

I hereby certify that this PUBLIC BILL has finally passed the  
Legislative Assembly of Queensland.



Legislative Assembly Chamber,  
Brisbane,

*M. K. R. S.*  
The Clerk of the Parliament.  
*22 March 2013*

In the name and on behalf of the Queen, I assent to this Bill.

*Pendyke Wearly*  
Government House,  
Brisbane, *22nd March,* 2013



Queensland

**No. 10 of 2013**  
**A BILL for**

**An Act to amend the Environmental Protection Act 1994, the Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012, the Fossicking Act 1994, the Geothermal Energy Act 2010, the Greenhouse Gas Storage Act 2009, the Mineral Resources Act 1989, the Mines Legislation (Streamlining) Amendment Act 2012, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004 and the Wild Rivers Act 2005 for particular purposes**





## Queensland

# Mining and Other Legislation Amendment Bill 2013

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# 2013

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## A Bill

for

**An Act to amend the *Environmental Protection Act 1994*, the *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012*, the *Fossicking Act 1994*, the *Geothermal Energy Act 2010*, the *Greenhouse Gas Storage Act 2009*, the *Mineral Resources Act 1989*, the *Mines Legislation (Streamlining) Amendment Act 2012*, the *Petroleum Act 1923*, the *Petroleum and Gas (Production and Safety) Act 2004* and the *Wild Rivers Act 2005* for particular purposes**

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[s 1]

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## The Parliament of Queensland enacts—

### Part 1 Preliminary

#### 1 Short title

This Act may be cited as the *Mining and Other Legislation Amendment Act 2013*.

#### 2 Commencement

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

- (a) part 2;
- (b) part 4, other than sections 22, 25 and 28;
- (c) part 7, division 3;
- (d) part 10, division 3;
- (e) part 12;
- (f) schedule 1.

### Part 2 Amendment of Environmental Protection Act 1994

#### 3 Act amended

This part amends the *Environmental Protection Act 1994*.

*Note—*

See also the amendments in schedule 1.

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**3A Insertion of new ch 12, pt 4C**

Chapter 12—

*insert—*

**‘Part 4C Declaration**

**‘579D Declaration about commencement of amendment of Act**

- ‘(1) The *Mines Legislation (Streamlining) Amendment Act 2012*, section 127 is taken to have commenced immediately after the commencement of the *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012*, section 8.

*Note—*

The *Mines Legislation (Streamlining) Amendment Act 2012*, section 127 inserts new section 309A (Particular requirement for annual return for existing petroleum tenure under P&G Act).

- ‘(2) Subsection (1) has effect despite the proclamation made by the Governor on 6 December 2012, SL No. 225.
- ‘(3) This part expires the day after it commences.’

**4 Insertion of new ch 13, pt 19**

Chapter 13—

*insert—*

**‘Part 19 Transitional provisions for the  
Mining and Other Legislation  
Amendment Act 2013**

**‘711 Provision about cancellation of environmental authority**

- ‘(1) This section applies if, on the cancellation of an environmental authority under section 277A, there is no prescribed condition requiring the holder of the mining tenure for carrying out the small scale activity to which the authority relates—

[s 4]

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- (a) to give the administering authority financial assurance;  
or
  - (b) to rehabilitate land.
- ‘(2) On the cancellation of the environmental authority, a current condition of the authority is taken to be a prescribed condition for carrying out the small scale mining activity.
- ‘(3) Subsection (2) applies in relation to the carrying out of the small scale mining activity until a regulation under section 21A prescribes a condition requiring the holder of the mining tenure for carrying out the small scale mining activity—
- (a) to give the administering authority financial assurance;  
or
  - (b) to rehabilitate land.
- ‘(4) In this section—
- current condition***, of an environmental authority, means a condition of the authority requiring the holder of the authority—
- (a) to give the administering authority financial assurance;  
or
  - (b) to rehabilitate land.

## ‘712 Provision about financial assurance

- ‘(1) This section applies to financial assurance for an environmental authority (***EA financial assurance***) if—
- (a) the financial assurance is held by the administering authority immediately before the commencement of the section; and
  - (b) the activity carried out under the environmental authority is a small scale mining activity; and
  - (c) the chief executive cancels the environmental authority under section 277A; and
  - (d) a prescribed condition requires the holder of a mining tenure for carrying out the small scale mining activity to





## 6 Insertion of new s 4AA

After section 4—

*insert—*

### ‘4AA Insertion of new ch 1, pt 3, div 2, sdiv 6

‘Chapter 1, part 3, division 2—

*insert—*

### ‘Subdivision 6 Prescribed conditions

#### ‘21A Meaning of *prescribed condition*

- ‘(1) A *prescribed condition*, for a small scale mining activity, is a condition prescribed under a regulation for the carrying out of the activity.

*Example of a prescribed condition—*

a condition about rehabilitating land

- ‘(2) Without limiting subsection (1), a prescribed condition may require the holder of a mining tenure for carrying out a small scale mining activity (a *small scale mining tenure*) to give the administering authority financial assurance of an amount prescribed under a regulation—
- (a) before the relevant activity is carried out under the mining tenure; and
  - (b) as security for—
    - (i) compliance with other prescribed conditions for carrying out the small scale mining activity; and
    - (ii) costs or expenses, or likely costs or expenses, mentioned in section 298.
- ‘(3) However, the Minister may recommend to the Governor in Council a regulation imposing a prescribed condition requiring a financial assurance to be given only if the Minister is satisfied the condition is justified having regard to the matters mentioned in section 292(2).’.

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**7 Amendment of s 8 (Insertion of new chs 5 and 5A)**

(1) Section 8, inserted chapter 5, heading, ‘for’—

*omit, insert—*

**‘and’.**

(2) Section 8, after inserted section 277—

*insert—*

**‘277A Cancellation of particular environmental authority on holder’s request**

‘(1) This section applies to an environmental authority that—

(a) is in effect on the commencement of the section; and

(b) is for a mining activity that—

(i) is an eligible ERA; and

(ii) is a small scale mining activity; and

(iii) is carried out under a mining claim or an exploration permit, including a mining claim that, under the Mineral Resources Act, section 816, has been converted from a mining lease.

‘(2) The holder of the environmental authority may give the chief executive a notice in the approved form asking the chief executive to cancel the authority.

‘(3) On receiving a notice under this section, the chief executive must cancel the environmental authority.

‘(4) If the chief executive cancels an environmental authority, the chief executive must—

(a) give the holder notice of the cancellation; and

(b) record the cancellation in the relevant register.

‘(5) Divisions 2 and 3 do not apply to a cancellation of an environmental authority under this section.

‘(6) No amount of any annual fee paid by the holder is refundable to the holder because of a cancellation under this section.’

(3) Section 8, inserted section 292, heading, after ‘assurance’—

*insert—*

**‘for environmental authority’.**

- (4) Section 8, inserted section 293, heading, after ‘authority’—

*insert—*

**‘or small scale mining tenure’.**

- (5) Section 8, inserted section 293(1)(a), from ‘environmental authority’ to ‘give’—

*omit, insert—*

‘environmental authority or a prescribed condition requires the holder of the authority or a small scale mining tenure to give’.

- (6) Section 8, inserted section 293(1)(b), ‘either—’—

*omit, insert—*

‘any of the following apply—’.

- (7) Section 8, inserted section 293(1)(b)(i), ‘; or’—

*omit, insert—*

‘;’.

- (8) Section 8, inserted section 293(1)(b)—

*insert—*

‘(iii) the holder of the small scale mining tenure changes.’.

- (9) Section 8, inserted section 293(2), ‘environmental authority must’—

*omit, insert—*

‘environmental authority or small scale mining tenure must’.

- (10) Section 8, inserted section 293(2), ‘environmental authority unless’—

*omit, insert—*

‘environmental authority or tenure unless’.

- 
- (11) Section 8, inserted chapter 5, part 12, division 2, subdivision 2, heading, after ‘assurance’—

*insert—*

**‘for environmental authorities’.**

- (12) Section 8, inserted section 297, heading, ‘Definition’—

*omit, insert—*

**‘Definitions’.**

- (13) Section 8, inserted section 297—

*insert—*

**‘*small scale mining tenure* includes a cancelled or surrendered small scale mining tenure.’.**

- (14) Section 8, inserted section 298(a), ‘under an environmental authority’—

*omit.*

- (15) Section 8, inserted section 298(b), after ‘authority’—

*insert—*

**‘or small scale mining tenure’.**

- (16) Section 8, inserted section 302—

*omit, insert—*

### **‘302 Who may apply**

- ‘(1) The holder of an environmental authority for which financial assurance has been given to the administering authority may apply to the authority to—

(a) amend the amount or form of the financial assurance as stated in a notice given under section 296; or

(b) discharge the financial assurance.

- ‘(2) The holder of a small scale mining tenure for which financial assurance has been given to the administering authority may apply to the authority to discharge the financial assurance.’.

- (17) Section 8, inserted section 303, ‘section 302(1)’—

*omit, insert—*

‘section 302’.

- (18) Section 8, inserted section 304, heading, ‘for particular applications’—

*omit.*

- (19) Section 8, inserted section 304(1)—

*omit.*

- (20) Section 8, inserted section 304(2) and (3)—

*renumber* as section 304(1) and (2).

- (21) Section 8, inserted section 304(1), as renumbered, before ‘assurance’—

*insert—*

‘financial’.

- (22) Section 8, inserted section 304(2)(b), as renumbered, from ‘under each’—

*omit, insert—*

‘under the environmental authority or small scale mining tenure to which the application relates have complied with the conditions of the environmental authority or the prescribed conditions for the small scale mining activities for the tenure; and’.

- (23) Section 8, inserted section 304(2)(c), as renumbered, before ‘state’—

*insert—*

‘for financial assurance given for an environmental authority—’.

- (24) Section 8, inserted section 305(4), ‘for an environmental authority’—

*omit.*

- (25) Section 8, inserted section 305(4)(b), after ‘activity’—

*insert—*

‘or to a small scale mining tenure’.

- (26) Section 8, inserted section 305(5)(b), from ‘authority’ to ‘holder’—

*omit, insert—*

‘environmental authority or small scale mining tenure required to be given by the new holder of the authority or tenure’.

- (27) Section 8, inserted section 306(1) and (2)—

*omit, insert—*

‘(1) The administering authority may, at any time, require the holder of an environmental authority or small scale mining tenure for which financial assurance has been given to change the amount of the financial assurance.

‘(2) However, a requirement to change the financial assurance for a small scale mining tenure may only be made to ensure the amount of the financial assurance is in compliance with a prescribed condition about financial assurance for the tenure.’.

- (28) Section 8, inserted section 306(3), ‘subsection (2)’—

*omit, insert—*

‘this section’.

- (29) Section 8, inserted section 306(3), after ‘environmental authority’—

*insert—*

‘or small scale mining tenure’.

- (30) Section 8, inserted section 306(8), definition *financial assurance*, ‘subsection (2)’—

*omit, insert—*

‘this section’.

- (31) Section 8, after inserted section 307—

*insert—*

## **‘Subdivision 6      Directions about rehabilitation**

### **‘307A Direction to carry out rehabilitation may be given for small scale mining tenure**

- ‘(1) This section applies if the administering authority decides to refuse an application to discharge financial assurance for small scale mining activities carried out under a small scale mining tenure.
- ‘(2) The administering authority may give the holder of the small scale mining tenure a written direction to carry out stated rehabilitation within a stated reasonable period.
- ‘(3) The direction must be given to the holder with the notice of refusal required under section 305(1)(b).
- ‘(4) The notice of refusal must also include an information notice about the decision to give the direction.
- ‘(5) In this section—  
*rehabilitation* includes environmental management.’.

### **8      Amendment of s 12 (Amendment of s 330 (What is a transitional environmental program))**

Section 12, inserted section 330(c)(iii), ‘mining activity authorised under a prospecting permit’—

*omit, insert—*

‘small scale mining activity’.

### **9      Amendment of s 13 (Amendment of s 331 (Content of program))**

Section 13, inserted section 331(e), ‘mining activity authorised under a prospecting permit’—

*omit, insert—*

‘small scale mining activity’.



- 
- 10 Amendment of s 14 (Amendment of s 332 (Administering authority may require draft program))**  
Section 14, inserted section 332(2)(ca), ‘mining activity authorised under a prospecting permit’—  
*omit, insert—*  
‘small scale mining activity’.
- 11 Amendment of s 23 (Amendment of s 346 (Effect of compliance with program))**  
Section 23, inserted section 346(2)(e) and (3)(e), ‘mining activity authorised under a prospecting permit’—  
*omit, insert—*  
‘small scale mining activity’.
- 12 Amendment of s 25 (Amendment of s 358 (When order may be issued))**  
Section 25(2), inserted section 358(d)(v), ‘mining activity authorised under a prospecting permit’—  
*omit, insert—*  
‘small scale mining activity’.
- 13 Amendment of s 30 (Replacement of s 426 (Environmental authority required for mining activity))**  
Section 30, inserted section 426(2)(b)—  
*omit, insert—*  
‘(b) a small scale mining activity; or’.
- 14 Amendment of s 35 (Replacement of s 435A (Offence to contravene standard environmental conditions))**  
Section 35, inserted section 435A(1)(a), ‘mining activity that is authorised under a prospecting permit’—

*omit, insert—*

‘small scale mining activity’.

**15 Amendment of s 36 (Amendment of s 452 (Entry of place—general))**

Section 36(3), inserted section 452(1)(e), ‘mining activity that is authorised under a prospecting permit’—

*omit, insert—*

‘small scale mining activity’.

**16 Amendment of s 37 (Amendment of s 458 (Order to enter land to conduct investigation or conduct work))**

Section 37(2), inserted section 458(1)(a)(iii)(C), ‘mining activity authorised under a prospecting permit’—

*omit, insert—*

‘small scale mining activity’.

**17 Amendment of s 38 (Amendment of s 493A (When environmental harm or related acts are unlawful))**

Section 38(1), inserted section 493A(2)(f), ‘mining activity authorised under a prospecting permit’—

*omit, insert—*

‘small scale mining activity’.

**18 Amendment of s 60 (Insertion of new ch 13, pt 18)**

Section 60, inserted section 710, table, item 13, column 2, ‘mining activity authorised under a prospecting permit’—

*omit, insert—*

‘small scale mining activity’.

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**19 Amendment of s 61 (Amendment of sch 2 (Original decisions))**

- (1) Section 61(1), inserted schedule 2, part 1, division 3, entry for section 301(1), ‘assurance for’—

*omit, insert—*

‘assurance for a small scale mining tenure or’.

- (2) Section 61(1), inserted schedule 2, part 1, division 3, entry for section 305(1), ‘for an environmental authority’—

*omit, insert—*

‘for a small scale mining tenure or an environmental authority’.

- (3) Section 61(1), inserted schedule 2, part 1, division 3, entry for section 306(2)—

*omit, insert—*

‘306(1) decision to require the holder of a small scale mining tenure or an environmental authority for a resource activity to change the amount of financial assurance’.

- (4) Section 61(2), inserted schedule 2, part 2, division 2, entry for section 306(2), ‘306(2)’—

*omit, insert—*

‘306(1)’.

**20 Amendment of s 62 (Amendment of sch 4 (Dictionary))**

- (1) Section 62(2), inserted definition *prescribed condition*—

*omit.*

- (2) Section 62(2)—

*insert—*

***‘prescribed condition*** see section 21A.

***riverine area*** does not include land outside the flood flow channel of a watercourse.

***small scale mining activity*** means a mining activity that—

- (a) is carried out under a mining claim, for corundum, gemstones or other precious stones, the area of which is not more than 20ha, and that—
  - (i) does not, or will not, at any time cause more than 5ha of land to be significantly disturbed; and
  - (ii) is not, or will not be, carried out in a wild river high preservation area or wild river special floodplain management area or on strategic cropping land or potential SCL under the *Strategic Cropping Land Act 2011*; and
  - (iii) is not, or will not be, carried out in a watercourse or riverine area; and
  - (iv) is not, or will not be, carried out in or within 1km of an area that, under a regulation, is a category A environmentally sensitive area; and
  - (v) is not, or will not be, carried out in or within 500m of an area that, under a regulation, is a category B environmentally sensitive area; and
  - (vi) is not, or will not be, carried out in an area prescribed under a regulation as a designated environmental area for this definition; and
  - (vii) is not, or will not be, carried out as part of a petroleum activity or a prescribed ERA for which there is an aggregate environmental score prescribed under a regulation; and
  - (viii) is not, or will not be, carried out by more than 20 persons at any one time; and
  - (ix) does not, or will not, at any time cause more than 5000m<sup>2</sup> of land to be disturbed at a camp site; or
- (b) is carried out under an exploration permit, for minerals other than coal, the area of which is not more than 4 sub-blocks and that—

- 
- (i) is not, or will not be, carried out in a wild river high preservation area or wild river special floodplain management area or on strategic cropping land or potential SCL under the *Strategic Cropping Land Act 2011*; and
  - (ii) is not, or will not be, carried out in a watercourse or riverine area; and
  - (iii) is not, or will not be, carried out in or within 1km of an area that, under a regulation, is a category A environmentally sensitive area; and
  - (iv) is not, or will not be, carried out in or within 500m of an area that, under a regulation, is a category B environmentally sensitive area; and
  - (v) is not, or will not be, carried out in an area prescribed under a regulation as a designated environmental area for this definition; and
  - (vi) is not, or will not be, carried out as part of a petroleum activity or a prescribed ERA for which there is an aggregate environmental score prescribed under a regulation; and
  - (vii) does not, or will not, at any time cause more than 1000m<sup>2</sup> of land to be disturbed; or
- (c) is carried out under a prospecting permit.

***small scale mining tenure*** see section 21A(2).

***watercourse***—

- 1 *Watercourse* means a river, creek or stream in which water flows permanently or intermittently—
  - (a) in a natural channel, whether artificially improved or not; or
  - (b) in an artificial channel that has changed the course of the watercourse.
- 2 *Watercourse* includes the bed and banks and any other element of a river, creek or stream confining or containing water.?

*Editor's note—*

Sections 6 to 20, legislation ultimately amended—

- *Environmental Protection Act 1994*

## **21 Amendment of schedule (Amendment of other Acts)**

- (1) Schedule, amendment 8 of the *Environmental Protection Act 1994*, ‘mining activity authorised under a prospecting permit’—

*omit, insert—*

‘small scale mining activity’.

*Editor's note—*

Subsection (1), legislation ultimately amended—

- *Environmental Protection Act 1994*

- (2) Schedule, amendment 1 of the *Mineral Resources Act 1989*, ‘mining activity authorised under the prospecting permit’—

*omit, insert—*

‘small scale mining activity’.

- (3) Schedule, amendments 2 and 3 of the *Mineral Resources Act 1989*—

*omit.*

- (4) Schedule, amendment 15 of the *Mineral Resources Act 1989*, ‘section 265(3)(c)’—

*omit, insert—*

‘section 265(5)(c)’.

- (5) Schedule, amendments 19 and 20 of the *Mineral Resources Act 1989*—

*omit, insert—*

## **‘19 Section 391A(1)(a), ‘mining tenement’—**

*omit, insert—*



[s 24]

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*issuing officer* means a person who is appointed as an issuing officer under section 71(1).'

- (3) Section 3, definition *general permission*, 'a mining registrar'—

*omit, insert*—

'the chief executive'.

**24 Amendment of s 8 (Meaning of expressions used in this and other Acts)**

Section 8(1), first, third and ninth dot points—

*omit.*

**25 Omission of s 11 (Act's application if approved determination of native title)**

Section 11—

*omit.*

**26 Amendment of s 22 (Suspension and cancellation of licences—procedures)**

- (1) Section 22(1), 'a mining registrar'—

*omit, insert*—

'the chief executive'.

- (2) Section 22(1) and (2), 'the mining registrar'—

*omit, insert*—

'the chief executive'.

- (3) Section 22(3) and (4), 'mining registrar'—

*omit, insert*—

'chief executive'.



**27 Amendment of s 23 (Return of licence)**

Section 23(1) and (2), ‘mining registrar’—

*omit, insert—*

‘chief executive’.

**28 Amendment of s 27 (Licensee must get permission to fossick on occupied land etc.)**

(1) Section 27(1)—

*insert—*

‘(d) on land the subject of an exclusive possession determination without the written permission of the native title holders for the determination.’.

(2) Section 27(3), after ‘holder’—

*insert—*

‘, or native title holder.’.

(3) Section 27(6)—

*insert—*

‘*exclusive possession determination*, for land, means an approved determination of native title under the *Native Title Act 1993* (Cwlth) that includes a determination to the effect that native title rights and interests under the determination confer possession of the land on native title holders to the exclusion of all others.’.

**29 Amendment of s 28 (General permissions)**

Section 28(1), from ‘mining registrar’ to ‘situated’—

*omit, insert—*

‘chief executive’.

[s 30]

---

**30 Amendment of s 33 (Records of land mentioned in general permission to be kept)**

Section 33(1) and (2)—

*omit, insert—*

‘The chief executive must keep records of general permissions for land available for inspection at the places the chief executive considers appropriate.’.

**31 Amendment of s 53 (Management plans)**

Section 53(4), from ‘following’—

*omit, insert—*

‘places the chief executive considers appropriate.’.

**32 Amendment of s 56 (Living on designated fossicking land and fossicking areas)**

Section 56(1), ‘mining registrar’s’—

*omit, insert—*

‘chief executive’s’.

**33 Amendment of s 99 (Appeals to Land Court)**

Section 99(2)(b), ‘a mining registrar’—

*omit, insert—*

‘the chief executive’.

**34 Amendment of s 100 (Starting appeal)**

(1) Section 100(1), from ‘mining registrar’—

*omit, insert—*

‘chief executive.’.

(2) Section 100(2)—

*omit.*

- (3) Section 100(3) to (5)—  
*renumber* as section 100(2) to (4).

**35 Amendment of s 102 (Hearing procedures)**

Section 102(1), ‘mining registrar concerned’—  
*omit, insert*—  
‘chief executive’.

**36 Amendment of s 103 (Powers of Land Court on appeal)**

Section 103(1) to (3), ‘mining registrar’—  
*omit, insert*—  
‘the chief executive’.

**37 Amendment of s 106 (Protection against liability)**

- (1) Section 106(1), before paragraph (a)—  
*insert*—  
‘(aa) the chief executive;’.
- (2) Section 106(1)(d)—  
*omit.*
- (3) Section 106(1)(aa) to (c)—  
*renumber* as section 106(1)(a) to (d).

**38 Amendment of pt 9, hdg (Repeal and transitional provisions)**

Part 9, heading, after ‘provisions’—  
*insert*—  
‘before Mining and Other Legislation Amendment Act 2013’.

[s 39]

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### **39 Insertion of new pt 10**

After section 120—

*insert—*

## **‘Part 10 Transitional provisions for Mining and Other Legislation Amendment Act 2013**

### **‘121 Definitions for pt 10**

‘In this part—

‘*commencement* means the day this part commences.

‘*mining registrar* means a mining registrar under the *Mineral Resources Act 1989* as in force before the commencement.

### **‘122 Continuing effect of general permissions**

- ‘(1) A general permission in effect immediately before the commencement continues as a general permission under this Act after the commencement.
- ‘(2) The general permission is subject to the same conditions as those in effect for the permission immediately before the commencement.

### **‘123 Continuing effect of permissions under s 56**

- ‘(1) A permission of a mining registrar given under section 56 and in effect immediately before the commencement continues as if it were a permission given by the chief executive under section 56 as in force after the commencement.
- ‘(2) The permission is subject to the same conditions as those in effect for the permission immediately before the commencement.

## **‘124 Appeals**

- ‘(1) Subsection (2) applies if—
  - (a) a person has appealed to the Land Court against a decision of a mining registrar before the commencement; and
  - (b) the appeal has not been decided before the commencement.
- ‘(2) The Land Court must hear, or continue to hear, and decide the appeal under this Act as in force after the commencement.
- ‘(3) Subsection (4) applies if—
  - (a) immediately before the commencement, a person could have appealed to the Land Court against a decision of a mining registrar; and
  - (b) the person has not appealed before the commencement.
- ‘(4) The person may appeal and the Land Court must hear and decide the appeal under this Act as in force after the commencement.
- ‘(5) For hearing and deciding an appeal under subsection (2) or (4), the decision appealed against is taken to be a decision of the chief executive.’.

## **Part 5 Amendment of Geothermal Energy Act 2010**

### **40 Act amended**

This part amends the *Geothermal Energy Act 2010*.

### **41 Amendment of s 385 (Regulation-making power)**

- (1) Section 385(2)(f)—

[s 42]

---

*renumber* as section 385(2)(ab) and *relocate* to after section 385(2)(aa).

- (2) Section 385(2)(aa) to (d)—

*renumber* as section 385(b) to (f).

#### **42 Amendment of sch 2 (Dictionary)**

- (1) Schedule 2, definition *occupier*, paragraph (a), ‘Act, or, for freehold land,’—

*omit, insert—*

‘Act or’.

- (2) Schedule 2, definition *occupier*, paragraph (b), ‘by a person’—

*omit, insert—*

‘by an owner of the place or another person’.

## **Part 6 Amendment of Greenhouse Gas Storage Act 2009**

#### **43 Act amended**

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

#### **44 Amendment of sch 2 (Dictionary)**

- (1) Schedule 2, definition *occupier*, paragraph (a), ‘Act, or, for freehold land,’—

*omit, insert—*

‘Act or’.

- (2) Schedule 2, definition *occupier*, paragraph (b), ‘by a person’—

*omit, insert—*

‘by an owner of the place or another person’.

## **Part 7                      Amendment of Mineral Resources Act 1989**

### **Division 1                Preliminary**

#### **45      Act amended**

This part amends the *Mineral Resources Act 1989*.

*Note—*

See also the amendments in schedule 1.

### **Division 2                Amendments commencing on assent**

#### **46      Amendment of s 10AA (Joint holders of mining tenement)**

Section 10AA(2)(c), ‘application’—

*omit, insert—*

‘mining tenement or approval’.

#### **47      Insertion of new pt 5, div 1, hdg**

Before section 126—

*insert—*

**‘Division 1                Preliminary’.**

[s 48]

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**48 Insertion of new pt 5, div 2, hdg and s 130A**

After section 130—

*insert—*

**‘Division 2 Obtaining exploration permit for a mineral other than coal**

**‘130A Application of div 2**

‘This division applies to exploration permits for a mineral other than coal.’.

**49 Amendment of s 131 (Who may apply)**

(1) Section 131(2) and (3)—

*renumber* as section 131(3) and (4).

(2) Section 131—

*insert—*

‘(2) However, an application can not be made for an exploration permit for a sub-block the subject of a call for EP (non-coal) tenders.

*Note—*

See section 136A in relation to calls for EP (non-coal) tenders.’.

**50 Insertion of new ss 136 and 136A, pt 5, div 3 and pt 5, div 4, hdg**

Before section 137—

*insert—*

**‘136 Grant of exploration permit on application**

‘(1) The Minister may, for an application for an exploration permit under this division—

(a) grant an exploration permit, with or without conditions;  
or



- (b) refuse the application.
- ‘(2) However, the Minister must not grant an exploration permit unless the Minister is satisfied the prescribed criteria for the grant of the permit are met.
- ‘(3) Also, subject to subsection (4), the Minister must not grant an exploration permit for land if all or any part of the land is—
  - (a) in a fossicking area; or
  - (b) subject to an exploration permit for the same mineral.
- ‘(4) Subsection (3)(a) does not apply if the application for the exploration permit was made, but not decided, before the land became a fossicking area.
- ‘(5) If the Minister refuses an application for an exploration permit under this division, the Minister may decide whether all or part of the application fee that accompanied the application will be retained.

### **‘136A Obtaining exploration permit by competitive tender**

- ‘(1) This section applies if the Minister considers it is in the best interests of the State for an exploration permit for a mineral other than coal to be granted for 1 or more sub-blocks by competitive tender.
- ‘(2) The Minister may publish a gazette notice (a *call for EP (non-coal) tenders*) inviting tenders for the exploration permit.
- ‘(3) Division 3, subdivisions 2 and 3 apply for the call for EP (non-coal) tenders—
  - (a) as if—
    - (i) a reference to a call for EP (coal) tenders were a reference to a call for EP (non-coal) tenders; and
    - (ii) a reference to an exploration permit for coal were a reference to an exploration permit for a mineral other than coal for the sub-blocks the subject of the call; and

[s 50]

---

- (b) with any other necessary changes.
- ‘(4) The Minister must not act under subsection (2) for a sub-block that is—
  - (a) in a fossicking area; or
  - (b) the subject of an application for an exploration permit for the same mineral.

### **‘Division 3                    Obtaining exploration permit for coal**

#### **‘Subdivision 1        Preliminary**

##### **‘136B Application and operation of div 3**

- ‘(1) This division—
  - (a) applies to exploration permits for coal; and
  - (b) provides for a process for the granting of exploration permits for coal—
    - (i) generally, by competitive tender; or
    - (ii) to a person who holds 1 or more exploration permits for coal for the same land that are surrendered immediately before the grant of the permit.
- ‘(2) To remove any doubt, it is declared that an exploration permit for coal can only be granted under this division.

---

## ‘Subdivision 2 Competitive tenders

### ‘136C Call for tenders

- ‘(1) The Minister may publish a gazette notice (a *call for EP (coal) tenders*) inviting tenders for an exploration permit for coal.
- ‘(2) The call must state—
- (a) the proposed area of the permit; and
  - (b) the day and time by which tenders in response to it must be made (the *closing time* for the call); and
  - (c) that the tenders must be lodged before the closing time for the call; and
  - (d) that details about each of the following are available at a stated place—
    - (i) any proposed conditions of the permit that are likely to impact significantly on exploration in the proposed area;
    - (ii) the period of not more than 5 years for which the proposed program of work for the permit must apply;
    - (iii) any criteria (*special criteria*), other than the prescribed criteria, proposed to be used to decide whether to grant the permit, or to decide its provisions;
    - (iv) whether a process for appointing a preferred tenderer involving a cash bid component is to be used for deciding the call.
- ‘(3) The call may state other relevant matters, including, for example, matters relevant to the special criteria and prescribed criteria.
- ‘(4) Subsection (2)(d)(i) does not limit the Minister’s power under section 136K to decide conditions of the exploration permit if it is granted.

[s 50]

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- ‘(5) However, the Minister must not act under this section for land if all or any part of the land is—
- (a) in a fossicking area; or
  - (b) the subject of an application for an exploration permit for the same mineral.

### **‘136D Right to tender**

- ‘(1) An eligible person may, by a tender made under section 136E, tender for a proposed exploration permit the subject of a call for EP (coal) tenders.
- ‘(2) However, the tender can not be made—
- (a) after the closing time for the call; or
  - (b) for only part of the area of the proposed exploration permit.

### **‘136E Requirements for making tender**

‘A tender for an exploration permit for coal must—

- (a) be in the approved form; and
- (b) be accompanied by a statement—
  - (i) specifying a description of the program of work proposed to be carried out under the authority of the exploration permit, if granted; and
  - (ii) specifying the estimated human, technical and financial resources proposed to be committed to exploration work during each year of the exploration permit, if granted; and
- (c) be accompanied by a statement, separate from the statement mentioned in paragraph (b), detailing the tenderer’s financial and technical resources; and
- (d) be accompanied by the following—
  - (i) a statement, separate from the statements mentioned in paragraphs (b) and (c), about how

---

and when the tenderer proposes to consult with, and keep informed, each owner and occupier of private or public land on which authorised activities for the proposed exploration permit are, or are likely to be, carried out;

*Note—*

See section 140A for obligations about consulting with particular owners and occupiers.

- (ii) proof of the tenderer's identity;
- (iii) the application fee prescribed under a regulation;
- (iv) if a process for appointing a preferred tenderer involving a cash bid component is to be used for deciding the call—the tenderer's cash bid.

### **'136F Right to terminate call for tenders**

- '(1) The Minister may, by gazette notice, terminate a call for EP (coal) tenders at any time before deciding to grant an exploration permit to an eligible person who has made a tender in response to the call.
- '(2) All tenders in response to the call lapse when the call is terminated.
- '(3) No amount, whether by way of compensation, reimbursement or otherwise is payable by the State to any person for or in connection with the termination.
- '(4) However, subject to sections 136H(4) and 136J(4), the Minister must refund any tender security given by the tenderer.

### **'136G Amendment of tender**

- '(1) This section provides for the amendments that can be made to a tender in response to a call for EP (coal) tenders.
- '(2) A proposed program of work included in the tender may be amended at any time until, but not after, the tenderer has become the preferred tenderer for the call.

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- ‘(3) The tender may be amended, other than as provided by subsection (2), at any time until, but not after, the closing time for the call.
- ‘(4) However, subsection (3) does not apply if—
  - (a) the tenderer is a company; and
  - (b) the change is only a change of name of the tenderer; and
  - (c) the tenderer’s Australian company number and Australian registered business name have not changed.

### **‘136H Withdrawal of tender**

- ‘(1) A person who has lodged a tender in response to a call for EP (coal) tenders may lodge a notice withdrawing the tender at any time before the relevant exploration permit is granted.
- ‘(2) The withdrawal takes effect when the notice is lodged.
- ‘(3) If the preferred tenderer’s tender is withdrawn under this section, the withdrawal does not affect the Minister’s power to appoint another tenderer, from the tenders made in response to the call, to be the preferred tenderer.
- ‘(4) If a tender is withdrawn under this section, the Minister may, if the Minister considers it reasonable in the circumstances, retain the whole or part of any tender security given by the tenderer.

## **‘Subdivision 3 Deciding tenders**

### **‘136I Process for deciding tenders**

- ‘(1) Subject to section 136K(2) and (3), any process the Minister considers appropriate may be used to decide a call for EP (coal) tenders, including, for example—
  - (a) a process appointing a preferred tenderer on the tenders made in response to the call (whether or not involving a cash bid component); or

- 
- (b) a process involving short-listing a group of possible preferred tenderers and inviting them to engage in another round of tendering before appointing a preferred tenderer from that group.
- ‘(2) Without limiting subsection (1), the Minister may give a tenderer a notice requiring the tenderer to give the Minister, within the reasonable period stated in the notice, information the Minister reasonably requires to assess the tender.

### ‘136J Provisions for preferred tenderers

- ‘(1) The Minister may require a preferred tenderer for the call for EP (coal) tenders to—
- (a) pay any amounts necessarily incurred, or to be incurred, to enable the exploration permit to be granted; and
- Example—*
- amounts required to comply with the Commonwealth Native Title Act, part 2, division 3, subdivision P
- (b) do all or any of the following within a stated reasonable period—
    - (i) pay the rental for the first year of the term of the permit under section 138;
    - (ii) give, under section 144, security for the permit.
- ‘(2) If a preferred tenderer does not—
- (a) comply with a requirement under subsection (1); or
  - (b) do all things reasonably necessary to allow an exploration permit for coal to be granted to the tenderer;
- the Minister may revoke the tenderer’s appointment as the preferred tenderer.
- ‘(3) However, before acting under subsection (2), the Minister must give the preferred tenderer a reasonable opportunity to provide reasons for, and rectify, the tenderer’s failure to comply with a requirement under subsection (1) or (2)(b).

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- ‘(4) If the Minister revokes the appointment of the tenderer as the preferred tenderer under this section, the Minister may—
- (a) retain the whole or part of any tender security given by the tenderer, if the Minister considers it reasonable in the circumstances; and
  - (b) appoint another tenderer to be the preferred tenderer.

### **‘136K Deciding whether to grant exploration permit**

- ‘(1) The Minister may, after the closing time for the call for EP (coal) tenders—
- (a) grant an exploration permit for coal to 1 tenderer, with or without conditions; or
  - (b) refuse to grant any exploration permit for coal.
- ‘(2) However, the Minister must not grant the exploration permit unless the Minister is satisfied the prescribed criteria for the grant of the permit are met.
- ‘(3) Also, in deciding whether to grant an exploration permit or deciding its provisions, the Minister must consider any special criteria for the call.

### **‘136L Notice to unsuccessful tenderers**

- ‘(1) After a call for EP (coal) tenders has been decided, each tenderer not granted the exploration permit must be given notice of the decision.

*Note—*

See also the *Judicial Review Act 1991*, section 32 (Request for statement of reasons).

- ‘(2) Subject to sections 136H(4) and 136J(4), the Minister must refund any tender security given by the tenderer.



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## **‘Subdivision 4      Obtaining exploration permit following surrender**

### **‘136M Application for exploration permit for surrendered exploration permits**

- ‘(1) This section applies if the holder of an exploration permit for coal intends to surrender the permit.
- ‘(2) The holder may apply for a new exploration permit for the whole or part of the area of the exploration permit to be surrendered.
- ‘(3) The application must be made in the same way an application for an exploration permit is made under section 133.
- ‘(4) The Minister may give the applicant a notice requiring the applicant to give the Minister information the Minister reasonably requires to assess the application.
- ‘(5) If the information is not given to the Minister within the reasonable period stated in the notice, the Minister may refuse the application.
- ‘(6) An application for an exploration permit under this section must be numbered in the way prescribed under a regulation and the number, if the permit is granted, must become the number of that permit.

### **‘136N Grant of exploration permit for surrendered exploration permits**

- ‘(1) The Minister may, for an application for an exploration permit under section 136M—
  - (a) grant the exploration permit, with or without conditions;
  - or
  - (b) refuse the application.
- ‘(2) However, the Minister must not grant an exploration permit under this section unless the Minister is satisfied the prescribed criteria for the grant of the permit are met.

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- ‘(3) Also, subject to subsection (4), the Minister must not grant an exploration permit for land if all or any part of the land is in a fossicking area.
- ‘(4) Subsection (3) does not apply if the application for the exploration permit was made, but not decided, before the land became a fossicking area.
- ‘(5) If the Minister refuses the application, the Minister may decide whether all or part of the application fee that accompanied the application will be retained.

## ‘Division 4                    Other provisions about exploration permits’.

### 51            Replacement of s 137 (Grant of exploration permit)

Section 137—

*omit, insert—*

### ‘137            Prescribed criteria for grant of exploration permit

- ‘(1) This section states the criteria (*prescribed criteria*) for the grant of an exploration permit under division 2 or 3.
- ‘(2) The criteria are as follows—
  - (a) the requirements of this Act have been complied with;
  - (b) the applicant is an eligible person;
  - (c) the applicant has paid rental for the first year of the term of the exploration permit under section 138;
  - (d) the Minister has, under subsection (3), approved the program of work that accompanied the application for the exploration permit;
  - (e) the Minister has not, under subsection (4), decided the person is disqualified from being granted the permit.

*Notes—*

- 1 Under section 144, an exploration permit can not be granted until the applicant has deposited security decided under that section.

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

- ‘(3) In deciding whether to approve the program of work, the Minister must have regard to the following matters—
- (a) the extent of the proposed activities in the proposed area of the exploration permit;
  - (b) when and where the applicant proposes to carry out exploration activities in the proposed area of the exploration permit;
  - (c) whether the applicant has the financial and technical capability for carrying out the work.
- ‘(4) The Minister may decide an applicant is disqualified from being granted an exploration permit if—
- (a) the Minister reasonably believes the applicant or, if the applicant is a company, an associate of the applicant has, at any time, contravened a provision of this Act, the repealed Acts or other mining legislation (whether or not the applicant or associate has been charged or convicted of an offence for the contravention); and
  - (b) having regard to the matters mentioned in subsection (5), the Minister considers the applicant is not a suitable person to carry out activities under the exploration permit.
- ‘(5) For subsection (4)(b), the matters to which the Minister may have regard are as follows—
- (a) the nature of the contravention, including, for example—
    - (i) whether it relates to an administrative or procedural requirement; and
    - (ii) the extent to which the applicant or applicant’s associate was involved in the contravention; and
    - (iii) whether the contravention involved the applicant or associate engaging in fraudulent or dishonest conduct; and

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- (iv) the degree of harm caused or likely to be caused by the contravention to persons other than the applicant or to the environment;
  - (b) whether the applicant or applicant's associate has been proceeded against for the contravention and, if so, the outcome of the proceeding;
  - (c) whether the applicant or an associate of the applicant has previously engaged in similar contraventions or other contraventions of a kind mentioned in subsection (4)(a), and the nature of the contraventions and the outcome of any proceedings for the contraventions;
  - (d) any other matters the Minister considers relevant.
- '(6) In this section—
- associate*, for an applicant that is a company, means—
- (a) an officer or employee of the company; or
  - (b) another person who in the Minister's opinion is in a position to control or influence substantially the company's affairs.'

**52 Amendment of s 138 (Rental payable on exploration permit)**

Section 138(1), 'section 137'—

*omit, insert—*

'division 2 or 3'.

**53 Amendment of s 141C (Application to vary conditions of existing permit)**

(1) Section 141C(4)—

*renumber* as section 141C(5).

(2) Section 141C—

*insert—*

‘(4) Subsections (2) and (3) apply in relation to an exploration permit for coal despite section 130A.’.

**54 Amendment of s 146 (Initial term of exploration permit)**

Section 146—

*insert—*

‘(2) However, the initial term of an exploration permit granted in response to a call for EP (coal) tenders or EP (non-coal tenders) must be for the required period for the proposed program of work for the permit.

‘(3) In this section—

*required period*, for the proposed program of work for an exploration permit granted in response to a call for EP (coal) tenders or EP (non-coal tenders), means the period that the call states is the period for which the program must apply.’.

**55 Relocation and renumbering of s 159 (Abandonment of application for exploration permit)**

Section 159—

*relocate* to part 5, division 2, as inserted by this Act, and *renumber* as section 135.

**56 Amendment of s 231A (Application of pts 6 and 6A)**

Section 231A, ‘the Aurukun project’—

*omit, insert—*

‘an Aurukun project’.

**57 Amendment of s 231B (Only eligible person can apply for and hold mineral development licence (180))**

(1) Section 231B(1), ‘the eligible person’—

*omit, insert—*

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‘an eligible person’.

(2) Section 231B(2), before ‘Aurukun’—

*insert—*

‘relevant’.

(3) Section 231B—

*insert—*

‘(3) Despite subsection (1), a mineral development licence granted under this part may be cancelled under section 231J even though the holder has ceased to be an eligible person.’.

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

Section 231G(1)(e) and (i), before ‘Aurukun’—

*insert—*

‘relevant’.

**59 Amendment of s 231H (Renewal of licence (197A))**

Section 231H(1)(a), before ‘Aurukun’—

*insert—*

‘relevant’.

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

Section 231I(2), before ‘Aurukun’—

*insert—*

‘relevant’.

**61 Amendment of s 231J (Contravention by holder of mineral development licence (209))**

Section 231J, before ‘Aurukun’—

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*insert—*  
‘relevant’.

**62 Amendment of s 318AAA (Application of pts 7 and 7AAA)**

- (1) Section 318AAA, ‘the Aurukun project’—  
*omit, insert—*  
‘an Aurukun project’.
- (2) Section 318AAA(1)(b), before ‘Aurukun’—  
*insert—*  
‘relevant’.
- (3) Section 318AAA—  
*insert—*
- ‘(5) To remove any doubt, it is declared that this part applies to the following—
- (a) a mining lease under section 234 for a purpose mentioned in section 234(1)(a) or (b);
- (b) a mining lease under section 316 for the transportation of a thing.’.

**63 Amendment of s 318AAB (Only eligible person can apply for and hold mining lease (233))**

- (1) Section 318AAB(1), ‘the eligible person’—  
*omit, insert—*  
‘an eligible person’.
- (2) Section 318AAB(2), ‘the Aurukun project’—  
*omit, insert—*  
‘an Aurukun project’.
- (3) Section 318AAB—  
*insert—*

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‘(3) Despite subsection (1), a mining lease granted under this part may be cancelled under section 318AAL even though the holder has ceased to be an eligible person.’.

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

Section 318AAD(f)(i), after ‘start’—

*insert—*

‘or, if a mining program is not proposed, outlining the use proposed for the land and providing an indication of when the proposed use is to start’.

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

Section 318AAH(1)(e) and (m), before ‘Aurukun’—

*insert—*

‘relevant’.

**66 Amendment of s 318AAJ (Renewal of lease (286A))**

Section 318AAJ(1)(b), before ‘Aurukun’—

*insert—*

‘relevant’.

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

Section 318AAK(2), before ‘Aurukun’—

*insert—*

‘relevant’.



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**68 Amendment of s 318AAL (Contravention by holder of mining lease (308))**

Section 318AAL, before ‘Aurukun’—

*insert—*

‘relevant’.

**69 Amendment of s 318AAM (Limitation on surrender of mining lease (309))**

Section 318AAM(2), before ‘Aurukun’—

*insert—*

‘relevant’.

**70 Amendment of s 386J (Request to applicant about application)**

Section 386J(7), definition *application*—

*insert—*

‘(aa) an EP tender; or’.

**71 Amendment of s 386L (Notice to progress relevant applications)**

Section 386L—

*insert—*

‘(4A) This section does not apply in relation to an EP tender.’.

**72 Amendment of s 386M (Particular criteria generally not exhaustive)**

Section 386M(3), from ‘apply’—

*omit, insert—*

‘apply—

(a) in relation to an EP tender; or

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(b) if the provision otherwise provides.’.

**73 Amendment of s 386N (Particular grounds for refusal generally not exhaustive)**

(1) Section 386N(3)—

*renumber* as section 386N(4).

(2) Section 386N—

*insert—*

‘(3) This section does not apply to an EP tender.’.

**74 Amendment of s 386P (Requirements for making application)**

Section 386P—

*insert—*

‘(4A) This section does not apply to an EP tender.’.

**75 Amendment of s 387 (Registers to be maintained)**

Section 387(2)(b)—

*omit, insert—*

‘(b) applications (other than EP tenders) for the grant of exploration permits; and

(ba) applications for the grant of mineral development licences; and’.

**76 Amendment of s 390 (Priority of competing applications)**

Section 390—

*insert—*

‘(6) This section does not apply to EP tenders.’.

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**77 Insertion of new pt 19, div 19**

Part 19—

*insert—*

**‘Division 19 Transitional provisions for Mining and Other Legislation Amendment Act 2013**

**‘Subdivision 1 Provisions for amendments commencing on assent**

**‘806 Definition for sdiv 1**

‘In this subdivision—

*commencement* means the commencement of this section.

**‘807 Existing applications for exploration permits for minerals other than coal**

- ‘(1) This section applies to an application for an exploration permit for a mineral other than coal that—
- (a) was made before the commencement; and
  - (b) has not been decided at the commencement.
- ‘(2) The application must be decided under this Act as in force after the commencement.

**‘808 Existing applications for exploration permits for coal**

- ‘(1) This section applies to an application for an exploration permit for coal that—
- (a) was made before the commencement; and
  - (b) has not been decided at the commencement.

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‘(2) The application must be decided under this Act as in force before the commencement, as if the amending Act had not been enacted.

‘(3) In this section—

*amending Act* means the *Mining and Other Legislation Amendment Act 2013*.’.

## 78 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definition *Aurukun agreement*—  
*omit*.

(2) Schedule 2—  
*insert*—

‘*application*, for an exploration permit, includes an EP tender.

*Aurukun agreement* means an agreement between the State and a person selected by the State to develop an Aurukun project.

*call for EP (coal) tenders* see section 136C(1).

*call for EP (non-coal) tenders* see section 136A(2).

*closing time*, for a call for EP (coal) tenders or a call for EP (non-coal) tenders, see section 136C(2)(b).

*EP tender* means a tender for an exploration permit in response to a call for EP (coal) tenders or a call for EP (non-coal) tenders.

*prescribed criteria*, for the grant of an exploration permit, see section 137.

*relevant Aurukun agreement* means—

- (a) for a mineral development licence—the Aurukun agreement for the Aurukun project for which the licence was granted; or
- (b) for a mining lease—the Aurukun agreement for the Aurukun project for which the lease was granted.

*special criteria*, for a call for EP (coal) tenders or EP (non-coal) tenders, see section 136C(2)(d)(iii).

*tender security*, for an EP tender, means an amount given by the relevant tenderer as security for the tender.’.

- (3) Schedule 2, definition *Aurukun project*, paragraph 1—  
*omit, insert—*  
‘1 *Aurukun project* means a project for the extraction, transportation and processing of bauxite on—  
(a) land that is more or less the land described as ‘restricted area 315’ (RA315) under this Act; or  
(b) a part of the land mentioned in paragraph (a).’.
- (4) Schedule 2, definition *eligible person*, paragraphs (b) and (c)—  
*omit, insert—*  
‘(b) for part 6A—a person who is a party to an Aurukun agreement with the State; and  
(c) for part 7AAA—a person who holds a mineral development licence under part 6A.’.
- (5) Schedule 2, definition *occupier*, paragraph (a), ‘Act, or, for freehold land,’—  
*omit, insert—*  
‘Act or’.
- (6) Schedule 2, definition *occupier*, paragraph (b), ‘an occupier’—  
*omit, insert—*  
‘an owner of the place or another occupier’.

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## **Division 3                      Amendments commencing by proclamation**

### **79            Amendment of s 4B (Notice to local government and chief executive (planning) of particular mining tenements)**

- (1) Section 4B(2), from ‘mining registrar’ to ‘the tenement’—  
*omit, insert—*  
‘chief executive must give notice of the mining tenement’.
- (2) Section 4B(2)(a), ‘the land’—  
*omit, insert—*  
‘the area of the tenement’.
- (3) Section 4B(4)(c), from ‘from—’—  
*omit, insert—*  
‘from the chief executive of the department in which this Act is administered.’.

### **80            Amendment of s 48 (Land in area of mining claim)**

- (1) Section 48(1), after ‘prospecting permits’—  
*insert—*  
‘, or exploration permit or exploration permits.’.
- (2) Section 48(1), note, ‘or prospecting permits’—  
*omit, insert—*  
‘or exploration permit’.

### **81            Amendment of s 50 (Entitlements under mining claim)**

- (1) Section 50(1)(a)(ii), before ‘hand’—  
*insert—*  
‘for a mining claim other than a prescribed mining claim—’.

(2) Section 50(1)(a)—

*insert—*

‘(iii) for a prescribed mining claim—mine in accordance with the conditions of the mining claim any mineral to which the mining claim applies; and’.

(3) Section 50(1)(b), ‘hand’—

*omit.*

(4) Section 50(1)(b)(i) and (iii), after ‘area;’—

*insert—*

‘and’.

(5) Section 50(1)(b)(ii), after ‘purpose;’—

*insert—*

‘and’.

(6) Section 50(1)(c), ‘hand mining as provided in paragraph (a)(ii)’—

*omit, insert—*

‘mining as provided in paragraph (a)(ii) or (iii)’.

(7) Section 50—

*insert—*

‘(5) In this section—

***prescribed mining claim*** means a mining claim that—

- (a) applies to corundum, gemstones or other precious stones, and the area of which has been decided by the Minister under section 53; or
- (b) has been converted from a mining lease under section 816.’.

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**82 Amendment of s 51 (Land for which mining claim not to be granted)**

- (1) Section 51(1) to (3), ‘mining registrar’—  
*omit, insert—*  
‘chief executive’.
- (2) Section 51—  
*insert—*
- ‘(1A) However, subsection (1)(e) does not apply to land in the area of or covered by an exploration permit, or earlier application for an exploration permit, if the applicant for the mining claim is the same person as the holder of, or applicant for, the exploration permit.’.

**83 Amendment of s 53 (Area and shape of mining claim land)**

- (1) Section 53(1), ‘The land’—  
*omit, insert—*  
‘Subject to subsection (1A), the land’.
- (2) Section 53—  
*insert—*
- ‘(1A) For a mining claim that applies to corundum, gemstones or other precious stones, the Minister also may grant the claim for an area, of not more than 20ha, decided by the Minister (the *decided area*).’.
- (3) Section 53(2), from ‘However’ to ‘claim,’—  
*omit, insert—*  
‘Despite subsection (1)(a), the Minister may, for a particular mining claim for which an area is not decided by the Minister,’.
- (4) Section 53—  
*insert—*



- 
- ‘(2A) In deciding the area of a mining claim for subsection (1A), the Minister must have regard to—
- (a) whether the area of land is mineralised; and
  - (b) whether the area of land is of an appropriate size and shape in relation to the mineralisation; and
  - (c) the type and location of activities to be carried out under the mining claim.’.
- (5) Section 53(3), ‘mining claim’—  
*omit, insert—*  
‘mining claim for which an area is not decided by the Minister’.
- (6) Section 53—  
*insert—*
- ‘(3A) Subsection (3B) applies to a mining claim for which an area is decided by the Minister if the land to which the mining claim applies is within an area prescribed by regulation under subsection (3)(b).
- ‘(3B) Despite subsection (1A), the Minister can not decide an area for the mining claim that is more than the area prescribed by regulation.’.
- (7) Section 53(4), after ‘prescribed area’—  
*insert—*  
‘or the decided area.’.
- (8) Section 53(5)—  
*omit, insert—*
- ‘(5) The chief executive must notify the holder that the land exceeds the prescribed area or decided area.’.
- (9) Section 53(6), ‘mining registrar’—  
*omit, insert—*  
‘Minister’.
- (10) Section 53(6), after ‘prescribed area’—
-

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*insert—*

‘or decided area’.

**84 Amendment of s 55 (Restriction upon number of mining claims)**

(1) Section 55(2), ‘any’—

*omit, insert—*

‘a’.

(2) Section 55(3), from ‘may direct’—

*omit, insert—*

‘may cancel the mining claim or interest.’.

**85 Amendment of s 56 (Marking out land before application for grant of mining claim)**

Section 56(1), after ‘permit’—

*insert—*

‘or exploration permit’.

**86 Amendment of s 58 (Consent of mining registrar required to certain marking out of land)**

(1) Section 58, heading, ‘mining registrar’—

*omit, insert—*

‘**chief executive**’.

(2) Section 58(1), from ‘mining registrar’ to ‘application’—

*omit, insert—*

‘chief executive is required and the chief executive’s consent may be given at any time prior to the issue of the mining claim application certificate for the mining claim’.

(3) Section 58(2), ‘mining registrar’—

*omit, insert—*

‘chief executive’.

**87 Amendment of s 59 (Time for application for grant of mining claim)**

Section 59, after ‘prospecting permit’—

*insert—*

‘or exploration permit’.

**88 Amendment of s 61 (Application for grant of mining claim)**

(1) Section 61(1)(f), (g), (j)(i) and (ii) and (3), ‘mining registrar’—

*omit, insert—*

‘chief executive’.

(2) Section 61(1)(j), ‘accompanied by’—

*omit, insert—*

‘accompanied by each of the following’.

(3) Section 61(1)(j)(i), (ii) and (iii), ‘; and’—

*omit, insert—*

‘;’.

(4) Section 61(1)(j)(iv)—

*omit, insert—*

‘(iv) a work program for the activities to be carried out under the mining claim;

(v) if the application is for a mining claim for which the Minister is to decide an area under section 53—information about the matters mentioned in section 53(2A) for the mining claim.’.

(5) Section 61(2)—

*omit.*

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- (6) Section 61(4), ‘A mining registrar’—  
*omit, insert*—  
‘The chief executive’.
- (7) Section 61(4), ‘the mining registrar’—  
*omit, insert*—  
‘the chief executive’.
- (8) Section 61(3) to (5)—  
*renumber* as section 61(2) to (4).
- (9) Section 61(4), as renumbered, ‘subsection (4)’—  
*omit, insert*—  
‘subsection (3)’.

## **89 Replacement of s 64 (Certificate of application etc.)**

Section 64—  
*omit, insert*—

## **‘64 Issue of mining claim application certificate**

- ‘(1) This section applies if the chief executive is satisfied the applicant for the grant of a mining claim—
  - (a) is eligible to apply for the mining claim; and
  - (b) has complied with the requirements of this Act for the application.
- ‘(2) The chief executive must give the applicant a certificate in the approved form (a *mining claim application certificate*) for the application.
- ‘(3) The mining claim application certificate must state the following—
  - (a) the number of the proposed mining claim;
  - (b) the date and time the application was lodged;
  - (c) the last day (the *last objection day*) for lodging objections to the application;

- (d) where the application and any additional documents given to the chief executive about the application may be inspected.
- ‘(4) The last objection day must be at least 20 business days after the certificate is given to the applicant.’

**90 Omission of s 64A (Issue of certificate of public notice)**

Section 64A—

*omit.*

**91 Replacement of s 64B (Applicant’s obligations for certificate of public notice)**

Section 64B—

*omit, insert—*

**‘64B Applicant’s obligations for mining claim application certificate**

- ‘(1) The applicant for a proposed mining claim must, within the later of the following periods to end, take the actions mentioned in subsection (2)—
- (a) 5 business days after the mining claim application certificate is given to the applicant;
  - (b) if the chief executive at any time decides a longer period—the longer period.
- ‘(2) For subsection (1), the actions are—
- (a) post a copy of the mining claim application certificate on the datum post of land the subject of the proposed mining claim; and
  - (b) durably engrave or mark the number of the proposed mining claim on the datum post; and
  - (c) give a copy of the certificate, the application for the mining claim and any additional document about the application given by the applicant to the chief executive to—

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- (i) each owner of relevant land; and
  - (ii) the relevant local government; and
  - (d) if the mining claim is for carrying out small scale mining activities—give a copy of the small scale mining code to each entity mentioned in paragraph (c)(i) and (ii).
- ‘(3) The applicant must ensure the copy of the certificate posted on the datum post remains on the post until the end of the last objection day for the application.
- ‘(4) In this section—  
*relevant land* means the land the subject of the proposed mining claim or any other land necessary for access to that land.’.

**92 Amendment of s 64C (Declaration of compliance with obligations)**

- (1) Section 64C(1), ‘mining registrar’—  
*omit, insert—*  
‘chief executive’.
- (2) Section 64C(2)(a), ‘mining registrar’—  
*omit, insert—*  
‘Minister’.

**93 Amendment of s 64D (Continuing obligation to notify)**

- (1) Section 64D(1), ‘mining registrar’—  
*omit, insert—*  
‘chief executive’.
- (2) Section 64D(2), from ‘person’—  
*omit, insert—*  
‘entity mentioned in section 64B(2)(c)(i) and (ii)’.

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**94 Amendment of s 71 (Objection to application for grant of mining claim)**

(1) Section 71(1), ‘An entity’—

*omit, insert—*

‘An owner of relevant land or the relevant local government’.

(2) Section 71—

*insert—*

‘(5) In this section—

*relevant land* means the land the subject of the proposed mining claim or any other land necessary for access to that land.’.

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

(1) Section 74(2), (3) and (4), ‘mining registrar’—

*omit, insert—*

‘Minister’.

(2) Section 74(2)(c), before ‘an environmental’—

*insert—*

‘if the mining claim is for other than small scale mining activities—’.

**96 Amendment of s 81 (Conditions of mining claim)**

(1) Section 81(1), ‘the following—’—

*omit, insert—*

‘each of the following—’.

(2) Section 81(1)—

*insert—*

‘(ab) a condition that the holder must—

[s 96]

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- (i) comply with the mandatory provisions of the small scale mining code to the extent the code applies to the holder; and
  - (ii) ensure any other person carrying out an authorised activity for the mining claim complies with the mandatory provisions of the small scale mining code to the extent the code applies to the holder;
- (ac) if the mining claim is granted or renewed for a term of more than 5 years—a condition that the holder must, within 1 month after the fifth anniversary of the following days, give the chief executive a work program for activities to be carried out under the mining claim for the remaining term of the claim—
  - (i) for a grant of a mining claim—the day the claim is granted;
  - (ii) for a renewed mining claim—the day the term of the renewed claim started;’.
- (3) Section 81(1)(b), (g), (j)(iv), (n) and (5)(a), ‘mining registrar’—  
*omit, insert—*  
‘Minister’.
- (4) Section 81(1)(ab) to (n)—  
*renumber* as section 81(1)(b) to (p).
- (5) Section 81(1AA), ‘a mining registrar’—  
*omit, insert—*  
‘the Minister’.
- (6) Section 81(1AA), ‘the mining registrar’—  
*omit, insert—*  
‘the Minister’.
- (7) Section 81(5), ‘subsection (1)(d), (f)(ii) and (k)’—  
*omit, insert—*



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‘subsection (1)(f), (h)(ii) and (m)’.

**97 Amendment of s 82 (Variation of conditions of mining claim)**

(1) Section 82(1) and (2), ‘mining registrar’—

*omit, insert—*

‘Minister’.

(2) Section 82(3), ‘a mining registrar’—

*omit, insert—*

‘the Minister’.

(3) Section 82(3), ‘the mining registrar’—

*omit, insert—*

‘the Minister’.

(4) Section 82(5), ‘grant of’—

*omit, insert—*

‘grant, if issued, for’.

**98 Amendment of s 83 (Provision of security)**

(1) Section 83(1), (3), (4), (8), (10), (12), (13), (14) and (16), ‘mining registrar’—

*omit, insert—*

‘Minister’.

(2) Section 83(1), ‘outline under’—

*omit, insert—*

‘work program mentioned in’.

(3) Section 83(7), ‘A mining registrar for the district in which a mining claim is granted who’—

*omit, insert—*

‘If the Minister’.

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- (4) Section 83(7), ‘may require’—  
*omit, insert*—  
‘, the Minister may require’.
- (5) Section 83(9), ‘A mining registrar’—  
*omit, insert*—  
‘The Minister’.
- (6) Section 83(15), ‘mining registrar’s’—  
*omit, insert*—  
‘Minister’s’.

**99 Replacement of s 88 (Issue of certificate of grant of mining claim)**

Section 88—  
*omit, insert*—

**‘88 Issue of certificate of grant for mining claim**

‘If the Minister grants a mining claim, the chief executive may issue to the applicant for the grant a certificate of grant in the approved form.’.

**100 Amendment of s 90 (Duty of holder of mining claim to mark boundary posts)**

Section 90, ‘appearing on the certificate of grant of the mining claim’—  
*omit.*

**101 Amendment of s 93 (Renewal of mining claim)**

- (1) Section 93(1), ‘mining registrar’—  
*omit, insert*—  
‘Minister’.
- (2) Section 93(2)(a), from ‘mining registrar’—

*omit, insert—*

‘Minister;’.

- (3) Section 93(2)(b)—

*renumber* as section 93(2)(c).

- (4) Section 93(2)—

*insert—*

‘(b) be accompanied by a work program for the activities to be carried out under the renewed mining claim;’.

- (5) Section 93(3) to (5) and (7) to (9), ‘mining registrar’—

*omit, insert—*

‘Minister’.

- (6) Section 93(8), ‘licence’—

*omit, insert—*

‘mining claim’.

## **102 Amendment of s 107 (Surrender of mining claim)**

- (1) Section 107(1) to (4), (6), (9), (10) and (11), ‘mining registrar’—

*omit, insert—*

‘Minister’.

- (2) Section 107(10)(b), ‘the relevant’—

*omit, insert—*

‘any relevant’.

## **103 Amendment of s 108 (Abandonment of application for mining claim)**

- (1) Section 108, ‘mining registrar’—

*omit, insert—*

‘Minister’.

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- (2) Section 108(2)(b), ‘certificate of public notice’—  
*omit, insert—*  
‘mining claim application certificate’.

**104 Amendment of s 110 (Use of machinery in mining claim area)**

- Section 110(1)(a), ‘or hand mining’—  
*omit, insert—*  
‘, hand mining or other mining’.

**105 Amendment of s 123 (Property remaining on former mining claim may be sold etc.)**

- (1) Section 123(1), (2) and (5), ‘mining registrar’—  
*omit, insert—*  
‘chief executive’.
- (2) Section 123(3)(c), ‘for a relevant environmental authority’—  
*omit.*

**106 Amendment of s 124 (Approval for prospecting on reserve subject of mining claim application)**

- (1) Section 124, heading, after ‘prospecting’—  
*insert—*  
‘or exploring’.
- (2) Section 124(1), after ‘permit’—  
*insert—*  
‘or exploration permit’.
- (3) Section 124(1) and (2), ‘mining registrar’—  
*omit, insert—*  
‘chief executive’.

- (4) Section 124(1) and (2), after ‘prospect’—  
*insert*—  
‘or explore’.
- (5) Section 124(3), ‘a prospecting permit’—  
*omit, insert*—  
‘a prospecting permit or exploration permit’.
- (6) Section 124(3), ‘prospecting purposes’—  
*omit, insert*—  
‘prospecting or exploring purposes’.

**107 Amendment of s 125 (Variation of access to mining claim area)**

- (1) Section 125(1), (3), (4) and (9), ‘mining registrar’—  
*omit, insert*—  
‘chief executive’.
- (2) Section 125(12)—  
*omit*.

**108 Amendment of s 129 (Entitlements under exploration permit)**

- Section 129(1)(b), ‘mineral’—  
*omit, insert*—  
‘mining claim, mineral’.

**109 Amendment of s 141 (Conditions of exploration permit)**

- (1) Section 141(1)(aa)(i), ‘to the extent it applies’—  
*omit, insert*—  
‘and the small scale mining code to the extent the codes apply’.

[s 110]

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- (2) Section 141(1)(aa)(ii), after ‘code’—  
*insert*—  
‘and the small scale mining code’.

**110 Amendment of s 148 (Rights and obligations upon application for mining lease or mineral development licence)**

- (1) Section 148, heading, before ‘mining’—  
*insert*—  
‘**mining claim**,’.
- (2) Section 148(1)(a) and (b)—  
*renumber* as section 148(1)(b) and (c).
- (3) Section 148(1)—  
*insert*—  
‘(a) a mining claim; or’.
- (4) Section 148(1), ‘chapter’, first mention—  
*omit, insert*—  
‘part’.
- (5) Section 148(2), ‘mineral development licence or a mining lease’—  
*omit, insert*—  
‘mining claim, mining lease or mineral development licence’.

**111 Amendment of s 161 (Surrender of exploration permit)**

- Section 161(5)(b), ‘the relevant’—  
*omit, insert*—  
‘any relevant’.

**112 Amendment of s 166 (Improvement restoration for exploration permit)**

Section 166(1)(b), before ‘a mineral’—

*insert—*

‘a mining claim,’.

**113 Amendment of s 176 (Discovery of minerals to be reported)**

Section 176(2) and (3), ‘a mineral’—

*omit, insert—*

‘a mining claim, mineral’.

**114 Amendment of s 177 (Reduction of area of exploration permit upon grant of mineral development licence or mining lease)**

(1) Section 177, heading, before ‘mineral’—

*insert—*

‘**mining claim,**’.

(2) Section 177, ‘a mineral’—

*omit, insert—*

‘a mining claim, mineral’.

**115 Amendment of s 317 (Variation of access to mining lease area)**

(1) Section 317(1), (3), (4) and (9), ‘mining registrar’—

*omit, insert—*

‘chief executive’.

(2) Section 317(12)—

*omit.*

[s 116]

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**116 Amendment of s 318AAV (Indicative approval)**

- (1) Section 318AAV(2)(a)—  
*omit, insert—*  
‘(a) made to the Minister; and’.
- (2) Section 318AAV(2)(c)(i), (3) and (4), ‘or mining registrar’—  
*omit.*

**117 Amendment of s 318AAW (Applying for approval of assessable transfer)**

- Section 318AAW(2)(a)—  
*omit, insert—*  
‘(a) made to the Minister; and’.

**118 Amendment of s 318AAX (Deciding application)**

- (1) Section 318AAX(1), ‘or the mining registrar’—  
*omit.*
- (2) Section 318AAX(2), (5) and (8)(b), ‘or mining registrar’—  
*omit.*
- (3) Section 318AAX(4)(a)(ii), before ‘a registered’—  
*insert—*  
‘for a mining tenement for other than small scale mining activities—’.

**119 Amendment of s 334ZA (Addition of wild river area to mining tenement)**

- (1) Section 334ZA(3)(a), ‘certificate of public notice’—  
*omit, insert—*  
‘mining claim application certificate or certificate of public notice’.



- (2) Section 334ZA(3)(b), ‘certificate of application’—  
*omit, insert—*  
‘mining claim application certificate, certificate of application’.
- (3) Section 334ZA(4), ‘mining registrar’—  
*omit, insert—*  
‘chief executive’.

**120 Amendment of s 335D (Right of internal review and appeal against compliance direction)**

Section 335D(3)—

*omit, insert—*

- ‘(3) An internal review application under the applied provisions may be made only to—
- (a) if the compliance direction was given by an authorised officer—the chief executive; or
  - (b) if the compliance direction was given by the chief executive—the Minister.’.

**121 Replacement of ch 13, pt 3, hdg (Mining registrars and other officers)**

Chapter 13, part 3, heading—

*omit, insert—*

**‘Part 3 Authorised Officers’.**

**122 Amendment of s 336 (Appointment of mining registrars and other officers)**

- (1) Section 336, heading, ‘of mining registrars and other officers’—  
*omit.*

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(2) Section 336(1)—

*omit, insert—*

‘(1) The chief executive may, by instrument in writing, appoint a public service officer as an authorised officer to carry out functions under this Act.’.

(3) Section 336(2), ‘A mining registrar’—

*omit, insert—*

‘The chief executive’.

(4) Section 336(3)—

*omit.*

(5) Section 336(4), ‘subsection (3)’—

*omit, insert—*

‘this section’.

(6) Section 336(4) and (5)—

*renumber* as section 336(3) and (4).

## **123 Replacement of ss 337–341**

Sections 337 to 341—

*omit, insert—*

### **‘337 Appointment conditions and limit on powers**

‘(1) An authorised officer holds office on any conditions stated in—

- (a) the authorised officer’s instrument of appointment; or
- (b) a signed notice given to the authorised officer; or
- (c) a regulation.

‘(2) The instrument of appointment, a signed notice given to the authorised officer or a regulation may limit the authorised officer’s powers.

‘(3) In this section—

*signed notice* means a notice signed by the chief executive.

**‘338 When office ends**

- ‘(1) The office of a person as an authorised officer ends if any of the following happens—
- (a) the term of office stated in a condition of office ends;
  - (b) under another condition of office, the office ends;
  - (c) the authorised officer’s resignation under section 339 takes effect.
- ‘(2) Subsection (1) does not limit the ways the office of a person as an authorised officer ends.
- ‘(3) In this section—
- condition of office* means a condition under which the authorised officer holds office.

**‘339 Resignation**

‘An authorised officer may resign by signed notice given to the chief executive.

**‘340 Issue of identity card**

- ‘(1) The chief executive must issue an identity card to each authorised officer.
- ‘(2) The identity card must—
- (a) contain a recent photo of the authorised officer; and
  - (b) contain a copy of the authorised officer’s signature; and
  - (c) identify the person as an authorised officer under this Act; and
  - (d) state an expiry date for the card.
- ‘(3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.

[s 124]

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### **‘341 Production or display of identity card**

- ‘(1) In exercising a power in relation to a person in the person’s presence, an authorised officer must—
- (a) produce the authorised officer’s identity card for the person’s inspection before exercising the power; or
  - (b) have the identity card displayed so it is clearly visible to the person when exercising the power.
- ‘(2) However, if it is not practicable to comply with subsection (1), the authorised officer must produce the identity card for the person’s inspection at the first reasonable opportunity.

### **‘341A Return of identity card**

‘If the office of a person as an authorised officer ends, the person must return the person’s identity card to the chief executive within 21 days after the office ends unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.’.

## **124 Amendment of s 342 (Powers of mining registrars and others)**

- (1) Section 342, heading, ‘mining registrars and others’—  
*omit, insert—*  
**‘authorised officers’.**
- (2) Section 342(1), from ‘times—’ to ‘chief executive;’—  
*omit, insert—*  
‘times, a person who is an authorised officer’.
- (3) Section 342(1)(e) to (n)—  
*renumber* as section 342(1)(a) to (j).
- (4) Section 342(1)(f), as renumbered, ‘ask a mining registrar, deputy mining registrar, field officer or other officer’—  
*omit, insert—*

- ‘ask another person’.
- (5) Section 342(2), ‘subsection (1)(m)’—  
*omit, insert—*  
‘subsection (1)(i)’.
- (6) Section 342(3), ‘mining registrar, deputy mining registrar, field officer or other officer or’—  
*omit.*
- (7) Section 342(4), from ‘complaint of a mining registrar’ to ‘behalf that’—  
*omit, insert—*  
‘complaint of an authorised officer that’.
- (8) Section 342(4), ‘conferred upon’ to ‘behalf under’—  
*omit, insert—*  
‘conferred on an authorised officer under’.
- (9) Section 342(7), from ‘mining registrar’ to ‘situated’—  
*omit, insert—*  
‘chief executive’.
- (10) Section 342(10), ‘a mining registrar, deputy mining registrar, field officer or other officer or person authorised by the Minister’—  
*omit, insert—*  
‘an authorised officer’.
- (11) Section 342(10), ‘person’s aid’—  
*omit, insert—*  
‘officer’s aid’.
- (12) Section 342(10), ‘person thinks’—  
*omit, insert—*  
‘officer considers’.
- (13) Section 342(10), ‘person of the person’s power’—
-

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*omit, insert—*

‘officer of the officer’s power’.

**125 Amendment of s 343 (Seizure of minerals produced by or vehicles, machinery etc. used in unauthorised mining)**

- (1) Section 343(1), from ‘this Act—’ to ‘may, without’—

*omit, insert—*

‘this Act, an authorised officer may, without’.

- (2) Section 343(1), ‘mining registrar, deputy mining registrar, field officer or, as the case may be, other officer’—

*omit, insert—*

‘authorised officer’.

- (3) Section 343(2), ‘A mining registrar, deputy mining registrar, field officer or other officer’—

*omit, insert—*

‘An authorised officer’.

- (4) Section 343(2)(d), ‘mining registrar or’—

*omit.*

- (5) Section 343(3) to (7), (10) and (11), ‘mining registrar, deputy mining registrar, field officer or other officer’—

*omit, insert—*

‘authorised officer’.

- (6) Section 343(4), ‘known to the person’—

*omit, insert—*

‘known to the officer’.

- (7) Section 343(12), ‘a mining registrar, deputy mining registrar, field officer or other officer’—

*omit, insert—*

‘an authorised officer’.

**126 Omission of ch 13, pt 4 (Chief executive)**

Chapter 13, part 4—

*omit.*

**127 Renumbering of ch 13, pts 5 and 6**

Chapter 13, parts 5 and 6—

*renumber* as chapter 13, parts 4 and 5.

**128 Amendment of s 386J (Request to applicant about application)**

(1) Section 386J(1), ‘relevant person for the application’—

*omit, insert—*

‘chief executive’.

(2) Section 386J(1)(a), (b) and (c), (4) and (6), ‘relevant person’—

*omit, insert—*

‘chief executive’.

(3) Section 386J(7), definition *relevant person*—

*omit.*

**129 Amendment of s 386K (Refusing application for failure to comply with request)**

(1) Section 386K(1)(a), ‘or the mining registrar’—

*omit.*

(2) Section 386K(1)(c), ‘person who gave the notice’—

*omit, insert—*

‘chief executive’.

(3) Section 386K(2)—

*omit, insert—*

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‘(2) The Minister may refuse the application.’.

**130 Amendment of s 386L (Notice to progress relevant applications)**

(1) Section 386L(1), (3) and (4), ‘relevant person’—

*omit, insert—*

‘Minister’.

(2) Section 386L(5), definition *relevant person*—

*omit.*

**131 Amendment of s 386O (Place or way for making applications, giving, filing, forwarding or lodging documents or making submissions)**

(1) Section 386O(1)(b), ‘, chief executive or mining registrar’—

*omit, insert—*

‘or chief executive’.

(2) Section 386O(5)—

*omit, insert—*

‘(5) Without limiting subsection (4), the way prescribed under a regulation may include to forward the document to another place.’.

**132 Amendment of s 386P (Requirements for making application)**

(1) Section 386P(2), ‘relevant person for the application’—

*omit, insert—*

‘chief executive’.

(2) Section 386P(3), ‘relevant person’—

*omit, insert—*

‘chief executive’.



(3) Section 386P(4)—

*omit, insert—*

‘(4) If the chief executive decides to refuse to receive or process the purported application, the chief executive must—

(a) inform the applicant of the decision; and

(b) refund the application fee to the applicant.’.

(4) Section 386P(5)—

*omit.*

### **133 Insertion of new s 391C**

After section 391B—

*insert—*

#### **‘391C Small scale mining code**

‘(1) A regulation may make a code, for managing impacts of small scale mining activities carried out under a mining claim or exploration permit (a *small scale mining code*), that—

(a) states guidelines for small scale mining activities to—

(i) ensure the activities are carried out in an environmentally responsible way; and

(ii) ensure land subject to the activities is managed responsibly; and

(iii) minimise conflicts about land use because of the carrying out of the activities; and

(iv) ensure land is rehabilitated, and improvements on the land are restored to an appropriate condition, after the small scale mining activities carried out on the land are completed; and

(b) imposes on the mining claim or exploration permit mandatory conditions concerning the conduct of authorised activities on land.

[s 134]

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- ‘(2) If a mandatory provision of the small scale mining code is inconsistent with a condition of a mining claim or exploration permit, the mandatory provision prevails to the extent of the inconsistency.’.

**134 Amendment of s 404B (Interference with particular things)**

Section 404B(1)(b), before ‘certificate’—

*insert*—

‘mining claim application certificate or’.

**135 Amendment of s 404C (Information requirements for holders of mining tenements)**

- (1) Section 404C(1), ‘following person’—

*omit, insert*—

‘chief executive or an authorised officer’.

- (2) Section 404C(1), from ‘the tenement—’—

*omit, insert*—

‘the tenement.’.

**136 Amendment of s 404D (False or misleading document)**

Section 404D(1), ‘a mining registrar’—

*omit, insert*—

‘an authorised officer’.

**137 Amendment of s 406 (Land Court may review direction or requirement)**

- (1) Section 406(1)(a), ‘a mining registrar, deputy mining registrar, field officer or other authorised officer’—

*omit, insert*—

‘an authorised officer’.

- (2) Section 406(3)—

*omit.*

- (3) Section 406(6) and (7)(b), ‘mining registrar, deputy mining registrar, field officer or authorised officer’—

*omit, insert—*

‘authorised officer’.

### **138 Amendment of s 409 (Removal orders)**

- (1) Section 409(1)(aa) to (b)—

*omit, insert—*

‘(a) an authorised officer; or’.

- (2) Section 409(1)(c) to (e)—

*renumber* as section 409(1)(b) to (d).

- (3) Section 409(3), (4) and (6), ‘the mining registrar’—

*omit, insert—*

‘an authorised officer’.

- (4) Section 409(3), ‘mining registrar’s’—

*omit, insert—*

‘authorised officer’s’.

- (5) Section 409(7), ‘mining registrar’—

*omit, insert—*

‘chief executive’.

### **139 Amendment of s 417 (Regulation-making power)**

Section 417(2)(r), after ‘section 386O(2)(b)’—

*insert—*

‘or (4)’.

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## **140 Insertion of new ch 15, pt 6, div 2**

Chapter 15, part 6—

*insert—*

### **‘Division 2 Provisions for amendments commencing by proclamation**

#### **‘809 Definitions for div 2**

‘In this division—

*commencement* means the commencement of this division.

*pre-amended Act* means this Act as in force before the commencement.

*former*, in relation to a provision of this Act, means the provision as in force before the commencement.

#### **‘810 Application of former ss 61, 64 to 64D and 83**

- ‘(1) Subsections (2) and (3) apply to an application for the grant of a mining claim made but not decided before the commencement.
- ‘(2) Former section 61(1)(j)(iv) continues to apply to the application as if the reference in the subparagraph to the mining registrar’s satisfaction were a reference to the chief executive’s satisfaction.
- ‘(3) Former sections 64 to 64D continue to apply to the application—
  - (a) as if a reference in the sections, other than former section 64C(2)(a), to a mining registrar were a reference to the chief executive; and
  - (b) as if the reference in former section 64C(2)(a) were a reference to the Minister.
- ‘(4) Subsection (5) applies to an application for the grant or renewal of a mining claim made but not decided before the commencement.

- ‘(5) Former section 83(1) continues to apply to the application as if the reference in the subsection to the mining registrar were a reference to the Minister.

### **‘811 Provision about condition for work program**

- ‘(1) Subsection (2) applies to a mining claim in force on the commencement if the claim was granted or renewed more than 5 years before the commencement.
- ‘(2) The condition mentioned in section 81(1)(c) as in force after the commencement applies to the mining claim only if it is renewed after the commencement.
- ‘(3) Subsection (4) applies to a mining claim in force on the commencement if—
- (a) the claim was granted or renewed for a term of more than 5 years; and
  - (b) the fifth anniversary of the grant or renewal of the claim happens within 6 months after the commencement.
- ‘(4) Section 81(1)(c) as in force after the commencement applies to the claim as if the condition under that paragraph required the holder of the claim to give the chief executive a work program for the claim within 7 months after the commencement.

### **‘812 Application of s 93 to renewal of mining claim**

- ‘(1) This section applies to an application for renewal of a mining claim made but not decided before the commencement.
- ‘(2) Section 93(2)(b) as in force after the commencement does not apply to the application.

### **‘813 Persons taken to be authorised officers**

- ‘(1) This section applies to a person who, immediately before the commencement, is a mining registrar, deputy mining registrar,

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field officer, other officer or other person appointed under the pre-amended Act, former section 336(1) or (3).

- ‘(2) On the commencement, the person is taken to be appointed as an authorised officer.

#### **‘814 References to repealed terms in former provisions and other documents**

- ‘(1) This section applies if, on the commencement, a reference in a former provision to a mining registrar or deputy mining registrar becomes a reference to an authorised officer, the chief executive or the Minister (the *replacement entity*).
- ‘(2) If necessary or convenient for the operation of this Act—
- (a) a thing done by or given to a mining registrar or deputy mining registrar under the former provision is taken to have been done by or given to the replacement entity; and
  - (b) an application made, or that could be made, to a mining registrar or deputy mining registrar under the former provision is taken to have been made, or may be made, to the replacement entity; and
  - (c) an approval, permit, lease, licence or other authorisation, however called, or other thing granted or given by a mining registrar or deputy mining registrar under the former provision is taken to have been granted or given by the replacement entity; and
  - (d) an action taken by, or to be taken by, a mining registrar or deputy mining registrar under the former provision is taken to have been taken, or may be taken, by the replacement entity; and
  - (e) a decision, direction, recommendation or requirement made by, or to be made by, a mining registrar or deputy mining registrar under the former provision is taken to have been made by, or may be made by, the replacement entity; and

- (f) a reference in the former provision to a mining registrar or deputy mining registrar is, if the context permits, taken to be a reference to the replacement entity; and
  - (g) a reference in a document to a mining registrar or deputy mining registrar is, if the context permits, taken to be a reference to the replacement entity.
- ‘(3) If necessary or convenient for the operation of this Act, the replacement entity may deal with a matter mentioned in subsection (2) in compliance with the Act as in force after the commencement.

#### **‘815 Other references to repealed terms**

‘In a document or other Act, a reference to a following term under the pre-amended Act may, if the context permits, be taken as a reference to an authorised officer—

- (a) mining registrar;
- (b) deputy mining registrar;
- (c) relevant officer.

#### **‘816 Conversion of mining lease to mining claim**

- ‘(1) This section applies to a mining lease or mining leases for corundum, gemstones or other precious stones if—
- (a) the area of the mining lease, or combined area of the mining leases, is not more than 20ha; and
  - (b) for 2 or more mining leases—
    - (i) the land in the area of the leases is contiguous; and
    - (ii) the holder of the mining leases is the same entity.
- ‘(2) The holder of the mining lease or mining leases may, within 2 years after the commencement, apply to the Minister to convert the whole area of the mining lease or mining leases to a mining claim or 2 mining claims applying to corundum, gemstones or other precious stones.

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- ‘(3) The application must—
- (a) be in the approved form; and
  - (b) state the name of each applicant; and
  - (c) state the number of the mining lease or mining leases; and
  - (d) identify, in the way required under section 62(b), the boundaries of the land to be included in the mining claim or mining claims; and
  - (e) describe all parcels of land the whole or part of which are the subject of the application and state the name and address of each owner of the land and of land that is to be used as access; and
  - (f) describe and identify, in the way required under section 62(c), the land proposed to be used as access from a point, the chief executive considers appropriate, outside the boundary of the proposed mining claim or mining claims to the land over which the mining claim or mining claims is sought; and
  - (g) be accompanied by a sketch, map or other graphic representation the chief executive considers appropriate setting out the boundaries of the land to be included in the mining claim or mining claims and the land to be used as access; and
  - (h) be accompanied by a work program for the activities to be carried out under the mining claim or mining claims; and
  - (i) identify the mineral or minerals for which the mining claim or mining claims is sought.
- ‘(4) If a mining lease or mining leases are converted to a mining claim or mining claims under this section—
- (a) the area of the mining claim or mining claims must include the whole of the surface of the land within the mining lease or mining leases and can not include any other land; and



- 
- (b) the term of the mining claim or mining claims end on the first of the following to happen—
- (i) the day that is 10 years after the conversion;
  - (ii) if only 1 mining lease is converted—the day the term of the mining lease would have ended if it had not been converted;
  - (iii) if more than 1 mining lease is converted—the first day the term of any of the mining leases would have ended if that mining lease had not been converted.
- ‘(5) The Minister must consider an application made under this section and decide to grant or refuse the application.
- ‘(6) The Minister may grant the application if satisfied the holder has complied with the conditions of the relevant mining lease and this Act in relation to the lease.
- ‘(7) If the Minister decides to grant the application, the chief executive must—
- (a) give the applicant notice of the decision; and
  - (b) record particulars of the conversion in the register.
- ‘(8) If the Minister decides to refuse the application, the chief executive must give the applicant notice of the decision and reasons for it.
- ‘(9) On the recording of the particulars of the conversion in the register—
- (a) the relevant mining lease is taken to be a mining claim; and
  - (b) any security deposited under this Act for the lease is taken to be a security deposited for the mining claim.
- ‘(10) If a relevant mining lease is subject to a condition that it can not be renewed or further renewed, the converted mining claim is subject to a condition that it can not be renewed.
- ‘(11) Without limiting section 81 or subsection (10), a converted mining claim is subject to the conditions decided by the
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Minister and stated on the notice mentioned in subsection (7)(a).

‘(12) If the term of a relevant mining lease would, but for this subsection, end before the application is decided, the lease is taken to continue in force until the application is decided.

‘(13) In this section—

*relevant mining lease*, for an application, means the mining lease to which the application relates.’.

#### **141 Amendment of sch 1 (Access and compensation provisions for exploration permits and mineral development licences)**

(1) Schedule 1, section 6(2)—

*insert—*

‘(ba) if the exploration tenement is for a small scale mining activity—the small scale mining code; and’.

(2) Schedule 1, section 6(2)(d)—

*omit, insert—*

‘(d) any relevant environmental authority for the exploration tenement.’.

(3) Schedule 1, section 6(2)(ba) to (d)—

*renumber* as schedule 1, section 6(2)(c) to (e).

#### **142 Amendment of sch 1A (Native title provisions)**

(1) Schedule 1A, section 464(2)—

*omit.*

(2) Schedule 1A, section 464(3)(b), (4) and (6), ‘mining registrar’—

*omit, insert—*

‘Minister’.

(3) Schedule 1A, section 663(3)(a)—

*omit.*

- (4) Section 663(3)(b) and (c)—  
*renumber* as section 663(3)(a) and (b).

### 143 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *certificate of public notice*, *deputy mining registrar*, *mandatory provision*, *mining registrar* and *relevant officer*—

*omit.*

- (2) Schedule 2—

*insert*—

**‘authorised officer** means a person appointed as an authorised officer under section 336.

**certificate of public notice**, for an application for a mining lease, means—

- (a) the certificate of public notice for the application given under section 252A; or  
(b) if the certificate of public notice has been reissued under section 253—the reissued certificate.

**mandatory provision**, of the land access code or the small scale mining code, means a provision of the code with which the code requires compliance.

**mining claim application certificate** see section 64(2).

**small scale mining activity** see the Environmental Protection Act, schedule 4.

**small scale mining code** see section 391C(1).

**work program**, for activities to be carried out under a mining claim, means a document containing the following information about the activities—

- (a) the mining method to be used;

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- (b) details of water storage facilities for the area of the mining claim;
  - (c) information about mine workings on or to be located on the area of the claim or land adjoining the claim;
  - (d) the quantity of minerals to be mined;
  - (e) the treatment methods to be used on the mined minerals;
  - (f) details of electrical equipment and explosives to be used for the activities;
  - (g) information about the proposed hours of operation and the number of employees for the activities;
  - (h) details of any buildings or other structures, including, for example, sheds and temporary accommodation buildings, located or to be located in the area;
  - (i) other information about the activities prescribed under a regulation.’.
- (3) Schedule 2, definitions *abandoned mine*, *authorised person* and *rehabilitation activities*, ‘chapter 13, part 5,’—  
*omit, insert—*  
‘chapter 13, part 4,’.
- (4) Schedule 2, definition *give*, from ‘Minister’ to ‘registrar’—  
*omit, insert—*  
‘Minister or chief executive’.
- (5) Schedule 2, definition *last objection day*, paragraph (a), ‘section 64A(2)(a)’—  
*omit, insert—*  
‘section 64(3)(c)’.

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## **Part 8**                                      **Amendment of Mines Legislation (Streamlining) Amendment Act 2012**

### **144 Act amended**

This part amends the *Mines Legislation (Streamlining) Amendment Act 2012*.

### **145 Amendment of s 132 (Replacement of ch 6, pt 11 (Dealings))**

- (1) Section 132, inserted section 277—  
*renumber* as inserted section 277A.
- (2) Section 132, inserted section 279, ‘has the effect of transferring’—  
*omit, insert*—  
‘transfers’.  
*Editor’s note*—  
Legislation ultimately amended—
  - *Geothermal Energy Act 2010*

### **146 Amendment of s 143 (Amendment of sch 2 (Dictionary))**

- Section 143(2), inserted definition *dealing*—  
*omit*.  
*Editor’s note*—  
Legislation ultimately amended—
  - *Geothermal Energy Act 2010*

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**147 Amendment of s 146 (Replacement of ch 5, pt 14 (Dealings))**

Section 146, inserted section 347(b), ‘has the effect of transferring’—

*omit, insert—*

‘transfers’.

*Editor’s note—*

Legislation ultimately amended—

- *Greenhouse Gas Storage Act 2009*

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

Section 163(2), inserted section 91(1), ‘5 years’—

*omit, insert—*

‘10 years’.

*Editor’s note—*

Legislation ultimately amended—

- *Mineral Resources Act 1989*

**149 Amendment of s 164 (Amendment of s 93 (Renewal of mining claim))**

Section 164(2), inserted section 93(4), ‘5 years’—

*omit, insert—*

‘10 years’.

*Editor’s note—*

Legislation ultimately amended—

- *Mineral Resources Act 1989*

**150 Amendment of 208 (Amendment of s 299 (Consolidation of mining leases))**

Section 208(2), after ‘Sections 232,’ —

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*insert—*

‘238,’.

*Editor’s note—*

Legislation ultimately amended—

- *Mineral Resources Act 1989*

**151 Amendment of s 216 (Insertion of new pts 7AAAB–7AAAE))**

- (1) Section 216, inserted section 318AAP(1)(e)(i), after ‘lease;’—

*insert—*

‘or’.

- (2) Section 216, inserted section 318AAQ, ‘has the effect of transferring’—

*omit, insert—*

‘transfers’.

- (3) Section 216, inserted section 318AAT(4), note, from ‘dealing’ to ‘registrar’—

*omit, insert—*

‘transfer and must be approved by the Minister’.

- (4) Section 216, inserted section 318AAZI(1), ‘registrar or’—

*omit.*

- (5) Section 216, inserted section 318AAZI(2)(b), ‘a mining registrar or’—

*omit.*

- (6) Section 216, inserted section 318AAZJ(3) and (6), ‘mining registrar’—

*omit, insert—*

‘chief executive’.

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*Editor's note—*

Legislation ultimately amended—

- *Mineral Resources Act 1989*

## **152 Amendment of s 228 (Replacement of ss 387 and 387A)**

Section 228, inserted section 387(1)(g) to (i)—

*omit, insert—*

- ‘(g) applications (other than EP tenders) for the grant of exploration permits; and
- (h) applications for the grant of mineral development licences; and
- (i) acquired land; and
- (j) any other matters prescribed under a regulation.’

*Editor's note—*

Legislation ultimately amended—

- *Mineral Resources Act 1989*

## **153 Amendment of s 243 (Insertion of new pt 19, div 17)**

Section 243, inserted section 795(3)—

*omit.*

*Editor's note—*

Legislation ultimately amended—

- *Mineral Resources Act 1989*

## **154 Amendment of s 256 (Replacement of pt 6N (Dealings))**

Section 256, inserted section 80G, ‘has the effect of transferring’—

*omit, insert—*

‘transfers’.



*Editor's note—*

Legislation ultimately amended—

- *Petroleum Act 1923*

**155 Amendment of s 273 (Replacement of ch 5, pt 10 (Dealings))**

Section 273, inserted section 570(c), 'has the effect of transferring'—

*omit, insert—*

'transfers'.

*Editor's note—*

Legislation ultimately amended—

- *Petroleum and Gas (Production and Safety) Act 2004*

**156 Replacement of s 290 (Replacement of pt 5, hdg (Exploration permits))**

Section 290—

*omit, insert—*

**'290 Replacement of particular headings in pt 5**

'(1) This section amends particular headings in part 5 to convert the part into a chapter and divisions into parts.

'(2) Part 5 is amended by omitting each heading mentioned in column 1 and inserting each heading mentioned in column 2—

<b>Column 1</b>	<b>Column 2</b>
<b>Heading omitted</b>	<b>Heading inserted</b>
Part 5, heading	Chapter 4 Exploration permits
Part 5, division 1, heading	Part 1 Preliminary
Part 5, division 2, heading	Part 2 Obtaining exploration permit for a mineral other than coal
Part 5, division 3, heading	Part 3 Obtaining exploration permit for coal

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<b>Column 1</b>	<b>Column 2</b>
Part 5, division 3, subdivision 1, heading	Division 1 Preliminary
Part 5, division 3, subdivision 2, heading	Division 2 Competitive tenders
Part 5, division 3, subdivision 3, heading	Division 3 Deciding tenders
Part 5, division 3, subdivision 4, heading	Division 4 Obtaining exploration permit following surrender
Part 5, division 4, heading	Part 4 Other provisions about exploration permits’.

*Editor’s note—*

Legislation ultimately amended—

- *Mineral Resources Act 1989*

## **157 Insertion of new ss 321A and 321B**

After section 321—

*insert—*

### **‘321A Replacement of pt 19, div 18, hdg (Transitional provision for Fiscal Repair Amendment Act 2012)**

‘Part 19, division 18, heading—

*omit, insert—*

## **‘Part 5 Transitional provision for Fiscal Repair Amendment Act 2012’.**

### **‘321B Replacement of pt 19, div 19, hdg and pt 19, div 19, sdiv 1 hdg**

‘Part 19, division 19, heading and part 19, division 19, subdivision 1, heading—

*omit, insert—*

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**‘Part 6**                                **Transitional provisions for  
Mining and Other Legislation  
Amendment Act 2013**

**‘Division 1**                            **Provisions for amendments  
commencing on assent’.**

*Editor’s note—*

Legislation ultimately amended—

- *Mineral Resources Act 1989*

**158**    **Amendment of sch 2 (Consequential amendments  
commencing by proclamation other than amendments  
for the restructure of the Mineral Resources Act 1989)**

(1) Schedule 2, amendment 36 and 37 of the *Mineral Resources Act 1989*—

*omit, insert—*

**‘36**    **Section 141(1)(f), as renumbered, ‘and in the way’—**  
*omit.*

**‘37**    **Section 141(1)(f), as renumbered—**  
*insert—*

*‘Note—*

For other relevant provisions about giving a document to the Minister, see section 386O.’.

(2) Schedule 2, amendment 50 of the *Mineral Resources Act 1989*—

*omit, insert—*

**‘50**    **Section 194(1)(f), as renumbered, ‘and in the way’—**  
*omit.’.*

(3) Schedule 2, amendment 140 of the *Mineral Resources Act 1989*—

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---

*omit.*

*Editor's note—*

Legislation ultimately amended—

- *Mineral Resources Act 1989*

**159 Amendment of sch 3 (Consequential amendments for the restructure of the Mineral Resources Act 1989)**

- (1) Schedule 3, amendment 1 of the *Mineral Resources Act 1989*, table, entries for sections 332 and 333—

*omit.*

- (2) Schedule 3, amendment 1 of the *Mineral Resources Act 1989*, table—

*insert—*

'section 130A, heading	div	pt
section 130A	division	part
section 136	division	part
section 136A(2)	Division 3, subdivisions 2 and 3	Part 3, divisions 2 and 3
section 136B, heading	div	pt
section 136B(1) and (2)	division	part
section 137(1)	division	part
section 138(1)	division	part
section 806, heading	sdiv	div
section 806	subdivision	division'.

- (3) Schedule 3, amendment 1 of the *Mineral Resources Act 1989*, table, entry for section 547(2), column 3, 'chapter'—

*omit, insert—*

'Chapter'.

*Editor's note—*

Legislation ultimately amended—

- *Mineral Resources Act 1989*

## **Part 9**                      **Amendment of Petroleum Act 1923**

### **160 Act amended**

This part amends the *Petroleum Act 1923*.

### **161 Amendment of s 2 (Definitions)**

- (1) Section 2, definition *occupier*, paragraph (a), 'Act, or, for freehold land,'—

*omit, insert—*

'Act or'.

- (2) Section 2, definition *occupier*, paragraph (b), 'an occupier'—

*omit, insert—*

'an owner of the place or another occupier'.

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## **Part 10**                      **Amendment of Petroleum and Gas (Production and Safety) Act 2004**

### **Division 1**                      **Preliminary**

#### **162**      **Act amended**

This part amends the *Petroleum and Gas (Production and Safety) Act 2004*.

### **Division 2**                      **Amendments commencing on assent**

#### **163**      **Amendment of s 35 (Call for tenders)**

(1) Section 35(2)(e)(iv)—

*omit, insert—*

‘(iv) whether a process for appointing a preferred tenderer involving a cash bid component is to be used for deciding the call;’.

(2) Section 35(3), after ‘to the’—

*insert—*

‘special criteria,’.

#### **164**      **Amendment of s 37 (Requirements for making tender)**

Section 37(d), from ‘by’—

*omit, insert—*

‘by the following—

(i) the fee prescribed under a regulation;

- (ii) if a process for appointing a preferred tenderer involving a cash bid component is to be used for deciding the call—the tenderer’s cash bid.’.

**165 Amendment of s 38 (Right to terminate call for tenders)**

Section 38—

*insert—*

- ‘(4) However, subject to sections 40(4) and 845(5), the Minister must refund any tender security given by the tenderer.’.

**166 Amendment of s 39 (Process for deciding tenders)**

- (1) Section 39, from ‘example’—

*omit, insert—*

‘example—

- (a) a process appointing a preferred tenderer on the tenders made in response to the call (whether or not involving a cash bid component); or
- (b) a process involving short-listing a group of possible preferred tenderers and inviting them to engage in another round of tendering before appointing a preferred tenderer from that group.’.

- (2) Section 39—

*insert—*

- ‘(2) Without limiting subsection (1), the Minister may give a tenderer a notice requiring the tenderer to give the Minister, within the reasonable period stated in the notice, information the Minister reasonably requires to assess the tender.’.

**167 Amendment of s 40 (Provisions for preferred tenderers)**

- (1) Section 40(2), from ‘appoint’—

*omit, insert—*

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---

‘revoke the tenderer’s appointment as the preferred tenderer.’.

(2) Section 40—

*insert—*

‘(3) However, before acting under subsection (2), the Minister must give the preferred tenderer a reasonable opportunity to provide reasons for, and rectify, the tenderer’s failure to comply with a requirement under subsection (1) or (2)(b).

‘(4) If the Minister revokes the appointment of the tenderer as the preferred tenderer under this section, the Minister may—

(a) retain the whole or part of any tender security given by the tenderer, if the Minister considers it reasonable in the circumstances; and

(b) appoint another tenderer to be the preferred tenderer.’.

#### **168 Amendment of s 44 (Notice to unsuccessful tenderers)**

Section 44—

*insert—*

‘(2) Subject to sections 40(4) and 845(5), the Minister must refund any tender security given by the tenderer.’.

#### **169 Amendment of s 127 (Call for tenders)**

Section 127(2)(e)(iv)—

*omit, insert—*

‘(iv) whether a process for appointing a preferred tenderer involving a cash bid component is to be used for deciding the call;’.

#### **170 Amendment of s 128 (Right to tender)**

Section 128—

*insert—*



- 
- ‘(3) Also, if a process for appointing a preferred tenderer involving a cash bid component is to be used for deciding the call, the tender must be accompanied by the tenderer’s cash bid.’.

**171 Amendment of s 129 (Right to terminate call for tenders)**

Section 129—

*insert—*

- ‘(4) However, subject to sections 131(4) and 845(5), the Minister must refund any tender security given by the tenderer.’.

**172 Amendment of s 130 (Process for deciding tenders)**

- (1) Section 130, from ‘example’—

*omit, insert—*

‘example—

- (a) a process appointing a preferred tenderer on the tenders made in response to the call (whether or not involving a cash bid component); or
- (b) a process involving short-listing a group of possible preferred tenderers and inviting them to engage in another round of tendering before appointing a preferred tenderer from that group.’.

- (2) Section 130—

*insert—*

- ‘(2) Without limiting subsection (1), the Minister may give a tenderer a notice requiring the tenderer to give the Minister, within the reasonable period stated in the notice, information the Minister reasonably requires to assess the tender.’.

**173 Amendment of s 131 (Provisions for preferred tenderers)**

- (1) Section 131(2), from ‘appoint’—

*omit, insert—*

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---

‘revoke the tenderer’s appointment as the preferred tenderer.’.

(2) Section 131—

*insert—*

‘(3) However, before acting under subsection (2), the Minister must give the preferred tenderer a reasonable opportunity to provide reasons for, and rectify, the tenderer’s failure to comply with a requirement under subsection (1) or (2)(b).

‘(4) If the Minister revokes the tenderer’s appointment as the preferred tenderer under this section, the Minister may—

(a) retain the whole or part of any tender security given by the tenderer, if the Minister considers it reasonable in the circumstances; and

(b) appoint another tenderer to be the preferred tenderer.’.

#### **174 Amendment of s 135 (Notice to unsuccessful tenderers)**

Section 135—

*insert—*

‘(2) Subject to sections 131(4) and 845(5), the Minister must refund any tender security given by the tenderer.’.

#### **175 Amendment of s 802 (Restriction on pipeline construction or operation)**

(1) Section 802(1), ‘or a pipeline for transporting produced water’—

*omit, insert—*

‘or a produced water pipeline’.

(2) Section 802(2)—

*insert—*

‘***produced water pipeline*** means a pipeline for transporting produced water if the construction and operation of the pipeline is carried out under an Act other than an Act mentioned in subsection (1)(a)(i).’.

---

**176 Amendment of s 845 (Withdrawal of application)**

Section 845—

*insert—*

- ‘(5) If the application is a tender in response to a call for tenders, the Minister may, if the Minister considers it reasonable in the circumstances, retain the whole or part of any tender security given by the tenderer.’

**177 Insertion of new ch 15, pt 15**

Chapter 15—

*insert—*

**‘Part 15 Transitional provision for  
Mining and Other Legislation  
Amendment Act 2013**

**‘976 Existing competitive tenders**

- ‘(1) Subsection (2) applies in relation to a call for tenders under chapter 2, part 1, if the call has not been decided at the commencement.
- ‘(2) Despite section 39(b), the Minister must not use a multiple round process to decide the call.
- ‘(3) Subsection (4) applies in relation to a call for tenders under chapter 2, part 2, if the call has not been decided at the commencement.
- ‘(4) Despite section 130(b), the Minister must not use a multiple round process to decide the call.
- ‘(5) In this section—
- multiple round process* means a process involving short-listing a group of possible preferred tenderers and inviting them to engage in another round of tendering before appointing a preferred tenderer from that group.’

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## **178 Amendment of sch 2 (Dictionary)**

- (1) Schedule 2—  
*insert*—  
*‘tender security*, for a tender under chapter 2, part 1 or 2, means an amount given by the relevant tenderer as security for the tender.’.
- (2) Schedule 2, definition *occupier*, paragraph (a), ‘Act, or, for freehold land,’—  
*omit, insert*—  
‘Act or’.
- (3) Schedule 2, definition *occupier*, paragraph (b), ‘an occupier’—  
*omit, insert*—  
‘an owner of the place or another occupier’.

## **Division 3 Amendments commencing by proclamation**

### **179 Amendment of s 403 (Incidental activities)**

- (1) Section 403(3)—  
*renumber* as section 403(4).
- (2) Section 403—  
*insert*—
- ‘(3) Also, the holder may carry out an activity (a *stated pipeline licence incidental activity*) in the area of the licence if—
  - (a) the activity is carried out on pipeline land concurrently with the construction or operation; and
  - (b) the activity is stated on the licence to be an incidental activity for this subsection that the holder of the licence is entitled to carry out under the licence; and

- (c) the carrying out of the activity is reasonably necessary for, or incidental to, carrying out an authorised activity for a petroleum lease, a petroleum facility licence or another pipeline licence.’.
- (3) Section 403(4), as renumbered, after ‘activity’—  
*insert—*  
‘or a stated pipeline licence incidental activity’.

**180 Amendment of s 409 (Requirements for making application)**

- (1) Section 409(b)(v), after ‘licence’—  
*insert—*  
‘, including, for example, the extent and nature of any proposed stated pipeline licence incidental activity for the licence’.
- (2) Section 409(e), ‘section 415(a)’—  
*omit, insert—*  
‘section 415(1)(a)’.
- (3) Section 409—  
*insert—*  
‘(ea) if the activities to be carried out under the pipeline licence include any proposed stated pipeline licence incidental activity—address the criteria mentioned in section 415(2); and’.

**181 Amendment of s 412 (Provisions of licence)**

- Section 412(1)—  
*insert—*  
‘(d) for a pipeline licence under which a stated pipeline licence incidental activity may be carried out—the stated pipeline licence incidental activities that the

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holder of the licence is entitled to carry out under the licence.’.

**182 Amendment of s 415 (Criteria for decisions)**

(1) Section 415(e)—

*renumber* as section 415(f).

(2) Section 415—

*insert*—

‘(e) the extent and nature of any proposed stated pipeline licence incidental activity for the licence;’.

(3) Section 415—

*insert*—

‘(2) In considering the extent and nature of any proposed stated pipeline licence incidental activity, the Minister must have regard to the following—

- (a) whether the carrying out of the activity under the pipeline licence would have the overall effect of reducing impacts of authorised activities on land, landowners and the community;
- (b) whether the activity is reasonably necessary for, or incidental to, carrying out an authorised activity for a petroleum lease, a petroleum facility licence or another pipeline licence;
- (c) whether the activity would be more appropriately carried out under a petroleum lease, a petroleum facility licence or another pipeline licence.’.

**183 Amendment of s 426 (Public road authority’s obligations in aligning pipeline on road)**

Section 426(a), after ‘pipeline’—

*insert*—

‘and infrastructure proposed to be constructed in the carrying out of a stated pipeline licence incidental activity for the pipeline’.

**184 Amendment of s 427 (Requirement to consult if construction affects existing pipeline)**

- (1) Section 427, heading, after ‘pipeline’—  
*insert—*  
‘**or infrastructure**’.
- (2) Section 427(1), ‘safety of a pipeline.’—  
*omit, insert—*  
‘safety of—  
(a) a pipeline; or  
(b) infrastructure constructed in the carrying out of a stated pipeline licence incidental activity.’.

**185 Amendment of s 428 (Costs of pipeline works caused by public road construction)**

- (1) Section 428(1)(b)—  
*omit, insert—*  
‘(b) the road, or the road as changed, affects the safety, location or operation of—  
(i) a pipeline constructed, or operated, or proposed to be constructed or operated; or  
(ii) infrastructure constructed, or operated, or proposed to be constructed or operated, in the carrying out of a stated pipeline licence incidental activity; and’.
- (2) Section 428(1)(c), ‘the pipeline.’—  
*omit, insert—*  
‘the pipeline or the infrastructure.’.
- (3) Section 428(2), after ‘pipeline’—

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---

*insert—*

‘or infrastructure’.

**186 Amendment of s 431 (Power to give works directions)**

(1) Section 431(1)(a), from ‘constructing,’—

*omit, insert—*

‘constructing—

- (i) a pipeline on or through public land; or
- (ii) infrastructure in the carrying out of a stated pipeline licence incidental activity; and’.

(2) Section 431(1)(b), ‘, under a public land authority approval,’—

*omit.*

**187 Amendment of s 474 (Amendment applications that may be made)**

Section 474(1), examples, third dot point, ‘route of a pipeline’—

*omit, insert—*

‘route of a pipeline or amending the licence to include the carrying out of stated pipeline licence incidental activities’.

**188 Amendment of s 669 (Making safety requirement)**

Section 669—

*insert—*

- ‘(e) about an incidental activity under section 33, 112, 403 or 442, or a stated pipeline licence incidental activity.’.

**189 Amendment of sch 2 (Dictionary)**

Schedule 2—



*insert—*

*‘stated pipeline licence incidental activity* see section 403(3).’.

## **Part 11                      Amendment of Wild Rivers Act 2005**

### **190    Act amended**

This part amends the *Wild Rivers Act 2005*.

### **191    Amendment of s 45 (Exemption of projects from application of this Act)**

Section 45(1)(a), ‘the’—

*omit, insert—*

‘an’.

### **192    Amendment of s 46 (Meaning of *Aurukun project*)**

Section 46(1)—

*omit, insert—*

‘(1) An *Aurukun project* is a project for the extraction, transportation and processing of bauxite on—

(a) land that is more or less the land described as ‘restricted area 315’ (RA315) under the *Mineral Resources Act 1989*; or

(b) a part of the land mentioned in paragraph (a).’.

[s 193]

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## **Part 12**                      **Minor and consequential amendments of Acts**

### **193**    **Acts amended in sch 1**

Schedule 1 amends the Acts it mentions.

## Schedule 1      Acts amended

section 193

### Environmental Protection Act 1994

- 1**      **Schedule 4, definition *person*, ‘*person*, for chapter 3, part 1, see section 39.’—**

*omit.*

### Mineral Resources Act 1989

- 1**      **References to mining registrar etc.**

Each provision mentioned in column 1 is amended by omitting the words mentioned in column 2 and inserting the words mentioned in column 3—

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 10AAC(2)(b)(ii)	mining registrar	chief executive
section 20(6)	mining registrar	the chief executive
section 20(6), note	mining registrar	chief executive
section 21(1)(a) and (d)(i)	mining registrar	chief executive
section 21(1)(b)(i)	mining registrar’s	chief executive’s

## Schedule 1

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 22	A mining registrar who	If the chief executive
section 22	permit	permit, the chief executive
section 23	a mining registrar	the chief executive
section 24(1)	A mining registrar	The chief executive
section 24(1)	the mining registrar	the chief executive
section 24(2)	A mining registrar, who	If the chief executive
section 24(2)	may	the chief executive may
section 24A	mining registrar	chief executive
section 25(2) and (3)	a mining registrar	the chief executive
section 25(4)	A mining registrar	The chief executive
section 25(4)	the mining registrar	the chief executive
section 25AA(1)	a mining registrar	the chief executive
section 26(1) to (5), (9) to (11) and (15)	mining registrar	chief executive
section 26(6)	a mining registrar	the chief executive
section 26(6) and (7)	the mining registrar	the chief executive

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 26(7)	A mining registrar	The chief executive
section 26(13)	mining registrar's	chief executive's
section 27	mining registrar	chief executive
section 31, heading	Mining registrar	Chief executive
section 31(1)	a mining registrar	the chief executive
section 32(4), (5) and (6)	mining registrar	chief executive
section 34, heading	mining registrar	chief executive
section 34(1)	mining registrar of the mining district in which is situated the land	chief executive
section 34(2)	mining registrar	chief executive
section 35	mining registrar	chief executive
section 36(1)	A mining registrar	The chief executive
section 37	mining registrar	chief executive
section 38(2)	a mining registrar	the chief executive
section 39(1)	mining registrar	chief executive
section 42	mining registrar	chief executive

## Schedule 1

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 46(1)	mining registrar	chief executive
section 47(2) and (7)	mining registrar	chief executive
section 47(6)	mining registrar's	chief executive's
section 62	mining registrar	chief executive
section 63(2)(a)	mining registrar	Minister
section 63(2)(b)	mining registrar	chief executive
section 65, heading	Mining registrar	Chief executive
section 65(1) to (3)	mining registrar	chief executive
section 66(1)	mining registrar	chief executive
section 66(2)	mining registrar's	chief executive's
section 67	mining registrar	chief executive
section 68, heading	Mining registrar's	Chief executive's
section 68	mining registrar	chief executive
section 69(1)(c)	mining registrar	chief executive
section 71A(1)(a)	mining registrar	chief executive

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 72(2), (3)(a) and (5)	mining registrar	chief executive
section 73(1) and (2)	mining registrar	Minister
section 75(1) and (2)	mining registrar	Minister
section 76(1) to (3)	mining registrar	Minister
section 78(1)(a) and (b) and (2)(a)	mining registrar	Minister
section 80(1) and (2)	mining registrar	Minister
section 81A(1)(c)	mining registrar	Minister
section 84	mining registrar	Minister
section 85(5)	mining registrar	chief executive
section 85(12)(b)	mining registrar to grant	Minister to grant
section 85(12)	the mining registrar	the chief executive
section 85A(2) and (3)	mining registrar	chief executive
section 86(2)(b)	mining registrar	chief executive
section 89	A mining registrar who	If the Minister

## Schedule 1

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 89	claim	claim, the Minister
section 91(1)	mining registrar	Minister
section 93D(1)(b)	mining registrar	Minister
section 94	A mining registrar who	If the Minister
section 94	claim	claim, the Minister
section 95(1)	mining registrar	Minister
section 95(5)(a)	mining registrar	chief executive
section 103(1)	mining registrar	chief executive
section 104(1) to (4)	mining registrar	chief executive
section 105(1), (5) and (6)	mining registrar	Minister
section 105(4)(b)	mining registrar	chief executive
section 106(1)	A mining registrar who	If the Minister
section 106(1)	may—	the Minister may—
section 106(2)	A mining registrar who	If the Minister
section 106(2)(b)	the mining registrar	the Minister



<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 106(2)	may	the Minister may
section 106(3)	A mining registrar	The Minister
section 106(3)	the mining registrar	the Minister
section 106(4)	A mining registrar who	If the Minister
section 106(4)	claim	claim, the Minister
section 106(5)	mining registrar's	Minister's
section 109(2) and (4)	mining registrar	Minister
section 112, heading	Mining registrar	Minister
section 112(1)	mining registrar	Minister
section 113	a mining registrar	the Minister
section 116	a mining registrar	the Minister
section 117(1)	mining registrar	chief executive
section 120(1)(c), (2) and (3)	mining registrar	Minister
section 122(2) to (5)	mining registrar	chief executive
section 144(15)	mining registrar	chief executive

## Schedule 1

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 175, heading	Mining registrar	Chief executive
section 175(1) and (5)	mining registrar	chief executive
section 175(5)(a)	mining registrar's	chief executive's
section 182(1)(a)	mining registrar	chief executive
section 183(1)(h), (i) and (l)	mining registrar	chief executive
section 184	mining registrar	chief executive
section 189(1) and (2)	mining registrar	chief executive
section 190(7)	mining registrar	chief executive
section 208(1)	mining registrar	chief executive
section 223, heading	Mining registrar	Chief executive
section 223(1) and (5)	mining registrar	chief executive
section 223(5)(a)	mining registrar's	chief executive's
section 230(1), (2) and (5)	mining registrar	chief executive

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 231(1)	mining registrar	chief executive
section 231C(c) and (d)	mining registrar	chief executive
section 237(2)(a)	mining registrar	chief executive
section 238(1)(b)	mining registrar	chief executive
section 242, heading	mining registrar	chief executive
section 242	mining registrar	chief executive
section 242(1)	mining registrar's	chief executive's
section 245(1)(h), (j) and (o) and (2)	mining registrar	chief executive
section 245(1)(o)(i)	mining registrar's	chief executive's
section 246	mining registrar	chief executive
section 248(4) and (5)	mining registrar	chief executive
section 249(1), (3) and (5) to (8)	mining registrar	chief executive
section 250, heading	mining registrar	chief executive

## Schedule 1

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 250(1), (2), (4) and (7)	mining registrar	chief executive
section 251(2)(b)	mining registrar	chief executive
section 252(1), (2) and (5)	mining registrar	chief executive
section 252(7), definition <i>relevant period</i> , paragraph (b)	mining registrar	chief executive
section 252A(2), (4) and (5)	mining registrar	chief executive
section 252A(5)	post and keep posted at the registrar's office a copy of the certificate	keep a copy of the certificate available for inspection at the places the chief executive considers appropriate
section 252B(2)(b), (6) and (8)	mining registrar	chief executive
section 252B(9), definitions <i>approved</i> and <i>notice period</i>	mining registrar	chief executive
section 252C(1)	mining registrar	chief executive
section 252D(1)	mining registrar	chief executive
section 253	mining registrar	chief executive

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 260(1)	mining registrar	chief executive
section 261(1)(a)	mining registrar	chief executive
section 265(2), (4), (5)(a) and (7)	mining registrar	chief executive
section 266, heading	Mining registrar	Chief executive
section 266	At	If, at
section 266	a mining registrar, who	the chief executive
section 266	application, may	application, the chief executive may
section 267	mining registrar	chief executive
section 268(10), definition, <i>application</i>	mining registrar	chief executive
section 271A(2)(a)	mining registrar	chief executive
section 272(2)(a)	mining registrar	chief executive
section 279(5)	mining registrar	chief executive
section 279A(2) and (3)	mining registrar	chief executive
section 281(1)	mining registrar	chief executive

## Schedule 1

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 282(2)(b)	mining registrar	chief executive
section 285(4)	mining registrar	chief executive
section 286(1)	mining registrar	chief executive
section 289, heading	Mining registrar	Chief executive
section 289(1)	mining registrar	chief executive
section 290(5)(a)	mining registrar	chief executive
section 294(5)	mining registrar	chief executive
section 295(5)	mining registrar	chief executive
section 296(1)	mining registrar	chief executive
section 297(1)(b)	mining registrar	chief executive
section 298(1), (3A)(b), (4) and (6)	mining registrar	chief executive
section 299(1)	mining registrar for the mining district in which the major portion of the combined areas of the mining leases are situated	chief executive
section 299(3)	mining registrar	chief executive

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 307(1) to (3)	mining registrar	chief executive
section 308(3)	mining registrar	chief executive
section 309(2) and (7)(b)(ii)	mining registrar	chief executive
section 313(2)	mining registrar	chief executive
section 314(1), (2) and (5)	mining registrar	chief executive
section 316(3)	mining registrar for the applicant's current mining lease	chief executive
section 318AAD(c), (d) and (f)	mining registrar	chief executive
section 318AAE(1)	mining registrar	chief executive
section 318BI(2)	mining registrar	chief executive
section 324(1)	mining registrar	chief executive
section 327(2)	place, at the mining registrar's office	place
section 327(7)	mining registrar for the mining district in which the dwelling house is situated	chief executive

## Schedule 1

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 334N(2)(b)	mining registrar	chief executive
section 334V, definition <i>person</i> , paragraph (d)	a mining registrar	the chief executive
section 334Y(2), (3) and (5)	mining registrar	Minister
section 334Z(2) and (7)	mining registrar	chief executive
section 364(1)	mining registrar in the mining district in which the property or thing is situated	chief executive
section 364(2)	a mining registrar, the mining registrar	the chief executive, the chief executive
section 364(2)	to the mining registrar	to the chief executive
section 364(4)	mining registrar	chief executive
section 387(1)(a)	with a mining registrar	under this Act
section 387(1)(b)	by a mining registrar	under this Act
section 388(1)	Minister, the chief executive or a mining registrar	Minister or chief executive



<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 390(4)	mining registrar is or, where the applications are lodged with different mining registrars, those registrars are	chief executive is
section 390(4)	mining registrar or registrars	chief executive
section 390(5)	mining registrar	chief executive
section 392(1)	Court, the tribunal or a mining registrar	Court or the tribunal
section 392(1)	Court, the tribunal or, as the case may be, a mining registrar who is	Court or the tribunal may, if
section 392(1)	thing may	thing,
section 401A(2)	mining registrar	chief executive
section 404A(3)(b)	mining registrar	chief executive
section 417(2)(f)	mining registrar	chief executive
section 417(2)(k)	mining registrars	authorised officers
schedule 1, section 5(3)	mining registrar	chief executive

## Schedule 1

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
schedule 1, section 9(1) and (3)	mining registrar	chief executive
schedule 1, section 16(3)	mining registrar	chief executive
schedule 1A, section 430A(2)	mining registrar	chief executive
schedule 1A, section 431(1)(b) and (2)(b)	mining registrar	chief executive
schedule 1A, section 432(1)	mining registrar	chief executive
schedule 1A, section 435(4)(b)	mining registrar	chief executive
schedule 1A, section 436(1)	mining registrar	chief executive
schedule 1A, section 436A(1) and (2)	mining registrar	chief executive
schedule 1A, section 437	mining registrar	chief executive
schedule 1A, section 438, heading	Mining registrar	Chief executive
schedule 1A, section 438	mining registrar	chief executive

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
schedule 1A, section 471(6)(a)	mining registrar	chief executive
schedule 1A, section 471(6)(d) and (7)	mining registrar	Minister
schedule 1A, section 478(6)(a)	mining registrar	chief executive
schedule 1A, section 486(2)(b)	mining registrar	chief executive
schedule 1A, section 487, heading	mining registrar	chief executive
schedule 1A, section 487(1) and (3)	mining registrar	chief executive
schedule 1A, section 490(4)(b)	mining registrar	chief executive
schedule 1A, section 491(1)	mining registrar	chief executive
schedule 1A, section 491A(1) and (2)	mining registrar	chief executive
schedule 1A, section 492	mining registrar	chief executive

## Schedule 1

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
schedule 1A, section 493, heading	Mining registrar	Chief executive
schedule 1A, section 493(1)	mining registrar	chief executive
schedule 1A, section 524(3)(b) and (4)	mining registrar	chief executive
schedule 1A, section 542(2)(b)	mining registrar	chief executive
schedule 1A, section 543, heading	mining registrar	chief executive
schedule 1A, section 543(1) and (3)	mining registrar	chief executive
schedule 1A, section 546(4)(b)	mining registrar	chief executive
schedule 1A, section 547(1)	mining registrar	chief executive
schedule 1A, section 547A(1) and (2)	mining registrar	chief executive
schedule 1A, section 548	mining registrar	chief executive

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
schedule 1A, section 549, heading	Mining registrar	Chief executive
schedule 1A, section 549(1)	mining registrar	chief executive
schedule 1A, section 581(3)(b) and (4)	mining registrar	chief executive
schedule 1A, section 652(3)(b)	mining registrar	chief executive
schedule 1A, section 653(1)(e)(ii) and (1)(i)	mining registrar	chief executive
schedule 1A, section 654, heading	mining registrar	chief executive
schedule 1A, section 654(1) and (3)	mining registrar	chief executive
schedule 1A, section 656, heading	mining registrar	chief executive
schedule 1A, section 656(1) and (2)	mining registrar	chief executive

## Schedule 1

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
schedule 1A, section 657(1)(b)	mining registrar	chief executive
schedule 1A, section 658(2) and (3)	mining registrar	chief executive
schedule 1A, section 666(2)(a)	mining registrar	chief executive
schedule 1A, section 668(2)(b) and (4) to (6)	mining registrar	chief executive
schedule 1A, section 669(2)(a) and (3)	mining registrar	chief executive
schedule 1A, section 669(6), definition <i>pre-referral period</i> , paragraphs (a)(ii) and (b)(ii)	mining registrar	chief executive
schedule 1A, section 678(2)(b)	mining registrar	chief executive
schedule 1A, section 695(3)(b) and (5)(a)	mining registrar	chief executive

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
schedule 1A, section 705(3)(b) and (5)(a)	mining registrar	chief executive
schedule 1A, section 714(3) and (4)	mining registrar	chief executive
schedule 1A, section 714(4)(b)(i)	mining registrar's	chief executive's
schedule 1A, section 715(3) and (4)	mining registrar	chief executive
schedule 1A, section 715(4)(b)(i)	mining registrar's	chief executive's

## 2 Omission of references to mining registrar etc.

Each provision mentioned in column 1 is amended by omitting the words mentioned in column 2—

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>
section 10AA(2)	or a mining registrar
section 79(1)	instruct the mining registrar to
section 318AAR(2)	or mining registrar
section 318AAY(2)	or mining registrar
section 318AAZ(1) and (2)	or mining registrar

## Schedule 1

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>
section 318AAZG(2)(b)	or mining registrar
section 318AAZM(1)	, or mining registrar,
section 318AAZQ(1)(a)	or mining registrar
section 318AAZR(1)(c) and (2)	or mining registrar
section 386M(1) and (2)	or mining registrar
section 386N(1) and (2)	or mining registrar
section 387C(8), definition <i>mining tenement particulars</i>	or a mining registrar
section 387C(8), definition <i>personal information</i>	or a mining registrar
section 389(3)	or, as the case may be, mining registrar
section 389(3)	or mining registrar

### 3 References to particular officers

Each provision mentioned in column 1 is amended by omitting the words mentioned in column 2 and inserting the words mentioned in column 3—

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 335A(1) and (3)(c)	a relevant officer	an authorised officer
section 335A(2) and (3)(a) and (b)	relevant officer	authorised officer
section 335B(1)(a) and (b), (3)(b), (4)	relevant officer	authorised officer



<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 335E, heading	relevant officer's	authorised officer's
section 335E	a relevant officer's	an authorised officer's
section 335F(1), (2)(a), (b) and (c)	a relevant officer	an authorised officer
section 335G(1) and (2)	relevant officer	authorised officer
section 335H(1) and (3)	relevant officer	authorised officer
section 335H(2)	relevant officer's	authorised officer's
section 335I(2)	relevant officer	authorised officer
section 335J, heading	Relevant officer's	Authorised officer's
section 335J	relevant officer	authorised officer
section 393, heading	mining registrar etc.	authorised officer
section 393(1)(a)	, mining registrar, deputy mining registrar, field officer or other officer authorised under this Act	or an authorised officer
section 399(2)	, mining registrar, deputy mining registrar, field officer or any other officer authorised under this Act or person	authorised officer or other person
section 400, heading	mining registrar etc.	authorised officer
section 400	a mining registrar, deputy mining registrar, field officer or other authorised officer	an authorised officer

## Schedule 1

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 400	the mining registrar, deputy mining registrar, field officer or other authorised officer	the authorised officer
section 401	mining registrar, deputy mining registrar, field officer, other authorised officer or anyone	an authorised officer or anyone
section 401	mining registrar, deputy mining registrar, field officer, other authorised officer or other	the authorised officer or other
section 402(2)	a mining registrar, deputy mining registrar or a field officer, any other officer authorised under this Act	an authorised officer
section 402(2)	them	the authorised officer
section 404(a)	a bailiff, mining registrar, deputy mining registrar, field officer or other authorised officer	an authorised officer or bailiff
section 405(1)	a mining registrar, deputy mining registrar, field officer or other authorised officer	an authorised officer
section 411(1)	a mining registrar, deputy mining registrar, field officer, other authorised officer	an authorised officer
section 411(2)	A mining registrar, deputy mining registrar, field officer, other authorised officer	An authorised officer
section 413(2) and (3)	chief executive, a mining registrar, deputy mining registrar, field officer or other authorised officer	chief executive or an authorised officer

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
schedule 1, section 20(2)(a)	a relevant officer	an authorised officer
schedule 1, section 21(2)(a)	the relevant officer	the authorised officer
schedule 1, section 22(1)(a)	a relevant officer	an authorised officer
schedule 1, section 22(1)(a)	the relevant officer	the authorised officer

**4 Section 344, heading, ‘pt 5’—**

*omit, insert—*

‘pt 4’.

## **Penalties and Sentences Act 1992**

**1 Section 8A(2)(d)—**

*omit.*

## **Public Trustee Act 1978**

**1 Section 124(1), ‘titles, mining registrar’—**

*omit, insert—*

‘titles’.