

Mineral and Energy Resources (Common Provisions) Bill 2014

Amendments during consideration in detail to be moved by
The Honourable the Minister for Natural Resources and Mines

1 Chapter 3, part 2, division 2 (Entry for authorised activities requires entry notice)

Page 50, line 1, after ‘activities’—

insert—

and access

2 Clause 38 (Application of div 2)

Page 50, lines 5 to 7—

omit, insert—

purpose of—

- (a) carrying out an authorised activity for a resource authority; or
- (b) crossing access land for the resource authority; or
- (c) gaining entry to access land for the resource authority.

3 Clause 39 (Obligation to give entry notice to owners and occupiers)

Page 50, lines 9 to 10, from ‘to carry’ to ‘a resource authority’—

omit, insert—

for a purpose mentioned in section 38

4 Clause 40 (Exemptions from obligations under div 2)

Page 51, lines 6 to 20—

omit, insert—

an entry to private land for a purpose mentioned in section 38 does not apply if—

- (a) the resource authority holder owns the land; or
 - (b) the resource authority holder has an independent legal right to enter the land for the purpose; or
 - (c) the entry is to preserve life or property or because of an emergency that exists or may exist; or
 - (d) the entry is authorised under the relevant Resource Act for the resource authority; or
 - (e) the entry is of a type prescribed under a regulation.
- (2) An obligation under this division to give an entry notice about an entry to private land for a purpose mentioned in section 38 also does not apply if the resource authority

5 Clause 41 (Approval to give entry notices by publication)

Page 52, after line 23—

insert—

- (4) Chapter 5, part 1 applies for processing the application, and the chief executive must decide to either refuse to give the approval or give the approval with or without conditions.

6 Clause 42 (Right to give waiver of entry notice)

Page 52, lines 26 to 27, from ‘to carry’ to ‘authority’—

omit, insert—

for a purpose mentioned in section 38

7 Clause 43 (Carrying out advanced activities on private land requires agreement)

Page 53, lines 12 to 23—

omit, insert—

activity for a resource authority unless each owner and occupier of the land—

- (a) is a party to a conduct and compensation agreement about the advanced activity and its effects; or
- (b) is a party to a deferral agreement; or
- (c) has elected to opt out from entering into a conduct and compensation agreement or deferral agreement under section 45; or
- (d) is an applicant or respondent to an application relating to the land made to the Land Court under section 94.

8 Clause 57 (What is a *periodic entry notice*)

Page 62, line 7, after ‘agrees’—

insert—

in writing

9 Clause 58 (Entry to public land to carry out authorised activity is conditional)

Page 62, line 19, ‘petroleum’—

omit, insert—

resource

10 Clause 63 (Use of public roads for notifiable road use)

Page 65, line 20, ‘section 99’—

omit, insert—

section 98

11 Clause 67 (Definitions for pt 4)

Page 68, line 12—

omit, insert—

- (iv) crossing land in order to enter the area of the resource authority if the only entry to the area is through the land and—
 - (A) each owner and occupier of the land has agreed in writing to the resource authority holder crossing the land; or
 - (B) if an owner or occupier of the land has refused to agree to the resource authority holder crossing the land—the refusal is unreasonable having regard to the matters mentioned in section 49(2) and (3); or
- (v) an activity prescribed by regulation.

12 Clause 68 (What is *restricted land*)

Page 68, lines 22 to 30 and page 69, lines 1 to 26—

omit, insert—

- (i) a permanent building used for any of the following purposes—
 - (A) a residence;
 - (B) a place of worship;
 - (C) a childcare centre, hospital or library;
- (ii) an area used for any of the following purposes—
 - (A) a school;
 - (B) a cemetery or burial place;

- (C) aquaculture, intensive animal feedlotting, pig keeping or poultry farming within the meaning of the *Environmental Protection Regulation 2008*, schedule 2, part 1;
- (iii) a building used for a business or other purpose if it is reasonably considered that—
- (A) the building can not be easily relocated; and
- (B) the building can not co-exist with authorised activities carried out under resource authorities;
- (iv) an area, building or structure prescribed by regulation; and
- (b) does not include land within a prescribed distance of an area, building or structure prescribed by regulation.
- (2) However, despite subsection (1)(a), land is only restricted land for a production resource authority if the use of the area, building or structure mentioned in the subsection started before the application for the resource authority was made.
- (3) In this section—
- place of worship*** means a place used for the public religious activities of a religious association, including, for example, the charitable, educational and social activities of the association.
- production resource authority*** means a resource authority that is—
- (a) any of the following under the Mineral Resources Act—
- a mining claim;

- a mining lease; or
- (b) any of the following under the P&G Act—
 - a petroleum lease;
 - a pipeline licence;
 - a petroleum facility licence; or
- (c) a lease under the 1923 Act; or
- (d) a geothermal production lease under the Geothermal Act; or
- (e) a GHG injection and storage lease under the Greenhouse Gas Act.

residence does not include accommodation for non-resident workers.

Examples of accommodation for non-resident workers—
accommodation for shearers or seasonal fruit pickers

13 Clause 69 (Who is a *relevant owner or occupier*)

Page 70, line 6, ‘building or area’—

omit, insert—

area, building or structure

14 Clause 71 (Consent not required for entry on particular land to carry out prescribed activities for mining lease)

Page 70, lines 26 to 27 and page 71, lines 1 to 4—

omit, insert—

the relevant owner or occupier of the restricted land, if—

- (a) the holder has entered into a compensation agreement under the Mineral Resources Act, section 279 with the relevant owner or occupier; and

- (b) the compensation agreement relates to the restricted land; and
- (c) the holder has complied with the compensation agreement.

15 Clause 72 (Declaration about whether particular land is restricted land)

Page 71, lines 5 to 11—

omit, insert—

72 Application to Land Court for declaration

- (1) A prescribed person may apply to the Land Court for an order declaring the following—
 - (a) whether particular land is restricted land for a resource authority;
 - (b) whether a particular activity is a prescribed activity for a resource authority.
- (2) The Land Court must—
 - (a) if an application is made under subsection (1)(a)—make an order declaring whether the land is restricted land for the resource authority; or
 - (b) if an application is made under subsection (1)(b)—make an order declaring whether the activity is a prescribed activity.

16 Clause 76 (Access if second resource authority is not a lease)

Page 73, lines 3 and 4—

omit, insert—

- authorised activity for the second resource authority.
- (3) Subsection (2) applies whether or not the authorised activity has already started.

17 Clause 79 (Access agreement binds successors and assigns)

Page 74, line 5, 'Access'—

omit, insert—

Written access

18 Clause 79 (Access agreement binds successors and assigns)

Page 74, line 6, 'An'—

omit, insert—

A written

19 Before clause 80

Page 74, after line 11—

insert—

79A Application of div 1

This division does not apply in relation to the following resource authorities under the Mineral Resources Act—

- (a) a prospecting permit;
- (b) a mining claim;
- (c) a mining lease.

20 Chapter 3, part 7, division 2 (Provisions for conduct and compensation agreements)

Page 75, after line 22—

insert—

Subdivision 1A Application of div 2

80A Application of div 2

This division does not apply in relation to the following resource authorities under the Mineral Resources Act—

- (a) a prospecting permit;
- (b) a mining claim;
- (c) a mining lease.

21 Clause 90 (Particular agreements to be recorded on titles)

Page 80, lines 22 to 31 and page 81, lines 1 to 11—

omit, insert—

- (3) Subsection (4) applies if—
 - (a) the agreement ends; or
 - (b) the land the subject of the agreement is subdivided, in whole or part, and the agreement does not apply to land within a new lot that is created as a result of the subdivision.
- (4) The resource authority holder that is a party to the agreement must give the registrar notice of the matter in the appropriate form within 28 days after—
 - (a) if subsection (3)(a) applies—the agreement ends; or
 - (b) if subsection (3)(b) applies—the day the resource authority holder becomes aware the land has been subdivided.
- (5) If the registrar is given a notice under subsection (4) in relation to an agreement that has ended, the registrar must, if satisfied the agreement has ended or is no longer relevant for the land, remove the particulars of the agreement from the relevant register.

- (6) If the registrar is given a notice under subsection (4) in relation to the subdivision of land, the registrar must, if satisfied the agreement is not relevant for a new lot created by the subdivision, remove the particulars of the agreement from the relevant register to the extent it relates to the new lot.
- (7) The registrar must also remove the particulars of the agreement from the relevant register if—
 - (a) requested to do so, in the appropriate form, by a party to the agreement; and
 - (b) the registrar is satisfied the agreement has ended or is no longer relevant for the land.
- (8) A resource authority holder complying with subsection (1) or (4) is liable for the costs of recording the agreement in, or removing the agreement from, the relevant register.
- (9) A notice given under this section is invalid if it does not comply with the prescribed requirements for the notice.
- (10) A requirement of a resource authority holder under subsection (1) or (4) is a condition of the resource authority.
- (11) In this section—

22 Clause 93 (Compensation not affected by change in administration or of resource authority holder)

Page 83, after line 23—

insert—

- (3) An opt-out agreement is for the benefit of and binding on—
 - (a) the parties to the agreement; and
 - (b) the personal representatives, successors and assigns of the parties.

23 Clause 94 (Land Court may decide if negotiation process unsuccessful)

Page 84, lines 20 to 27—

omit, insert—

- (2) An eligible party may apply to the Land Court for it to decide—
 - (a) the resource authority holder's compensation liability to the claimant; or
 - (b) the resource authority holder's future compensation liability to the claimant for an authorised activity for the resource authority proposed to be carried out by or for the holder; or
 - (c) a matter mentioned in section 81(1)(a) or (b).

24 Clause 100 (Main purposes of ch 4)

Page 90, line 13—

omit, insert—

- the benefit for all Queenslanders; and
- (c) establish a statutory framework that applies if the participants do not otherwise agree.

25 Clause 100 (Main purposes of ch 4)

Page 90, line 17, 'establishing'—

omit, insert—

allowing

26 Clause 101 (Definitions for ch 4)

Page 91, line 9, 'lodged with'—

omit, insert—

for which a notice has been given to

27 Clause 101 (Definitions for ch 4)

Page 92, after line 25—

insert—

concurrent notice see section 143A(2).

28 Clause 101 (Definitions for ch 4)

Page 93, after line 5—

insert—

EP (coal), for part 2A, see section 136.

29 Clause 101 (Definitions for ch 4)

Page 93, line 26, ‘123’—

omit, insert—

112

30 Clause 101 (Definitions for ch 4)

Page 93, after line 27—

insert—

MDL (coal), for part 2A, see section 136.

31 Clause 101 (Definitions for ch 4)

Page 93, after line 30—

insert—

mining commencement date means—

- (a) for an IMA or RMA, the date for starting to carry out authorised activities for the ML (coal) the subject of the IMA or RMA; or

- (b) for an ML (coal) generally, the date for starting to carry out authorised activities for the ML (coal) in an overlapping area.

32 Clause 101 (Definitions for ch 4)

Page 94, lines 10, 13 and 27 and page 95, line 3, ‘part 2, division 5’—

omit, insert—

part 2A

33 Clause 101 (Definitions for ch 4)

Page 94, line 17, ‘authorising the production of coal seam gas’—

omit, insert—

if coal seam gas is proposed to be produced under the lease

34 Clause 101 (Definitions for ch 4)

Page 95, lines 10 and 11—

omit, insert—

mentioned in section 127(2); or

- (b) for part 2A—a proposed plan for development

35 Clause 101 (Definitions for ch 4)

Page 95, lines 16 to 21—

omit, insert—

reconciliation payment see section 162(2)(a) and (c)(i).

relevant matter means the size, or location within an overlapping area, of an IMA, an RMA or a SOZ.

36 Clause 101 (Definitions for ch 4)

Page 95, line 23—

omit, insert—

replacement gas see section 162(2)(b) and (c)(ii).

37 Clause 102 (What is an *overlapping area*)

Page 96, after line 20—

insert—

- (4) Even if subsections (1) to (3) do not apply to make land an overlapping area, land is an *overlapping area* if it is the subject of both a coal resource authority and a petroleum resource authority.

38 Clause 106 (Purpose of div 3)

Page 97, line 10, ‘part 2’—

omit, insert—

this chapter

39 After clause 114

Page 101, after line 9—

insert—

Division 4 Mandatory requirements

114A Mandatory requirements for participants

- (1) The following provisions apply for all overlapping areas—
- (a) section 118;
 - (b) part 2, division 3;

- (c) part 2A, other than section 138A;
 - (d) part 2B;
 - (e) part 4, divisions 1, 2 and 5.
- (2) The resource authority holders for an overlapping area may agree that provisions of this chapter, other than the provisions mentioned in subsection (1), do not apply for the overlapping area.

40 Clause 118 (Advance notice)

Page 102, line 24, ‘proposed joint development plan or an agreed’—

omit.

41 Clause 124 (Exceptional circumstances notice may be given by PL holder)

Page 105, lines 3 to 33 and page 106, lines 1 to 15—

omit, insert—

124 Exceptional circumstances notice may be given by petroleum resource authority holder

- (1) This section applies if—
- (a) a petroleum resource authority holder —
 - (i) has received an advance notice for an ML (coal) but has not yet agreed to a joint development plan; or
 - (ii) has received a proposal, under section 130 or 141, to amend an agreed joint development plan to change the size or location of, or the agreed mining commencement date for, an IMA or RMA, but has not yet agreed to the proposal; and
 - (b) the holder considers an extension of the period (the *relevant period*) before the ML

(coal) holder may carry out authorised activities for the ML (coal) in the IMA or RMA is justified because of the following exceptional circumstances—

- (i) there are high performing petroleum wells or fields in the IMA or RMA;
 - (ii) the relevant period is not sufficient to allow for production of petroleum from the high performing wells or fields at the prescribed threshold.
- (2) The petroleum resource authority holder may give the ML (coal) holder a notice (an ***exceptional circumstances notice***) stating—
- (a) the exceptional circumstances justifying the extension mentioned in subsection (1)(b); and
 - (b) the petroleum resource authority holder's preferred mining commencement date, which must not be more than 5 years after the proposed or agreed mining commencement date for the IMA or RMA.
- (3) However, if subsection (1)(a)(i) applies, the exceptional circumstances notice must be given within 3 months after the petroleum resource authority holder receives the advance notice.
- (4) The exceptional circumstances notice must be accompanied by technical data, including, for example, data about production modelling, justifying the preferred mining commencement date.
- (5) The ML (coal) holder must, within 3 months after receiving the exceptional circumstances notice, give the petroleum resource authority holder a notice stating whether the ML (coal) holder accepts the petroleum resource authority holder's preferred mining commencement date.

- (6) If the ML (coal) holder does not accept the petroleum resource authority holder's preferred mining commencement date under subsection (5), or claims that exceptional circumstances justifying the extension do not exist, the petroleum resource authority holder may apply for arbitration of the dispute.
- (7) Despite subsection (6), the petroleum resource authority holder and the ML (coal) holder may jointly apply for arbitration of the dispute at any time.
- (8) In this section—

42 Clause 125 (Acceleration notice may be given by ML (coal) holder)

Page 106, lines 23 to 25—

omit, insert—

- (2) The ML (coal) holder may give the PL holder a notice (an *acceleration notice*) that—
 - (a) states an earlier proposed mining commencement date for the IMA or RMA; and
 - (b) includes any other information prescribed by regulation.

43 Clause 125 (Acceleration notice may be given by ML (coal) holder)

Page 106, lines 29 to 31—

omit, insert—

- (b) ending on the day that is 18 months before the proposed or agreed mining commencement date for the IMA or RMA.

44 Clause 125 (Acceleration notice may be given by ML (coal) holder)

Page 107, after line 3—

insert—

- (5) The acceleration notice has effect to change a proposed or agreed mining commencement date whether or not the PL holder agrees to the change.

45 Clause 127 (Requirement for agreed joint development plan)

Page 108, lines 3 to 31 and page 109, lines 1 to 2—

omit, insert—

- (1) An ML (coal) holder must ensure that, within 12 months after giving an advance notice to a petroleum resource authority holder—
 - (a) there is in place a joint development plan that has been agreed with the petroleum resource authority holder; and
 - (b) written notice is given to the chief executive stating the following—
 - (i) that the plan is in place;
 - (ii) the period for which the plan has effect;
 - (iii) other information prescribed by regulation.
- (2) The agreed joint development plan must—
 - (a) identify the ML (coal) holder and petroleum resource authority holder under the plan; and
 - (b) set out an overview of the activities proposed to be carried out in the overlapping area by the ML (coal) holder,

- including the location of the activities and when they will start; and
- (c) set out an overview of the activities proposed to be carried out in the overlapping area by the petroleum resource authority holder, including the location of the activities and when they will start; and
 - (d) identify any IMA and RMA proposed for the overlapping area, and any SOZ proposed for any IMA or RMA for the overlapping area; and
 - (e) state the agreed mining commencement date for any IMA or RMA; and
 - (f) state how the activities mentioned in paragraphs (b) and (c) optimise the development and use of the State's coal and coal seam gas resources; and
 - (g) state the period for which the agreed joint development plan is to have effect; and
 - (h) include any other information prescribed by regulation.
- (3) For 2 or more overlapping areas in the area the subject of the ML (coal)—
- (a) to the extent practicable, there may be in place a single agreed joint development plan for 2 or more of the overlapping areas; and
 - (b) if there are 2 or more agreed joint development plans in place for the overlapping areas, the ML (coal) holder may give the chief executive a single notice as mentioned in subsection (1)(b) for all the agreed joint development plans.

46 Clause 128 (Negotiation of agreed joint development plan)

Page 109, lines 6 and 7, ‘lodge an agreed joint development plan’—

omit, insert—

give a notice under section 127(1)(b)

47 Clause 129 (Consistency of development plans)

Page 109, line 18, ‘of’—

omit, insert—

with work programs and

48 Clause 129 (Consistency of development plans)

Page 109, line 23, after ‘any’—

insert—

work program or

49 Clause 130 (Amendment of agreed joint development plan)

Page 110, lines 9 to 26—

omit, insert—

- (3) Subsection (4) applies if the amendment provides for a cessation, or significant reduction or increase, of any of the following—
 - (a) mining under the ML (coal);
 - (b) production under the PL;
 - (c) exploring and testing activities under the ATP.
- (4) Within 20 business days after making the amendment, the resource authority holders must jointly give the chief executive a written notice that—

- (a) states the agreed joint development plan has been amended; and
 - (b) if there is a cessation or significant reduction of an authorised activity for a resource authority—includes, or is accompanied by, a statement about—
 - (i) whether the cessation or reduction is reasonable in the circumstances; and
 - (ii) whether the resource authority holders have taken all reasonable steps to prevent the cessation or reduction.
- (5) A resource authority holder who can not obtain a proposed

50 Clause 135 (Right of first refusal)

Page 112, line 15, after ‘supply’—

insert—

, on reasonable terms,

51 Clause 135 (Right of first refusal)

Page 112, line 21, ‘a’—

omit.

52 Clause 135 (Right of first refusal)

Page 112, lines 24 and 25, from ‘immediately’ to ‘gas’—

omit, insert—

as early as practicable

53 Clause 135 (Right of first refusal)

Page 113, lines 31 to 33 and page 114, lines 1 to 9—

omit, insert—

- (7) However, if the ML (coal) holder has not, under the Mineral Resources Act, section 318CN, used gas offered to a petroleum resource authority holder under subsection (2)(a) within 12 months after becoming entitled to use the gas under subsection (6), the ML (coal) holder must not use the gas under the Mineral Resources Act, section 318CN until—
 - (a) the ML (coal) holder re-offers to supply the gas to the petroleum resource authority holder; and
 - (b) either—
 - (i) the petroleum resource authority holder rejects the re-offer; or
 - (ii) 3 months, or a longer period agreed to by the ML (coal) holder, elapses after the re-offer is made without the petroleum resource authority holder accepting the re-offer.
- (8) A notice of offer under subsection (2), or a notice of

54 Chapter 4, part 2, division 5 (Subsequent petroleum production)

Page 114, lines 15 to 29, page 115, lines 1 to 33 and page 116, lines 1 to 26—

omit, insert—

Part 2A

**Subsequent
petroleum
production**

136 Definitions for pt 2A

- (1) In this part—

EP (coal) means a corresponding column 2 resource authority for a PL, mentioned in the table for this part, that is an exploration permit (coal).

EP (coal) holder means the holder of an EP (coal).

MDL (coal) means a corresponding column 2 resource authority for a PL, mentioned in the table for this part, that is an MDL (coal).

MDL (coal) holder means the holder of an MDL (coal).

ML (coal) means a corresponding column 2 resource authority for a PL, mentioned in the table for this part, that is a mining lease (coal).

ML (coal) holder means the holder of an ML (coal).

PL means a column 1 resource authority, mentioned in the table for this part, that is a petroleum lease (csg).

PL holder means the holder of a PL.

Note—

The PL holder may or may not hold an ATP for the overlapping area that is the subject of the PL.

- (2) A reference to a PL holder includes, if the circumstances permit, an applicant for a PL, whether or not an ATP holder.
- (3) A reference to an ML (coal) holder includes, if the circumstances permit, an EP (coal) holder or MDL (coal) holder who is an applicant for an ML (coal).

136A Table for pt 2A

The following table applies for this part—

Column 1	Column 2
petroleum lease (csg)	any of the following— <ul style="list-style-type: none">(a) exploration permit (coal);(b) mineral development licence (coal);(c) mining lease (coal)

137 Petroleum production notice

- (1) A PL holder must give a coal resource authority holder a notice (a *petroleum production notice*) that—
 - (a) states that the PL holder has applied for the grant of the PL; and
 - (b) includes a copy of the application for the PL, other than any statement detailing the applicant's financial and technical resources; and
 - (c) if the PL holder holds an ATP for the overlapping area that is the subject of the PL and the coal resource authority, and has an agreed joint development plan with the coal resource authority holder—states the amendments to the agreed joint development plan the PL holder intends to seek under section 130; and
 - (d) if the PL holder does not hold an ATP for the overlapping area that is the subject of the PL and the coal resource authority is an ML (coal) that has been granted—includes a proposed joint development plan; and
 - (e) includes any other information prescribed by regulation.

- (2) A petroleum production notice must be given to a coal resource authority holder within 10 business days after the day the PL holder applies for the grant of the PL.

138 Requirement for agreed joint development plan

- (1) This section applies if a PL holder does not hold an ATP for an overlapping area that is the subject of the PL and an ML (coal).
- (2) The PL holder must ensure that, within 12 months after giving a petroleum production notice to an ML (coal) holder—
 - (a) there is in place a joint development plan that has been agreed with the ML (coal) holder; and
 - (b) written notice is given to the chief executive stating the following—
 - (i) that the plan is in place;
 - (ii) the period for which the plan has effect;
 - (iii) other information prescribed by regulation.
- (3) The agreed joint development plan must—
 - (a) identify the ML (coal) holder and petroleum resource authority holder under the plan; and
 - (b) set out an overview of the activities proposed to be carried out in the overlapping area by the PL holder, including the location of the activities and when they will start; and
 - (c) identify any IMA and RMA for the overlapping area, and any SOZ for any IMA or RMA for the overlapping area; and

- (d) state the agreed mining commencement date for any IMA or RMA; and
- (e) state how the activities mentioned in paragraph (b) optimise the development and use of the State's coal and coal seam gas resources; and
- (f) state the period for which the agreed joint development plan is to have effect; and
- (g) include any other information prescribed by regulation.

138A Exceptional circumstances notice previously given by ATP holder when PL holder

- (1) This section applies if—
 - (a) the PL holder under this part, when the holder of an ATP that preceded the PL, gave, under part 2, division 2, an exceptional circumstances notice to the ML (coal) holder; and
 - (b) a new mining commencement date was established, whether by agreement or by arbitration, for an IMA or RMA for the overlapping area.
- (2) The new mining commencement date applies under this division as the agreed mining commencement date for the IMA or RMA.

139 Negotiation of agreed joint development plan

- (1) An ML (coal) holder who receives a petroleum production notice that includes a proposed amendment of an agreed joint development plan or a proposed joint development plan must negotiate in good faith with the PL holder to

enable the PL holder to give a notice under section 130(4) or 138(2).

55 Clause 141 (Amendment of agreed joint development plan)

Page 117, lines 23 to 29 and page 118, lines 1 to 13—

omit, insert—

- (2) A resource authority holder mentioned in this part who receives a proposal for an amendment of an agreed joint development plan must negotiate in good faith about the amendment.
- (3) Subsection (4) applies if the amendment provides for a cessation, or significant reduction or increase, of mining under an ML (coal) or production under a PL.
- (4) Within 20 business days after making the amendment, the resource authority holders must jointly give the chief executive a written notice that—
 - (a) states that the joint development plan has been amended; and
 - (b) if there is a cessation or significant reduction of mining under the ML (coal) or production under the PL—includes, or is accompanied by, a statement about—
 - (i) whether the cessation or reduction is reasonable in the circumstances; and
 - (ii) whether the resource authority holders have taken all reasonable steps to prevent the cessation or reduction.
- (5) A resource authority holder who can not obtain a proposed

56 After clause 143

Page 119, after line 4—

insert—

**Part 2B Concurrent
applications**

**143A Concurrent notice may be given by ATP
holder**

- (1) This section applies if an ATP holder—
 - (a) receives an advance notice under part 2 in relation to an overlapping area from the holder of an EP (coal) or MDL (coal) that includes the overlapping area; and

Note—

Under part 2, an advance notice for an ML (coal) is given by the applicant for the ML (coal).

- (b) intends to apply for a PL, that will include the overlapping area, within 6 months after the ATP holder receives the advance notice.
- (2) The ATP holder may give the holder of the EP (coal) or MDL (coal) a written notice (a ***concurrent notice***) in relation to the overlapping area.
- (3) The concurrent notice must be given within 3 months after the ATP holder receives the advance notice.
- (4) If the concurrent notice is given and the application for the PL is made within the 6 months mentioned in subsection (1)(b), this chapter must, to the greatest practicable extent, be applied as if the ATP holder was already a PL holder when the advance notice was given to the ATP holder.
- (5) Without limiting subsection (4)—

- (a) the requirement for an agreed joint development plan to be in place within 12 months after giving the advance notice applies under section 127(1); and
- (b) the proposed mining commencement date for an IMA in the overlapping area, for the purposes of the advance notice, is taken to be at least 11 years after the date on which the advance notice was given; and
- (c) the ATP holder may give an exceptional circumstances notice under part 2, if the necessary exceptional circumstances are considered to exist, at the same time as the concurrent notice is given.

143B Requirements for holder of EP (coal) or MDL (coal) if concurrent PL application

- (1) This section applies if the holder of an EP (coal) or MDL (coal)—
 - (a) receives a petroleum production notice under part 2A in relation to an overlapping area from the holder of an ATP that includes the overlapping area; and
 - (b) lodges an application for an ML (coal) before the PL the subject of the petroleum production notice is granted.

Note—

Under part 2A, a petroleum production notice is given by the applicant for a PL.

- (2) The holder of the EP (coal) or MDL (coal) must give the ATP holder an advance notice as required under part 2, but the proposed mining commencement date must be at least 11 years after the date on which the advance notice for the ML (coal) is given.

- (3) Without limiting part 2, the requirement for an agreed joint development plan to be in place within 12 months after giving the advance notice applies under section 127(1).

57 Clause 144 (Table for pt 3)

Page 119, line 7 and table—

omit, insert—

The following table applies for this part—

Column 1	Column 2
exploration permit (coal)	either of the following— (a) authority to prospect (csg); (b) petroleum lease (csg)
mineral development licence (coal)	either of the following— (a) authority to prospect (csg); (b) petroleum lease (csg)
authority to prospect (csg)	any of the following— (a) exploration permit (coal); (b) mineral development licence (coal); (c) mining lease (coal)

58 Clause 146 (Expedited land access for ATP holders)

Page 120, lines 12 to 31 and page 121, lines 1 to 12—

omit, insert—

146 Expedited land access for petroleum resource authority holders

- (1) This section applies if—
- (a) a petroleum resource authority holder gives an ML (coal) holder a negotiation notice under section 82; and

- (b) the petroleum resource authority holder and ML (coal) holder have not entered into any of the following before the end of the minimum negotiation period—
 - (i) a conduct and compensation agreement;
 - (ii) a deferral agreement;
 - (iii) an opt-out agreement.
- (2) Despite a requirement under chapter 3 to give an entry notice, the petroleum resource authority holder may enter an overlapping area the subject of the petroleum resource authority to carry out an authorised activity for the authority if—
 - (a) the petroleum resource authority holder gives the ML (coal) holder an expedited entry notice; and
 - (b) the first day the petroleum resource authority holder enters the overlapping area is at least 10 business days after the day the petroleum resource authority holder gives the ML (coal) holder the expedited entry notice.
- (3) Nothing in this section limits any other provision of chapter 3, including, for example, a provision requiring the petroleum resource authority holder and the ML (coal) holder to enter into an agreement mentioned in subsection (1)(b).
- (4) In this section—

expedited entry notice means a notice that—

 - (a) states the petroleum resource authority holder intends to enter an overlapping area on a stated date; and
 - (b) includes any other information prescribed by regulation.

59 Clauses 150 and 151

Page 124, lines 2 to 24—

omit, insert—

149A Requirement to give copy of agreed joint development plan

- (1) The Minister may, by written notice, require a resource authority holder to give the Minister a copy of an agreed joint development plan.
- (2) The resource authority holder must give the copy to the Minister within 30 business days after the notice is given under subsection (1).
- (3) This section does not apply if the agreed joint development plan has ceased to have effect.

150 Amendment of agreed joint development plan

- (1) The Minister may, by written notice, require a resource authority holder to amend an agreed joint development plan.
- (2) The matters the Minister must consider in deciding whether to require an amendment include each of the following—
 - (a) the potential of each of the resource authority holders to which the plan applies to develop coal and coal seam gas resources to maximise the benefit for all Queenslanders;
 - (b) the extent to which each of the resource authority holders have complied with the plan;
 - (c) whether, if the amendment was made, compliance with the plan would continue to be commercially and technically feasible for the resource authority holders;

- (d) the content of any work program or development plan for each of the resource authorities.
- (3) A notice given under subsection (1) must include an information notice about the Minister's decision to require the amendment.

151 Request for information

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

- (a) optimise the development and use of the State's coal and coal seam gas resources to maximise the benefit for all Queenslanders; or
- (b) ensure safe mining in an overlapping area the subject of the resource authority.

151A Right of appeal

- (1) This section applies if the Minister decides to exercise a power under section 150(1).
- (2) The P&G Act, chapter 12, part 2 applies, with necessary changes, to the decision as if—
 - (a) the decision were mentioned in the P&G Act, schedule 1, table 2; and
 - (b) the P&G Act, schedule 1, table 2 stated the Land Court as the appeal body for the decision; and
 - (c) a reference in the P&G Act, chapter 12, part 2 to an information notice included a reference to an information notice under section 150(3).

60 Clause 152 (Definitions for div 3)

Page 125, lines 10 and 11—

omit, insert—

reconciliation payment see section 162(2)(a) and (c)(i).

replacement gas see section 162(2)(b) and (c)(ii).

61 Clause 155 (What is *PL minor gas infrastructure*)

Page 126, lines 26 to 29—

omit, insert—

- (d) minor facilities and infrastructure associated with, or servicing, anything mentioned in paragraph (a), (b) or (c); or
- (e) minor facilities associated with, and servicing, major gas infrastructure, if the major gas infrastructure does not need to be relocated; or
- (f) another field asset prescribed by regulation.

62 Clause 157 (What is *ATP major gas infrastructure*)

Page 127, lines 14 to 23—

omit, insert—

- (1) ***ATP major gas infrastructure***, for an ATP, means—
 - (a) a pilot well for the ATP, if—
 - (i) the pilot well was drilled or constructed under the authority of the ATP; and
 - (ii) when the ATP holder was given an 18 months notice by an ML (coal) holder from whom the ATP holder seeks

compensation under this division, the pilot well—

(A) was being used, or being held, for future production; and

(B) was not planned to be abandoned; and

(b) other infrastructure prescribed by regulation.

63 Clause 158 (Liability of ML (coal) holder to compensate PL holder)

Page 128, lines 7 to 29—

omit, insert—

(i) suffers, or will suffer, lost production; or

(ii) is, or will be, required to replace PL minor gas infrastructure for the PL; or

(b) an ML (coal) holder carries out, or proposes to carry out, authorised activities in an IMA or RMA for an overlapping area and, because of the authorised activities—

(i) PL connecting infrastructure for a PL is or will be physically severed and the PL holder is or will be required to replace the PL connecting infrastructure; or

(ii) the PL holder is or will be required to replace PL major gas infrastructure for the PL.

(2) The ML (coal) holder is liable to compensate the PL holder for—

(a) if subsection (1)(a)(i) applies—the lost production; or

- (b) if subsection (1)(a)(ii) applies—the cost of replacement of the PL minor gas infrastructure; or
 - (c) if subsection (1)(b)(i) applies—the cost of replacement of the PL connecting infrastructure; or
 - (d) if subsection (1)(b)(ii) applies—the cost of replacement of the PL major gas infrastructure; or
 - (e) if subsection (1)(a) applies, but the mining commencement date for an IMA or RMA is delayed to later than the agreed mining commencement date—additional costs incurred by the PL holder because of the delay, except to the extent the liability to compensate is reduced under subsection (4).
- (3) The ML (coal) holder’s liability under subsection (2) to compensate the PL holder is the ML (coal) holder’s ***compensation liability*** to the PL holder.
- (4) The ML (coal) holder’s compensation liability for the PL holder’s additional costs as mentioned in subsection (2)(e) is reduced to the extent the delay is caused by any event beyond the control of the ML (coal) holder, but only if the ML (coal) holder—
- (a) as soon as practicable gives written notice to the PL holder of—
 - (i) the event; and
 - (ii) the details of any cause of the event; and
 - (b) takes all reasonable steps to minimise the effect of the event on the agreed mining commencement date.

64 Clause 159 (Liability of ML (coal) holder to compensate ATP holder)

Page 129, lines 3 to 6—

omit, insert—

- (a) an ML (coal) holder carries out, or proposes to carry out, authorised activities in an IMA or RMA; and
- (b) because of the authorised activities, an ATP holder is or will be required to abandon ATP major gas infrastructure.

65 After clause 159

Page 129, after line 12—

insert—

159A Meeting compensation liability

- (1) Unless otherwise agreed, a petroleum resource authority holder is entitled to receive an amount to meet a compensation liability only if the petroleum resource authority holder is able to give information that shows the value of any lost production, replacement costs or cost of abandonment for which compensation is claimed.
- (2) A petroleum resource authority holder is not entitled to receive an amount of compensation on more than one occasion to meet any compensation liability that may at any time apply to a particular IMA or RMA.
- (3) An ML (coal) holder is not required to pay an amount to meet a compensation liability arising from lost production until when the production would otherwise have happened.

66 Clause 160 (Duty of mitigation)

Page 129, lines 13 to 17—

omit, insert—

160 Minimising compensation liability

- (1) An ML (coal) holder and a petroleum resource authority holder must both take all reasonable steps to minimise compensation liability in the way, and consistent with the principles, prescribed by regulation.
- (2) If, after complying with subsection (1), the ML (coal) holder continues to have a compensation liability to the petroleum resource authority holder, the ML (coal) holder must, to the extent reasonable, offer the petroleum resource authority holder an amount of coal seam gas that is equal to the amount of the compensation liability.
- (3) If, after complying with subsection (2), the ML (coal) holder continues to have a compensation liability to the petroleum resource authority holder, the ML (coal) holder must give the petroleum resource authority holder a payment equal to the amount of the compensation liability.

67 Clause 161 (Offsetting of compensation liability)

Page 129, lines 19 to 26—

omit, insert—

- (1) An ML (coal) holder's compensation liability to a petroleum resource authority holder is reduced to the extent of the value of the following—
 - (a) incidental coal seam gas supplied to the petroleum resource authority holder on the acceptance of an offer made under section 135;
 - (b) undiluted incidental coal seam gas offered to the petroleum resource authority holder under section 135 but not supplied to the

petroleum resource authority holder because the offer is not accepted.

- (2) However, subsection (1)(b) applies only to the extent it was reasonably practicable for the petroleum resource authority holder to take supply of the undiluted incidental coal seam gas when the offer was made under section 135.
- (3) The value of the incidental coal seam gas mentioned in

68 Clause 162 (Reconciliation payments and replacement gas)

Page 130, lines 12 to 15—

omit, insert—

equal to the amount of coal seam gas recovered; or

- (c) both of the following—
 - (i) a payment (also a **reconciliation payment**) for part of the coal seam gas recovered;
 - (ii) an amount of coal seam gas (also **replacement gas**) that is equal to the amount of coal seam gas recovered that is not the subject of the reconciliation payment under subparagraph (i).
- (3) The amount of a reconciliation payment—
 - (a) must be calculated in the way, and consistent with the principles, prescribed by regulation; and
 - (b) must not be more than the compensation payment.

69 Clause 163 (Dispute resolution)

Page 130, lines 16 to 31 and page 131, lines 1 to 12—

omit, insert—

163 Claiming compensation

- (1) If a petroleum resource authority holder considers an ML (coal) holder has a compensation liability to the petroleum resource authority holder, the petroleum resource authority holder must—
 - (a) advise the ML (coal) holder of the liability as soon as reasonably practicable; and
 - (b) include with the advice a written proposal for calculating the amount of compensation payable.
- (2) The ML (coal) holder may either—
 - (a) accept the proposal; or
 - (b) respond with a written counter proposal.

70 After clause 163

Page 131, before line 13—

insert—

163A Availability of dispute resolution

If a petroleum resource authority holder and an ML (coal) holder can not agree on any of the following, either party may apply for arbitration of the dispute—

- (a) the amount of compensation the petroleum resource authority holder is entitled to receive under this division;
- (b) when a compensation payment must be made;
- (c) the amount of a reconciliation payment the ML (coal) holder is entitled to receive under this division;
- (d) when a reconciliation payment must be made;

- (e) the amount of replacement gas the ML (coal) holder is entitled to receive under this division;
- (f) when the replacement gas must be given.

71 Clause 164 (Application of div 4)

Page 131, lines 19 to 24—

omit, insert—

- (b) a dispute mentioned in section 128, 130, 139 or 141 about a joint development plan to the extent it relates to a relevant matter;
- (c) a dispute mentioned in section 163A about compensation.

72 Clause 167 (Arbitrator's functions)

Page 132, after line 23—

insert—

- (4) A regulation may prescribe matters an arbitrator may consider in deciding an award.
- (5) A regulation made under subsection (4) does not limit the matters an arbitrator may consider.

73 Clause 168 (Expert appointed by arbitrator)

Page 132, line 28, 'petroleum mining'—

omit, insert—

coal seam gas exploration and production

74 Clause 173 (Lodgement of joint development plan after arbitration)

Page 134, lines 14 to 19—

omit, insert—

173 Notice to chief executive after arbitration

- (1) This section applies if a joint development plan is amended as a result of arbitration.
- (2) The resource authority holders must jointly give the chief executive written notice of the amendment.
- (3) The notice must be given within 10 business days after the arbitration is completed.

75 Clause 218 (Definitions for div 1)

Page 160, line 11, ‘div 1’—

omit, insert—

pt 4

76 Clause 218 (Definitions for div 1)

Page 160, line 12, ‘division’—

omit, insert—

part

77 Chapter 7, part 4, division 2 (Exploration resource authorities granted over existing production resource authorities)

Page 161, lines 4 to 29—

omit, insert—

Division 2

Resource authorities granted over existing production resource authorities

221 Coal resource authority granted over existing PL

If a coal resource authority, whenever granted, overlaps a PL that was granted before the

commencement, the Mineral Resources Act applies to the circumstance of the coal resource authority overlapping the PL as if the Common Provisions Act had not been enacted.

222 Petroleum resource authority granted over existing ML (coal)

If a petroleum resource authority, whenever granted, overlaps an ML (coal) that was granted before the commencement, the P&G Act applies to the circumstance of the petroleum resource authority overlapping the ML (coal) as if the Common Provisions Act had not been enacted.

78 Clause 223 (Application for ML (coal) over land in area of ATP (without consent))

Page 162, lines 25 to 30—

omit, insert—

- (a) is agreed between the applicant and the ATP holder; or
- (b) is at least—
 - (i) 18 months after the date on which the applicant for the grant of the ML (coal) has given the ATP holder a copy of the application under the pre-amended Mineral Resources Act, section 318AT(1)(a); and
 - (ii) 3 months after the commencement.

79 Clause 223 (Application for ML (coal) over land in area of ATP (without consent))

Page 163, line 3, ‘mine’—

omit, insert—

explore and test

80 Clause 224 (Application for ML (coal) over land in area of ATP (with consent))

Page 163, line 27, ‘mine’—

omit, insert—

explore and test

81 Clause 227 (Application for PL over land in area of coal exploration authority (without consent))

Page 165, line 27—

omit, insert—

(3) For applying the requirement under the new overlap provisions to give a petroleum production notice, the application for grant of the PL is taken to have been made on the commencement.

(4) In this section—

82 Clause 228 (Application for PL over land in area of coal exploration authority (with consent))

Page 166, line 12—

omit, insert—

(3) For applying the requirement under the new overlap provisions to give a petroleum production notice, the application for grant of the PL is taken to have been made on the commencement.

(4) In this section—

83 Clause 231 (Application of div 5)

Page 168, lines 5 to 11—

omit, insert—

(1) This division applies to the giving of an advance notice or an acceleration notice if—

- (a) a person holds a petroleum lease (csg) granted after the commencement but not later than 31 December 2016; and
- (b) another person applies for an ML (coal) after the commencement but before 1 July 2020; and
- (c) there is an overlapping area that is the subject of both the petroleum lease (csg) and the ML (coal); and

84 Clause 232 (Extension of period until mining commencement date)

Page 168, lines 17 to 22—

omit, insert—

232 Requirements for advance notice and acceleration notice

- (1) Despite sections 113 and 118, the advance notice given by the applicant for the ML (coal) must not state a proposed mining commencement date for an IMA or RMA for the overlapping area that is before 1 July 2030, unless the holder of the petroleum lease (csg) agrees to an earlier date.
- (2) Despite section 125, if the ML (coal) holder gives the holder of the petroleum lease (csg) an acceleration notice, the proposed mining commencement date stated in the notice must not be earlier than 1 July 2020, unless the holder of the petroleum lease (csg) agrees to an earlier date.

85 Clause 233 (Particular provisions do not apply)

Page 168, lines 23 to 25—

omit.

86 After clause 241

Page 171, after line 14—

insert—

**Division 2A Amendments relating to
the Common Provisions
Act, chapter 4**

241A Amendment of s 268 (Criteria for decision)

Section 268, heading, after ‘decision’—

insert—

generally

241B Insertion of new s 268A

Chapter 5, part 10, division 5—

insert—

**268A Criteria for decision—prescribed
resource activities in overlapping area**

- (1) This section applies if—
 - (a) the environmental authority the subject of the surrender application—
 - (i) is for a prescribed resource activity; and
 - (ii) relates to land in an overlapping area; and
 - (b) another prescribed resource activity (the *overlapping prescribed resource activity*) is being, or is proposed to be, carried out in the overlapping area.
- (2) In deciding the surrender application, the administering authority must also consider—

- (a) the extent to which compliance with a rehabilitation condition of the environmental authority is impossible or impractical due to the carrying out of the overlapping prescribed resource activity; and
- (b) whether an environmental authority for the overlapping prescribed resource activity has been amended to include a condition equivalent to the rehabilitation condition of the environmental authority to be surrendered.

241C Amendment of s 269 (Restrictions on giving approval)

Section 269—

insert—

- (2) Despite subsection (1)(b), the administering authority may approve a surrender application for an environmental authority that relates to land in an overlapping area if—
 - (a) the administering authority is satisfied compliance with a rehabilitation condition of the environmental authority is impossible or impractical due to the carrying out of an overlapping prescribed resource activity in the area; and
 - (b) an environmental authority for the overlapping prescribed resource activity has been amended to include a condition equivalent to the rehabilitation condition of the environmental authority to be surrendered.

241D Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

overlapping area, for chapter 5, part 10, see the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 102.

overlapping prescribed resource activity, for chapter 5, part 10, see section 268A(1)(b).

prescribed resource activity, for chapter 5, part 10, means a resource activity carried out under one of the following—

- (a) an authority to prospect under the P&G Act, if the intention of the holder is to explore and test for coal seam gas;
- (b) an exploration permit for coal;
- (c) a mineral development licence for coal;
- (d) a mining lease for coal;
- (e) a petroleum lease authorising the production of coal seam gas.

87 Clause 257 (Amendment of s 182 (Submitter may give objection notice))

Page 176, line 6—

omit, insert—

- (1) Section 182(1), ‘or makes a decision under section

88 Clause 257 (Amendment of s 182 (Submitter may give objection notice))

Page 176, after line 8—

insert—

(2) Section 182(2)—

omit, insert—

(2) A submitter may, by written notice (the ***objection notice***) to the administering authority, request that its submission, other than a part of the submission relating to a Coordinator-General's condition, be taken to be an objection to the application.

Note—

See also the State Development Act, section 47D.

(3) Section 182—

insert—

(3A) The grounds for the objection must not relate to a Coordinator-General's condition.

89 After clause 257

Page 176, before line 9—

insert—

257A Amendment of s 183 (Applicant may request referral to Land Court)

Section 183(3)—

omit, insert—

(3) However, the applicant may not make a request under subsection (1) if—

(a) the only ground for referring the application relates to a Coordinator-General's condition; or

(b) the administering authority refused the application under section 173(1).

90 After clause 260

Page 176, after line 26—

insert—

260A Insertion of new s 188A

After section 188—

insert—

188A Striking out objection notices

- (1) This section applies to the extent an objection notice is—
 - (a) outside the jurisdiction of the Land Court; or
 - (b) frivolous or vexatious; or
 - (c) otherwise an abuse of the process of the Land Court.
- (2) Despite section 185(1), the Land Court may, at any stage of the hearing, strike out all or part of the objection notice.

260B Amendment of s 194 (Final decision on application)

Section 194(1)(b), after ‘are’—

insert—

struck out or

91 After clause 262

Page 177, after line 9—

insert—

262A Amendment of s 232 (Relevant application process applies)

Section 232(2), ‘activity, other than a mining activity,’—

omit, insert—

activity

92 Clause 276 (Amendment of sch 1 (Decisions subject to appeal))

Page 183, lines 4 and 5 and table—

omit, insert—

(2) Schedule 1—

insert—

Decisions under Common Provisions Act

- 19(3) decision to refuse to approve registration of a dealing, or to approve registration of a dealing with conditions
- 23(3) decision to refuse to give indicative approval, or to give indicative approval with conditions
- 59(2) imposition of condition on entry on public land, other than a condition agreed to or requested by the geothermal tenure holder
- 59(7) variation of condition imposed on entry on public land, other than a variation agreed to or requested by the geothermal tenure holder
- 64(1) decision to give road use direction

93 Clause 307 (Amendment of sch 1 (Decisions subject to appeal))

Page 194, lines 16 and 17 and table—

omit, insert—

(2) Schedule 1—

insert—

Decisions under Common Provisions Act

- 19(3) decision to refuse to approve registration of a dealing, or to approve registration of a dealing with conditions

- 23(3) decision to refuse to give indicative approval, or to give indicative approval with conditions
- 59(2) imposition of condition on entry on public land, other than a condition agreed to or requested by the relevant GHG authority holder
- 59(7) variation of condition imposed on entry on public land, other than a variation agreed to or requested by the relevant GHG authority holder
- 64(1) decision to give road use direction

94 Clause 312 (Amendment of s 377D (What happens if a party does not attend))

Page 196, line 9, 'Resources'—

omit, insert—

Provisions

95 Clause 313 (Amendment of s 377E (Authorised officer's role))

Page 196, line 13, 'Resources'—

omit, insert—

Provisions

96 Clause 335 (Amendment of s 10AA (Joint holders of mining tenement))

Page 205, line 4, 'petroleum authority'—

omit, insert—

mining tenement

97 Clause 348 (Amendment of s 318AAZM (Who may appeal))

Page 212, line 24—

omit, insert—

- (1) Section 318AAZM(1)—

98 Clause 348 (Amendment of s 318AAZM (Who may appeal))

Page 213, after line 12—

insert—

- (2) Section 318AAZM(2), ‘section 318AAZ’—

omit, insert—

section 318AAU

99 Clause 349 (Amendment of s 318AB (Relationship with ch 4–6 and ch 7, pt 1))

Page 213, lines 21 and 22—

omit, insert—

- (3) Section 318AB(3), ‘chapter 7, part 1’—

omit, insert—

the Common Provisions Act

100 Clause 351 (Amendment of s 401A (Protection against liability as condition of approval))

Page 214, lines 5 to 12—

omit, insert—

- (1) Section 401A(1), ‘chapter 7, part 1, division 3’—

omit, insert—

the Common Provisions Act, chapter 2, part 1

- (2) Section 401A(4), definition *parties*, paragraphs (b) to (d)—

omit, insert—

- (b) for a transfer of the mining tenement—the proposed transferee;
 - (c) for a mortgage of the mining tenement—the proposed mortgagee;
 - (d) for a sublease of the mining tenement—the proposed sublessee;
- (3) Section 401A(4), definition *relevant matter*, paragraph (c), ‘chapter 7, part 1, division 3’—
omit, insert—
the Common Provisions Act, chapter 2, part 1

101 Clause 352 (Amendment of s 406 (Land Court may review direction or requirement))

Page 214, line 24—

omit, insert—

Provisions Act, section 59;

- (d) the variation of a condition mentioned in paragraph (c).

102 Clause 355 (Insertion of s 7A and 7B)

Page 216, line 11, ‘s 7A’—

omit, insert—

new ss 7A

103 Clause 355 (Insertion of s 7A and 7B)

Page 217, lines 11 to 13—

omit, insert—

- (b) an authorised activity that affects the lawful

- 104 Clause 356 (Amendment of s 129 (Entitlements under exploration permit))**
Page 218, line 16, ‘129(2), (5),’—
omit, insert—
129(2) to
- 105 Clause 361 (Amendment of s 335I (What happens if a party does not attend))**
Page 219, line 26, ‘Resources’—
omit, insert—
Provisions
- 106 Clause 362 (Amendment of s 335J (Authorised officer’s role))**
Page 220, line 4, ‘Resources’—
omit, insert—
Provisions
- 107 Clause 403 (Amendment of s 129 (Entitlements under exploration permit))**
Page 239, lines 19 to 24 and page 240, lines 1 to 3—
omit, insert—
Section 129(1)(c)(i), example—
omit.
- 108 Clause 416 (Replacement of s 245 (Application for grant of mining lease))**
Page 245, line 6, after ‘in’—
insert—
or adjoin

109 Clause 416 (Replacement of s 245 (Application for grant of mining lease))

Page 245, line 12, after ‘in’—

insert—

or adjoining

110 Clause 418 (Replacement of ss 252—252D)

Page 249, lines 6 to 32 and page 250, lines 1 to 33—

omit, insert—

252A Documents and other information to be given to particular persons

- (1) The applicant for a proposed mining lease must give the following documents and information to each affected person—
 - (a) the mining lease notice;
 - (b) the application for the mining lease, other than any part of it—
 - (i) that states the applicant’s financial and technical resources; or
 - (ii) the chief executive considers is commercial in confidence;
 - (c) the documents and other information mentioned in the mining lease notice under section 252(3)(c).
- (2) Also, the applicant must give notice of the application to the following persons in accordance with a practice manual under the Common Provisions Act, section 191—
 - (a) an occupier of the subject land;
 - (b) an occupier of land necessary for access to the subject land;
 - (c) an owner of adjoining land;

- (d) an entity that provides infrastructure wholly or partially on the subject land.
- (3) The documents and other information mentioned in subsection (1), and the notice mentioned in subsection (2), must be given within the later of the following periods to end—
- (a) either—
 - (i) if the notification stage mentioned in the Environmental Protection Act, chapter 5, part 4 does not apply to the application—5 business days after the mining lease notice is given to the applicant; or
 - (ii) if the notification stage mentioned in the Environmental Protection Act, chapter 5, part 4 applies to the application—5 business days after the application notice mentioned in the Environmental Protection Act, section 152 is given and published under that section;
 - (b) if the chief executive at any time decides a longer period—the longer period.
- (4) Despite subsections (1) to (3), the chief executive may decide an additional or substituted way for the giving of the documents and other information mentioned in subsection (1), or the notice mentioned in subsection (2).
- (5) The chief executive must give written notice of a decision under subsection (4) no later than the giving of the mining lease notice to the applicant.

(6) In this section—

adjoining land—

- (a) includes land that would adjoin the subject land if it was not separated by a road, watercourse, railway, stock route, reserve or drainage or other easement; and
- (b) does not include land that adjoins land necessary for—
 - (i) access to the subject land; or
 - (ii) transporting things to the subject land.

affected person means—

- (a) an owner of the subject land; or
- (b) an owner of land necessary for access to the subject land; or
- (c) the relevant local government.

infrastructure means infrastructure relating to the transportation, movement, transmission or flow of anything, including, for example, goods, material, substances, matter, particles with or without charge, light, energy, information and anything generated or produced.

subject land means land the subject of the proposed mining lease.

111 **Clause 418 (Replacement of ss 252—252D)**

Page 251, line 14—

omit, insert—

person to whom a document, information or notice must be given under section

112 Clause 420 (Replacement of s 260 (Objection to application for grant of mining lease))

Page 253, lines 13 to 23—

omit, insert—

- (a) if the affected person is the owner of land the subject of the proposed mining lease—the matters mentioned in section 269(4)(a), (b), (c) or (d)(i)(A) or (C);
- (b) if the affected person is the owner of land necessary for access to land mentioned in paragraph (a)—the matters mentioned in section 269(4)(a) or (e);
- (c) if the affected person is the owner of adjoining land within the meaning of section 252A—the matters mentioned in section 269(4)(a) or (d)(i)(D) or (ii);
- (d) if the affected person is the relevant local government—the matters mentioned in section 269(4)(a) or (d)(i)(B).

113 Clause 420 (Replacement of s 260 (Objection to application for grant of mining lease))

Page 254, line 3—

omit, insert—

- (c) an owner of adjoining land within the meaning of section 252A; or
- (d) the relevant local government.

114 Clause 421 (Replacement of s 265 (Referral of application and objections to Land Court))

Page 256, line 24, after 'are'—

insert—

struck out or

115 After clause 422

Page 257, after line 5—

insert—

422A Insertion of new s 267A

After section 267—

insert—

267A Striking out objections

- (1) This section applies to the extent an objection lodged under section 260 is—
 - (a) outside the jurisdiction of the Land Court; or
 - (b) frivolous or vexatious; or
 - (c) otherwise an abuse of the process of the Land Court.
- (2) Despite sections 265 and 268, the Land Court may, at any stage of the hearing, strike out all or part of the objection.

116 Clause 423 (Amendment of s 269 (Land Court's recommendation on hearing))

Page 257, lines 10 to 14—

omit, insert—

- (2) Section 269(1)(d)—
renumber as section 269(1)(b).
- (3) Section 269(2), 'subsection (1)(d)'—
omit, insert—
subsection (1)(b)

117 Clause 423 (Amendment of s 269 (Land Court's recommendation on hearing))

Page 257, lines 27 to 30 and page 258, lines 1 to 3—

omit, insert—

operations, are appropriate, having regard to—

- (i) the likely impact of the activities on—
 - (A) the surface of the land the subject of the proposed mining lease; and
 - (B) infrastructure owned or managed by the relevant local government; and
 - (C) affected persons; and
 - (D) any existing use of adjoining land; and
- (ii) the proximity of adjoining land to the proposed mining operations; and

118 Clause 423 (Amendment of s 269 (Land Court's recommendation on hearing))

Page 258, after line 8—

insert—

adjoining land see section 252A(6).

119 Clause 424 (Amendment of s 271 (Criteria for deciding mining lease application))

Page 259, line 19—

omit, insert—

will be prejudiced;

- (viii) whether the term sought for the mining lease is appropriate; and

120 Clause 431 (Amendment of s 316 (Mining lease for transportation through land))

Page 261, lines 8 to 10—

omit, insert—

- (1) Section 316(1)(b), ‘a prospecting permit,’—

omit, insert—

an

- (2) Section 316(5)—

omit.

121 Clause 488 (Amendment of schedule (Decisions subject to appeal))

Page 300, lines 5 and 6 and table—

omit, insert—

- (2) Schedule—

insert—

Decisions under Common Provisions Act

- 19(3) decision to refuse to approve registration of a dealing, or to approve registration of a dealing with conditions
- 21(2) decision to require security
- 23(3) decision to refuse to give indicative approval, or to give indicative approval with conditions
- 59(2) imposition of condition on entry on public land, other than a condition agreed to or requested by the relevant 1923 Act petroleum tenure holder
- 59(7) variation of condition imposed on entry on public land, other than a variation agreed to or requested by the relevant 1923 Act petroleum tenure holder
- 64(1) decision to give road use direction

122 Clause 490 (Amendment of s 61 (Obstruction of 1923 Act petroleum tenure holder))

Page 302, line 5, ‘Resources’—

omit, insert—

Provisions

123 Clause 492 (Amendment of s 103D (What happens if a party does not attend))

Page 302, line 16, ‘Resources’—

omit, insert—

Provisions

124 Clause 493 (Amendment of s 103E (Authorised officer’s role))

Page 302, line 20, ‘Resources’—

omit, insert—

Provisions

125 Clause 527 (Amendment of s 908 (Right to apply for petroleum tenure))

Page 314, line 17, after ‘dealings’—

insert—

, caveats and associated agreements

126 Clause 529 (Amendment of sch 1 (Reviews and appeals))

Page 316, line 6 and table—

omit, insert—

Table 3 Decisions subject to appeal

Section reference	Description of decision	Appeal body
Decisions under Common Provisions Act		
19(3)	decision to refuse to approve registration of a dealing, or to approve registration of a dealing with conditions	Land Court
23(3)	decision to refuse to give indicative approval, or to give indicative approval with conditions	Land Court
59(2)	imposition of condition on entry on public land, other than a condition agreed to or requested by the relevant petroleum authority holder	Land Court
59(7)	variation of condition imposed on entry on public land, other than a variation agreed to or requested by the relevant petroleum authority holder	Land Court
64(1)	decision to give road use direction	Land Court
127	Clause 550 (Amendment of s 814A (Executive officer may be taken to have committed offence))	
	Page 321, line 15— <i>omit, insert—</i>	
	(5) In this section—	
128	After clause 632	
	Page 358, after line 20— <i>insert—</i>	

632A Insertion of new s 47D

Part 4, division 6—

insert—

47D Restriction on giving of objection notice under the Environmental Protection Act, s 182

- (1) This section applies to an application under the Environmental Protection Act for the proposed environmental authority if—
 - (a) the proposed environmental authority is for a mining activity that relates to a mining lease under the Mineral Resources Act; and
 - (b) the Coordinator-General's report for the EIS or IAR for the project states—
 - (i) conditions for the proposed environmental authority; and
 - (ii) that the Coordinator-General is satisfied the conditions adequately address the environmental effects of the mining activity; and
 - (c) the mining activity evaluated in the Coordinator-General's report is the same as the mining activity the subject of the application under the Environmental Protection Act.
- (2) A submitter under the Environmental Protection Act for the application may not, under section 182 of that Act, request that its submission be taken to be an objection to the application.
- (3) This section applies despite the Environmental Protection Act, section 182(2).
- (4) In this section—

mining activity see the Environmental Protection Act, section 110.

129 Schedule 1, section 7 (Parks and reserves under the Nature Conservation Act 1992)

Page 364, line 20, ‘for which there are trustees’—
omit.

130 Schedule 2 (Dictionary)

Page 368, after line 28—

insert—

concurrent notice, for chapter 4, see section 143A(2).

131 Schedule 2 (Dictionary)

Page 369, after line 15—

insert—

EP (coal), for chapter 4, part 2A, see section 136.

132 Schedule 2 (Dictionary)

Page 370, line 12, ‘section 123’—

omit, insert—

section 112

133 Schedule 2 (Dictionary)

Page 370, after line 19—

insert—

MDL (coal), for chapter 4, part 2A, see section 136.

134 Schedule 2 (Dictionary)

Page 370, after line 25—

insert—

mining commencement date, for chapter 4, see section 101.

135 Schedule 2 (Dictionary)

Page 370, line 30, page 371, line 3, page 372, lines 5 and 9, ‘part 2, division 5’—

omit, insert—

part 2A

136 Schedule 2 (Dictionary)

Page 373, line 16—

omit, insert—

reconciliation payment see section 162(2)(b) and (c)(i).

137 Schedule 2 (Dictionary)

Page 373, line 26—

omit, insert—

replacement gas see section 162(2)(b) and (c)(ii).

138 Schedule 2 (Dictionary)

Page 373, lines 28 and 29—

omit, insert—

resource authority—

(a) generally—see section 10; or

(b) for chapter 4—see section 101.

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