of the area not surrendered’.	3
150	Section 309(11), from ‘land comprised therein’ to ‘comprised in’—	4
	<i>omit, insert—</i>	5
	‘area of the mining lease, the holder applies for a new mining claim or mining lease for the whole or part of the area of’.	6
		7
		8
151	Section 316(1), ‘particular land’—	9
	<i>omit, insert—</i>	10
	‘a particular area’.	11
152	Section 316(1)(a) and (2)(b), ‘not covered by’—	12
	<i>omit, insert—</i>	13
	‘that is not in the area of’.	14
153	Section 317(10)(b), ‘in the office of the mining registrar’—	15
	<i>omit.</i>	16
154	Section 318AAA(3), from ‘Sections 232’ to ‘286A’—	17
	<i>omit, insert—</i>	18
	‘Sections 232, 233, 239, 245, 247 to 260, 265, 266, 268, 269, 271 to 273, 275, 276, 278A, 280, 283, 284, 285 and 286A’.	19
		20
155	Section 318AAD(c), ‘of the lease’—	21
	<i>omit, insert—</i>	22
	‘of the land applied for’.	23

Schedule 2

156	Section 318AAH(1)(i), from ‘land,’ to ‘land’—	1
	<i>omit, insert—</i>	2
	‘area of the lease, including any survey pegs, but that	3
	boundary posts or cairns need not be maintained after the	4
	area’.	5
157	Section 318AAJ(2), ‘subsections (1)(h) and (2)’—	6
	<i>omit, insert—</i>	7
	‘subsection (1)(h)’.	8
158	Section 318AT(5)	9
	<i>omit.</i>	10
159	Section 318AX(1), from ‘application’—	11
	<i>omit, insert—</i>	12
	‘application.’.	13
160	Section 318BB(1)(a)—	14
	<i>omit, insert—</i>	15
	‘(a) grant the mining lease under section 271A; or’.	16
161	Section 318BK(d)(ii), ‘section 271, to recommend the granting of’—	17
	<i>omit, insert—</i>	18
	‘section 271A, to grant’.	19
		20
162	Section 318BL, heading, ‘recommending’—	21
	<i>omit, insert—</i>	22
	‘deciding’.	23

163	Section 318BL(1)—	1
	<i>omit, insert—</i>	2
	‘(1) In making a decision as follows, regard must be had to the prescribed criteria—	3
		4
	(a) deciding conditions of the mining lease under section 276(1)(n);	5
		6
	(b) deciding the term of the lease under section 284.’.	7
164	Section 318BM(1), from ‘a notice’ to ‘of the chief executive’—	8
		9
	<i>omit, insert—</i>	10
	‘a lodged notice, to relinquish a stated part or percentage of its area at stated times or intervals’.	11
		12
165	Section 318BU, heading, ‘recommending’—	13
	<i>omit, insert—</i>	14
	‘deciding’.	15
166	Section 318BU(1), ‘recommendation’—	16
	<i>omit, insert—</i>	17
	‘decision’.	18
167	Section 318BU(1)(a) and (b)—	19
	<i>omit, insert—</i>	20
	‘(a) deciding conditions of the mining lease under section 267(1)(n);	21
		22
	(b) deciding the term of the lease under section 284.’.	23
168	Section 318CB(1), ‘section 271 recommend the grant of’—	24
		25
	<i>omit, insert—</i>	26

Schedule 2

	‘section 271A grant’.	1
169	Section 318CB(5)—	2
	<i>omit.</i>	3
170	Section 318CB(6)—	4
	<i>renumber</i> as section 318CB(5).	5
171	Section 318CG, ‘recommending’—	6
	<i>omit, insert—</i>	7
	‘deciding’.	8
172	Section 318CV(3)—	9
	<i>omit.</i>	10
173	Section 318CV(4)—	11
	<i>renumber</i> as section 318CV(3).	12
174	Section 318DC(b)—	13
	<i>omit.</i>	14
175	Section 318DC(c) to (h)—	15
	<i>renumber</i> as section 318DC(b) to (g).	16
176	Section 318DE(1), from ‘at—’ to ‘of the chief executive’—	17
	<i>omit.</i>	18
177	Part 7AA, division 8, subdivision 5, heading,	19
	‘recommendation to amend’—	20
	<i>omit, insert—</i>	21

	‘amending’.	1
178	Section 318DH, from ‘A recommendation’ to ‘amendment of’—	2
	<i>omit, insert—</i>	3
	<i>omit, insert—</i>	4
	‘An amendment under section 294 of’.	5
179	Section 318E(1)—	6
	<i>omit, insert—</i>	7
	‘(1) The applicant may, by lodged notice, amend the proposed development plan at any time before the Minister decides whether to approve the applicant’s proposed development plan.’.	8
		9
		10
		11
180	Section 318EB(2)(a)—	12
	<i>omit, insert—</i>	13
	‘(a) is lodged; and’.	14
181	Section 318ELAT(1), ‘at the relevant departmental office’—	15
	<i>omit.</i>	16
		17
182	Section 318ELAV(a) to (c)—	18
	<i>omit, insert—</i>	19
	‘(a) grant the mining lease under section 271A; or	20
	(b) give any overlapping authority priority for all or part of the relevant land; or	21
		22
	(c) not grant the mining lease and not give any overlapping authority priority for all or part of the relevant land.’	23
		24

Schedule 2

183	Part 7AAC, division 2, subdivision 6, heading, ‘recommend’—	1 2
	<i>omit.</i>	3
184	Sections 318ELBD(b) and 318ELBE(c)(ii), ‘recommend the granting of’—	4 5
	<i>omit, insert—</i>	6
	‘grant’.	7
185	Section 318ELBF(1)(b)(i), ‘at the relevant departmental office’—	8 9
	<i>omit.</i>	10
186	Section 318ELBF(2), from ‘without’ to ‘about the application’—	11 12
	<i>omit.</i>	13
187	Section 318ELBG(1), ‘recommendation’—	14
	<i>omit, insert—</i>	15
	‘decision’.	16
188	Section 318ELBG(1)(a) and (b)—	17
	<i>omit, insert—</i>	18
	‘(a) deciding conditions of the mining lease under section 276(1)(n);	19 20
	(b) deciding the term of the lease under section 284.’.	21
189	Section 318ELBK(1)(b), ‘land’—	22
	<i>omit, insert—</i>	23
	‘the area’.	24

190	Section 318ELBN(3), ‘at the relevant departmental office’—	1
	<i>omit.</i>	2
		3
191	Section 318ELBR, heading, ‘recommendation to vary’—	4
	<i>omit, insert—</i>	5
	‘varying’.	6
192	Section 318ELBR, from ‘a recommendation’ to ‘made’—	7
	<i>omit, insert—</i>	8
	‘a condition of the mining lease must not be varied under section 294’.	9
		10
193	Section 319A(4)(b), ‘on the land’—	11
	<i>omit, insert—</i>	12
	‘in the area’.	13
194	Section 336(5), definition <i>appropriately qualified and example</i>—	14
	<i>omit.</i>	15
		16
195	Section 383(1), from ‘over land’ to ‘applies’—	17
	<i>omit, insert—</i>	18
	‘over an area that includes a wild river area, the following parts of the wild river area are excluded from the area of the mining tenement’.	19
		20
		21
196	Section 384(1), from ‘over land’ to ‘applies’—	22
	<i>omit, insert—</i>	23

Schedule 2

	‘over an area that, at the time of the renewal, includes a wild river area, the following parts of the wild river area are excluded from the area of the renewed mining tenement’.	1 2 3
197	Section 386(1)(b)— <i>omit, insert—</i> ‘(b) at the time the mining tenement was granted or renewed, a part of the mining tenement area was excluded under section 383 or 384.’.	4 5 6 7 8
198	Sections 386(2) and (4)(a) and 386A(1)(b), ‘mining tenement land’— <i>omit, insert—</i> ‘mining tenement area’.	9 10 11 12
199	Section 386A(1), ‘land to which the mining tenement applies (the <i>mining tenement land</i>) land’— <i>omit, insert—</i> ‘area of the mining tenement’.	13 14 15 16
200	Section 387B, heading and section 387C, heading, ‘a’— <i>omit.</i>	17 18
201	Sections 387B(1) and 387C(1) and (5), ‘a register’— <i>omit, insert—</i> ‘the register’.	19 20 21
202	Section 389(1), from ‘or mining’ to ‘register’— <i>omit.</i>	22 23

203	Section 394(1) and (2), ‘the subject of’—	1
	<i>omit, insert—</i>	2
	‘in the area of’.	3
204	Section 396A(3)(b), from ‘lodged’	4
	<i>omit, insert—</i>	5
	‘lodged.’.	6
205	Section 401A(4), definition <i>relevant matter</i>, paragraph (b), ‘covered by’—	7
	<i>omit, insert—</i>	8
	‘in the area of’.	9
		10
206	Section 401A(4), definition <i>relevant matter</i>, paragraphs (c)(ii) and (d)(ii), ‘subject to’—	11
	<i>omit, insert—</i>	12
	‘in the area of’.	13
		14
207	Section 404A(1), ‘land to which a mining claim or mining lease relates’—	15
	<i>omit, insert—</i>	16
	‘area of a mining claim or mining lease’.	17
		18
208	Section 406(2)(b)—	19
	<i>omit, insert—</i>	20
	‘(b) be filed.’.	21
209	Section 407(1), ‘land the subject thereof or any part thereof’—	22
	<i>omit, insert—</i>	23
	‘area of the permit, licence or lease, or any part of the area,’.	24
		25

Schedule 2

210	Section 407(2), ‘land’—	1
	<i>omit, insert—</i>	2
	‘area or part’.	3
211	Section 408(1), ‘land the subject thereof’—	4
	<i>omit, insert—</i>	5
	‘the area of the permit, licence or lease, or any part of the area.’	6 7
212	Section 411(1), ‘or 344’—	8
	<i>omit, insert—</i>	9
	‘or 344A’.	10
213	Section 417(2)(b), ‘of land’—	11
	<i>omit.</i>	12
214	Section 417(2)(j), ‘the subject of’—	13
	<i>omit, insert—</i>	14
	‘in the area of’.	15
215	Section 417(2)(p), from ‘in registers’ to ‘Act’—	16
	<i>omit, insert—</i>	17
	‘in the register and the examination or provision of particulars from the register’.	18 19
216	Section 418AA(6), definition <i>additional surface area No.2</i>, ‘kept by the mining registrar’—	20 21
	<i>omit.</i>	22

217	Section 418C(1)(b)(ii) and (iii)—	1
	<i>omit, insert—</i>	2
	‘(ii) the Minister must not grant a renewal of the leases.’.	3
		4
218	Section 464(2), ‘the Governor in Council or’—	5
	<i>omit.</i>	6
219	Sections 481(a) and 537(a), ‘land that is’—	7
	<i>omit, insert—</i>	8
	‘an area that is’.	9
220	Sections 481(b) and 537(b), ‘land the subject of’—	10
	<i>omit, insert—</i>	11
	‘area of’.	12
221	Section 524(2)—	13
	<i>omit.</i>	14
222	Section 524(3) to (9)—	15
	<i>renumber</i> as section 524(2) to (8).	16
223	Section 581(2)—	17
	<i>omit.</i>	18
224	Section 581(3) to (9)—	19
	<i>renumber</i> as section 581(2) to (8).	20

Schedule 2

225	Section 596(3), definition <i>relevant agreement</i>, ‘land the subject of’—	1 2
	<i>omit, insert—</i>	3
	‘area of’.	4
226	Section 680(1), from ‘, including’ to ‘section 271,’—	5
	<i>omit.</i>	6
227	Section 680(3)—	7
	<i>omit, insert—</i>	8
	‘(3) However, if subsection (2) applies, the Minister must not grant the proposed mining lease under section 271A(1) unless the Minister overrules the native title issues decision under section 681.’.	9 10 11 12
228	Section 682(2) and (3)—	13
	<i>omit, insert—</i>	14
	‘(2) If the substituted decision is that the proposed mining lease may be granted on conditions to be included in the mining lease, the Minister must grant the lease on those conditions.	15 16 17
	‘(3) If the substituted decision is that the proposed mining lease should not be granted, the Minister must not grant the lease.’.	18 19
229	Sections 696, definition <i>approval</i>, paragraph (b) and 699(1), ‘included in’—	20 21
	<i>omit, insert—</i>	22
	‘included in the area of’.	23
230	Section 705(10)—	24
	<i>omit.</i>	25

231	Sections 722D and 722E, headings, ‘covered by’—	1
	<i>omit, insert—</i>	2
	‘in the area of’.	3
232	Section 722G(5)(g), note, ‘271(2)’—	4
	<i>omit, insert—</i>	5
	‘271’.	6
233	Section 731(7), ‘section 581(3)’—	7
	<i>omit, insert—</i>	8
	‘section 581(2)’.	9
234	Schedule 2, definition <i>area</i>, ‘, of a coal or oil shale mining tenement, petroleum tenure or GHG authority’—	10
	<i>omit.</i>	11
		12
235	Schedule 2, definition <i>area</i>—	13
	<i>insert—</i>	14
	‘5 The <i>area</i>, of an application for the grant of a mining tenement, a petroleum tenure, a GHG authority or a geothermal tenure, is the land the subject of the application.’.	15
		16
		17
		18
236	Schedule 2, definition <i>mining registrar</i>, paragraph (b)—	19
	<i>omit, insert—</i>	20
	‘(b) for land or an area, or a mining tenement over an area—the mining registrar for the mining district in which the land or area is situated.’.	21
		22
		23

Schedule 2

237	Schedule 2, definition <i>relevant land</i>, ‘the subject of’—	1
	<i>omit, insert—</i>	2
	‘applied for in’.	3
	 Petroleum Act 1923	4
1	Section 3(3)(b)—	5
	<i>omit, insert—</i>	6
	‘(b) a copy of the agreement has been lodged; and	7
	<i>Note—</i>	8
	For other relevant provisions about lodging documents, see part 9, division 1A.’.	9
		10
2	Section 3(4)(a) and (5)(b), ‘at the relevant office’—	11
	<i>omit.</i>	12
3	Section 21(4)(b)—	13
	<i>omit.</i>	14
4	Section 21(4)(c)—	15
	<i>renumber</i> as section 21(4)(b).	16
5	Section 25H(1)—	17
	<i>insert—</i>	18
	‘ <i>Note—</i>	19
	For other relevant provisions about applications, see part 9, divisions 1	20
	and 1A.’.	21

6	Section 25H—	1
	<i>insert—</i>	2
	‘(3) The application must be accompanied by the fee prescribed under a regulation.’.	3
		4
7	Section 25I—	5
	<i>omit.</i>	6
8	Section 25J(6), from ‘a notice’—	7
	<i>omit, insert—</i>	8
	‘a lodged notice, at least a stated percentage of the original notional sub-blocks of the authority on or before a stated day.’.	9
		10
		11
9	Section 25M(1)(b)—	12
	<i>omit.</i>	13
10	Section 25M(1)(c) to (j)—	14
	<i>renumber</i> as section 25M(1)(b) to (i).	15
11	Section 45(2A)(c)—	16
	<i>omit.</i>	17
12	Section 45(2A)(d) and (e)—	18
	<i>renumber</i> as section 45(2A)(c) and (d).	19
13	Section 52(1B)(b)—	20
	<i>omit.</i>	21

Schedule 2

14	Section 52(1B)(c)—	1
	<i>renumber</i> as section 52(1B)(b).	2
15	Section 53F(2)(a)(i), from ‘a notice’—	3
	<i>omit, insert—</i>	4
	‘a lodged notice, a stated part or percentage of the area of the	5
	lease on or before a stated day; and’.	6
16	Section 53F(2)(b), ‘notice lodged at the relevant office’—	7
	<i>omit, insert—</i>	8
	‘lodged notice’.	9
17	Section 74A(3)(a)—	10
	<i>omit, insert—</i>	11
	‘(a) must be made by lodged notice; and’.	12
18	Section 74J(2)—	13
	<i>insert—</i>	14
	<i>Note—</i>	15
	For other relevant provisions about giving the chief executive	16
	documents, see part 9, division 1A.’.	17
19	Section 74K(2)(a)—	18
	<i>omit, insert—</i>	19
	‘(a) is lodged; and’.	20
20	Section 74Q(2)(a)—	21
	<i>omit, insert—</i>	22
	‘(a) is lodged; and’.	23

21	Section 75F(1), ‘at the relevant office’—	1
	<i>omit.</i>	2
22	Section 75F(3)—	3
	<i>omit.</i>	4
23	Section 75H(3)(e), from ‘assessment’—	5
	<i>omit, insert—</i>	6
	‘assessment.’.	7
24	Section 75M, from ‘at the following’ to ‘of the chief executive’—	8
	<i>omit, insert—</i>	9
	‘stating the information prescribed under a regulation’.	10
25	Section 75Q(2), ‘at the relevant office’—	11
	<i>omit.</i>	12
26	Section 75Q(4), definition <i>relevant office</i>—	13
	<i>omit.</i>	14
27	Section 75R(b), from ‘lodged’—	15
	<i>omit, insert—</i>	16
	‘lodged; and’.	17
28	Section 75S(b), from ‘lodged’—	18
	<i>omit, insert—</i>	19
	‘lodged; and’.	20
		21

Schedule 2

29	Section 75U(3)(b)(iv)—	1
	<i>omit, insert—</i>	2
	‘(iv) a copy of the agreement has been lodged.’.	3
30	Section 75U(5)—	4
	<i>omit, insert—</i>	5
	‘(5) The notice must be in the approved form.’.	6
31	Section 75WB(b)—	7
	<i>omit.</i>	8
32	Section 75WB(c)—	9
	<i>renumber</i> as section 75WB(b).	10
33	Section 75Y(5)—	11
	<i>omit.</i>	12
34	Section 75Y(6)—	13
	<i>renumber</i> as section 75Y(5).	14
35	Section 75Z(2)—	15
	<i>omit.</i>	16
36	Section 76(2)—	17
	<i>omit.</i>	18
37	Section 76G(3)—	19
	<i>omit, insert—</i>	20
	‘(3) A notice under subsection (1)(b) may state—	21

	(a) a format required for giving the information; and	1
	(b) a degree of precision required for the giving of the information.’.	2 3
38	Section 76R(1)(b)—	4
	<i>omit, insert—</i>	5
	‘(b) a copy of the agreement has been lodged; and’.	6
39	Section 76W(3)—	7
	<i>omit.</i>	8
40	Section 77(1), from ‘application’—	9
	<i>omit, insert—</i>	10
	‘application.’.	11
41	Section 77T(1)(b)—	12
	<i>omit.</i>	13
42	Section 77T(1)(c) to (h)—	14
	<i>renumber</i> as section 77T(1)(b) to (g).	15
43	Section 77V(1), from ‘application’—	16
	<i>omit, insert—</i>	17
	‘application.’.	18
44	Section 78CD(3), ‘at the relevant departmental office’—	19
	<i>omit.</i>	20
45	Section 78CF(4)—	21
	<i>insert—</i>	22

Schedule 2

	<i>‘Note—</i>	1
	For other relevant provisions about making a submission, see part 9,	2
	division 1A.’.	3
46	Section 78CK(7)(b), ‘at the relevant departmental office’—	4
	<i>omit.</i>	5
47	Section 78F(3)(b), from ‘amount’—	6
	<i>omit, insert—</i>	7
	‘amount.’.	8
48	Section 79N(b)—	9
	<i>omit, insert—</i>	10
	‘(b) the first authority holder has lodged a notice stating the	11
	consent has been given.’.	12
49	Section 80I(2)(b)—	13
	<i>omit.</i>	14
50	Section 80I(2)(c)—	15
	<i>renumber</i> as section 80I(2)(b).	16
51	Section 80T(1)(d), ‘at the relevant office’—	17
	<i>omit.</i>	18
52	Section 80T(6)—	19
	<i>omit.</i>	20
53	Section 80W(1)(e), from ‘action’—	21
	<i>omit, insert—</i>	22

	‘action.’.	1
54	Section 86(1)(b)—	2
	<i>insert—</i>	3
	‘Note—	4
	For other relevant provisions about giving the Minister	5
	documents, see part 9, division 1A.’.	6
55	Section 101(3)(b), from ‘action’—	7
	<i>omit, insert—</i>	8
	‘action.’.	9
56	Section 106(2)—	10
	<i>omit, insert—</i>	11
	‘(2) A copy of the notice must be lodged.’.	12
57	Section 117(4), definition <i>executive officer</i>—	13
	<i>omit.</i>	14
58	Section 123(2)—	15
	<i>omit.</i>	16
59	Section 123(3)—	17
	<i>renumber</i> as section 123(2).	18
60	Section 126(2)—	19
	<i>omit.</i>	20
61	Section 126(3) and (4)—	21
	<i>renumber</i> as section 126(2) and (3).	22

Schedule 2

62	Section 129(1), ‘notice lodged at the relevant office’—	1
	<i>omit, insert—</i>	2
	‘lodged notice’.	3
63	Section 129(3)—	4
	<i>omit.</i>	5
64	Section 134(3)—	6
	<i>omit.</i>	7
	 Petroleum and Gas (Production and Safety) Act 2004	 8
1	Section 6(4)(b)—	9
	<i>omit, insert—</i>	10
	‘(b) a copy of the agreement has been lodged; and	11
	<i>Note—</i>	12
	For other relevant provisions about lodging documents, see	13
	section 851AA.’.	14
2	Section 6, ‘at the relevant office’—	15
	<i>omit.</i>	16
3	Section 35(2)(d), ‘at the place stated in the call’—	17
	<i>omit.</i>	18
4	Section 37(a), after ‘be’—	19
	<i>insert—</i>	20
	‘lodged’.	21

5	Section 37(b)—	1
	<i>omit.</i>	2
6	Section 37(c) to (e)—	3
	<i>renumber</i> as section 37(b) to (d).	4
7	Section 61—	5
	<i>omit.</i>	6
8	Section 62(6), from ‘a notice’—	7
	<i>omit, insert—</i>	8
	‘a lodged notice, at least a stated percentage of the original	9
	notional sub-blocks of the authority on or before a stated	10
	day.’.	11
9	Section 65(3)(a)—	12
	<i>omit, insert—</i>	13
	‘(a) must be made by a lodged notice (<i>relinquishment</i>	14
	<i>notice</i>); and’.	15
10	Section 78A(2)—	16
	<i>insert—</i>	17
	‘ <i>Note—</i>	18
	For other relevant provisions about giving documents to the chief	19
	executive, see section 851AA.’.	20
11	Section 79(2)(a)—	21
	<i>omit, insert—</i>	22
	‘(a) is lodged; and’.	23

Schedule 2

12	Section 82(1)(b)—	1
	<i>omit.</i>	2
13	Section 82(1)(c) to (j)—	3
	<i>renumber</i> as section 82(1)(b) to (i).	4
14	Section 89(2)(b)—	5
	<i>omit.</i>	6
15	Section 89(2)(c)—	7
	<i>renumber</i> as section 89(2)(b).	8
16	Section 92(3), from ‘at—’ to ‘of the chief executive’—	9
	<i>omit.</i>	10
17	Section 93(2)—	11
	<i>omit, insert—</i>	12
	‘(2) The application must be accompanied by the fee prescribed under a regulation.’.	13
		14
18	Section 96(1)(d)—	15
	<i>omit, insert—</i>	16
	‘(d) that the holder may, within a stated period, lodge submissions about why the holder should not make a petroleum lease application for the stated area.’.	17
		18
		19
19	Section 100(4)(b), ‘at the relevant office’—	20
	<i>omit.</i>	21

20	Section 100(6)—	1
	<i>omit.</i>	2
21	Section 104(b)—	3
	<i>omit.</i>	4
22	Section 104(c) to (h)—	5
	<i>renumber</i> as section 104(b) to (g).	6
23	Section 118(1)(b)—	7
	<i>omit.</i>	8
24	Section 118(1)(c) to (g)—	9
	<i>renumber</i> as section 118(1)(b) to (f).	10
25	Section 121(2)(b)(ii), from ‘at the office’ to ‘applications’—	11
	<i>omit.</i>	12
26	Section 127(2)(d), from ‘call’—	13
	<i>omit, insert—</i>	14
	‘call; and’.	15
27	Section 128(2)(b)—	16
	<i>omit, insert—</i>	17
	‘(b) must be lodged; and’.	18
28	Section 148(2)(a)(i), from ‘a notice’—	19
	<i>omit, insert—</i>	20
	‘a lodged notice, a stated part or percentage of the area of the	21
	lease on or before a stated day; and’.	22

Schedule 2

29	Section 148(2)(b), ‘notice lodged at the relevant office’—	1
	<i>omit, insert—</i>	2
	‘lodged notice’.	3
30	Section 159(2)(a)—	4
	<i>omit, insert—</i>	5
	‘(a) is lodged; and’.	6
31	Section 162(1)(b)—	7
	<i>omit.</i>	8
32	Section 162(1)(c) to (h)—	9
	<i>renumber</i> as section 162(1)(b) to (g).	10
33	Section 170(4)(b), ‘at the relevant office’—	11
	<i>omit.</i>	12
34	Section 170(6)—	13
	<i>omit.</i>	14
35	Section 172(b)—	15
	<i>omit.</i>	16
36	Section 172(c) to (h)—	17
	<i>renumber</i> as section 172(b) to (g).	18
37	Section 177(b)—	19
	<i>omit.</i>	20

38	Section 177(c)—	1
	<i>renumber</i> as section 177(b).	2
39	Section 184(4), definition <i>agreement conditions</i>, paragraph (b)—	3
	<i>omit, insert—</i>	4
	‘(b) a copy of the agreement has been lodged; and’.	5
		6
40	Section 191(b)—	7
	<i>omit.</i>	8
41	Section 191(c)—	9
	<i>renumber</i> as section 191(b).	10
42	Section 203(3)(b)—	11
	<i>omit.</i>	12
43	Section 203(3)(c)—	13
	<i>renumber</i> as section 203(3)(b).	14
44	Section 213(2)(a)—	15
	<i>omit, insert—</i>	16
	‘(a) be lodged within 30 business days after the gazettal;	17
	and’.	18
45	Section 219, ‘at the relevant office’—	19
	<i>omit.</i>	20
46	Section 219(4)—	21
	<i>omit.</i>	22

Schedule 2

47	Section 223(3)(a)—	1
	<i>omit, insert—</i>	2
	‘(a) the holder has lodged a notice stating that the holder has	3
	entered into a storage agreement with any current owner	4
	of stored petroleum or prescribed storage gas; or’.	5
48	Section 223(3)(b), ‘, at the relevant office,’—	6
	<i>omit.</i>	7
49	Section 230(1), ‘at the relevant office’—	8
	<i>omit.</i>	9
50	Section 230(2)—	10
	<i>insert—</i>	11
	‘Note—	12
	For other relevant provisions about giving documents to the Minister,	13
	see section 851AA.’.	14
51	Section 230(3)—	15
	<i>omit.</i>	16
52	Section 232(3)(e), from ‘assessment’—	17
	<i>omit, insert—</i>	18
	‘assessment.’.	19
53	Section 235(2)(b)—	20
	<i>omit.</i>	21
54	Section 235(2)(c)—	22
	<i>renumber as section 235(2)(b).</i>	23

55	Section 242(2)(c)—	1
	<i>omit, insert—</i>	2
	‘(c) that the holder may lodge submissions within the stated	3
	period about the proposed cancellation or the likely	4
	impact of the cancellation on the relevant leases.’.	5
56	Section 284, from ‘at the following’ to ‘executive.’—	6
	<i>omit, insert—</i>	7
	‘stating the information prescribed under a regulation.’.	8
57	Section 288(3), ‘at the relevant office’—	9
	<i>omit.</i>	10
58	Section 288(5), definition <i>relevant office</i>—	11
	<i>omit.</i>	12
59	Section 289(b), from ‘lodged’—	13
	<i>omit, insert—</i>	14
	‘lodged.’.	15
60	Section 290(b), from ‘lodged’—	16
	<i>omit, insert—</i>	17
	‘lodged.’.	18
61	Section 292(3)(c)(iv)—	19
	<i>omit, insert—</i>	20
	‘(iv) a copy of the agreement has been lodged.’.	21
62	Section 292(5)—	22
	<i>omit, insert—</i>	23

Schedule 2

	‘(5) The notice must be in the approved form.’.	1
63	Section 310(5)—	2
	<i>omit.</i>	3
64	Section 314(1), from ‘application’—	4
	<i>omit, insert—</i>	5
	‘application.’.	6
65	Section 329(1), from ‘a notice’ to ‘of the chief executive’—	7
	<i>omit, insert—</i>	8
	‘a lodged notice, to relinquish a stated part or percentage of its area at stated times or intervals’.	9 10
66	Section 340(3)(b)(ii), from ‘section 271’ to ‘be granted’—	11
	<i>omit, insert—</i>	12
	‘section 271A of that Act, a decision has been made to grant the applicant’.	13 14
67	Sections 342(3) and 392BA, ‘section 843’—	15
	<i>omit, insert—</i>	16
	‘section 843A’.	17
68	Section 350(3)—	18
	<i>omit.</i>	19
69	Section 360(1)(b)—	20
	<i>omit, insert—</i>	21
	‘(b) a copy of the agreement has been lodged; and’.	22

70	Section 363D(3)(b), ‘at the relevant office’—	1
	<i>omit.</i>	2
71	Section 363D(5)—	3
	<i>omit.</i>	4
72	Section 363E(1)(i)(iii), ‘at the relevant office’—	5
	<i>omit.</i>	6
73	Section 363E(4), definition <i>relevant office</i>—	7
	<i>omit.</i>	8
74	Section 363H(4)—	9
	<i>insert—</i>	10
	‘ <i>Note—</i>	11
	For other relevant provisions about making a submission, see section	12
	851AA.’.	13
75	Section 363L(4)(b), ‘at the relevant office’—	14
	<i>omit.</i>	15
76	Section 363L(6)—	16
	<i>omit.</i>	17
77	Section 364(2)(a)(i), ‘at the relevant office’—	18
	<i>omit.</i>	19
78	Section 364(3), definition <i>relevant office</i>—	20
	<i>omit.</i>	21

Schedule 2

79	Section 372(1)(b)—	1
	<i>omit.</i>	2
80	Section 372(1)(c) to (h)—	3
	<i>renumber</i> as section 372(1)(b) to (g).	4
81	Section 374(1), from ‘application’—	5
	<i>omit, insert—</i>	6
	‘application.’.	7
82	Section 386(7)(b)—	8
	<i>omit, insert—</i>	9
	‘(b) lodge a notice stating any provisions proposed under subsection (5) and whether they were included in the plan.’.	10
		11
		12
83	Section 387(3)—	13
	<i>omit, insert—</i>	14
	‘(3) The referral must be written and be lodged.’.	15
84	Section 387(4), ‘at the relevant office’—	16
	<i>omit.</i>	17
85	Section 389(3)—	18
	<i>omit, insert—</i>	19
	‘(3) The application must be in the approved form.’.	20
86	Section 389(4)(b), from ‘application’—	21
	<i>omit, insert—</i>	22
	‘application.’.	23

87	Section 392AH(1), ‘at the relevant departmental office’—	1
	<i>omit.</i>	2
88	Section 392AT(b)(i), ‘at the relevant departmental office’—	3
	<i>omit.</i>	4
		5
89	Section 392BB(4), ‘at the relevant departmental office’—	6
	<i>omit.</i>	7
90	Section 392BN(7)(b), ‘at the relevant departmental office’—	8
	<i>omit.</i>	9
		10
91	Section 395(2)(b)—	11
	<i>omit.</i>	12
92	Section 395(2)(c) to (e)—	13
	<i>renumber</i> as section 395(2)(b) to (d).	14
93	Section 400(b)—	15
	<i>omit, insert—</i>	16
	‘(b) a copy of the agreement has been lodged; and’.	17
94	Section 409(b)—	18
	<i>omit.</i>	19
95	Section 409(c) to (g)—	20
	<i>renumber</i> as section 409(b) to (f).	21

Schedule 2

96	Section 409A(2), ‘section 409(c)’—	1
	<i>omit, insert—</i>	2
	‘section 409(b)’.	3
97	Section 419A(1)—	4
	<i>insert—</i>	5
	<i>Note—</i>	6
	For other relevant provisions about giving the chief inspector documents, see section 851AA.’.	7
		8
98	Section 420(2), from ‘pipeline’—	9
	<i>omit, insert—</i>	10
	‘pipeline.’.	11
99	Section 435(1)(d), from ‘amendment’—	12
	<i>omit, insert—</i>	13
	‘amendment.’.	14
100	Section 440(b)—	15
	<i>omit, insert—</i>	16
	‘(b) a copy of the agreement has been lodged; and’.	17
101	Section 445(b)—	18
	<i>omit.</i>	19
102	Section 445(c) to (g)—	20
	<i>renumber</i> as section 445(b) to (f).	21
103	Section 445A(1), ‘section 445(c)’—	22
	<i>omit, insert—</i>	23

	‘section 445(b)’.	1
104	Section 464(b)—	2
	<i>omit.</i>	3
105	Section 464(c) and (d)—	4
	<i>renumber</i> as section 464(b) and (c).	5
106	Section 465(2)(c)(ii), from ‘conditions’—	6
	<i>omit, insert—</i>	7
	‘conditions.’.	8
107	Section 475(b)—	9
	<i>omit.</i>	10
108	Section 475(c)—	11
	<i>renumber</i> as section 475(b).	12
109	Section 480(b)—	13
	<i>omit.</i>	14
110	Section 480(c) and (d)—	15
	<i>renumber</i> as section 480(b) and (c).	16
111	Section 489(3)(b), from ‘amount’—	17
	<i>omit, insert—</i>	18
	‘amount.’.	19

Schedule 2

112	Section 529(b)—	1
	<i>omit, insert—</i>	2
	‘(b) the first authority holder has lodged a notice stating the consent has been given.’.	3
		4
113	Section 543(2), from ‘test’—	5
	<i>omit, insert—</i>	6
	‘test.’.	7
114	Section 544(5)—	8
	<i>omit.</i>	9
115	Section 544(6)—	10
	<i>renumber</i> as section 544(5).	11
116	Section 545(2)—	12
	<i>omit.</i>	13
117	Section 546(2)—	14
	<i>omit.</i>	15
118	Section 546A(3)—	16
	<i>omit.</i>	17
119	Section 552(4)—	18
	<i>omit.</i>	19
120	Section 552(5)—	20
	<i>renumber</i> as section 552(4).	21

121	Section 553(3)—	1
	<i>omit, insert—</i>	2
	‘(3) A notice under subsection (1)(b) may state—	3
	(a) a format required for giving the information; and	4
	(b) a degree of precision required for the giving of the	5
	information.’.	6
122	Section 576(1)(b)—	7
	<i>omit.</i>	8
123	Section 576(1)(c)—	9
	<i>renumber</i> as section 576(1)(b).	10
124	Section 577(3)—	11
	<i>omit, insert—</i>	12
	‘(3) The application notice must state the reasons for the proposed	13
	surrender.’.	14
125	Section 587(3)(b), from ‘action’—	15
	<i>omit, insert—</i>	16
	‘action.’.	17
126	Section 622(2)(b)—	18
	<i>omit.</i>	19
127	Section 622(2)(c)—	20
	<i>renumber</i> as section 622(2)(b).	21
128	Section 625(4)(c), from ‘cancellation’—	22
	<i>omit, insert—</i>	23

Schedule 2

	‘cancellation.’.	1
129	Section 644(2)(b)(ii)—	2
	<i>omit, insert—</i>	3
	‘(ii) lodge submissions as to why the scheme complies	4
	with section 637, or that a revision is not required	5
	under section 639.’.	6
130	Section 649(2)—	7
	<i>omit.</i>	8
131	Section 650(2)—	9
	<i>omit.</i>	10
132	Section 652(3)—	11
	<i>omit.</i>	12
133	Section 652(4)—	13
	<i>renumber</i> as section 652(3).	14
134	Section 652(3), as renumbered, ‘subsection (4)’—	15
	<i>omit, insert—</i>	16
	‘subsection (3)’.	17
135	Section 653(1)(c)—	18
	<i>omit, insert—</i>	19
	‘(c) lodge a copy of the report.’.	20
136	Section 666(4)(a)—	21
	<i>omit, insert—</i>	22

	‘(a) lodge a copy of it; and’.	1
137	Section 666(6)(b)—	2
	<i>omit, insert—</i>	3
	‘(b) lodge a copy of it.’.	4
138	Section 679(2)(b)(ii), from ‘section’—	5
	<i>omit, insert—</i>	6
	‘section.’.	7
139	Section 689(1), after ‘lodge’—	8
	<i>insert—</i>	9
	‘with the chief inspector’.	10
140	Section 689(2)—	11
	<i>omit.</i>	12
141	Section 689(3) and (4)—	13
	<i>renumber</i> as section 689(2) and (3).	14
142	Section 705C(3)—	15
	<i>omit, insert—</i>	16
	‘(3) The referral must be written and be lodged.’.	17
143	Section 705C(4), ‘at the relevant office’—	18
	<i>omit.</i>	19
144	Section 728A(b)—	20
	<i>omit.</i>	21

Schedule 2

145	Section 728A(c)—	1
	<i>renumber</i> as section 728A(b).	2
146	Section 769(5)—	3
	<i>omit.</i>	4
147	Section 769(6) and (7)—	5
	<i>renumber</i> as section 769(5) and (6).	6
148	Section 790(1)(e)(ii), ‘at the relevant office’—	7
	<i>omit.</i>	8
149	Section 790(7)—	9
	<i>omit.</i>	10
150	Section 794(2)(a)(v), from ‘end’—	11
	<i>omit, insert—</i>	12
	‘end; and’.	13
151	Section 796(1)(e), from ‘action’—	14
	<i>omit, insert—</i>	15
	‘action.’.	16
152	Section 818(c)—	17
	<i>omit.</i>	18
153	Section 825(2)—	19
	<i>omit, insert—</i>	20
	‘(2) A copy of the notice must be lodged.’.	21

154	Section 845(2)—	1
	<i>omit.</i>	2
155	Section 845(3) and (4)—	3
	<i>renumber</i> as section 845(2) and (3).	4
156	Section 849(2)—	5
	<i>omit.</i>	6
157	Section 849(3) and (4)—	7
	<i>renumber</i> as section 894(2) and (3).	8
158	Section 852(1), ‘notice lodged at the relevant office’—	9
	<i>omit, insert—</i>	10
	‘lodged notice’.	11
159	Section 852(3), definition <i>relevant office</i>—	12
	<i>omit.</i>	13
160	Section 910(1)(a)(i), ‘and (j)’—	14
	<i>omit, insert—</i>	15
	‘and (i)’.	16
161	Section 910(1)(b)(i), ‘and (h)’—	17
	<i>omit, insert—</i>	18
	‘and (g)’.	19

Schedule 3

Schedule 3	Minor and consequential amendments relating to restructure of the Mineral Resources Act 1989	1 2 3 4
	section 266	5
	Aboriginal Cultural Heritage Act 2003	6
1	Schedule 2, definition <i>native title mining provisions</i>—	7
	<i>omit, insert—</i>	8
	<i>‘native title mining provisions</i> means the provisions of the <i>Mineral Resources Act 1989</i> that are the native title provisions under that Act.’.	9 10 11
	City of Brisbane Act 2010	12
1	Schedule, definition <i>owner</i>, item 1, paragraph (g), after ‘schedule’—	13 14
	<i>insert—</i>	15
	‘3’.	16
	Geothermal Energy Act 2010	17
1	Sections 8(b) and 321(2)(d)(i)(B), ‘part 7AAC’—	18
	<i>omit, insert—</i>	19
	‘chapter 9’.	20

Greenhouse Gas Storage Act 2009 1

1 **Sections 8(b) and 380(2)(d)(i)(B), ‘part 7AAC’—** 2
 omit, insert— 3
 ‘chapter 9’. 4

2 **Schedule 2, definition *mining lease*, ‘schedule 2’—** 5
 omit, insert— 6
 ‘schedule 3’. 7

Land and Resources Tribunal Act 1999 8

1 **Schedule 1, entry for *Mineral Resources Act 1989*, entry** 9
 for Mining leases under part 17, division 4 and other 10
 mining tenements to which part 17, division 4 is 11
 applied— 12
 omit, insert— 13

‘Mining leases under schedule 2, part 6, division 4 and other mining
 tenements to which that division is applied

section 669 of native title issues decision panel’.
 schedule 2

2 **Schedule 1, entry for *Mineral Resources Act 1989*, entry** 14
 for Compensation, entry for 318I, 318K and 706 to 722, 15
 column 1— 16
 omit, insert— 17

‘318EU

Schedule 3

318EW

sections 706 to 722
of schedule 2’.

3	Schedule 4, definitions <i>native title (mining) provisions</i>, <i>native title notification party</i> and <i>non-native title (mining)</i> <i>provisions</i>—	1 2 3
	<i>omit.</i>	4
4	Schedule 4—	5
	<i>insert—</i>	6
	‘ <i>native title (mining) provisions</i> means the provisions of the <i>Mineral Resources Act 1989</i> that are the native title provisions under that Act.	7 8 9
	<i>native title notification party</i> see the <i>Mineral Resources Act</i> <i>1989</i> , schedule 2, section 422.	10 11
	<i>non-native title (mining) provisions</i> means the provisions of the <i>Mineral Resources Act 1989</i> that are not the native title provisions under that Act.’.	12 13 14

Land Court Act 2000	15
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1	Section 32G(5), definition <i>native title (mining)</i> <i>provisions</i>—	16 17
	<i>omit, insert—</i>	18
	‘ <i>native title (mining) provisions</i> means the provisions of the Mineral Resources Act that are the native title provisions under that Act.’.	19 20 21

2	Section 32G(5), definition <i>negotiated agreement</i>, paragraphs (a) to (c)—	1 2
	<i>omit, insert—</i>	3
	‘(a) an access agreement under the Mineral Resources Act, schedule 2, part 2, part 4, division 2 or part 5, division 2; or	4 5 6
	(b) a negotiated agreement under the Mineral Resources Act, schedule 2, part 6, division 4; or	7 8
	(c) an agreement about the payment of compensation mentioned in the Mineral Resources Act, schedule 2, part 7; or’.	9 10 11
3	Section 32I(4), definition <i>contract conditions</i>, paragraph (b), ‘part 17, division 4’—	12 13
	<i>omit, insert—</i>	14
	‘schedule 2, part 6, division 4’.	15
4	Section 32I(4), definition <i>relevant provision</i>, ‘section 675(1)(b)(ii)’—	16 17
	<i>omit, insert—</i>	18
	‘schedule 2, section 675(1)(b)(ii)’.	19
	Local Government Act 2009	20
1	Schedule 4, definition <i>owner</i>, paragraph (a), subparagraph (vii), after ‘schedule’—	21 22
	<i>insert—</i>	23
	‘3’.	24

Mineral Resources Act 1989 1

1 Section 3A(1), editor's notes— 2

omit, insert— 3

Notes— 4

1 See also the Petroleum and Gas (Production and Safety) Act, 5
section 6. 6

2 For the relationship between this Act and the Petroleum and Gas 7
(Production and Safety) Act in relation to coal or oil shale mining 8
tenements, see chapter 8. 9

**2 Cross-references to provisions in particular headings or 10
provisions—** 11

A heading or provision mentioned in column 1 of the 12
following table is amended by omitting the term mentioned in 13
column 2 of the table opposite the heading or provision and 14
replacing that term with the term mentioned in column 3 of 15
the table opposite that term— 16

Column 1	Column 2	Column 3
Heading or provision	Term being omitted	Term being inserted
section 3B(a)	part 7AAC	chapter 9
section 10A(1)	part 3	chapter 2
section 10A(3)	part 10, division 1B	chapter 13, part 2
section 13, heading	div	pt
section 13	division	part
section 19, note	section 386C	section 334ZC
section 24(1)(a)	part	chapter
section 44	part 9	chapter 11
section 59	part	chapter
section 64A(1)(b)	part 17, division 4	schedule 2, part 6, division 4
section 73(1)	part	chapter

Column 1	Column 2	Column 3
Heading or provision	Term being omitted	Term being inserted
section 74(2)(a)	part	chapter
section 78(1) and (2)(c)	part	chapter
section 81(1)(o) and (5)(b) and (c)	part	chapter
section 81A(1)(a)	part 17, division 4	schedule 2, part 6, division 4
section 85(8)(e)	part	chapter
section 87(3)	part	chapter
section 93(4)	part 14, division 5	schedule 2, part 3, division 5
section 115	part 9	chapter 11
section 129(13)	part	chapter
section 141A(1)(a)	part 17, division 4	schedule 2, part 6, division 4
section 141C(2)	part	chapter
section 148(1)	part	chapter
section 160(5)	part 7AAAB	chapter 7, part 1
section 167(2) and (3)	part	chapter
section 176A(2)	part	chapter
section 193(5)(a)	part 7AAAB	chapter 7, part 1
section 194AA(1)(a)	part 17, division 4	schedule 2, part 6, division 4
section 209(5)	part 7AAAB	chapter 7, part 1
section 231A, heading	pts 6 and 6A	pts 1 and 2
section 231A(2)	Part 6	Part 1
section 231A(4)	part 6	part 1
section 231B(2), note	part 6	part 1
section 231I(1)	part 7AAAB, divisions 2 and 3	chapter 7, part 1, divisions 2 and 3
section 235(1)	part 7AA, division 8, subdivision 1	chapter 8, part 8, division 1

Schedule 3

Column 1	Column 2	Column 3
Heading or provision	Term being omitted	Term being inserted
section 236(3)	part 9	chapter 11
section 245(1A)	part 7AA	chapter 8
section 252A(1)(b)	part 17, division 4	schedule 2, part 6, division 4
section 271(c)	part 17, division 4	schedule 2, part 6, division 4
section 276A(1)(a)	part 17, division 4	schedule 2, part 6, division 4
section 286A(1)	part 17, division 5	schedule 2, part 6, division 5
section 311	part 9	chapter 11
section 318AAA, heading	pts 7 and 7AAA	pts 1 and 2
section 318AAA(2)	Part 7	Part 1
section 318AAA(4)	part 7	part 1
section 318AAB(2), note	part 7	part 1
section 318AAK(1)	part 7AAAB, divisions 2 and 3	chapter 7, part 1, divisions 2 and 3
section 318AAN, heading	pt 7AAAB	pt 1
section 318AAO, heading	pt 7AAAB	pt 1
section 318AAY(2), note	part 7AAAE	part 4
section 318AAZ, heading	pt 7AAAC	pt 2
section 318AAZA, heading	pt 7AAAC	pt 2
section 318AAZD, heading	pt 7AAAD	pt 3
section 318A, heading	pt 7AA	ch 8
section 318A	this part	this chapter
section 318AA(1)	this part	this chapter
section 318AA(2)(a)	part 19, division 6	chapter 15, part 2, division 6
section 318AB, heading	pts 5–7 and 7AAAB	chs 4–6 and ch 7, pt 1
section 318AB	this part	this chapter

Column 1	Column 2	Column 3
Heading or provision	Term being omitted	Term being inserted
section 318AB	parts 5 to 7 and 7AAAB	chapters 4 to 6 and chapter 7, part 1
section 318AH(1)	division	part
section 318AL, heading	pt 7AA	ch 8
section 318AL(1) and (2)	part	chapter
section 318AM, heading	Part	Chapter
section 318AM	part	chapter
section 318AN(1)	subdivision	division
section 318AO, heading	div 2	pt 2
section 318AO(1) and (2)	division	part
section 318AQ(1), (3) and (4)	division	part
section 318AR(1)	division	part
section 318AR(3)	part 7	chapter 6, part 1
section 318BA(1) and (2)	subdivision	division
section 318BA(4), definition <i>relevant codes</i> , paragraph (c), note 1	part 7	chapter 6, part 1
section 318BA(4), definition <i>relevant codes</i> , paragraph(c), note 2	part 7 and subdivision 8	chapter 6, part 1 and division 8
section 318BF, heading	sdiv 7	div 7
section 318BF	subdivision	division
section 318BK, heading	sdiv 8	div 8
section 318BK	subdivision	division
section 318BO, heading	div 3	pt 3
section 318BO	division	part
section 318BQ	division	part

Schedule 3

Column 1	Column 2	Column 3
Heading or provision	Term being omitted	Term being inserted
section 318BR(1)	division	part
section 318BR(3)	part 7	chapter 6, part 1
section 318BT	Division 2, subdivision 5	Part 2, division 5
section 318BV(2) and (3)	part 7 or this part	chapter 6 or this chapter
section 318BW, heading	div 5	pt 5
section 318BW	division	part
section 318BY(1)(a) and (3)	division	part
section 318CC, heading	div 6	pt 6
section 318CC	division	part
section 318CE(1)(a) and (3)	division	part
section 318CL, heading	div 8	pt 8
section 318CL(1)	division	part
section 318CL(2)	subdivision	division
section 318CP, heading	sdiv 2	div 2
section 318CP	subdivision	division
section 318D, heading	sdiv 4	div 4
section 318D	subdivision	division
section 318DG(3)	Division 9, subdivision 4	Part 9, division 4
section 318DJ(2), definition <i>adopted provisions</i> , paragraph (b)	division 9, subdivision 4	part 9, division 4
section 318DJ(2), definition <i>adopted provisions</i> , paragraph (c)	division 2, subdivisions 2 and 4	part 2, divisions 2 and 4
section 318DJ(2), definition <i>adopted provisions</i> , paragraph (d)	division 3	part 3

Column 1	Column 2	Column 3
Heading or provision	Term being omitted	Term being inserted
section 318DJ(2), definition <i>adopted provisions</i> , paragraph (e)	division 5	part 5
section 318DK(1)	division	part
section 318DQ, note	division	part
section 318DQ	subdivision	division
section 318DS, heading	sdiv 2	div 2
section 318DS	subdivision	division
section 318DV(a)	part	chapter
section 318DY, heading	sdiv 3	div 3
section 318DY	subdivision	division
section 318EJ, heading	div 10	pt 10
section 318EJ(1)	part	chapter
section 318EJ	division	part
section 318ELAA, heading	pt 7AAB	pt 1
section 318ELAD(2)	section 318ELAK	section 334O
section 318ELAE(2)	section 318ELAF	section 334J
section 318ELAG(1)	section 318ELAE	section 334I
section 318ELAI(2)	section 318ELAE	section 334I
section 318ELAM, heading	pts 3 to 7AAB	chs 2 to 8 and ch 12, pt 1
section 318ELAM	part	chapter
section 318ELAM	parts 3 to 7AAB	chapters 2 to 8 and chapter 12, part 1
section 318ELAM(6)	parts 3 and 7	chapters 2 and 6
section 318ELAO	part and parts 3 to 7AAB	chapter, chapters 2 to 8 and chapter 12, part 1
section 318ELAP, heading	div 2	pt 2

Schedule 3

Column 1	Column 2	Column 3
Heading or provision	Term being omitted	Term being inserted
section 318ELAP	division	part
section 318ELAQ(1), note	Part 7AA, division 9	Chapter 8, part 9
section 318ELAU, heading	sdiv	div
section 318ELAU	this subdivision	this division
section 318ELAU(2), note	part 7 as affected by subdivision 7	chapter 6, part 1 as affected by division 7
section 318ELAV, heading	sdiv	div
section 318ELAV	subdivision	division
section 318ELAY, heading	sdiv	div
section 318ELAY	subdivision	division
section 318ELBD(a)	subdivision	division
section 318ELBE, heading	sdiv	div
section 318ELBE	subdivision	division
section 318ELBH(2)(c)	subdivision	division
section 318ELBL, heading	div	pt
section 318ELBL	division	part
section 318ELBM(a) and (b)	part 7, part 7AA or this part	chapter 6, chapter 8 or this chapter
section 318EM, heading	pt 7A	ch 10
section 318EM(1)	part	chapter
section 318EY(1)	part	chapter
section 320(3) and (8)	part	chapter
section 322(1)	part	chapter
section 324(1)	part	chapter
section 326(1)	part	chapter
section 327(1)(b) and (c)	part	chapter

Column 1	Column 2	Column 3
Heading or provision	Term being omitted	Term being inserted
section 332	this part	this chapter
section 333	this part	this chapter
section 334A, heading	div 4	pt 4
section 334A	division	part
section 334A, definition <i>confidential information</i>	part	chapter
section 334B(1)	division	part
section 334C(1)	division	part
section 335E	division	part
section 335F, heading	div 1B	pt 2
section 335F	division	part
section 335G(1) and (2)	division	part
section 336(3)	division 1A or 1B	part 1 or 2
section 344, heading	div 2AA	pt 5
section 344	division	part
section 344C(1)	division	part
section 344D	division	part
section 381A, heading	pt 10AA	pt 2
section 381A, definition <i>Collingwood Park State guarantee</i> or <i>guarantee</i>	section 381B	section 334R
section 382, heading	pt 10A	pt 3
section 382, definition <i>low impact activity</i> , paragraph (a)	part 15	schedule 2, part 4
section 382, definition <i>low impact activity</i> , paragraph (b)	part 16	schedule 2, part 5
section 382, definition <i>person</i>	section 385 or 386	section 334Y or 334Z

Schedule 3

Column 1	Column 2	Column 3
Heading or provision	Term being omitted	Term being inserted
section 386	section 383 or 384	section 334W or 334X
section 386A(5)	section 383 or 384	section 334W or 334X
section 386C(1)(a), as inserted by this Act	section 386D	section 334ZD
section 386D, as inserted by this Act	section 386C(1)(a)	section 334ZC
section 386F(3)(a), as inserted by this Act	section 386G	section 334ZG
section 386F(3)(b)(ii), as inserted by this Act	section 386I(1)	section 334ZI(1)
section 386G, as inserted by this Act	section 386F(3)(a)	section 334ZF(3)(a)
section 386G(b)(iv), as inserted by this Act	section 386I	section 334ZI
section 386H(1)(a), as inserted by this Act	section 386F(3)(a)	section 334ZF(3)(a)
section 386H(4)(a), as inserted by this Act	section 386I	section 334ZI
section 386I(1)	section 386H	section 334ZH
section 386J(6), definition <i>application</i> , paragraph (b)	part 10, division 1A	chapter 13, part 1
section 386L(3), definition <i>relevant person</i> , paragraph (a)	part 4	chapter 3
section 387(1)(c)	part 7AAAB, division 3	chapter 7, part 1, division 3
section 387(1)(e)	part 7AAD	chapter 7, part 3
section 401A(1)	part 7AAAB, division 3	chapter 7, part 1, division 3
section 401A(4), definition <i>relevant matter</i> , paragraph (c)	part 7AAAB, division 3	chapter 7, part 1, division 3
section 416	418B	334ZU
section 418B(1)(a)	section 418A	section 334ZS

Column 1	Column 2	Column 3
Heading or provision	Term being omitted	Term being inserted
section 419(2) and (3)	parts 13 to 18, and part 19, division 2	parts 2 to 7, and chapter 15, part 2, division 2
section 419(4)	Parts 12 to 17	Parts 1 to 6
section 420 heading	pts 13–17	sch 2, pts 2–6
section 420	Parts 13 to 17	Parts 2 to 6
section 425, heading	pt 13	pt 2
section 425(a)(i)	part 3	chapter 2
section 426, heading	pt 13	pt 2
section 426(3)	part 3	chapter 2
section 427, heading	pt 13	pt 2
section 428, heading	pt 13	pt 2
section 429, heading	pt 13	pt 2
section 430, heading	pt 13	pt 2
section 434A(1)(f)	part 18	part 7
section 436A(3)(b)	part 18	part 7
section 439, heading	pt 14	pt 3
section 439(a)	part 4	chapter 3
section 440, heading	pt 14	pt 3
section 462(3)	part 4	chapter 3
section 463(1)	part 17, division 4	part 6, division 4
section 464, heading	pt 17, div 4	pt 6, div 4
section 464(1)(a)	part 17, division 4	part 6, division 4
section 464(7)	part 17, division 4 to a provision of part 7 is taken to be a reference to a corresponding provision of part 4	part 6, division 4 to a provision of chapter 6, part 1 is taken to be a reference to a corresponding provision of chapter 3
section 465(8)	part 4	chapter 3

Schedule 3

Column 1	Column 2	Column 3
Heading or provision	Term being omitted	Term being inserted
section 471(5)	part 17, division 4, subdivisions 4 and 5	part 6, division 4, subdivisions 4 and 5
section 472(8)	part 4	chapter 3
section 478(5)	part 17, division 4, subdivisions 4 and 5	part 6, division 4, subdivisions 4 and 5
section 479, heading	pt 15	pt 4
section 479(1)(a)(i) and (2)(a)	part 5	chapter 4
section 480, heading	pt 15	pt 4
section 484(3)	part 5	chapter 4
section 489A(1)(f)	part 18	part 7
section 491A(3)(b)	part 18	part 7
section 522(3)	part 5	chapter 4
section 523(1)	part 17, division 4	part 6, division 4
section 524, heading	pt 17, div 4	pt 6, div 4
section 524(1)(a)	part 17, division 4	part 6, division 4
section 524(4)	part 17, division 4, subdivisions 4 and 5	part 6, division 4, subdivisions 4 and 5
section 524(5)	part 17, division 4, subdivision 7	part 6, division 4, subdivision 7
section 524(7)	part 17, division 4, subdivision 6	part 6, division 4, subdivision 6
section 524(8)	part 17, division 4 to a provision of part 7 is taken to be a reference to a corresponding provision of part 5	part 6, division 4 to a provision of chapter 6, part 1 is taken to be a reference to a corresponding provision of chapter 4
section 525(8)	part 5	chapter 4
section 531(4)	part 5	chapter 4
section 535, heading	pt 16	pt 5

Column 1	Column 2	Column 3
Heading or provision	Term being omitted	Term being inserted
section 535(1)(a)(i) and (2)(a)	part 6	chapter 5
section 536, heading	pt 16	pt 5
section 540(3)	part 6	chapter 5
section 545A(1)(f)	part 18	part 7
section 547A(3)(b)	part 18	part 7
section 579(3)	part 6	chapter 5
section 580(1)	part 17	part 6
section 581, heading	pt 17, div 4	pt 6, div 4
section 581(1)(a)	part 17, division 4	part 6, division 4
section 581(4)	part 17, division 4, subdivisions 4 and 5	part 6, division 4, subdivisions 4 and 5
section 581(5)	part 17, division 4, subdivision 7	part 6, division 4, subdivision 7
section 581(7)	part 17, division 4, subdivision 6	part 6, division 4, subdivision 6
section 581(8)	part 17, division 4 to a provision of part 7 is taken to be a reference to a corresponding provision of part 6	part 6, division 4 to a provision of chapter 6, part 1 is taken to be a reference to a corresponding provision of chapter 5
section 582(8)	part 6	chapter 5
section 588(4)	part 6	chapter 5
section 593, heading	pt 17	pt 6
section 593(a)	part 7	chapter 6, part 1
section 594, heading	pt 17	pt 6
section 596(3), definitions <i>relevant agreement</i> and <i>relevant hearing</i>	part 15 or 16	part 4 or 5
section 650(3)	part 7	chapter 6, part 1

Schedule 3

Column 1	Column 2	Column 3
Heading or provision	Term being omitted	Term being inserted
section 675(2)	part 18	part 7
section 681(4) and (5)	part 18	part 7
section 686(3)	part 18	part 7
section 689(8)	part 7	chapter 6, part 1
section 697(8)	part 7	chapter 6, part 1
section 706, heading	pt 18	pt 7
section 706, definition <i>relevant act</i> , paragraph (a)(i)	part 13	part 2
section 706, definition <i>relevant act</i> , paragraph (a)(ii)	part 14 or 17, division 4, 5 or 6	part 3 or 6, division 4, 5 or 6
section 706, definition <i>relevant act</i> , paragraph (a)(iii)	part 15 or 16, division 2, 4, 5 or 6	part 4 or 5, division 2, 4, 5 or 6
section 706, definition <i>relevant act</i> , paragraph (b)	part 13 would apply, or part 14 or 17, division 4, 5 or 6 would apply, or part 15 or 16, division 2, 4, 5 or 6	part 2 would apply, or part 3 or 6, division 4, 5 or 6 would apply, or part 4 or 5, division 2, 4, 5 or 6
section 706, definition <i>relevant act</i> , paragraph (c)	part 14, 15, 16 or 17	part 3, 4, 5 or 6
section 722A, heading	pt 18A	pt 5
section 722B(8)	sections 722D and 722E	sections 334ZM and 334ZN
section 722C(1)(b)	section 722D or 722E	section 334ZM or 334ZN
section 722EA(1)	section 722D or 722E	section 334ZM or 334ZN
section 722EB(2)	section 722D or 722E	section 334ZM or 334ZN
section 722EB(4), definition <i>excluded land</i> , paragraph (b)	section 722B(7)	section 334ZK(7)
section 722F(2)	section 722C	section 334ZL
schedule 1, section 21(2)(b)	part 10, division 1B	chapter 13, part 2

3 Cross-references to provisions in particular definitions—

A definition or part of a definition in schedule 2 mentioned in column 1 of the following table is amended by omitting the term mentioned in column 2 of the table opposite the definition or part and replacing that term with the term mentioned in column 3 of the table opposite that term—

Column 1	Column 2	Column 3
Definition	Term being omitted	Term being inserted
definition <i>assessment criteria</i>	part 7AAC	chapter 9
definition <i>compensation agreement</i>	part 7A	chapter 10
definition <i>compensation application</i>	part 7A	chapter 10
definition <i>confidential information</i>	part 9, division 4	chapter 11, part 4
definition <i>eligible person</i> , paragraph (a)	parts 6A and 7AAA	chapter 5, part 2 and chapter 6, part 2
definition <i>eligible person</i> , paragraph (b)	part 6A	chapter 5, part 2
definition <i>eligible person</i> , paragraph (c)	part 7AAA—the person who is the holder of a mineral development licence under part 6A	chapter 6, part 2—the person who is the holder of a mineral development licence under chapter 5, part 2
definition <i>exploration permit</i>	part 5	chapter 4
definition <i>holder</i>	part 3, division 1	chapter 2, part 1
definition <i>information-giver</i>	part 7AA, division 10	chapter 8, part 10
definition <i>information statement</i>	part 7AAC	chapter 9
definition <i>mineral development licence</i> , paragraph (a)	part 6A	chapter 5, part 2
definition <i>mineral development licence</i> , paragraph (b)	part 6A—a mineral development licence under part 6 or part 6A	chapter 5, part 2—a mineral development licence under chapter 5, part 1 or 2

Schedule 3

Column 1	Column 2	Column 3
Definition	Term being omitted	Term being inserted
definition <i>mining claim</i>	part 4	chapter 3
definition <i>mining lease</i> , paragraph (a)	part 7AAA	chapter 6, part 2
definition <i>mining lease</i> , paragraph (b)	part 7AAA—a mining lease under part 7 or part 7AAA	chapter 6, part 2—a mining lease under chapter 6, part 1 or 2
definition <i>mining lease holder</i>	part 7AA, division 8, subdivisions 1 and 2	chapter 8, part 8, divisions 1 and 2
definition <i>non-assessable transfer</i> (as inserted by this Act)	part 7AAAB	chapter 7, part 1
definition <i>notifiable road use</i>	part 7A	chapter 10
definition <i>oil shale activity</i>	section 318ELAE(1)	section 334I(1)
definition <i>oil shale mining tenement</i>	318ELAB	section 334F
definition <i>overlapping authority application period</i>	part 7AAC	chapter 9
definition <i>overlapping lease</i>	part 7AAC	chapter 9
definition <i>overlapping permit</i>	part 7AAC	chapter 9
definition <i>parties</i> , paragraph (a)	part 10, division 1B	chapter 13, part 2
definition <i>proposed wild river area</i>	part 10A, see section 382	chapter 12, part 3, see section 334V
definition <i>prospecting permit</i>	part 3	chapter 2
definition <i>public official</i>	part 9, division 4	chapter 11, part 4
definition <i>recipient</i>	part 7AA, division 10	chapter 8, part 10
definition <i>registrar</i>	part 10AA, see section 381A	chapter 12, part 2, see section 334Q
definition <i>road authority</i>	part 7A	chapter 10
definition <i>submission period</i>	part 7AA, division 2	chapter 8, part 2

Column 1	Column 2	Column 3
Definition	Term being omitted	Term being inserted
definition <i>the public interest</i>	part 7AA	chapter 8
definition <i>urban restricted area</i>	section 386E	section 334ZE

4 Particular definitions in schedule 2—

Schedule 2 is amended by omitting the definitions of the following terms—

- *access agreement* 4
- *affected land* 5
- *applicant (both occurring)* 6
- *application notice* 7
- *approval* 8
- *closing day (native title issues)* 9
- *Collingwood Park State guarantee or guarantee* 10
- *combined hearing* 11
- *compensation decision* 12
- *compensation trust decision* 13
- *consultation and negotiation parties* 14
- *consultation period* 15
- *consultation period advice day* 16
- *contract conditions* 17
- *high impact exploration permit* 18
- *high impact mineral development licence* 19
- *lake* 20
- *limited hand sampling techniques* 21
- *low impact activity* 22
- *low impact exploration permit* 23

Schedule 3

• <i>low impact mineral development licence</i>	1
• <i>low impact prospecting permit</i>	2
• <i>Minister's decision</i>	3
• <i>moratorium period</i>	4
• <i>native title issues decision</i>	5
• <i>native title provisions</i>	6
• <i>negotiated agreement</i>	7
• <i>nominated waterway</i>	8
• <i>notification day (native title issues)</i>	9
• <i>person</i>	10
• <i>prescribed tenement</i>	11
• <i>proposed wild river area</i>	12
• <i>registered native title party</i>	13
• <i>registrar</i>	14
• <i>relevant act</i>	15
• <i>relevant mining tenement</i>	16
• <i>urgency notice</i>	17
• <i>watercourse</i>	18
• <i>wild river high preservation area</i>	19
• <i>wild river preservation area</i>	20

5 Schedule 2—	21
<i>insert—</i>	22
<i>'access agreement—</i>	23
(a) for schedule 2, part 2—see schedule 2, section 429; or	24
(b) for schedule 2, part 4, division 2—see schedule 2, section 485; or	25 26
(c) for schedule 2, part 5, division 2—see schedule 2, section 541.	27 28

<i>affected land</i> , for chapter 12, part 2, see section 334Q.	1
<i>applicant</i> —	2
(a) for chapter 9—see section 318ELAP(a); or	3
(b) for the native title provisions generally—see schedule 2, section 422; or	4 5
(c) for schedule 2, part 2—see section 429; or	6
(d) for schedule 2, part 4, division 2—see schedule 2, section 485; or	7 8
(e) for schedule 2, part 5, division 2—see schedule 2, section 541; or	9 10
(f) for schedule 2, part 6, division 4—see schedule 2, section 651.	11 12
<i>application notice</i> —	13
(a) for schedule 2, part 2—see schedule 2, section 431(1); or	14 15
(b) for schedule 2, part 4, division 2—see schedule 2, section 486(1); or	16 17
(c) for schedule 2, part 5, division 2—see schedule 2, section 542(1).	18 19
<i>approval</i> , for schedule 2, part 6, see schedule 2, section 696.	20
<i>closing day (native title issues)</i> , for schedule 2, part 6, see schedule 2, section 653(3).	21 22
<i>Collingwood Park State guarantee</i> or <i>guarantee</i> , for chapter 12, part 2, see section 334R.	23 24
<i>combined hearing</i> , for schedule 2, part 6, see schedule 2, section 671.	25 26
<i>compensation decision</i> , for schedule 2, part 7, see schedule 2, section 706.	27 28
<i>compensation trust decision</i> , for schedule 2, part 7, see schedule 2, section 706.	29 30
<i>consultation and negotiation parties</i> , for schedule 2, part 6, division 4, see schedule 2, section 658(1).	31 32

Schedule 3

<i>consultation period—</i>	1
(a) for schedule 2, part 2—see schedule 2, section 435(1);	2
or	3
(b) for schedule 2, part 4, division 2—see schedule 2,	4
section 490(1); or	5
(c) for schedule 2, part 5, division 2—see schedule 2,	6
section 546(1).	7
<i>consultation period advice day—</i>	8
(a) for schedule 2, part 2—see schedule 2, section 435(2);	9
or	10
(b) for schedule 2, part 4, division 2—see schedule 2,	11
section 490(2); or	12
(c) for schedule 2, part 5, division 2—see schedule 2,	13
section 546(2).	14
<i>contract conditions</i> , for schedule 2, part 6, division 4, see	15
schedule 2, section 675(1).	16
<i>high impact exploration permit</i> , for schedule 2, part 4, see	17
schedule 2, section 483.	18
<i>high impact mineral development licence</i> , for schedule 2,	19
part 5, see schedule 2, section 539.	20
<i>lake</i> , for chapter 12, part 3, see section 334V.	21
<i>limited hand sampling techniques</i> , for chapter 12, part 3, see	22
section 334V.	23
<i>low impact activity—</i>	24
(a) for chapter 12, part 3—see section 334V; or	25
(b) for schedule 2, part 4—see schedule 2, section 482; or	26
(c) for schedule 2, schedule 2, part 5—see schedule 2,	27
section 538.	28
<i>low impact exploration permit</i> , for schedule 2, part 3, see	29
schedule 2, section 481.	30
<i>low impact mineral development licence</i> , for schedule 2, part	31
5, see schedule 2, section 537.	32

<i>low impact prospecting permit</i> , for schedule 2, part 2, see schedule 2, section 430.	1 2
<i>Minister's decision</i> , for schedule 2, part 6, division 4, see schedule 2, section 684(2).	3 4
<i>moratorium period</i> , for chapter 12, part 1, see section 334E(1).	5 6
<i>native title issues decision</i> , for schedule 2, part 6, division 4, see schedule 2, section 669(1).	7 8
<i>native title provisions</i> means the following provisions—	9
• schedule 2, parts 1 to 7;	10
• chapter 15, part 2, divisions 2 and 5.	11
<i>negotiated agreement</i> , for schedule 2, part 6, division 4, see schedule 2, section 669(1).	12 13
<i>nominated waterway</i> , for chapter 12, part 3, see section 334V.	14
<i>notification day (native title issues)</i> , for schedule 2, part 6, division 4, see schedule 2, section 653(2).	15 16
<i>person</i> , for chapter 12, part 3, see section 334V.	17
<i>prescribed tenement</i> , for chapter 12, part 4, see section 334ZB.	18 19
<i>proposed wild river area</i> , for chapter 12, part 3, see section 334V.	20 21
<i>registered native title party</i> —	22
(a) for schedule 2, part 2—see schedule 2, section 429; or	23
(b) for schedule 2, part 4, division 2—see schedule 2, section 485; or	24 25
(c) for schedule 2, part 5, division 2—see schedule 2, section 541; or	26 27
(d) for schedule 2, part 6, division 4—see schedule 2, section 655.	28 29
<i>registrar</i> , for chapter 12, part 2, see section 334Q.	30
<i>relevant act</i> , for schedule 2, part 7, see schedule 2, section 706.	31 32

Schedule 3

<i>relevant mining tenement</i> , for chapter 12, part 4, see section 334ZF(1).	1 2
<i>urgency notice</i> , for schedule 2, part 6, division 4, see schedule 2, section 683.	3 4
<i>watercourse</i> , for chapter 12, part 3, see section 334V.	5
<i>wild river high preservation area</i> , for chapter 12, part 3, see section 334V.	6 7
<i>wild river preservation area</i> , for chapter 12, part 3, see section 334V.’.	8 9

Petroleum Act 1923 10

1	Section 2, definition <i>mining lease</i>, after ‘schedule’—	11
	<i>insert—</i>	12
	‘3’.	13
2	Sections 76H and 76I(1), ‘part 7AA’—	14
	<i>omit, insert—</i>	15
	‘chapter 8’.	16
3	Section 76I(2)(e), ‘part 7AA and part 19, division 6’—	17
	<i>omit, insert—</i>	18
	‘chapter 8 and chapter 15, part 2, division 6’.	19

Petroleum and Gas (Production and Safety) Act 2004	1
1 Section 93(1)(b), ‘part 7AA, division 2 or 3’—	2
<i>omit, insert—</i>	3
‘chapter 8, part 2 or 3’.	4
2 Section 234(6), definition <i>relevant lease</i>, paragraph (d), note 1, ‘part 7AA, division 8, subdivision 1’—	5
<i>omit, insert—</i>	6
‘chapter 8, part 8, division 1’.	7
3 Section 295, ‘part 7AA’—	9
<i>omit, insert—</i>	10
‘chapter 8’.	11
4 Section 295(d), note, ‘part 19, division 6’—	12
<i>omit, insert—</i>	13
‘chapter 15, part 2, division 6’.	14
5 Section 296(2)(d), ‘sections 3A, and 6, part 7AA and part 19, division 6’—	15
<i>omit, insert—</i>	16
‘sections 3A and 6, chapter 8 and chapter 15, part 2, division 6’.	17
6 Section 315(1)(b), ‘part 7AA’—	18
<i>omit, insert—</i>	19
‘chapter 8’.	20
	21
	22

Schedule 3

7	Section 315(2), note, ‘part 7AA, division 4’—	1
	<i>omit, insert—</i>	2
	‘chapter 8, part 4’.	3
8	Sections 316(2)(b)(i) and 317(2)(b)(i), ‘part 7AA’—	4
	<i>omit, insert—</i>	5
	‘chapter 8’.	6
9	Section 319(4), ‘part 7AA, division 2, subdivision 6’—	7
	<i>omit, insert—</i>	8
	‘chapter 8, part 2, division 6’.	9
10	Section 324(2), note, ‘part 7AA, division 4’—	10
	<i>omit, insert—</i>	11
	‘chapter 8, part 4’.	12
11	Section 349(1)(b), note, ‘part 7AA, division 8, subdivision 1’—	13
	<i>omit, insert—</i>	14
	‘chapter 8, part 8, division 1’.	15
12	Schedule 2, definition <i>mining lease</i>, after ‘schedule’—	17
	<i>insert—</i>	18
	‘3’.	19

State Development and Public Works Organisation Act 1971	1 2
1 Section 174(4), ‘part 17’—	3
<i>omit, insert—</i>	4
‘schedule 2, part 6’.	5
 Torres Strait Islander Cultural Heritage Act 2003	 6
1 Schedule, definition <i>native title mining provisions</i>—	7
<i>omit, insert—</i>	8
‘ <i>native title mining provisions</i> means the provisions of the	9
<i>Mineral Resources Act 1989</i> that are the native title provisions	10
under that Act.’.	11
 Wild Rivers Act 2005	 12
1 Section 10(4), ‘part 10A, other than section 386A’—	13
<i>omit, insert—</i>	14
‘chapter 12, part 3, other than section 334ZA’.	15
 2 Section 31(3), definition <i>exploration permit</i>, after ‘schedule’—	16 17
<i>insert—</i>	18
‘3’.	19

Schedule 3

3	Section 31(3), definition <i>mining claim</i>, after ‘schedule’—	1
	<i>insert—</i>	2
	‘3’.	3

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